



**AUSTIN CITY COUNCIL
MINUTES**

**REGULAR MEETING
THURSDAY, May 26, 2005**

Invocation: Pastor Vance Russell, Arise Christian Fellowship

The following represents the actions taken by the Austin City Council in the order they occurred during the meeting. While the minutes are not in sequential order, all agenda items were discussed. The City Council of Austin, Texas, convened in a regular meeting on Thursday, May 26, 2005 in the Council Chambers of City Hall, 301 W. 2nd Street, Austin, Texas.

Mayor Wynn called the Council Meeting to order at 10:16 a.m.

CONSENT AGENDA

The following items were acted on by one motion. No separate discussion or action occurred on any of the items. The consent items were approved on Council Member Alvarez' motion, Mayor Pro Tem Goodman's second on a 7-0 vote.

1. Approval of minutes from the meetings of May 17 and May 19, 2005.
The minutes from the meetings of May 17 and May 19, 2005 were approved.
2. Approve funding for a variety of recreational and educational opportunities for children in the Holly Street Neighborhood, as well as neighborhood improvements, in an amount not to exceed \$35,000 and authorize Austin Energy to negotiate and execute agreements necessary to accomplish the purposes of this funding. (Funding is available in the 2004-2005 Amended Operating Budget of the Electric Utility Department.) (Recommended by The Electric Utility Commission.)
The motion authorizing the funding for a variety of recreational and educational opportunities for children was approved.
3. Approve an ordinance amending Exhibit A of Ordinance No. 040913-05, the Electric Rate Schedule GreenChoice® Energy Rider, to add a Batch-4 Green Power Charge for renewable energy sources, and to allow the resale of energy made available from previous Batches due to sales agreement expiration or cancellation. (Recommended by the Electric Utility Commission. Reviewed by the Resource Management Commission.) (Related Item 31)

Item 3 was pulled for discussion.

4. Approve an ordinance waiving the requirements of Section 25-9-41 of the City Code relating to the 100-foot rule, for the extension of water and wastewater improvements to serve 6410 and 6504 Wilcab Road. (Funding in the amount of \$21,000 is available in the Fiscal Year 2004-2005 Operating Budget of the Austin Water Utility.) (Recommended by Water and Wastewater Commission)
Ordinance No. 20050526-004 was approved.
5. Approve an ordinance amending Ordinance No. 20050407-056 to correct a typographical error related to the street name adjacent to property located in the Rainey Street Subdistrict of the Waterfront Overlay Combining District.
Ordinance No. 20050526-005 was approved. Council Member Slusher abstained.
6. Authorize execution of a construction contract with YOUNG AND PRATT, INC., Austin, TX, for the Oak Springs Branch Library HVAC Upgrade in an amount not to exceed \$192,000.00. (Funding is available in the Fiscal Year 2004-2005 Approved Capital Budget of the Library Department.) This contract will be awarded in compliance with Chapter 2-9 of the City Code (Minority-Owned and Women Owned Business Enterprise Procurement Program). No subcontracting opportunities were identified; therefore, no goals were established.
The motion authorizing the execution of a construction contract was approved.
7. Approve an ordinance adopting an Interlocal Agreement with the Capital Metropolitan Transportation Authority (Capital Metro) to establish "Quiet Zones" eliminating the need to sound train horns, whistles, bells or other warning devices at certain Capital Metro operated railroad crossings and waiving certain provisions of Chapter 13-4 of the City Code, which conflict with the Interlocal.
Ordinance No. 20050526-007 was approved.
8. Approve an ordinance to add a new Section 12-4-95 to the City Code to establish a 55 mile per hour construction zone speed limit on Interstate Highway 35 near its intersection with Yager Lane. (All necessary speed limit signage will be posted by the Texas Department of Transportation.)
Ordinance No. 20050526-008 was approved.
9. Authorize negotiation and execution of a five-year revenue agreement with THE PEPSI BOTTLING GROUP, Austin, TX, for an exclusive beverage vending service agreement in an estimated revenue amount of \$3,362,879, with two 5-year extension options in an estimated revenue amount of \$3,362,879 per option, for a total estimated revenue agreement amount of \$10,088,637. (\$258,352 estimated revenue for Fiscal Year 2004-2005. Estimated revenue for the remaining 55 months of the original contract period and extension options is contingent on future volume of beverage consumption.) Best evaluated proposal of three proposals received. This contract will be awarded in compliance with Chapter 2-9 of the City Code (Minority-Owned and Women-Owned Business Enterprise Procurement Program). No subcontracting opportunities were identified; therefore, no goals were established for this solicitation.
This item was withdrawn.

