



**AUSTIN CITY COUNCIL
MINUTES**

**REGULAR MEETING
THURSDAY, May 12, 2005**

Invocation: Captain Guy Nickum from the Salvation Army

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 12, 2005 in the Council Chambers of City Hall, 301 W. 2nd Street, Austin, Texas.

Mayor Wynn called the Council Meeting to order at 10:07 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 Thomas' motion, Mayor Pro Tem Goodman's second on a 7-0 vote.

1. Approval of minutes from the meeting of April 28, 2005.
The minutes from the meeting of April 28, 2005 were approved.
2. Approve issuance of a rebate in the amount of \$62,991.51 to SIMON PROPERTY GROUP, Austin, TX, for the installation of a high efficiency chiller at Barton Creek Square Mall at 2901 Capital of Texas Highway. (Funding in the amount of \$62,991.51 is available in the Fiscal Year 2004-2005 Operating Budget of the Conservation Rebates and Incentive Budget of Austin Energy.) (Recommended by the Electric Utility Commission and the Resource Management Commission.)
The motion authorizing the issuance of a rebate was approved.
3. Approve the issuance of a rebate in the amount of \$67,500.21 to SAMSUNG AUSTIN SEMICONDUCTOR, Austin, TX, for the installation of a high efficiency chiller, high efficiency motors and lighting equipment improvements at their facility located at 12100 Samsung Blvd. (Funding in the amount of \$67,500.21 is available in the Fiscal Year 2004-2005 Operating Budget of the Conservation Rebates and Incentive Budget of Austin Energy.) (Recommended by the Electric Utility Commission and the Resource Management Commission.)
The motion authorizing the issuance of a rebate was approved.

4. Approve the issuance of a rebate in the amount of \$94,965.74 to the LEANDER INDEPENDENT SCHOOL DISTRICT, Leander, TX, for the installation of energy efficient equipment at Canyon Ridge Middle School located at 12601 Country Trails Lane. (Funding in the amount of \$94,965.74 is available in the Fiscal Year 2004-2005 Operating Budget of the Conservation Rebates and Incentive Budget of Austin Energy.) (Recommended by the Electric Utility Commission and the Resource Management Commission.)
The motion authorizing the issuance of a rebate was approved.
5. Authorize the negotiation and execution of an amendment to the Parking Management Agreement with AMPCO SYSTEM PARKING, Houston, TX, to provide valet parking services at Austin-Bergstrom International Airport (ABIA) as a concession under which the City will receive concession fees equal to 10% of the first \$750,000 in annual valet gross revenue and 70% of annual valet gross revenue over \$750,000. (Revenue in the amount of \$35,381 is projected for the Fiscal Year 2004-2005 (May-September). This revenue is not reflected in the Department of Aviation's (DOA) Approved Fiscal Year 2004-2005 Budget.) (Approved by the Austin Airport Advisory Commission)
The motion authorizing the negotiation and execution of an amendment was approved.
6. Authorize negotiation and execution of the first amendment to the real estate contract between the City of Austin and the Austin Museum of Art, Inc. (AMOA) regarding the sale of the Jail-House Block (bounded by Third Street, Fourth Street, San Antonio Street, and Guadalupe Street). (Related Item 50)
The motion authorizing the negotiation and execution of the first amendment to the real estate contract was approved.
7. Approve an ordinance amending the Fiscal Year 2004-2005 City of Austin Operating Budget of Ordinance No. 040913-01 to decrease appropriations to the Police Department by an amount of \$200,000, to increase the General Fund transfer to the Capital Improvement Project budget by an amount of \$200,000, and to appropriate \$400,000 from the Fiscal Year 2004-2005 Police Federal Asset Forfeiture Fund of Ordinance No. 040913-01 to the Public Safety Mobile Data Communications system; and amending the Fiscal Year 2004-2005 Communications and Technology Management Capital Budget of Ordinance No. 040913-02 to appropriate \$3,200,000 for hardware and software upgrades to the Public Safety Mobile Data Communications system. (Funding in the amount of \$200,000 is available in the Fiscal Year 2004-2005 Police Operating Budget. Funding in the amount of \$400,000 is available in the Fiscal year 2004-2005 Police Federal Asset Forfeiture Fund. Funding in the amount of \$3,000,000 is available in non-tax-supported General Obligation Contractual Obligations to be issued in August 2005 or later.) (Related Item 8)
Ordinance No. 20050512-007 was approved.
8. Approve a resolution declaring the City of Austin's official intent to reimburse itself from proceeds of the sale of Contractual Obligations in the amount of \$3,000,000 for expenditures related to the Public Safety Mobile Data Communications System upgrade project. (The Internal Revenue Code provides that a municipality must declare its intent to finance a current expenditure with proceeds from the future sale of a tax-exempt obligation.). (Funding in the amount of \$3,000,000 is available in non-tax-supported General Obligation Contractual Obligations to be issued in August 2005 or later.) (Related Item 7)
Resolution No. 20050512-008 was approved.

9. Approve negotiation and execution of a 12-month Interlocal Agreement with TRAVIS COUNTY to provide for the delivery of basic needs and self-sufficiency/case management services to low-income rural residents, in an amount not to exceed \$98,102 with one 12-month renewal option in an amount not to exceed \$98,102, for a total agreement amount not to exceed \$196,204. (Funding in the amount of \$98,102 is available in the Fiscal Year 2004-2005 Operating Budget of the Health and Human Services Department Special Revenue Fund, Community Services Block Grant (CSBG). The contract period for the Interlocal Agreement and grant is January 1, 2005 through December 31, 2005. Funding for one renewal option is contingent on performance and available funding in future budgets.)
The motion authorizing the negotiation and execution of an Interlocal Agreement was approved.
10. Approve an ordinance authorizing acceptance of \$20,308 in carry-forward grant funds from the United States Department of Health and Human Services, Public Health Service, Demonstration Project for the Medical Reserve Corps grant program and amending the Fiscal Year 2004-2005 Health and Human Services Operating Budget Special Revenue Fund of Ordinance No. 040913-01, to appropriate \$20,308, for a total grant amount of \$70,308, to purchase equipment and supplies, provide for conference attendance, training, printing, and volunteer credentialing. (Funding in the amount of \$20,308 is available from the U.S. Department of Health and Human Services Public Health Service, Demonstration Project for Medical Reserve Corps grant program. The grant period is September 30, 2004 through September 29, 2005. No city match is required.)
Ordinance No. 20050512-010 was approved.
11. Approve first reading 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.) (Related Item 12)
The first reading of the ordinance was approved.
12. Approve first reading of an ordinance adopting a Regulatory Plan for the Woods of Greenshores area, which is being annexed for limited purposes. (Limited purpose annexation does not have a significant impact on the general fund.) (Related Item 11)
The first reading of the ordinance was approved.
13. Approve an ordinance to disannex the Jet Lane area from the City's limited purpose jurisdiction (Approximately 6 acres in Travis County east of Highway 71 East at the end of Jet Lane).
Ordinance No. 20050512-013 was approved.

