

**AUSTIN CITY COUNCIL
MINUTES****REGULAR MEETING
THURSDAY, May 19, 2005**

Invocation: Melvin S. Manor, Pastor – St. Paul Baptist Church

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 19, 2005 in the Council Chambers of City Hall, 301 W. 2nd Street, Austin, Texas.

Mayor Wynn called the Council Meeting to order at 10:12 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, Council Member Thomas' second on a 6-0 vote. Mayor Pro Tem Goodman was off the dais.

1. Approval of minutes from the meetings of March 24, 2005 and May 12, 2005.
The minutes from the meetings of March 24 and May 12, 2005 were approved.
2. Approve an ordinance ordering a runoff election to be held in the City of Austin on June 11, 2005 to elect the Council Member to Place 3, making provision for the conduct of the election; and declaring an emergency. (Funding in the amount of \$542,903 is included in the Fiscal Year 2004-2005 Approved Operating Budget of the Office of the City Clerk.)
Ordinance No. 20050519-002 was approved.

Item 3 was pulled for discussion

4. Approve a resolution authorizing the negotiation of all documents related to the sale and development of Block 21 of the Original City of Austin, bounded by Guadalupe, 2nd Street, Lavaca, and 3rd Street, to Stratus in an amount of \$15,000,000.
Resolution No. 20050519-004 was approved.
5. Approve an ordinance renaming a portion of Old Bull Creek Road as West 35th Street and renaming Beggar's Cove as Sierra Ridge Court. (\$1,000 fee has been assessed to replace one street sign location at the intersection of Old Bull Creek Road with Foothill Drive and West 35th Street and one street sign on the corner of Doswell Lane and Beggars Cove.)
Ordinance No. 20050519-005 was approved.

6. Amend the Fiscal Year 2004-2005 Communications and Technology Management Fund Operating Budget of Ordinance No. 040913-01 to increase the Beginning Balance by an amount of \$629,094, to increase the transfer out to the Communications and Technology Management Fund Capital Improvement Project expense by an amount of \$500,000; and to increase the Ending Balance by an amount of \$129,094; Amend the Fiscal Year 2004-2005 Communications and Technology Management Fund Capital Budget of Ordinance No. 040913-02 to increase the transfer in from the Communications and Technology Management Fund Operating Budget by an amount of \$500,000 and to appropriate \$500,000 to the Amanda Project. (Funding in the amount of \$500,000 is available in the audited ending balance for Fiscal Year 2003-2004 Communications and Technology Management Fund.) (Related Item 23)

Ordinance No. 20050519-006 was approved.

7. Amend Section 3-4-21 of the City Code relating to animal registration requirements to establish a lifetime City registration for spayed and neutered dogs and cats; and to amend the Health and Human Services Department's Fee Schedule of Ordinance No. 040913-05 increase the animal license fees for dogs and cats that are not spayed or neutered.

Ordinance No. 20050519-007 was approved.

Items 8 through 10 were pulled for discussion.

11. Approve second/third readings of an ordinance to annex the Woods of Greenshores area for the limited purposes of planning and zoning (Approximately 108 acres in Travis County east of the intersection of City Park Road and Pearce Road). (Limited purpose annexation does not have a significant impact on the general fund.)

Ordinance No. 20050519-011 was approved.

12. Adopt second/third readings of an ordinance approving a Regulatory Plan for the Woods of Greenshores area, which is being annexed for limited purposes; and grant an interim zoning classification of Interim Single Family Residence (I-SF-1) for the property within the annexation area (Approximately 108 acres in Travis County east of the intersection of City Park Road and Pearce Road). (Limited purpose annexation does not have a significant impact on the general fund.)

Ordinance No. 20050519-012 was approved.

13. Approve a resolution authorizing the negotiation and execution of an amendment to the Interlocal Agreement with Capital Area Planning Council of Governments (CAPCOG) for the City's participation in Envision Central Texas for Fiscal Years 2004-2005 and 2005-2006, in an amount not to exceed \$134,000, for a total contract amount not to exceed \$1,284,000. (Funding in the amount of \$134,000 is available in the Fiscal Year 2004-2005 Capital Budget of the Neighborhood Planning and Zoning Department from 2001 Capital Metro ¼ Cent funds.)

Resolution No. 20050519-013 was approved.

14. Approve execution of a contract with MAC, INC, (MBE/MH 50.95%) for construction of a skate park at Mabel Davis Park, in an amount not to exceed \$339,000. (Funding is included in the Fiscal Year 2004-2005 approved Capital budget of the Parks and Recreation Department.) Lowest bid of two received. 0% MBE and 4.37 % WBE subcontractor participation.