10. Authorize negotiation and execution of a 12-month service agreement with CENTRAL PARKING SYSTEM, Austin, TX, for the management and operation of the IH-35 parking lots for the Building Services Division of the Finance and Administrative Services Department in an amount not to exceed \$72,280, with two 12-month extension options in an amount not to exceed \$72,280 per extension option, for a total agreement amount not to exceed \$216,840. (Funding in the amount of \$24,093 is available in the Fiscal Year 2004-2005 Approved IH-35 Fund of the Finance and Administrative Services Department, Building Services Division. Funding for the remaining eight months of the original contract period and extension options is contingent upon available funding in future budgets.) Best evaluated proposal of five proposals received. This contract will be awarded in compliance with Chapter 2-9 of the City Code (Minority-Owned and Women-Owned Business Enterprise Procurement Program). No subcontracting opportunities were identified; therefore, no goals were established for this solicitation.

This item was postponed to June 9, 2005.

11. Authorize execution of a 12-month supply agreement with CASCO INDUSTRIES, INC. Shreveport, L.A. for fire hoses in an amount not to exceed \$79,725, with two 12-month extension options in an amount not to exceed \$79,725 per extension option, for a total agreement amount not to exceed \$239,175. (Funding in the amount of \$26,575 is available in the Fiscal Year 2004-2005 Approved Operating Budget of the Fire Department. Funding for the remaining eight months of the original contract period and extension option is contingent upon available funding in future budgets.) Lowest bid of two bids received. This contract will be awarded in compliance with Chapter 2-9 of the City Code (Minority-Owned and Women-Owned Business Enterprise Procurement Program). No subcontracting opportunities were identified; therefore, no goals were established for this solicitation.

The motion authorizing the execution of a supply agreement was approved.

12. Authorize execution of Amendment No. 1 to the agreement with WAYEST SAFETY, INC., Forney, TX, for Scott Health and Safety air packs to increase the current agreement in an amount not to exceed \$237,500 for a total revised contract amount not to exceed \$3,087,500. (Funding in the amount of \$237,500 is available in the Fiscal Year 2004-2005 Approved Operating Budget of the Fire Department.) This contract was awarded in compliance with Chapter 2-9 of the City Code (Minority-Owned and Women-Owned Business Enterprise Procurement Program). No subcontracting opportunities were identified; therefore, no goals were established for this solicitation.

The motion authorizing the execution of Amendment No. 1 to the agreement was approved.

13. Authorize execution of Amendment No. 1 with EMANCIPET, INC., Austin TX, to spay and neuter dogs and cats for low-income Austin residents to increase the annual contract in an amount not to exceed \$66,000, and to increase the extensions options in an amount not to exceed \$66,000 for each extension, for a total agreement amount not to exceed \$348,000. (Funding in the amount of \$66,000 is available in the Fiscal Year 2004-2005 Operating Budget of the Health and Human Services Department: Special Revenue Fund, Texas Department of State Health Services (Animal Friendly Grant) \$12, 000; Donation Accounts \$44,000; and Travis County \$10,000. Funding for the extension options is contingent upon available funding in future budgets.)

The motion authorizing the execution of Amendment No. 1 was approved.