Item 14 was pulled for discussion.

15. Approve an ordinance amending Section 8-1-13 of the City Code relating to Park use fees to exempt City employees from certain park, pool admission and parking fees to enhance physical fitness. (Anticipated reduction in revenues of \$24,605.)
Ordinance No. 20050512-015 was approved.
16. Approve a resolution to authorize the fee simple acquisition of 7312 Dixie Drive; also known as Lot 37, Block E, Yarrabee Bend South Section 1, a subdivision in Travis County, Texas, from Gloria M. Stevens for the Streambank Restoration and Erosion Management Program, in the amount of \$124,000 for the land and improvements and \$22,500 owner assisted relocation benefits, plus moving related expenses not to exceed \$10,000, for a total amount not to exceed

\$156,500. (Funding in the amount of \$156,500 is included in the Fiscal Year 2004-2005 Amended Capital Budget of the Watershed Protection and Development Review Department.)

Resolution No. 20050512-016 was approved.

17. Approve an ordinance on second reading only to renew the HARLEM CAB COMPANY d.b.a. AUSTIN CAB taxicab franchise. (Revenue source - taxicab permit fee of \$400 per year per permit. Expected annual revenue \$55,600.) (Recommended by the Urban Transportation Commission.)

Ordinance No. 20050512-017 was approved.

See bottom of minutes for amendment to item 17.

18. Approve an ordinance on second reading only to renew the GREATER AUSTIN TRANSPORTATION COMPANY d.b.a. YELLOW CAB COMPANY taxicab franchise. (Revenue source - taxicab permit fee of \$400 per year per permit. Expected annual revenue \$121,600.) (Recommended by the Urban Transportation Commission.)

The second reading of the ordinance was approved.

19. Authorize execution of a construction contract with KEYSTONE CONSTRUCTION, INC., Austin, TX, for the 16-inch FM 1825 Waterline Interconnect Project in an amount not to exceed \$557,693. (Funding is included in the Fiscal Year 2004-2005 Capital Budget of the Austin Water Utility.) Lowest bid of four received. 29.20% MBE and 8.26% WBE subcontractor participation. (Recommended by the Water and Wastewater Commission.)

The motion authorizing the execution of a construction contract was approved.

20. Authorize execution of a construction contract with SMITH CONTRACTING CO., INC., Austin, TX, for Austin-Bergstrom International Airport pavement maintenance in an amount not to exceed \$496,400. (Funding is available in the Fiscal Year 2004-2005 Approved Capital Budget of the Department of Aviation.) Lowest bid of four received. 12.48% MBE and 8.46% WBE subcontractor participation.

The motion authorizing the execution of a construction contract was approved.

21. Authorize execution of a construction contract with PEABODY GENERAL CONTRACTORS, INC. (WBE/FR 64.26%), Dripping Springs, TX, for the Austin Clean Water Program: Govalle 1 - South 2nd Street Wastewater Reroute and Area Improvements (Town Lake Park Segment) in an amount not to exceed \$600,000. (Funding is included in the Fiscal Year 2004-2005 Capital Budget of the Austin Water Utility.) Lowest bid of three received. 33.44% MBE and 2.30% WBE subcontractor participation.

The motion authorizing the execution of a construction contract was approved.

22. Authorize execution of change order # 5 to the construction contract with HUTCHISON CONSTRUCTION, INC., Austin, TX, for the Circle C Fire/EMS Station in the amount of \$36,000, for a total contract amount not to exceed \$1,910,295.93. (Funding in the amount of \$36,000 is available in the Fiscal Year 2004-2005 Capital Budget of the Austin Fire Department.) 3.50% MBE and 8.6% WBE subcontractor participation to date.

The motion authorizing the execution of change order #5 to the construction contract was approved.

Item 23 was pulled for discussion.

24. Authorize execution of a 12-month supply agreement with SOUTHWESTERN ELECTRIC & SUPPLY, Austin, TX, for miscellaneous lamps (light bulbs) in an amount not to exceed \$54,782, with two 12-month extension options in an amount not to exceed \$54,782 per extension option, for a total agreement amount not to exceed \$164,346. (Funding in the amount of \$18,261 is available in the Fiscal Year 2004-2005 Approved Operating Budget of the Austin Convention Center 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 meeting specification. 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.

25. Authorize execution of a contract with SHARP ELECTRONICS CORPORATION, Huntington Beach, CA, for photovoltaic modules and inverters in an amount not to exceed \$295,700. (Funding is available in the Fiscal Year 2004-2005 Amended Operating Budget of Austin Energy, Conservation, Rebates and Incentives Fund. The State Energy Conservation Office is providing \$100,000 grant for the Solar on Schools program.) Lowest bid of three 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 contract with DELL COMPUTER, Austin, TX., through the State of Texas Department of Information Resources Go DiRect program for the purchase of Tipping Point Unity One-400 Intrusion Prevention System and a 12-month maintenance service agreement in an amount not to exceed \$119,502, with three 12-month maintenance extension options in an amount not to exceed \$22,812 per extension option, for a total agreement amount not to exceed \$187,938. (Funding in the amount of \$119,502 is available in the Communications and Technology Management's portion of the State Homeland Security Program Grant. Funding for the extension options is contingent upon available funding in future budgets.) Cooperative Purchasing.