The motion authorizing the execution of a contract was approved.

15. Approve a resolution authorizing the filing of eminent domain proceedings for the Austin Clean Water Program: Little Walnut/Buttermilk - North Capital Drive Project to acquire an 18,038 square foot permanent wastewater line easement, a 63,686 square foot temporary ingress and egress easement, a 26,578 square foot temporary working space easement, and a 2,418 square foot temporary staging area and material storage site easement out of Block 1, Lot A, Windcrest Parkside Subdivision, a subdivision in the City of Austin, in an amount not to exceed \$184,500. The owner of the property interests sought to be condemned is AUSTIN WINDCREST PARK PLAZA LIMITED PARTNERSHIP, of West Springfield, Massachusetts. The property is located at 1088 Park Plaza, Austin, TX. (Funding is included in the Fiscal Year 2004-2005 Approved Capital Budget of the Austin Water Utility.)
Resolution No. 20050519-015 was approved.
16. Authorize execution of a construction contract with McLEAN CONSTRUCTION, LTD., Killeen, TX, for the Austin Clean Water Program: Little Walnut at 290/183 Wastewater Line Project in the amount of \$1,145,877 plus a \$57,293 contingency, for a total contract amount not to exceed \$1,203,170. (Funding in the amount of \$1,203,170 is included in the Fiscal Year 2004-2005 Capital Budget of the Austin Water Utility.) Lowest of two bids received. 28.26% MBE and 7.28% WBE subcontractor participation. (Recommended by the Water and Wastewater Commission.)
The motion authorizing the execution of a construction contract was approved.
17. Authorize execution of a construction contract with McLEAN CONSTRUCTION LTD., Killeen, TX, for the Austin Clean Water Program: Shoal Creek Wastewater Improvements, 25th to 29th Street and 33rd Street/Churchill Drive Project in the amount of \$1,527,603 plus a \$76,380 contingency, for a total contract amount not to exceed \$1,603,983. (Funding in the amount of \$1,603,983 is included in the Fiscal Year 2004-2005 Capital Budget of the Austin Water Utility.) Lowest of three bids received. 23.72% MBE and 7.39% WBE subcontractor participation. (Recommended by the Water and Wastewater Commission.)
The motion authorizing the execution of a construction contract was approved.
18. Authorize execution of a construction contract with GUERRERO-McDONALD AND ASSOCIATES, INC. (MBE 31.77%), Austin, TX, for the Spicewood Springs Road Fire/EMS Station in an amount not to exceed \$1,975,796. (Funding is available in the Fiscal Year 2004-2005 Capital Budget of the Austin Fire Department.) Lowest bid of three received. 12.11% MBE and 3.46% WBE subcontractor participation.
The motion authorizing the execution of a construction contract was approved.
19. Authorize ratification of change order # 4 to the construction contract with KEYSTONE CONSTRUCTION, INC., Austin, TX, for the Spicewood Springs/Texas Plume Odor Control Improvements Project in the amount of \$17,447, for a total contract amount not to exceed \$427,126. (Funding in the amount of \$17,447 is included in the Fiscal Year 2004-2005 Capital Budget of the Austin Water Utility.) 9.50% MBE and 6.74% WBE subcontractor participation to date.
The motion authorizing the ratification of change order #4 to the construction contract was approved.
20. Authorize negotiation and execution of an Interlocal Agreement with the Capital Metropolitan Transportation Authority (Capital Metro) for City managed transit related projects and operating costs funded through the Capital Metro's "Build Central Texas" program. (Capital Metro will pay the City \$6.6 million for fiscal year 2005 as funds are available, in consideration for the City carrying out certain approved transportation projects, identified in Exhibit A, and as modified from time to time to add or reallocate funding among approved projects and activities. The Capital Metro Board of Directors will appropriate additional funding for fiscal year 2006 at a later date.) (Related Item 21)
The motion authorizing the negotiation and execution of an Interlocal Agreement was approved.