14. Authorize execution of two service agreements with MEALS ON WHEELS AND MORE, Austin, TX, to supply meals for the Parks and Recreation Department: 1) Three-month agreement for the Summer Food Service Program in an amount not to exceed \$130,200, with two 12-month (for three-month periods each) extension options in an amount not to exceed \$130,200 per extension option, for a total agreement amount not to exceed \$390,600; and 2) Twelve-month agreement for the Senior Congregate Meals Program in an amount not to exceed \$309,890, with two 12-month extension options in an amount not to exceed \$309,890 per extension option, for a total agreement not to exceed \$929,670. (Funding in the amount of \$207,672.50 is available in the Fiscal Year 2004-2005 Operating Budget for the Parks and Recreation Department. Funding for the remaining eight months of the original contract period for the Senior Congregate Meals Program and the extension options for both Programs is contingent upon available funding in future budgets.) One bid received. This contract will be awarded in compliance with Chapter 2-9 of the City Code (Minority-Owned and Women-Owned Business Enterprise Procurement Program). No subcontracting opportunities were identified; therefore, no goals were established for this solicitation.

The motion authorizing the execution of two service agreements was approved.

15. Authorize execution of a 42-month contract with TURBOMECA USA, Grand Prairie, TX, for helicopter engine maintenance and overhaul support for the Austin Police Department in an amount not to exceed \$328,059. (Funding in the amount of \$31,243.71 is available in the Fiscal Year 2004-2005 Operating Budget of the Austin Police Department. Funding for the remaining 38-months of the original contract period is contingent upon available funding in future budgets.) Sole source. This contract will be awarded in compliance with Chapter 2-9 of the City Code (Minority-Owned and Women-Owned Business Enterprise Procurement Program). No subcontracting opportunities were identified; therefore, no goals were established for this purchase.

The motion authorizing the execution of a contract was approved.

16. Authorize execution of a 12-month supply agreement with INTERBORO PACKAGING CORPORATION, Montgomery, NY, for disposable plastic liners for trash containers in an amount not to exceed \$230,282, with two 12-month extension options in an amount not to exceed \$230,282 per extension option for a total agreement amount not to exceed \$690,846. (Funding in the amount of \$95,951 is available in the Fiscal Year 2004-2005 Approved Operating Budget of various City departments. Funding for the remaining seven months of the original contract period and extension options is contingent upon available funding in future budgets.) Lowest bid meeting specification of six bids received. This contract will be awarded in compliance with Chapter 2-9 of the City Code (Minority-Owned and Women-Owned Business Enterprise Procurement Program). No subcontracting opportunities were identified, therefore, no goals were established for this solicitation.

The motion authorizing the execution of a supply agreement was approved.

17. Authorize negotiation and execution of an amendment to the professional services agreement with HDR ENGINEERING, INC., Austin, TX to provide additional professional engineering services for Phase B: Design and Bidding phase services for the Lower Fort Branch Creek Watershed Management Area, Reach 1 – Manor Road to Confluence with West Tributary as identified in the preliminary study in the amount of \$400,000 for a total contract amount not to exceed \$800,000. (Funding in the amount of \$400,000 is available in the Fiscal Year 2004-2005 Amended Capital Budget of the Watershed Protection and Development Review Department.) 12.68% MBE and 19.47% WBE subconsultant participation to date.

The motion authorizing the negotiation and execution of an amendment to the professional services agreement was approved.

18. Board and Commission appointments.
The following appointments were made:

<u>Board/ Appointee</u>	<u>Consensus/ Council Nominee</u>	<u>Appointment/ Reappointment</u>
<u>Bond Election Advisory Committee</u>		
Lisa Birkman (Williamson County Rep.)	Consensus	Appointment
<u>Commission for Women</u>		
Rena Cotton	Council Member Thomas'	Appointment
<u>Commission on Immigrant Affairs</u>		
Norma Gomez	Consensus	Appointment
<u>Mexican American Cultural Center Advisory Board</u>		
Susana Carbajal	Consensus	Appointment
<u>Resource Management Commission</u>		
David Venhuizen	Mayor Pro Tem Goodman's	Appointment

Item 19 was pulled for discussion.

20. Approve a resolution accepting the Economic Growth and Redevelopment Service Office's Cultural Arts Division's Mission Statement and Guidelines for the Music Program at the Austin City Hall. (Council Member Raul Alvarez, Mayor Will Wynn and Mayor Pro Tem Jackie Goodman)
This item was postponed to June 9, 2005.
21. Approve a resolution directing the City Manager to prepare a report researching the various forms of land trusts for affordable housing currently in operation in the United States and evaluating the feasibility of the trusts under Texas law and the financial policies of the City of Austin. (Mayor Will Wynn, Mayor Pro Tem Jackie Goodman and Council Member Raul Alvarez)
Resolution No. 20050526-021 was approved with direction to City Manager to incorporate report from Community Land Trust steering committee.