The motion authorizing the execution of a contract was approved.

27. Authorize execution of Amendment No. 1 to increase the supply/service agreement with THE STATE OF TEXAS DEPARTMENT OF INFORMATION RESOURCES Go DiRect program for the purchase of computer hardware and maintenance in an amount not to exceed \$2,870,563 for the original 10-month period, for a total revised agreement amount not to exceed \$16,898,630. (Funding in the amount of \$2,470,563 is available in the Fiscal Year 2004-2005 Amended Capital Budget of the Communications and Technology Management Department and \$400,000 is available in the Fiscal Year 2004-2005 Austin Police Department's Asset Forfeiture Fund.) Cooperative Purchasing (Related Items 28, 29)

The motion authorizing the execution of Amendment No. 1 to increase the supply/service agreement was approved.

28. Authorize negotiation and execution of Amendment No. 11 to the contract with TRITECH SOFTWARE SYSTEMS INC. San Diego, CA, to purchase services to improve the Visinet Mobile Client software and mobile router software in an amount not to exceed \$359,836, for a total contract amount not to exceed \$9,623,784.40. (Funding in the amount of \$359,836 is available in the Fiscal Year 2004-2005 Amended Capital Budget of the Communications 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 Items 27, 29)

The motion authorizing the negotiation and execution of Amendment No. 11 to the contract was approved.

29. Authorize negotiation and execution of Amendment No. 4 to the contract with VERSATERM, Ottawa, Ontario, Canada, to purchase a new Mobile Client module to the existing Versadex Records Management System in an amount not to exceed \$250,000, for a total contract amount not to exceed \$3,017,554.50. (Funding in the amount of \$250,000 is available in the Fiscal Year 2004-2005 Amended Capital Budget of the Communications 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 Items 27, 28)

The motion authorizing the negotiation and execution of Amendment No. 4 to the contract was approved.

30. Authorize execution of 12-month supply agreement with McNEILLUS TRUCK AND MANUFACTURING, Houston, TX, for captive repair parts for refuse equipment manufactured by Leach, in an amount not to exceed \$65,000, with three 12-month extension options in an amount not to exceed \$65,000 per extension option for a total agreement amount not to exceed \$260,000. (Funding in the amount of \$27,083 is available in the Fiscal Year 2004-2005 Approved Operating Budget of the Financial and Administrative Services Department, Fleet Fund. 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 execution of a supply agreement was approved.

31. Authorize execution of a 12-month service agreement with THE GLASS DOCTOR, Austin, TX, for automotive glass repair and replacement services in an amount not to exceed \$125,000, with three 12-month extension options in an amount not to exceed \$125,000 per extension option, for a total agreement amount not to exceed \$500,000. (Funding in the amount of \$41,667 is available in the Fiscal year 2004-2005 Approved Operating Budget of the Financial and Administrative Services Department, Fleet Fund. 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 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.

32. Authorize execution of a 12-month service agreement with NATIONAL SAFETY CLEAN, Kennett Square, PA, for bunker gear cleaning, decontamination, repair, and maintenance in an amount not to exceed \$70,000, with two 12-month extension options in an amount not to exceed \$70,000 per extension option, for a total agreement amount not to exceed \$210,000. (Funding in the amount of \$29,166.67 is available in the Fiscal Year 2004-2005 Approved Operating Budget of the Fire Department. Funding for the remaining five 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 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.

33. Authorize negotiation and execution of a five-year revenue generating contract with PLAYER'S CONCESSIONS (MBE/MH-100%), Austin, TX, for food and beverage concessions at Lions Municipal Golf Course for an estimated annual revenue amount of \$60,000, with two 24-month extension options for an estimated annual revenue amount of \$60,000, for a total estimated revenue amount of \$540,000. (Net estimated revenue of \$300,000 over the duration of the five-year contract and \$60,000 annually for each 24-month extension option. Revenues are included in the Fiscal Year 2004-2005 Operating Budget of the Parks and Recreation Department.) Best evaluated proposal of three proposals received. (Approved by the Parks Board.)

The motion authorizing the negotiation and execution of a five year revenue generating contract was approved.

34. Ratify execution of a contract with GINNY'S PRINTING, Austin, TX, for printing and mailing services for materials related to a litigation settlement in an amount not to exceed \$115,675. (Funding in the amount of \$58,837.50 is available in the Fiscal Year 2004-2005 Approved Operating Budget of the Drainage Fund of the Watershed Protection and Development Review Department and \$58,837.50 is available in the Fiscal Year 2004-2005 Approved Operating Budget of the Transportation Fund of the Public Works Department.)

The motion authorizing the execution of a contract was approved.

Item 35 was pulled for discussion.

36. Approve negotiation and execution of an Advance Funding Agreement with the Texas Department of Transportation for the construction of Joe Tanner Lane Low Water Crossing Improvements as part of the US 290 West expansion, east of Williamson Creek to west of RM 1826, in the estimated amount of \$128,400 with a contingency in the amount of \$38,520 for a total funding in the amount of \$166,920.00 subject to a right of termination in the City. (Funding in the amount of \$166,920 is available in the 2003-2004 Amended Capital Budget of the Watershed Protection and Development Review Department.)

The motion authorizing the negotiation and execution of an Advance Funding Agreement was approved.

37. Board and Commission appointments.

The following appointments were made.

Board/
Appointee

Consensus/
Council Nominee

Appointment/
Reappointment

Board of Adjustment

Barbara Aybar	Consensus	Reappointment
<u>Child Care Council</u>		
Maureen Britton	Council Member McCracken's	Appointment
Jo Fierro	Consensus	Appointment
Gale Spear	Consensus	Reappointment
Avis Jones Wallace	Council Member Thomas'	Reappointment
<u>Ethics Review Commission</u>		
Meichihko Proctor	Council Member Alvarez'	Appointment
<u>Sign Review Board</u>		
Barbara Aybar	Consensus	Reappointment
<u>Urban Forestry Board</u>		
Colin Leyden	Mayor Pro Tem Goodman's	Appointment

38. Approve a resolution directing the City Manager to identify strategies for increasing contributions to the Customer Assistance Program (CAP) Program listed on the City's utility bill. (Council Member Raul Alvarez, Mayor Pro Tem Jackie Goodman and Council Member Betty Dunkerley)
Resolution No. 20050512-038 was approved.