21. Approve an ordinance amending the Fiscal Year 2004-2005 Public Works Capital Budget of Ordinance No. 040913-02 to appropriate \$2,300,000 for street reconstruction, structural overlays, emergency repair work, and sidewalks. (Funding is available from an Interlocal Agreement with Capital Metropolitan Transportation Authority, through the "Build Central Texas" program.) (Related Item 20)
Ordinance No. 20050519-021 was approved.
22. Authorize execution of two 12-month supply agreements with NATIONAL WATERWORKS, INC., Austin, TX, for the purchase of ductile iron fittings and pipe joint restraints of various sizes, in an amount not to exceed \$89,914.86 with two 12-month extension options in amounts not to exceed \$89,914.86 per extension option, for a total agreement amount not to exceed \$269,744.58; and with MS TECHLINE PIPE, L.L.P., Austin, TX, in an amount not to exceed \$57,399.42, with two 12-month extension options in an amount not to exceed \$57,399.43 per extension option, for a total agreement amount not to exceed \$172,198.26. (Funding in the amount of \$61,380.95 is available in Fiscal Year 2004-2005 Approved Operating Budget of the Austin Water Utility. Funding for the remaining seven months of the original contract period the extension options is contingent upon available funding in future budgets.) Low bids of three bids received. These contracts 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 supply agreements was approved.
23. Authorize execution of Amendment No. 1 to the contract with MOTOROLA INC., Austin, TX, to provide additional services to support the implementation of the PIER (Permitting, Inspection, Enforcement and Review) Amanda software in an amount not to exceed \$500,000, for a total contract amount not to exceed \$3,614,775. (Funding in the amount of \$500,000 is available in the Fiscal Year 2004-2005 Capital Budget of the Communication and Technology Management 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. (Related Item 6)
The motion authorizing the execution of Amendment No. 1 to the contract was approved.
24. Authorize execution of a 12-month service agreement with ALPHAGRAPHS 587, Austin, TX, for printing of medical forms, labels, and business cards in an amount not to exceed \$79,145, with four 12-month extension options in an amount not to exceed \$79,145 for each extension option, for a total agreement not to exceed \$395,725. (Funding in the amount of \$26,382 is available in the Fiscal Year 2004-2005 Approved Operating Budget of the Community Care Services Department. Funding for the remaining eight months of the original contract period and extension options is contingent upon available funding in future budgets.) Lowest bid of three bids received. This contract will be awarded in compliance with the 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 service agreement was approved.
25. Authorize execution of a contract with SCHOOL SPECIALTY, INC., Austin, TX, for the purchase and installation of library shelving for the Henry S. Terrazas Branch Library in an amount not to exceed \$72,983.83. (Funding is available in the Fiscal Year 2004-2005 Approved Capital Budget of the Library Department.) Low 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 contract was approved.

26. Authorize execution of a 12-month supply agreement with VULCAN CONSTRUCTION MATERIALS, LP, San Antonio, TX, for trap rock and mills and for the Public Works Department in an amount not to exceed \$658,134, with two 12-month extension options in an amount not to exceed \$658,134 per extension option, for a total agreement amount not to exceed \$1,974,402. (Funding in the amount of \$274,223 is available in the Fiscal Year 2004-2005 Approved Operating Budget of the Public Works Department. Funding for the remaining seven months of the original contract period and extension options 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 a supply agreement was approved.
27. Authorize execution of a 12-month supply agreement with VULCAN CONSTRUCTION MATERIALS, LP, San Antonio, TX, for the purchase of crushed aggregate to be used by the Public Works Department in an amount not to exceed \$68,400, with two 12-month extension options in an amount not to exceed \$68,400 per extension option, for a total contract amount not to exceed \$205,200 (Funding in the amount of \$28,500 is available in the Fiscal Year 2004-2005 Approved Operating Budget of the Public Works Department. Funding for the remaining seven months of the original contract period and extension options 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 supply agreement was approved.
28. Authorize execution of a 12-month supply agreement with NORSEMAN PLASTICS LTD, Rexdal, Ontario, Canada, for recycling bins for the Solid Waste Services Department in an amount not to exceed \$104,525, with two 12-month extension options in an amount not to exceed \$104,525 for each extension option, for a total contract amount not to exceed \$313,575. (Funding in the amount of \$43,552 is available in the Fiscal Year 2004-2005 Approved Operating Budget of the Solid Waste Services Department. Funding for the remaining seven months of the original contract period and extension options is contingent upon available funding in future budgets.) Lowest bid of four 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.

Item 29 was pulled for discussion.

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

<u>Board/ Appointee</u>	<u>Consensus/ Council Nominee</u>	<u>Appointment/ Reappointment</u>
<u>Airport Advisory Commission</u>		
Scott Madole	Consensus	Appointment
<u>Asian American Resource Center Advisory Board</u>		
Millie Chu	Consensus	Appointment

COUNCIL MEETING MINUTES

THURSDAY, MAY 19, 2005

Bond Election Advisory Committee

Mark Williams (St. Austin ISD Board of Trustees Rep.) Consensus Appointment

Downtown Commission

Richard Halpin Consensus Reappointment

Mayor's Committee for People with Disabilities

Joe Geraci Mayor Wynn's Appointment

Solid Waste Advisory Commission

Charles Cree Council Member Brewster McCracken's Reappointment

Item 31 was pulled for discussion.

