

**Agenda Questions/Responses
December 01,2005**

- 7. Would you explain the discrepancy in the dollar amounts on agenda items #7 (\$291,790) and #8 (\$289,595)? The dollar amount in the backup on #8 details \$291,790 of additional funding. (Council Member Brewster McCracken)**

Both amounts should be \$291,790. The posting language will be corrected via "Changes and Corrections".

- 9a. Did the Arts Commission make any changes to what the Guidelines Subcommittee recommended? (Council Member Raul Alvarez)**

The Austin Arts Commission has recommended a \$2,000 request cap for Level 1 rather than the \$1,500 that was originally proposed by the Guidelines Committee.

- 9b. Please describe why each change is being recommended. (Council Member Lee Leffingwell)**

The RCA originally distributed was not correct. A memo with the correct information and back-up has been to Council Office and sent through the Public Information Office email distribution.

- 18. (1) What is the targeted level of affordability? (2) What is the length of the term that the unit produced must remain affordable? (3) How many housing units has ARA produced thus far? At what levels of affordability were the units provided? (Council Member Raul Alvarez)**

1) Targeted level of affordability is 80% below MFI.

2) 15 years.

3) A total of 5 units have been completed. Of the completed units, 3 were purchased and occupied May, 2005. The two remaining units are scheduled to be purchased and occupied by the end of December 2005. Additionally, 1 house located at 1002 Juniper is under construction and expected to be completed by March 2006. It is anticipated that homes at 912 Juniper and 907 Olive will be under construction by the end of December 2005. Of the 5 homes completed, the affordability levels are: 2 at 80% MFI, 1 at 65% MFI, and 2 at or below 50% MFI.

28. Please give a more detailed explanation as to why this contract was deemed suitable without adequate M/WBE participation. (Mayor Pro Tem Danny Thomas)

None of the three bidders on the ABIA Terminal Leak Repairs Rebid project was compliant with participation goals for the contract. There are, however, several reasons why we wish to go forward with this contract award at the present. In addition, a waiver is forthcoming.

- L. D. Tebben Co., Inc.'s bid is \$447,249.83 (33.31%) lower than the second bidder.
- The project is on a critical path because repair efforts by Airport Maintenance have been exhausted and continued leaks will cause problems in recently renovated areas of the building.
- The project has already been bid once before.
- ABIA Terminal building is a very heavily used facility. Passengers, airport personnel and airline employees can be affected by the problems caused by leaks since they are within the public areas in most cases. There was a newspaper article on this project on August 23, 2005 highlighting the problems left by the earlier construction.
- Low bidder, L. D. Tebben Co., Inc.'s bid will allow us to accept three of the five alternates included in the bid documents.

Z-3. Does the applicant intend to restore the portico? (Council Member Lee Leffingwell)

Staff recommends approval of historic zoning only if the portico is removed. Removal of the portico would restore the historic appearance of the house.

The applicant, however, does not intend to restore the portico. Their position is that the portico has existed since the 1970's and should stay.

Z-8. Why did the Zoning and Platting Commission recommend denial of the historic zoning? (Council Member Lee Leffingwell)

Below are the Zoning and Platting Commission Minutes:

C14H-05-0020 - Griffith-Wright House
700 West Avenue, Shoal Creek Watershed
Owner/Applicant: PSP Development I, Ltd., owner; Historic Landmark Commission, applicant. Agent: Richard Suttle
Request: DMU-CO-CURE to DMU-CO-H-CURE
Staff Rec.: RECOMMENDED
Staff: Steve Sadowsky, 974-6454, steve.sadowsky@ci.austin.tx.us

Neighborhood Planning and Zoning

MOTION: Deny staff recommendation for DMU-CO-H-CURE district zoning. [C.H; K.J 2ND] Vote: 7-0; J.G, J.M ABSENT

SUMMARY

Steve Sadowsky gave the staff presentation to the commission.

Commissioner Baker asked questions about the window addition that was made to the top of the house.

There were no speakers in favor of the project.