Item 39 was pulled for discussion.

40. Approve a resolution requesting the members of the 79th Texas Legislature to support the funding of the Texas Recreation and Parks Account for the purpose of providing matching grants to political subdivisions for parks and recreation development in Texas. (Council Member Betty Dunkerley, Council Member Raul Alvarez and Council Member Danny Thomas)
Resolution No. 20050512-040 was approved.
41. Approve an ordinance waiving certain fees and authorize payment of certain costs for the Lesbian and Gay Rights Lobby of Texas - Gay Pride Festival to be held at Waterloo Park on June 11, 2005. (Council Member Brewster McCracken and Mayor Will Wynn)
Ordinance No. 20050512-041 was approved.
42. Approve an ordinance authorizing the payment of costs for the employment of off-duty peace officers in connection with the Austin Gay and Lesbian Chamber of Commerce's Gay Pride Parade to be held on June 4, 2005. (Council Member Brewster McCracken and Mayor Will Wynn)
Ordinance No. 20050512-042 was approved.
43. Approve an ordinance authorizing waiver of certain fees, requirements and payment of certain costs for the Greater East Austin Youth Association's 2005 Juneteenth Festival and Parade to be held on June 18, 2005. (Council Member Danny Thomas, Council Member Raul Alvarez and Council Member Betty Dunkerley)
Ordinance No. 20050512-043 was approved.

44. Approve an ordinance authorizing waiver of certain fees and payment of certain costs for the Austin Eastside Story Foundation's 2005 Pre-Juneteenth Parade and Festival to be held on June 16-17, 2005. (Council Member Danny Thomas, Council Member Raul Alvarez and Council Member Betty Dunkerley)
Ordinance No. 20050512-044 was approved.

Item 45 was pulled for discussion.

46. Approve a resolution directing the City Manager to prepare an ordinance establishing a lifetime City registration of spayed and neutered pets and raising the annual registration fee for intact animals from \$15 to \$20. (Mayor Pro Tem Jackie Goodman and Council Member Raul Alvarez)
Resolution No. 20050512-046 was approved.
47. Set a public hearing to amend Sections 25-2-753 and 25-2-754 of the City Code to modify use regulations applicable in the University Neighborhood Overlay. (Suggested date and time: May 19, 2005 at 4:00 p.m., City Hall Council Chambers, 301 West 2nd Street.) (To be reviewed by Planning Commission on May 10, 2005.)
The public hearing was set for May 19, 2005 at 4:00 p.m., City Hall Council Chambers, 301 West 2nd Street.

Items AHFC-1 and AHFC-2 were set for a time certain of 11:00 a.m.

Items 48 through 52 were Executive Session items.

Item 53 was a bond sale set for a time certain of 2:00 p.m.

Items 54 and 55 were briefings set for a time certain of 2:00 p.m.

Items 56 and 57 were set for a time certain of 3:00 p.m.

Items 58 through 59 and Z-1 through Z-19 were zoning items set for 4:00 p.m.

Items 60 and 61 were public hearings set for 6:00 p.m.

DISCUSSION ITEMS

23. Authorize negotiation and execution of an amendment to the professional services agreement with CAROLLO ENGINEERS, P.C., Austin, TX, for additional preliminary site assessment work and professional preliminary engineering design services for the Water Treatment Plant 4, in an amount not to exceed \$6,500,000, for a total contract amount not to exceed \$10,000,000. (Funding in the amount \$6,500,000 is available in the Fiscal Year 1995-1996 Amended Capital Budget of the Austin Water Utility.) 15.29% MBE and 14.37% WBE subcontractor participation to date. (Recommended by the Water and Wastewater Commission 2/2/05. Recommended by the Environmental Board 4/20/05.)
The motion to approve Phase I for \$1,000,000 with instructions to staff to bring back the remainder of the contract for Council action when the consultant's report on Phase I is complete was approved on Council Member Slusher's motion, Mayor Pro Tem Goodman's second on a 7-0 vote.

BOARD OF DIRECTORS MEETING OF AUSTIN HOUSING FINANCE CORPORATION.

Mayor Wynn recessed the Council Meeting at 11:34 a.m. to go into the Board of Director's Meeting of the Austin Housing Finance. See separate minutes.

AHFC adjourned and the regular Council meeting was called back to order at 11:39 a.m.

DISCUSSION ITEMS CONTINUED

14. Provide direction regarding the Development Orientation and Building Design Sections of the proposed design standards for commercial and retail development (Recommended by Design Commission, Zoning and Platting Commission, and Planning Commission.)
The motion providing direction regarding the Development Orientation and Building Design sections was approved on Council Member McCracken's motion, Mayor Wynn's second on a 6-0 vote. Council Member Thomas was off the dais.
45. Approve a resolution establishing a supplemental funding plan for the City of Austin Employee Retirement System. (Mayor Pro Tem Jackie Goodman, Council Member Raul Alvarez and Council Member Betty Dunkerley)
Resolution No. 20050512-045 was approved as presented with the additional back-up on Mayor Pro Tem Goodman's motion, Council Member Thomas' second on a 7-0 vote.