32. Approve an ordinance renaming the property known as the H.E. Brodie Tract, generally located off of Westgate Boulevard between Loop 360 and Ben White Boulevard, to the Shudde Fath Tract, and waiving any applicable requirements of Title 14 of the City Code. (Mayor Pro Tem Jackie Goodman, Council Member Raul Alvarez and Council Member Daryl Slusher)

Ordinance No. 20050519-032 was approved.

33. Approve a resolution appointing Betty Dunkerley as the City Council's representative to the City of Austin Employee Retirement System Board. (Mayor Pro Tem Jackie Goodman and Council Member Brewster McCracken)

Resolution No. 20050519-033 was approved.

34. Set a public hearing to receive public comment related to a proposed amendment to Exhibit A of Ordinance 040913-5 affecting the GreenChoice® Energy Rider. (Suggested date and time: May 26, 2005 at 6:00 PM, City Hall Council Chambers, 301 West 2nd Street.)

The public hearing was set for May 26, 2005 at 6:00 p.m., City Hall Council Chambers, 301 West 2nd Street.

44. Approve a resolution related to the Urban Environmental Accords, Green Cities Declaration. (Mayor Will Wynn, Mayor Pro Tem Jackie Goodman and Council Member Daryl Slusher)

Resolution No. 20050519-044 was approved.

Items 35 and 36 were Executive Session items.

Item 37 was a bond sale set for a time certain of 2:00 p.m.

Items 38 through 40 and Z-1 through Z-11 were zoning items set for 4:00 p.m.

Items 41 through 43 were public hearings set for 6:00 p.m.

DISCUSSION ITEMS

3. Authorize negotiation and execution of a lease with the Texas Lottery Commission for parking spaces in the Convention Center Expansion Parking Garage for an initial term of five-years with two renewal options of five years each.

The motion authorizing the negotiation and execution of a lease was approved on Council Member Dunkerley's motion, Mayor Wynn's second on a 6-0 vote. Mayor Pro Tem Goodman was off the dais.

8. Approve an ordinance on third reading amending Chapters 25-1, 25-2 and 25-6 of the Land Development Code to establish Transit Oriented Development districts, and adopting zoning and other regulations applicable in those districts. (Reviewed by Urban Transportation Commission, Design Commission, Planning Commission, and the Zoning and Platting Commission.) (Related Item 9)

Ordinance No. 20050519-008 was approved on Council Member McCracken's motion, Council Member Thomas' second on a 7-0 with the following friendly amendments that were accepted by the maker of the motion and Council Member Thomas, who seconded the motion.

Mayor Pro Tem Goodman's friendly amendment was to amend Section 25-2-766.21 on page 7, line 19 to read: "(A) The director shall prepare a station area plan for each transit oriented development (TOD) district. Capital Metropolitan Transportation Authority, Austin San Antonio Intermunicipal Commuter Rail District, the neighborhood plan contact team, if any, neighborhood organizations, business-owners and property-owners, and other affected persons may participate in the preparation of a station area plan."

Council Member Alvarez' first friendly amendment was to 1) substitute a new map of the Plaza Saltillo TOD labeled Appendix D, Exhibit 2 that was presented to Council during the meeting for the map in the draft ordinance and 2) add the following language to the proposed Section 25-2-766.21: "(C) This Subsection applies in the Plaza Saltillo TOD district. A Station area plan may not include a gateway zone or create a midway zone outside of the approximately 11 acres included in the Saltillo District Redevelopment Master Plan."

Council Member Alvarez' second friendly amendment was to change Section 25-2-766.23 by revising paragraphs (7), adding new paragraphs (8) and (9), and renumbering existing paragraph (8) accordingly as follows:

(B) A station area plan:

- (7) outside a community preservation and revitalization zone, shall include a housing affordability and analysis and feasibility review that describes potential strategies for achieving a goal of:**

(a) at least 25 percent of new housing in each TOD to serve households at the following income levels: home ownership opportunities for households at or below 80 percent of median family income and rental housing opportunities for households at or below 60 percent of median family income;

(b) for home ownership residential units, a goal of providing 10 percent of the units to households with an income of not more than 70 to 80 percent of median family income, 10 percent of the units to households with an income of not more than 60 to 70 percent of median family income, and five percent of the units to households with an income of not more than 60 percent of median family income; and

(c) for rental residential units, a goal of providing 10 percent of the units to households with an income of not more than 40 to 60 percent of median family income, 10 percent of the units to households with an income of not more than 30 to 40 percent of median family income, and five percent of the units to households with an income of not more than 30 percent of median family income;

- (8) in a community preservation and revitalization zone established by council:**