22. Direct staff to withdraw the following zoning cases initiated by the City Council on October 21, 2004: 1) C14-04-0190 at 830 Harris Avenue; 2) C14-04-0191 at 828 Harris Avenue; 3) C14-04-0192 at 826 Harris Avenue; 4) C14-04-0193 at 824 Harris Avenue; and 5) C15-04-0194 at 822 Harris Avenue. (Council Member Betty Dunkerley and Mayor Pro Tem Jackie Goodman)
The motion directing staff to withdraw zoning cases initiated by the City Council on October 12, 2004 was approved.

Items 23 and 26 were Executive Session items.

Item 27 was action on Executive Session item.

Item 28 was a briefing set for a time certain of 1:00 p.m.

Items 29 through 30 and Z-1 through Z-6 were zoning items set for 4:00 p.m.

Items 31 through 34 were public hearings set for 6:00 p.m.

Item 35 was a public hearing set for 6:30 p.m.

Mayor Wynn recessed the Council Meeting to go into Executive Session at 10:32 a.m.

EXECUTIVE SESSION

Private Consultation with Attorney - Section 551.071

The City Council went into Executive Session, pursuant to Chapter 551 of the Texas Government Code, to receive advice from Legal Counsel, to discuss matters of land acquisition, litigation, and personnel matters as specifically listed on this agenda and to receive advice from Legal Counsel regarding any other item on this agenda.

23. Discuss legal issues concerning proposed legislation in the 79th Legislative Session.
24. Discuss the legal issues in *City of Austin v. Ryan-O Excavating, Inc.*, Cause No. 03-05-00108CV in the Third Court of Appeals, Austin, Texas. (concerns the Barton Springs Road utility construction project)

Items 25 and 26 were discussed later in Executive Session.

Executive Session ended and Mayor Wynn called the Council Meeting back to order at 12:17 p.m.

CITIZEN COMMUNICATIONS: GENERAL

Jimmy Castro - Children's Miracle Network Celebration

William D. Plasky - (1) Health Code Violations at ARCH Homeless Shelter, after taking 8 Mil from Austin, no soap in the restrooms since opening Health Dept. and Daryl Slusher informed. At times, 2 sinks, 3 urinals, 2 stalls for 100 men not even meeting Jail Commission Standards. (2) Retaliation by ARCH Officials against William Plasky for informing authorities including sleep deprivation, violating confidentiality standards by infirmity other social agencies of distorted versions of health information... (cont'd) **He was not present when his name was called.**

Leola Canada - East Austin Gentrification and an Access TV Station that addresses African American Issues in Austin

Charles Willett - City Procurement Procedures. **He was not present when his name was called.**

Pat Johnson - CONTINUING CORRUPTION. **He was not present when his name was called.**

Nailah Sankofa - Raising cost of Housing/adoption of rent control ordinance/plan

Carolyn Kelley - South Austin Tennis Center. **She was not present when her name was called.**

Rick Hall - Class Warfare/Discrimination - Segregation

Kathryn Kawazoi - Even playing field for natural resources

Jennifer L. Gale - Austin's Legal Department mislead the people of Austin by helping to certify an election with facts not in existence and without Texas State Statutes, Case Law or any other evidence that would overturn the advice of the Secretary of State's Election Division on Municipalities Petition.

Action on Executive Session

27. Approve a settlement agreement in *City of Austin v. Ryan-O Excavating, Inc.*, No. 03-05-00108CV in the Third Court of Appeals, Austin, Texas. (concerns the Barton Springs Road utility construction project)

This item was withdrawn.

Mayor Wynn recessed the Council Meeting to go into Executive Session at 12:47 p.m.

Real Property - Section 551.072

26. Discuss the assignment of the City's Sub-lease with Computer Science Corporation for the Schneider Building (located at the southwest corner of 2nd Street and Guadalupe Street) to a third party.