CITIZEN COMMUNICATIONS: GENERAL

Mike Haynes - South Austin Tennis Center Expansion

Tim Staley - South Austin Tennis Center Expansion

Doris Limon - "Share the Road" Presentation

Frances Martinez - SAVE East Austin from further gentrification. Our clinics appointment process still is ineffective. I support Danny Thomas as our next Mayor Pro Tem. **She was not present when her name was called.**

Gavino Fernandez Jr. - SAVE East Austin from further gentrification. Remember "Rainey Neighborhood".
I support Council Member Danny Thomas as our next Mayor Pro Tem

Carol Welder - South Austin Tennis Center Expansion

Joyce Hunt - Improving Race Relations

Ramon Maldonado - SAVE East Austin from further gentrification. Impose a ten year tax abatement for current homeowners. I support Council Member Danny Thomas as our next Mayor Pro Tem

Marcos De Leon - SAVE East Austin from further Gentrification. Create a policy that help out senior citizens remain in East Austin. I support Council Member Danny Thomas as our next Mayor Pro-Tem

Leon Hernandez - SAVE East Austin from further gentrification. Help East Austin small business remain. I support Council Member Danny Thomas as our next Mayor Pro-Tem

Mayor Wynn recessed the Council Meeting to go into Executive Session at 12:30 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

The Mayor announced that Council would discuss item 39 on the regular agenda during Executive Session.

48. Discuss legal issues concerning proposed legislation in the 79th Legislative Session.
49. Discuss legal issues related to Collective Bargaining with the Austin Association of Professional Fire Fighters.
This item was postponed to May 19, 2005.
50. Discuss legal issues regarding an amendment to the Purchase Contract between the City of Austin and Austin Museum of Arts (AMOA) regarding the sale of the Jail-House Block (bounded by Third Street, Fourth Street, San Antonio Street, and Guadalupe Street). (Related Item 6)
No discussion was held on this item.
51. Discuss legal issues concerning a proposed amendment to Chapter 25-1 of the City Code, allowing the City to expire dormant projects under the authority of Chapter 245 of the Texas Local Government Code. (Related Item 35)
52. Discuss legal issues regarding a proposed zoning ordinance amending Chapter 25-2 of the City Code and a proposed modification of a restrictive covenant amendment for the property known as the "Gables at Westlake", and also locally known as 3100-3320 Capital of Texas Highway (Lake Austin Watershed). (Related Items Z-18, Z-19)
This item was withdrawn.

Executive Session ended and Mayor Wynn called the Council Meeting back to order at 3:12 p.m.

Bond Sales

53. Approve an ordinance authorizing the issuance of City of Austin, Texas, Town Lake Park Community Events Center Venue Project Refunding Bonds, Series 2005, in the approximate amount of \$39,000,000, and authorizing the execution of all related documents. (No fiscal impact during Fiscal Year 2004-2005. \$1,999,376 estimated debt service requirement and \$600 estimated annual paying agent/registrar fee will be included in the Fiscal Year 2005-2006 Proposed Budget of the Town Lake Park Venue Project Debt Service Fund.)
Ordinance No. 20050512-053 in the amount of \$36,720,000 was approved on Council Member Dunkerley's motion, Mayor Pro Tem Goodman's second on a 6-0 vote. Council Member Slusher was off the dais.

BRIEFINGS

54. Presentation on the City's ordinance regarding towing procedures.
The presentation was made by Rudy Garza, Assistant City Manager; David Douglas, Assistant City Attorney; and Rudy Landeros, Assistant Chief of Police

DISCUSSION ITEM

39. Approve an ordinance 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)

There was a motion to approve an ordinance with additional instructions as follows: The Northwest Austin Municipal District No. 1 Board is requested to place on its agenda, within 60 days, a resolution that approves the following items that was made by Mayor Pro Tem Goodman and seconded by Mayor Wynn.

- 1. An amendment to the Agreement Concerning Creation and Operation of Northwest Austin Municipal Utility District no. 1 that provides for a monthly credit on the City of Austin water and wastewater utility 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 as calculated on January 1 of each year, but in no case in an amount greater than that which is necessary to service the currently subscribed and committed debt load, and until and at such time as the MUD shall be dissolved.**
- 2. An amendment to the Agreement Concerning Creation and Operation of Northwest Austin MUD No. 1 that codifies the promise of the developer that coincident with issuance of the latest round of bonds currently in progress, no further development in Canyon Creek shall require the issuance of MUD indebtedness and as a result the heretofore authorized debt ceiling of \$22,800,000 is forever reduced to \$15,500,000 and no refunding bond issue will be proposed that increases annual debt service requirements from current level.**
- 3. The District dedicates to the City fee title to those tracts comprising approximately 405.90 acres of land dedicated for the preservation of endangered species subject to the restrictive covenants recorded in Vol. 12477, page 0639 of the Real Property Records of Travis County, Texas;**
- 4. The Board will not pursue any legislation that negatively affects the City's annexation powers or its ability to collect its full ad valorem taxes from residents of the City.**

Council Member Slusher offered a friendly amendment to add an item to the above to list that the MUD Board drops the lawsuit and when MUD Board agrees to the items on the list, the City would start the 50% surcharge. This was not accepted by the Mayor, who seconded the main motion.

The substitute motion by Council Member Slusher to add an item to the above to request the MUD Board to drop the lawsuit and when the MUD Board agrees to the items on the list, the City would start the 50% surcharge was seconded by Council Member Alvarez but failed on 3-3-1 vote. Those voting aye were: Council Members Alvarez, Slusher and Thomas. Those voting nay were Mayor Wynn and Council Members Dunkerley and McCracken. Mayor Pro Tem Goodman abstained.

There was a friendly amendment by Council Member Alvarez to have the first reading only of the main motion shown above, with the second reading being posted on May 19 and the third on May 26, so it could be presented to the MUD Board in the interim. This was accepted by the maker of the motion and Mayor Wynn, who seconded the motion. This passed on a 6-1 vote with Council Member Slusher voting no.

BRIEFINGS

55. Update to Council from the Austin Arts Commission concerning Commission plans and activities, and update on revisions to the Cultural Arts funding program.
The presentation was made by Mel Ziegler, Chair of Austin Arts Commission and Jason Neulander, Austin Arts Commission.