(a) shall include a housing affordability analysis and feasibility review that describes potential strategies for achieving an affordable housing goal of providing at least 25 percent of new housing to households at the following income levels:

- (i) home ownership residential units to households with an income of not more than 60 percent of median family income for the Austin area; and
- (ii) for rental residential units, a goal of providing 10 percent of the units to households with an income of not more than 40 to 50 percent of median family income, 10 percent of the units to households with an income of not more than 30 to 40 percent of median family income, and five percent of the units to households with an income of not more than 30 percent of median family income;

(b) may not prescribe site development regulations that increase building height over the maximum prescribed by the applicable zoning district before adoption of the station area plan, unless:

- (i) the regulations apply to a development that contains residential units; and
- (ii) the development meets the affordable housing goal of providing at least 25 percent of new housing to households at the following income levels:
 - 1. home ownership residential units to households with an income of not more than 60 percent of median family income for the Austin area; and
 - 2. rental residential units to households with an income of not more than 50 percent of median family income for the Austin area;

(9) for a transition zone in the Plaza Saltillo TOD district, may not prescribe site development regulations that increase building height over the maximum prescribed by the applicable zoning district before adoption of the station area plan; and

Council Member Slusher's friendly amendment was to add subsections (C) and (D) to Section 25-2-766.23:

(C) For a station area plan that is within an adopted neighborhood plan area, an amendment to the station area plan must be reviewed and approved in accordance with the neighborhood plan amendment process established by council.

(D) This subsection prescribes the review process for an amendment to a station area plan that is outside an adopted neighborhood plan area.

(1) Except as provided in Paragraph (2), the director may not accept an application to amend a station area plan until one year after adoption of the plan. After that date, the director may accept an application to amend the plan relating to an individual property not more frequently than once each 12 months. An application may be filed for a station area plan west of Interstate Highway 35 only during the month of February and for a station area plan east of Interstate Highway 35 only during the month of July.

(2) The director may accept an application to amend a station area plan at a time other than that prescribed by Paragraph (1) if the director determines that:

- (a) not accepting the application would result in a hardship to the applicant, and the development proposed by the applicant will not adversely affect the public health, safety, or welfare;**
- (b) the amendment would allow the development of a S.M.A.R.T. Housing certified project in which at least 40 percent of the proposed units are reasonably priced; or**
- (c) the amendment would allow development that:**

- (i) provides environmental protection that is superior to the protection that would otherwise be achieved under the existing station area plan; or
- (ii) promotes the recruitment or retention of an employment center with 100 or more employees.

Council Member Alvarez' third friendly amendment was to add a new subsection to Section 25-2-766.22(B) to read: "(11) may include consideration of public and civic art in and near transit stations."

9. Approve a resolution to establish goals for affordable housing in Transit Oriented Development (TOD) districts and Station Area Plans. (Related Item 8)
Resolution No. 20050519-009 was approved with the following amendments. The first amendment was on page 2, paragraph (C) it should read, "Each Station Area Plan shall include a housing affordability analysis and potential strategies for achieving housing goals prescribed by Ordinance No. 20050519-008 prior to review of the proposed plan by any commission or the City Council. This analysis will include a feasibility review of the pursuit of additional affordability goals in the TODs such that Austin households of all different income levels would have the opportunity to live within Austin's TOD districts." The second amendment was to delete the last sentence of subparagraph (C).
29. Authorize execution of a landfill contract with IESI, Fort Worth, TX, for the operation of the City of Austin FM 812 Landfill facility for a term not to exceed the later of the maximum life of the landfill or sixty-five years. 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. (Reviewed by Solid Waste Advisory Board.)
This item was postponed indefinitely and withdrawn from the agenda on Council Member Thomas' motion, Council Member McCracken's second on a 7-0 vote.
31. Approve an ordinance on second 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)
The second reading of the ordinance was approved on Council Member McCracken's motion, Mayor Pro Tem Goodman's second on a 6-1 vote. Council Member Slusher voted nay.

Mayor Wynn recessed the Council Meeting at 11:47 a.m.

Mayor Wynn called the Council Meeting back to order at 12:04 p.m.

CITIZEN COMMUNICATIONS: GENERAL

Jessica Gordon - Saving South Austin Park

Benjamin Reynolds - South Austin Park - Tennis Center Expansion

Patty Sprinkle - South Austin Tennis Center

Pat Johnson - CORRUPTION

Pastor Mark Weaver - Sexually Oriented Businesses

Margaret Henkels - South Austin Tennis Center. **She was not present when her name was called.**

Ronald Reed - When Is Enough, Part I

Susana Almanza - We need Public Housing for the poor and the working poor to be built in the Saltillo Plaza District Area. We don't need a TOD for the Saltillo District Area. Low-income housing would slow down the gentrification/displacement of the East Austin Community. No more lofts and/or Condos for East Austin!