Executive Session ended and Mayor Wynn called the Council Meeting back to order at 1:48 p.m.

DISCUSSION ITEM

19. Approve an ordinance on third reading authorizing the City Manager to negotiate and execute an amendment to the Consent Agreement with the Northwest Austin Municipal Utility District No. 1 (Canyon Creek) to approve a monthly credit on water and wastewater bills per single family lot for customers located inside the District, which represents a 50% credit of the District's average annual debt service on current outstanding district debt; amending Ordinance No. 040913-05, the Fiscal Year 2004-2005 Fee Ordinance, relating to water and wastewater rate credit per single family lot for customers located inside the District; and waiving the requirements of the City Code Section 2-5-2 relating to economic impact statements, Section 2-5-45 relating to rate change public hearing, Section 15-9-4 relating to public notice of a proposed rate or classification change, and Section 25-9-253 relating to board and commission review. (Mayor Will Wynn, Mayor Pro Tem Jackie Goodman and Council Member Brewster McCracken)
Ordinance No. 20050526-019 was approved on Council Member McCracken's motion, Mayor Wynn's second on a 6-1 vote. Council Member Slusher voted nay.

BRIEFINGS

28. The City Manager's presentation of the policy planning goals for preparing the City's Proposed Fiscal Year 2005-2006 Budget.
The presentation was made by Toby Futrell, City Manager and John Stephens, Director of Financial Services Department.

ZONING ITEMS

29. C14-04-0058 - Sahara Club Extension - Approve third reading of an ordinance amending Chapter 25-2 of the Austin City Code by zoning property locally known as 900 Braker Lane (Walnut Creek Watershed) from community commercial (GR) district zoning to commercial-liquor sales (CS-1) district zoning with conditions. Conditions met as follows: Conditional overlay and restrictive covenant incorporates the conditions imposed or accepted at first ordinance reading. Second reading on April 7, 2005. Vote 6-1, Council Member Slusher - Nay. Applicant: Walnut Ridge Shopping Center (Thomas C. Calhoun). Agent: Turnkey Properties (Victorious B. Giraud) and Eddie Hurst. City Staff: Sherry Sirwaitus, 974-3057.
The motion to deny zoning was approved on Council Member Thomas's motion, Council Member Slusher's second on a 7-0 vote.
30. C14-04-0012.003 - Brentwood/Highland Combined Neighborhood Plan rezoning (Part) - Approve second/third readings of an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 6208 Burns Street (Waller Creek Watershed) from multi-family residence medium density-neighborhood plan (MF-3-NP) combining district zoning to community commercial-mixed use-conditional overlay-neighborhood plan (GR-MU-CO-NP) combining district zoning with conditions. First reading on November 4, 2004. Vote: 7-0. Conditions met as follows: Conditional overlay and restrictive covenant incorporates the conditions imposed or accepted at first ordinance reading. Applicant: City of Austin. Agent: Neighborhood Planning & Zoning Department. City Staff: Greg Guernsey, 974-2387. Note: A valid petition has been filed in opposition to this rezoning request.
The second reading of the ordinance for community commercial-mixed use-conditional overlay-neighborhood plan (GR-MU-CO-NP) combining district zoning with conditions was approved with direction to staff to bring back on June 9, 2005 and to extend informal

notice to neighborhood on Council Member Alvarez' motion. Mayor Wynn's second on a 7-0 vote.

ZONING CONSENT ITEMS

The following zoning items were acted on by one motion. No separate discussion or action occurred on any of the items. The public hearings were closed and consent items were approved on Council Member McCracken's motion, Council Member Thomas' second on a 7-0 vote.