ZONING ITEMS

58. C814-96-0003 - Pioneer Crossing PUD - Approve second/third readings of an ordinance amending Ordinance No. 970410-I to add 138 acres to the Pioneer Crossing Planned Unit Development project and zoning the 138 acres from interim-rural residence (I-RR) district zoning to planned unit development (PUD) district zoning; to modify the land use plan, rezoning and changing the zoning map from planned unit development (PUD) district zoning to planned unit development (PUD) district zoning; and to approve the applicant's request to extend the zoning application for the property located generally in the vicinity of Parmar Lane south of Gregg Lane, east of Dessau Road, West and north of Cameron Road (Walnut Creek Watershed). First reading on April 24, 2003. Vote: 5-0, Council Member Alvarez off the dais, Mayor Garcia absent. Conditions met as follows: Conditional Overlay incorporates the conditions imposed by Council on first ordinance reading. Applicant: American Realty Trust, Inc., Art Collections, Inc., Anderson Development Corp. Agent: Prime Strategies, Inc. (Ralph Reed). City Staff: Greg Guernsey, 974-2387.
Ordinance No. 20050512-058 was approved on Council Member Thomas' motion, Council Member Dunkerley's second on a 6-0 vote. Council Member Alvarez was off the dais.

59. C14-05-0009 - Brazos Zoning - Approve second/third readings of an ordinance amending Chapter 25-2 of the Austin City Code by zoning property locally known as 11410 Manchaca Road (Slaughter Creek Watershed) from interim-rural residence (I-RR) district zoning to community commercial (GR) district zoning. City Council approved neighborhood commercial-conditional overlay (LR-CO) combining district zoning at first ordinance reading. Conditions met as follows: The Conditional overlay incorporates the conditions imposed or accepted at first ordinance reading. First Reading on April 14, 2005. Vote: 7-0. Applicant: Ray Pickard. Agent: Crocker Consultants (Sarah Crocker). City Staff: Wendy Walsh, 974-7719.
The second reading of the ordinance for GR-CO zoning, with the following conditions: limiting the GR to general restaurant with beer and wine, neighborhood hardware store, and health and fitness club; limit of 2,000 trips per day; and maintaining a 25 foot right-of-way along the adjacent property where there is interim zoning was approved on Mayor Pro Tem Goodman's 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 C14-05-0014 - Harrell Tract - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by zoning property locally known as 9900 South First Street (Slaughter Creek Watershed) from interim-rural residence (I-RR) district zoning to single family residence standard lot (SF-2) district zoning. Zoning and Platting Commission Recommendation: To grant single family residence standard lot (SF-2) district zoning, with conditions. Applicant: Ed Harrell. Agent: Carlson, Brigance & Doering, Inc. (Charles R. Brigance). City Staff: Wendy Walsh, 974-7719.
Ordinance No. 20050512-Z001 for single family residence standard lot (SF-2) district zoning with conditions was approved.
- Z-2 C14-05-0018 - Webb 3 Acre Tract - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 4615-4623 City Park Road (Lake Austin Watershed) from development reserve (DR) district zoning to single-family residence large lot (SF-1) district zoning. Zoning and Platting Commission: To grant single-family residence large lot (SF-1) district zoning. Applicant: Letha Webb. Agent: Longaro & Clarke, L.P. (Danny Miller). City Staff: Thomas Bolt, 974-2755
Ordinance No. 20050512-Z002 for single-family residence large lot (SF-1) district zoning was approved.
- Z-3 C14-05-0059 - 907 South Center Street - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 907 South Center Street (East Bouldin Creek Watershed) from mobile home residence (MH) district zoning to family residence (SF-3) district zoning. Zoning and Platting Commission Recommendation: To grant family residence (SF-3) district zoning. Applicant: Ronald Dean Agent: Ronald Dean. City Staff: Robert Heil, 974-2330.
The first reading of the ordinance for family residence (SF-3) district zoning was approved.
- Z-4 C14-05-0058 - 903 South Center Street - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 903 South Center Street (East Bouldin Creek Watershed) from mobile home residence (MH) district zoning to family residence (SF-3) district zoning. Zoning and Platting Commission Recommendation: To grant family residence (SF-3) district zoning. Applicant: Ronald Dean. Agent: Ronald Dean. City Staff: Robert Heil, 974-2330.
The first reading of the ordinance for family residence (SF-3) district zoning was approved.
- Z-5 C14-04-0161 - Zennia Street - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 5117 North Lamar Blvd. and 703 Zennia Street (Waller Creek Watershed) from limited office-neighborhood plan (LO-NP) combining district zoning and general commercial services-conditional overlay-neighborhood plan (CS-CO-NP) combining district zoning to general commercial services-conditional overlay-mixed use-neighborhood plan (CS-CO-MU-NP) combining district zoning. Planning Commission Recommendation: To grant general commercial services-conditional overlay-mixed use-neighborhood plan (CS-CO-MU-NP) combining district zoning. Applicant:

Ely Properties (E. Mitch Ely). Agent: McHone Real Estate (Mike Mchone). City Staff: Glenn Rhoades, 974-2775.

This item was postponed to June 9, 2005 at staff's request.