Doris Williams - Score Card for Austin. **She was not present when her name was called.**

Rod Harbeck - Capital Recovery Fee. **He was not present when his name was called.**

Mayor Wynn recessed the Council Meeting to go into Executive Session at 12:35 p.m.

EXECUTIVE SESSION

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.

Private Consultation with Attorney - Section 551.071

Item 35 was discussed later in Executive Session.

36. 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 on order at 2:13 p.m.

Bond Sales

37. Approve an ordinance authorizing the issuance of City of Austin, Texas, Water and Wastewater System Revenue Refunding Bonds, Series 2005, in the approximate amount of \$200,000,000, and authorizing the execution of all related documents. (No fiscal impact during Fiscal Year 2004-2005. \$9,984,500 estimated debt service requirement and \$600 annual paying agent/registrar fee will be included in the Fiscal Year 2005-2006 Proposed Budget of the Utility Revenue Bond Redemption Fund.)

Ordinance No. 20050519-037 in the amount of \$198,485,000 was approved on Council Member Thomas' motion, Council Member Dunkerley's second on a 6-0 vote. Mayor Pro Tem Goodman was off the dais.

Mayor Wynn recessed the Council Meeting to go into Executive Session at 2:20 p.m.

EXECUTIVE SESSION CONTINUED

35. Discuss legal issues concerning proposed legislation in the 79th Legislative Session.

Executive Session ended and Mayor Wynn called the Council Meeting back to order at 4:30 p.m.

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 Mayor Pro Tem Goodman's motion, Mayor Wynn's second on a 6-0 vote.

38. 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 Sirwaitis, 974-3057.
This item was postponed to May 26, 2005 at the applicant's request.
39. Approve an ordinance amending Ordinance No. 040826-56, adopting the Central Austin Combined Neighborhood Plan as an element of the Austin Tomorrow Comprehensive Plan, to establish a land use designation on the future land use map for 2307 Rio Grande Street (S. 23.3 Ft. of Lot 3 Olt. 37 Div. D Louis Horst Subdivision) and 2309 Rio Grande Street (Tract 80A) in the West University Neighborhood Planning Area. Applicant: City of Austin. Agent: Neighborhood Planning & Zoning Department. City Staff: Mark Walters, 974-7695. (Related Item 40)
Ordinance No. 20050519-039 was approved.
40. C14-04-0021 - West University Neighborhood Plan Rezoning - Approve third reading of an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 2307 Rio Grande Street (S. 23.3 Ft. of Lot 3 Olt. 37 Div. D Louis Horst Subdivision) and 2309 Rio Grande Street (Tract 80A) in the West University Neighborhood Planning Area. The proposed change will create a Neighborhood Plan (NP) combining district. Under the proposed West University Neighborhood Plan, "Small Lot Amnesty", "Garage Placement", "Front Porch Setback", "Impervious Cover and Parking Placement Restrictions" and "Front or Side Yard Restrictions" may apply. The Neighborhood Mixed-Use Building special use is proposed for Tract 80A. City Council may approve a zoning change from general office (GO) district zoning to general commercial services (CS) district zoning. A Conditional Overlay (CO) combining district, Mixed Use (MU) combining district; or special use for a Neighborhood Plan (NP) combining district may also be added to these zoning base districts. At second ordinance reading the City Council approved general office (GO) district zoning. First reading on June 10, 2004. Vote: 7-0. Second Reading on August 5, 2004. Vote: 7-0. Applicant: City of Austin. Agent: Neighborhood Planning and Zoning Department. City Staff: Mark Walters, 974-7695, and Glenn Rhoades, 974-2775. (Related Item 39)
Ordinance No. 20050519-040 was approved.
- Z-1 Conduct a public hearing and approve an ordinance to amend Sections 25-2-753 and 25-2-754 of the City Code to modify use regulations applicable in the University Neighborhood Overlay. (Recommended by Planning Commission)
Ordinance No. 20050519-Z001 was approved.
- Z-2 C14-05-0035 - Burns - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 3101-3105 West Howard Lane (Walnut Creek Watershed) from general office (GO) district zoning to community commercial (GR) district zoning. Zoning and Platting Commission Recommendation: To grant community commercial-conditional overlay (GR-CO) combining district zoning. Applicant: Dot's Tot's (Jerald Jackson Burns). Agent: Gregory L. Smith. City Staff: Sherri Sirwaitis, 974-3057.

The first reading of the ordinance for community commercial-conditional overlay (GR-CO) combining district zoning was approved.