- Z-1 C14-04-0030 - Time Insurance, Inc. - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 1405 & 1415 East Riverside Drive (Town Lake Watershed) from limited office (LO) district zoning and family residence (SF-3) district zoning to community commercial-mixed use (GR-MU) combining district zoning. Planning Commission Recommendation: To deny community commercial-mixed use (GR-MU) combining district zoning. Applicant and Property Owner: Schuler Family Trust 1998 (John Schuler) Agent: Thrower Design (Ron Thrower). City Staff: Robert Heil, 974-2330.
This item was postponed to September 1, 2005 at staff's request.
- Z-4 C14H-05-0006 – Thompson-Carter House. Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 1815 Waterston Avenue from family residence, neighborhood plan (SF-3-NP) combining district zoning to family residence, neighborhood plan – historic (SF-3-H-NP) combining district zoning. Historic Landmark Commission Recommendation: To grant family residence, neighborhood plan – historic (SF-3-H-NP) combining district zoning. Planning Commission Recommendation: Forward the case without a recommendation due to lack of a quorum vote. Applicant: Historic Landmark Commission. City Staff: Steve Sadowsky, Historic Preservation Office, Neighborhood Planning and Zoning Department, 974-6454.
This item was postponed to June 9, 2005 at neighborhood's request.
- Z-5 C814-88-0001(RCA) - Gables at Westlake - Conduct a public hearing and approve a restrictive covenant amendment for the property locally known as 3100-3320 Capital of Texas Highway (Lake Austin Watershed). Zoning and Platting Commission Recommendation: To approve the restrictive covenant amendment. Applicant: Protestant Episcopal School Council (Brad Powell). Agent: Drenner Stuart Metcalfe von Kreisler (Steve Drenner). City Staff: Glenn Rhoades, 974-2775. (Related Item Z-6)
This item was postponed to June 9, 2005 at staff's request.
- Z-6 C814-88-0001.08 - Gables at Westlake - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 3100-3320 North Capital of Texas Highway (Lake Austin Watershed) from planned unit development (PUD) district zoning to planned unit development (PUD) district zoning to change a condition of zoning. Zoning and Platting Commission Recommendation: To grant planned unit development (PUD) district zoning with conditions. Applicant: Protestant Episcopal School Council (Brad Powell). Agent: Drenner Stuart Metcalfe von Kreisler (Steve Drenner). City Staff: Glenn Rhoades, 974-2775. (Related Item Z-5)
This item was postponed to June 9, 2005 at staff's request.

Mayor Wynn recessed the Council Meeting at 5:20 p.m.

LIVE MUSIC

Kenneth Brian (as Hank Williams)

PROCLAMATIONS

Proclamation - Cancer Survivors Day - to be presented by Mayor Will Wynn and to be accepted Leibel Hareluk

Proclamation - Starflight's 20th Anniversary - to be presented by Mayor Will Wynn and to be accepted by EMS personnel

Distinguished Service Award - Rescuer at Capitol 10K - to be presented by Mayor Will Wynn and to be accepted by Elizabeth Campbell

Distinguished Service Awards - Heroes at Saengerunde Hall Fire - to be presented by Mayor Will Wynn and to be accepted by Amy Hall and David Straud

Proclamation - Public Works Week - to be presented by Council Member Betty Dunkerley and to be accepted by Sondra Creighton and Public Works personnel

Certificates of Congratulations - Science Olympiad Team - to be presented by Council Member Betty Dunkerley and to be accepted by students from LBJ High School and Kealing Middle School

Proclamation - Austin Samsung Semiconductor - to be presented by Mayor Will Wynn and City Manager Toby Hammett Futrell and to be accepted by Dr. H.K. Park, President of Samsung Austin

Mayor Wynn called the Council Meeting back to order at 6:26 p.m.

ZONING DISCUSSION ITEMS

- Z-3 C14H-05-0005 – Kaufer-Pappayanopoulos-Steinbach House. Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 609 Harthan Street from family residence, neighborhood plan (SF-3-NP) combining district zoning to family residence, neighborhood plan – historic (SF-3-H-NP) combining district zoning. Historic Landmark Commission Recommendation: To grant family residence, neighborhood plan – historic (SF-3-H-NP) combining district zoning. Planning Commission Recommendation: To grant family residence, neighborhood plan-historic – SF-3-H-NP) Applicant: Historic Landmark Commission. City Staff: Steve Sadowsky, Historic Preservation Office, Neighborhood Planning and Zoning Department, 974-6454.
- The public hearing was closed and the first reading of the ordinance for family residence, neighborhood plan-historic – (SF-3-H-NP) was approved on Council Member Thomas' motion, Council Member McCracken's second on a 7-0 vote.**