Speakers In Opposition:

Richard Suttle spoke on behalf of the owner. He stated that many of the original features of the house have been replaced and as a result it does not retain the original historic integrity. He also did not feel that it meets the criteria for historic zoning.

Commission Rabago asked if there were other Victorian houses in Austin.

Mr. Sadowsky stated that Victorian houses are rare in Austin. He provided information on the different types of Victorian houses in the Austin area.

Commission Hammond asked how this case got on the Historic Landmark Commission's agenda (HLC), and Mr. Sadowsky responded that the item had been placed on the HLC's agenda by staff.

Commissioner Donisi questioned whether anyone had spoken in favor of the case at the HLC meeting, and Mr. Sadowsky responded that no one had spoken in favor of the case.

Commissioner Rabago questioned whether there were any offers to take the house instead of demolishing it.

Mr. Sadowsky stated that he hoped that the relocation of the house would remain an option, and added that it would be a shame if the house were demolished.

Richard Suttle stated that if someone wanted the house, they would consider moving it.

Commissioner Baker asked who was the first owner of this house, and Mr. Sadowsky replied that the first owner was Dr. Griffith.

Commissioner Baker questioned the vote by the HLC, and Mr. Sadowsky responded that 4 commissioners had voted in favor of historic zoning, with 1 commissioner voting against.

Motion was made to close the public hearing.

Commissioner Hammond moved to deny historic zoning, and Commissioner Jackson – seconded the motion.

Commissioner Rabago stated that she was not comfortable with historic zoning.

Commissioner Hawthorne stated that she would like to see the house relocated.

Commissioner Baker stated that because of cost, it would be difficult to move this house. She asked Mr. Suttle if he would be willing to give the house to someone who was willing to move it?

Mr. Suttle responded that the house was not his to give away.

Commissioner Baker asked Mr. Suttle if he would be willing to negotiate some kind of offer.

Mr. Suttle said they would be willing to agree to something if someone were interested.

Commissioner Hammond stated that the house is an immaculate house and hoped that it would get relocated instead of demolished.

Vote: (7-0) Motion carried.

Z-16. Please provide a summary of the history of Council action on the tracts subject to the 6500 per day trip limitation. (Council Member Raul Alvarez)

In 2000 the City Council approved the rezoning of the Champion properties. This included a trip limit of 6,500 trips for all 4 tracts as well as other conditions.

The Champions sold Tract 1B to Gables Residential who built an apartment complex. On the portion of Tract 1 zoned GO a site plan for the apartments included an office building.

In 2003-04 the Champions filed four zoning cases with the intent to remove the trip limitation, square footage limitations and setbacks as well as add MU to the one of the office and two retail tracts and change the base district zoning from LR to GR for the retail tracts.

The City Council denied three of the cases but approved a rezoning of Tract 4 after agreement was reached with the neighborhood.

On February 19, 2004, the applicants for this zoning case filed a lawsuit against the City. They claim, in part, that the application of City zoning ordinances enacted in 2000 violates a 1996 settlement agreement with the City because of the trip count limitation, setbacks and square footage limitations on the three tracts. They seek declarations consistent with their

position, as well as damages for breach of contract and inverse condemnation. That case is styled Josie Ellen Champion, Champion Assets, Ltd., A Texas Limited Partnership, Alma Juanita Champion Meier, Champion-Meier Assets, Ltd., a Texas Limited Partnership, Mary Margaret Champion Roberson, and Champion Legacy Partners, Ltd., a Texas Limited Partnership v. City of Austin, Cause No. GN400513, in Travis County District Court

On August 18, 2005 the City Council approved the Champion Mediation Agreement which abated the above referenced lawsuit while new zoning cases were filed which contained the conditions agreed upon in the recommended conditional overlay. If the zoning cases are approved by the City Council the Champions will dismiss the lawsuit against the City with each party bearing their own costs and attorney fees.

The Mediation Settlement Agreement contains a provision that either party may walk away from the agreement if the zoning cases are not approved by December 1st. The 2222 Coalition of Neighborhoods has requested a postponement until December 15th.