- Z-3 C814-96-0003 – Pioneer Crossing – Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 1800 ft. along the north side of Samsung Blvd. approximately 1000 ft east from its intersection with Sprinkle Cutoff Road. (Walnut Creek Watershed) from Planned Unit Development (PUD) district zoning to Planned Unit Development (PUD) district zoning in order to modify the land use plan. Zoning and Platting Commission: To grant Planned Unit Development (PUD) district zoning. Applicant: Pioneer Development Corp. (Ralph Reed). Agent: Planned Environments (Jim Vater). City Staff: Thomas Bolt, 974-2755

The first reading of the ordinance for Planned Unit Development (PUD) district zoning was approved.

- Z-5 C14H-04-0031 – Ikins-O'Connell-Messer House. Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 2608 McCallum Drive from family residence (SF-3) district zoning to family residence -- historic (SF-3-H) combining district zoning. Historic Landmark Commission Recommendation: To grant family residence historic (SF-3-H) combining district zoning. Zoning and Platting Commission Recommendation: To be considered on May 17, 2005. 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 staff's request.

- Z-7 C14-04-0185 - Neches Oak Towers - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by zoning property locally known as 501 East 10th Street (Waller Creek Watershed) from general commercial services (CS) district zoning to central business district (CBD) district zoning. Zoning and Platting Commission Recommendation: To grant central business district-conditional overlay (CBD-CO) combining district zoning. Applicant: Texas Elementary Principals and Supervisors. Agent: Steven Soward and Assoc (Steven Soward). City Staff: Glenn Rhoades, 974-2775.

The first reading of the ordinance for central business district-conditional overlay (CBD-CO) combining district zoning was approved.

- Z-8 C14-05-0024 - Cardinal Lane - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as the southeast corner of Cardinal Lane and South 2nd Street (East Bouldin Watershed) from family residence (SF-3) district zoning to townhouse and condominium residence (SF-6) district zoning. Zoning and Platting Commission Recommendation: To grant townhouse and condominium residence-conditional overlay (SF-6-CO) combining district zoning. Applicant: T. E. Kokenda. Agent: Bill Foust. City Staff: Robert Heil, 974-2330

The first reading of the ordinance for townhouse and condominium residence-conditional overlay (SF-6-CO) combining district zoning was approved.

- Z-9 C14-05-0023 - Murphy Tract - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 5029 Southwest Parkway (Barton Creek Watershed-Barton Creek Zone) from development reserve (DR) district zoning to general office (GO) district zoning for Tract 1, limited office (LO) district zoning for Tract 2 and Rural Residence (RR) district zoning, with conditions. Zoning and Platting Commission Recommendation: To grant general office-conditional overlay (GO-CO) combining district zoning for Tract 1, limited office-conditional overlay (LO-CO) combining district zoning for Tract 2 and Rural Residence-conditional overlay (RR-CO) combining district zoning, with conditions. Applicant: Murphey Thomas Oran. Agent: Bury and Partners (Jim Gallegos). City Staff: Robert Heil, 974-2330.

The first reading of the ordinance for general office-conditional overlay (GO-CO) combining district zoning for Tract 1, limited office-conditional overlay (LO-CO) combining district zoning for Tract 2 and Rural Residence-conditional overlay (RR-CO) combining district zoning, with the following conditions was approved. The conditional overlay prohibits the following: Communication service facilities (except roof-top telecommunication towers and antennae no higher than 20 feet above the building roof will be permitted); Community events (except incidental events for building occupants and their guests and charitable purposes will be permitted); Community recreation (private); Community recreation (public); Congregate living; Family home; Food preparation (except food preparation for onsite use will be permitted); Group home, Class I (general); Group home, Class I (limited); Group home, Class II; Hospital services (general); Hospital services (limited); Local utility services; Off-site accessory parking; Personal services; Printing and publishing (except in-house publishing and printing for use by the building occupants will be permitted); Restaurant (limited); Safety services; and Telecommunication tower (except roof-top telecommunication towers and antennae no higher than 20 feet above the building roof will be permitted).

College and University Facilities and Public Secondary Educational Facilities will be classified as conditional uses.

- Z-10 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-11)

This item was postponed to May 26, 2005 at staff's request.

- Z-11 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-10)

This item was postponed to May 26, 2005 at staff's request.