- Z-6 C14-05-0037.SH - 7101 North IH-35 - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 7101 North IH-35 (Waller Creek Watershed) from limited industrial services (LI) district zoning and general commercial services (CS) district zoning to general commercial services-mixed use (CS-MU) combining district zoning. Planning Commission Recommendation: To grant general commercial services-mixed use (CS-MU) combining district. Applicant: Todd A. Dobson. Agent: Foundation Communities (Walter Moreau). City Staff: Robert Heil, 974-2330.
The first reading of the ordinance for general commercial services-mixed use (CS-MU) combining district was approved.
- Z-7 C14-05-0032 - 5708 Spring Meadow - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 5708 Spring Meadow Road (Williamson Creek Watershed) from single family residence standard lot-neighborhood plan (SF-2-NP) combining district zoning to family residence-neighborhood plan (SF-3-NP) combining district zoning. Planning Commission Recommendation: To grant family residence-neighborhood plan (SF-3-NP) combining district zoning. Applicant: Mike Gharbi. Agent: Century 21 Capital Team (Maryam Gharbi). City Staff: Wendy Walsh, 974-7719.
Ordinance No. 20050512-Z007 for family residence-neighborhood plan (SF-3-NP) combining district zoning was approved.
- Z-8 C14-05-0036 - Pioneer Farms - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 11418 Sprinkle Cutoff Road (Walnut Creek Watershed) from development reserve (DR) district zoning and development reserve-historic (DR-H) combining district zoning to public district zoning (P) and public-historic (P-H) combining district zoning. Planning Commission Recommendation: To grant public district zoning (P) and public-historic (P-H) combining district zoning. Property Owner: Heritage Society of Austin (Mike Ward). Applicant: City of Austin. Agent: Neighborhood Planning and Zoning. City Staff: Robert Heil, 974-2330.
The first reading of the ordinance for public district zoning (P) and public-historic (P-H) combining district zoning was approved.
- Z-9 C14-04-0020 - Austin Ridge Phase I - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 8509 FM 969 (Walnut Creek/Colorado River Watersheds) from family residence (SF-3) district zoning to neighborhood commercial (LR) district zoning. Zoning and Platting Commission Recommendation: To grant neighborhood commercial-conditional overlay (LR-CO) combining district zoning for Tract One and general office-conditional overlay (GO-CO) combining district zoning for Tract Two. Applicant: PB Austin Ridge, L.L.C. & MF Austin Ridge, L.L.C. (Peter Barlin). Agent: Longaro & Clarke, L.P. (Joseph Longaro). City Staff: Wendy Walsh, 974-7719.
Ordinance No. 20050512-Z009 for grant neighborhood commercial-conditional overlay (LR-CO) combining district zoning for Tract One and general office-conditional overlay (GO-CO) combining district zoning for Tract Two was approved.

- Z-10 C14H-04-0029 – King-von Rosenberg House. Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 1500 Lorrain Street from multi-family residence (medium density) (MF-3) district zoning to multi-family residence (medium density) – historic (MF-3-H) combining district zoning. Historic Landmark Commission Recommendation: To grant multi-family residence – historic (MF-3-H) combining district zoning. Zoning and Platting Commission Recommendation: To grant multi-family residence – historic (MF-3-H) combining district zoning. Applicants: Sharon A. Dunn and Robert A. Prentice (owners). City Staff: Steve Sadowsky, Historic Preservation Office, Neighborhood Planning and Zoning Department, 974-6454.
The first reading of the ordinance for multi-family residence – historic (MF-3-H) combining district zoning was approved.
- Z-11 C814-99-0001.03 - Avery Ranch PUD, Amendment #3 - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as Avery Ranch Boulevard at Parmer Lane (Brushy Creek 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) amendment. Applicant: Pebble Creek Joint Venture (Edward Rathgeber, President), Developers of Avery Ranch (Robert D. Wunsch), Continental Homes of Texas, L.P. (Richard Maier). Agent: Waterstone Development (Theresa Canchola). City Staff: Sherri Gager, 974-3057
This item was postponed indefinitely and withdrawn from agenda at the applicant's request.
- Z-12 C814-99-0001(RCA) - Avery Ranch PUD Restrictive Covenant Amendment - Conduct a public hearing and approve a restrictive covenant amendment for the property locally known as Avery Ranch at Parmer Lane (Brushy Creek Watershed). Zoning and Platting Commission Recommendation: To grant the restrictive covenant amendment. Applicant: Pebble Creek Joint Venture (Edward R. Rathgeber, President), Continental Homes of Texas, L.P. (Richard Maier), Rathgeber Investment Company, Ltd. (Edward R. Rathgeber, Jr.), Developers of Avery Ranch (Robert D. Wunsch, President). Agent: Waterstone Development (Theresa Canchola). City Staff: Sherri Gager, 974-3057.
This item was postponed indefinitely and withdrawn from agenda at the applicant's request.
- Z-13 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.
This item was postponed to May 26, 2005 at the neighborhood association's request.

- Z-15 C14-05-0011 - Shumaker Tract - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 2900 North FM 973 (Colorado River Watershed) from development reserve (DR) district zoning to limited industrial services-conditional overlay (LI-CO) combining district. Zoning and Platting Commission Recommendation: To limited industrial services-conditional overlay (LI-CO) combining district zoning. Applicant: Wade Shumaker. Agent: Minter, Joseph and Thornhill (John Joseph Jr). City Staff: Robert Heil, 974-2330

The first reading of the ordinance for limited industrial services-conditional overlay (LI-CO) combining district zoning was approved.

- Z-17 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.

This item was postponed to May 19, 2005 at the applicant's request.

- Z-18 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 Items 52, Z-19)

This item was postponed to May 19, 2005 to allow time for mediation.

- Z-19 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 Items 52, Z-18)

This item was postponed to May 19, 2005 to allow time for mediation.

Mayor Wynn recessed the Council Meeting at 5:30 p.m.

LIVE MUSIC

Woody Woode

PROCLAMATIONS

Proclamation - Mental Health Month - to be presented by Mayor Will Wynn and to be accepted by Mildred Vuris and Beverly Scarborough

Distinguished Service Award - Herman Thun - to be presented by Mayor Will Wynn and to be accepted by the honoree

Proclamation - 22nd Annual National Tourism Week - to be presented by Mayor Will Wynn and to be accepted by Adriana McWilliams

Proclamation - Public Service Employees Recognition Week - to be presented by Mayor Will Wynn and City Manager Toby Hammett Futrell and to be accepted by representatives of all City departments

Proclamation - River City Youth Foundation Awards Banquet - to be presented by Council Member Raul Alvarez and to be accepted by Mona Gonzalez

Mayor Pro Tem Goodman called the Council Meeting back to order at 6:59 p.m.

61. 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 May 26, 2005 on Council Member Dunkerley's motion, Council Member McCracken's second on a 6-0 vote. Mayor Wynn was off the dais.