- Z-2 C14-05-0026 - 1805 Frontier Valley - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 1805 Frontier Valley Drive (Carson Creek Watershed) from single family residence standard lot-neighborhood plan (SF-2-NP) combining district zoning to multi-family moderate-high density neighborhood plan (MF-4-NP) combining district zoning. Planning Commission Recommendation: To grant multi-family medium density-neighborhood plan (MF-3-NP) combining district zoning. Property Owner: Marbella Corp. Applicant: City of Austin. Agent: Neighborhood Planning and Zoning Department. City Staff: Robert Heil, 974-2330.
The public hearing was not closed and the item was continued to June 23, 2005 on Council Member Thomas' motion, Council Member Alvarez' second on a 7-0 vote.
32. Conduct a public hearing and consider an appeal by Mike McHone under Section 25-11-247 of the City Code of the denial of a Certificate of Appropriateness by the Historic Landmark Commission under Section 25-11-243 of the City Code for the Maverick Miller House, located at 910 Poplar Street. (Certificate of Appropriateness denied by Historic Landmark Commission.)
This item was postponed to June 9, 2005 on Council Member Thomas' motion, Council Member Slusher's second on a 5-0 vote. Council Members McCracken and Dunkerley were off the dais.

The motion to waive the rules and allow Council to meet after 10 p.m. was approved on Council Member Slusher's motion, Council Member Dunkerley's second on a 7-0 vote.

BRIEFING AND PUBLIC HEARING

35. Presentation by City staff and Group Solutions RJW of a report and recommendations related to African American quality of life in Austin, developed through facilitated community discussions held between April 25, 2005 and April 29, 2005, and conduct a public hearing on the recommendations.
The presentation was made by Toby Futrell, City Manager; Mike McDonald, Assistant City Manager; and Robena Jackson, Group Solutions RJW.

The public hearing was continued to June 23, 2005.

PUBLIC HEARINGS AND POSSIBLE ACTION

31. Conduct a public hearing to receive public comment regarding the proposed amendment to Exhibit A of Ordinance 040913-05 affecting the GreenChoice® Energy Rider. (Related Item 3)
The public hearing was closed on Council Member Alvarez motion, Mayor Pro Tem Goodman's second on a 6-0 vote. Council Member Slusher was off the dais.
3. Approve an ordinance amending Exhibit A of Ordinance No. 040913-05, the Electric Rate Schedule GreenChoice® Energy Rider, to add a Batch-4 Green Power Charge for renewable energy sources, and to allow the resale of energy made available from previous Batches due to sales agreement expiration or cancellation. (Recommended by the Electric Utility Commission. Reviewed by the Resource Management Commission.) (Related Item 31)
Ordinance No. 20050526-003 was approved on Council Member Alvarez' motion, Mayor Pro Tem Goodman's second on a 6-0 vote. Council Member Slusher was off the dais.

33. Conduct a public hearing for the limited purpose annexation of the Watersedge annexation Area (Approximately 418 acres in Travis County at the northwest corner of the intersection of State Highway 71 East and Doctor Scott Drive).
The public hearing was closed on Council Member Thomas' motion, Council Member McCracken's second on a 6-0 vote. Council Member Slusher was off the dais.
34. Conduct a public hearing for the full purpose annexation of the Harris Branch Apartments S.M.A.R.T. Housing area (Approximately 21 acres in Travis County at the northeast corner of the intersection of Dessau Road and Parmer Lane).
The public hearing was closed on Council Member Thomas' motion, Council Member Dunkerley's second on a 6-0 vote. Council Member Slusher was off the dais.

Mayor Wynn recessed the Council meeting to into Executive Session at 11:00 p.m.

25. Discuss legal issues related to Collective Bargaining with the Austin Association of Professional Fire Fighters.

Executive Session ended and Mayor Wynn called the Council Meeting back to order at 11:39 p.m.

Mayor Wynn adjourned the meeting at 11:39 p.m. without objection.

The minutes for the Regular Meeting of May 26, 2005 were approved on this the 9th day of June, 2005 on Council Member Alvarez' motion, Council Member Thomas' second on a 7-0 vote.