ZONING DISCUSSION ITEMS

- Z-4 C14-04-0173 - Neches - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 901-903 Neches Street and 900 Red River Street (Waller Creek Watershed) from multi-family residence moderate-high density (MF-4) district zoning and commercial-liquor sales (CS-1) district zoning to central business district (CBD) district zoning. Zoning and Platting Commission Recommendation: To grant central business district-conditional overlay (CBD-CO) combining district zoning. Applicant: Jimmy Nassour, Raymond Francis, Steven Soward and Assoc. (Steven Soward). Agent: Steven Soward and Assoc. (Steven Soward). City Staff: Glenn Rhoades, 974-2775. (Related Item Z-6)

The public hearing was closed and the first reading of the ordinance for central business district-conditional overlay (CBD-CO) combining district zoning was approved on Council Member McCracken's motion, Council Member Slusher's second on a 5-1 vote. Mayor Pro Tem Goodman voted nay. Council Member Thomas was off the dais.

- Z-6 C14H-05-0003 Orsay-Koch-Hegman House. Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 903 Neches Street from multi-family residence moderate high density (MF-4) district zoning to multi-family residence historic (MF-4-H) combining district zoning. Historic Landmark Commission Recommendation: To grant multi-family residence moderate high density – historic (MF-4-H) combining district zoning. Zoning and Platting Commission Recommendation: To grant multi-family residence moderate high density – historic (MF-4-H) combining district zoning. Applicant: Historic Landmark Commission. City Staff: Steve Sadowsky, Historic Preservation Office, Neighborhood Planning and Zoning Department, 974-6454. (Related Item Z-4)
- The motion to deny historical zoning was approved on Council Member McCracken's motion, Council Member Slusher's second on a 5-1 vote. Mayor Pro Tem voted nay. Council Member Thomas was off the dais.**

Mayor Wynn recessed the Council Meeting at 4:57 p.m.

LIVE MUSIC

Brent Adair

PROCLAMATIONS

Proclamation - League of Women Voters of the US 20th Anniversary - to be presented by Mayor Will Wynn and to be accepted by Barbara Hankins

Distinguished Service Award - Sally Henly - to be presented by Mayor Will Wynn and City Manager Toby Hammett Futrell and to be accepted by the honoree

Proclamation - Older Americans Month - to be presented by Mayor Will Wynn and to be accepted by Ron Wild and representatives of the Aging Services Council

Distinguished Service Award - Trish Young - to be presented by Council Member Betty Dunkerley and to be accepted by the honoree

Proclamation - Emergency Medical Services Week - to be presented by Mayor Pro Tem Jackie Goodman and to be accepted by EMS representatives

Proclamation - Asian/Pacific American Cultural Heritage Month - to be presented by Mayor Pro Tem Jackie Goodman and to be accepted by Sarah Chen and Vince Cobalis

Mayor Wynn called the Council Meeting back to order at 6:22 p.m.

PUBLIC HEARINGS AND POSSIBLE ACTION

41. 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 Slusher's motion, Council Member Dunkerley's second on a 4-0 vote. Mayor Pro Tem Goodman and Council Members McCracken and Thomas were off the dais.
42. 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 Dunkerley's motion, Council Member Slusher's second on a 4-0 vote. Mayor Pro Tem Goodman and Council Members McCracken and Thomas were off the dais.

43. Conduct a public hearing and approve an ordinance consenting to the creation of the Winfield Municipal Utility Districts Nos. 1, 2, 3, and 4, consisting of approximately 2,428 acres of land located in Travis and Hays Counties (1.5 miles east of IH-35, south of Turnersville Road, east of County Road 118, north of County Road 107, and west of South Turnersville Road), under substantially the same terms and conditions as indicated in the attached Consent Agreement, and including a requirement to enter a Strategic Partnership Agreement (SPA) with Winfield Municipal Utility District No. 2 (MUD 2), and authorizing commencement of the SPA approval process when MUD 2 has been created. (Related Item 10)

The public hearing was closed on Council Member Slusher's motion, Mayor Pro Tem Goodman's second on a 5-0 vote. Council Members Alvarez and Thomas were off the dais.

Ordinance No. 20050519-043 was approved on Council Member Dunkerley's motion, Mayor Pro Tem Goodman's second on a 5-0 vote. Council Members Alvarez and Thomas were off the dais.

10. Approve an Interlocal Agreement with the City of Buda for the exchange of 1,566 acres of land in the extraterritorial jurisdiction (ETJ) in the proposed Winfield Municipal Utility District area, generally located east of the intersection of Turnersville Road and IH 35. (Related Item 43)

The motion authorizing an Interlocal Agreement was approved on Mayor Pro Tem Goodman's motion, Mayor Wynn's second on a 5-0 vote. Council Members Alvarez and Thomas were off the dais.

Mayor Wynn adjourned the meeting at 6:55 p.m. without objection.

The minutes for the Regular Meeting of May 19, 2005 were approved on this the 26th day of May, 2005 on Council Member Alvarez' motion, Mayor Pro Tem Goodman's second on a 7-0 vote.