ZONING DISCUSSION ITEMS

- Z-14 C14-04-0150 - Neighbor's Stop & Go - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 6008 Manchaca Road (Williamson Creek Watershed) from limited office (LO) district zoning and amended to general office-mixed use-conditional overlay (GO-MU-CO) combining district zoning. Zoning and Platting Commission Recommendation: To grant neighborhood commercial-conditional overlay (LR-CO) combining district zoning, with conditions. Applicant: Anthony R. Bertucci. Agent: Brown McCarroll, L.L.P. (Annick C. Beaudet). City Staff: Wendy Walsh, 974-7719. Note: A valid petition has been filed in opposition to this rezoning request.
The public hearing was closed and the first reading of the ordinance for limited office mixed use (LO-MU-CO) combining district zoning was approved on Mayor Pro Tem Goodman's motion, Council Member Slusher's second on a 7-0 vote.
- Z-16 C14-04-0197 - Buckner - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 11833 Buckner Road (Lake Travis Watershed) from development reserve (DR) district zoning to family residence (SF-3) district zoning. Zoning and Platting Commission Recommendation: To grant single family standard lot (SF-2) district zoning. Applicant and Agent: Patricia King Sigg. City Staff: Glenn Rhoades, 974-2775.
The public hearing was closed and the first reading of the ordinance for single family standard lot (SF-3) district zoning was approved on Council Member Dunkerley's motion, Council Member McCracken's second on a 7-0 vote.

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

PUBLIC HEARINGS AND POSSIBLE ACTION

60. Conduct a public hearing to receive citizen comments on the City's (1) Draft annual Action Plan for Fiscal Year 2005-2006, related to allocation of the U.S. Department of Housing and Urban Development grant funds, (2) Community Development Fiscal Year 2005-2006 Program required by Texas Local Government Code Chapter 373, including proposed funding allocations, and (3) the application for \$3,000,000 from the U.S. Department of Housing and Urban Development Section 108 Loan Program for use under the City's Neighborhood Commercial Management Program. (Community Development Commission conducted public hearings on April 12, 2005 and May 10, 2005.)

The public hearing was closed on Council Member Dunkerley's motion, Council Member McCracken's second on a 6-0 vote. Mayor Pro Tem Goodman was off the dais.

DISCUSSION ITEMS CONTINUED

35. Approve an ordinance on third reading amending Chapter 25-1 of the City Code to add a new Article 13 relating to Dormant Project Expiration, and waiving Section 25-1-502 of the Code and providing for emergency passage. (Recommended by the Planning Commission.) (Related Item 51)

Ordinance No. 20050512-035 was approved on Council Member Slusher's motion, Council Member Alvarez' second on a 7-0 vote.

Transit Oriented Development

56. 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 57)

The main motion was made by Council Member McCracken and seconded by Council Member Thomas.

Mayor Pro Tem Goodman proposed a friendly amendment to Section 25-2-766.21, 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." This was accepted by the maker of the motion and Council Member Thomas, who seconded the motion.

Council Member Alvarez proposed a friendly amendment regarding the Saltillo TOD District that includes substituting a new map of the Plaza Saltillo TOD (Appendix D, Exhibit 2) for the map in the draft ordinance and adding the following language to 25-2-766.2, "(C) This Subsection applies in the Plaza Saltillo TOD district. A station area plan may not include a gateway zone or expand the original boundaries of a midway zone. This was accepted by the maker of the motion and Council Member Thomas, who seconded the motion, with the stipulation that the design standards adopted earlier in this meeting would prevail.

Council Member Alvarez proposed a friendly amendment to Section 25-2-766.22 as follows. This was not accepted by Council Member McCracken, maker of the motion so Council Member Alvarez moved the following as an amendment. It was seconded by Council Member Thomas, "To add new Paragraphs (3) and (4), amend Paragraph (7) and renumber accordingly. It would read, "(B) A station area plan: (3) in a community preservation and revitalization zone established by council:

(a) shall establish an affordable housing goal of providing at least 25 percent of the home ownership residential units to households with an income of not more than 60 percent of the median family income or 25 percent of the rental residential units to households with an income of not more than 60 percent of median family income for the Austin area

(b) may not prescribe site development regulations that are more permissive than those 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 goal established in subparagraph (a) above of providing at least 25 percent of the home ownership residential units or 50 percent of the rental residential units to households with an income of not more than 60 percent of median family income for the Austin area:

(4) for a transition zone in the Plaza Saltillo TOD district, may not prescribe site development regulations that are more permissive than those prescribed by the applicable zoning district before adoption of the station area plan;

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

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

(b) for rental residential units, a 25 percent affordable housing goal, including providing at least 10 percent of the units to households with an income of not more than 40 to 60 percent median family income, 10 percent of the units to households with an income of not more than 30 to 40 percent of the median family income, and five percent of units to households with an income of not more than 30 percent of median family income for the Austin area; and

(c) for homeownership units, a 25 percent affordable housing goal, including providing at least 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 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 for the Austin area; and."

The motion to postpone action on the pending motion, but specifically preserve the main motion and all the amendments considered at this meeting, was approved on Council Member McCracken's motion, Council Member Alvarez' second on a 7-0 vote.

The motion to postpone this item until May 19, 2005, specifically preserving the main motion and the two pending friendly amendments accepted by the maker of the main motion and the maker of the second to the main motion, was approved on Council Member McCracken's motion, Council Member Alvarez' second on a 7-0 vote.

57. Approve a resolution to establish goals for affordable housing in Transit Oriented Development (TOD) districts and Station Area Plans. (Related Item 56)
This item was postponed until May 19, 2005 to be considered with item 56 at that time, was approved on Council Member McCracken's motion, Council Member Alvarez' second on a 7-0 vote.

Mayor Wynn adjourned the meeting at 10:58 p.m. without objection.

The minutes for the Regular Meeting of May 12, 2005 were approved on this the 19th day of May, 2005 on Council Member Alvarez' motion, Council Member Thomas' second on a 6-0 vote. Mayor Pro Tem Goodman was off the dais.

The minutes for the Regular Meeting of May 12, 2005 were amended and approved on June 9, 2005 on Council Member Alvarez' motion, Council Member Thomas' second on a 7-0 vote.

17. Approve an ordinance on second reading only to renew the HARLEM CAB COMPANY d.b.a. AUSTIN CAB taxicab franchise. (Revenue source - taxicab permit fee of \$400 per year per permit. Expected annual revenue \$55,600.) (Recommended by the Urban Transportation Commission.)
The second reading of the ordinance was approved.