



**AUSTIN CITY COUNCIL
MINUTES**

**REGULAR MEETING
THURSDAY, APRIL 28, 2005**

Invocation: Rev. Bobby Bullard, Mt. Sinai Missionary 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, April 28, 2005 in the Council Chambers of City Hall, 301 W. 2nd Street, Austin, Texas.

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

1. Approval of minutes from the meeting of April 14, 2005.
The minutes from the meeting of April 14, 2005 were approved.
2. Approve the purchase of a 5.0-acre tract from MERCY OF GOD PRAYER CENTER, INC., Austin, TX, located on Yager Lane in an amount not to exceed \$610,000 including closing costs. The property is to be used for transmission lines in conjunction with the transmission circuit being built from Decker Power Plant to the Techridge Substation and for a future switching yard. (Funding is available in the Fiscal Year 2004-2005 Approved Capital Budget of Austin Energy.) (Recommended by the Electric Utility Commission.)
The motion authorizing the purchase of a 5.0-acre tract was approved.
3. Approve negotiation and execution of a contract with THE STATE OF TEXAS, DEPARTMENT OF STATE HEALTH SERVICES for the purchase of a 0.097 acre distribution easement located at the southwest corner of West 45th Street and Guadalupe Street, on the Austin State Hospital land, in an amount not to exceed \$84,596.40. (Funding is available in the Fiscal Year 2004-2005 Approved Capital Budget of Austin Energy.) (Recommended by the Electric Utility Commission.)
The motion authorizing the negotiation and execution of a contract was approved.

4. Authorize negotiation and execution of change order #4 to the contract with LAUGHLIN-THYSSEN, LTD., Houston, TX, for completion of the Colorado River bank stabilization, a component of the raw water intake system construction project at the Sand Hill Energy Center, in an amount not to exceed \$58,301, for a total contract amount not to exceed \$2,458,549.56 (Funding is available in the Fiscal Year 2004-2005 Approved Capital Budget for Austin Energy.) 25.75% MBE and 4.81% WBE subcontractor participation to date. (Recommended by the Electric Utility Commission.)
The motion authorizing the negotiation and execution of change order #4 to the contract was approved.
5. Approve an ordinance authorizing the acceptance of grant funds in the amount of \$20,000 from the Department of Energy Clean Cities Program through the State of Texas Energy Conservation Office; and amending the Fiscal Year 2004-2005 Electric Utility Department Operating Budget of Ordinance No. 040913-01 to appropriate \$20,000 for the purpose of continuing the City's involvement in the Clean Cities Program for the grant period of March 1, 2005, through August 31, 2006. (Funding in the amount of \$20,000 in grant funds is available from the State of Texas Energy Conservation Office. \$23,500 in-kind is available in the Fiscal Year 2004-2005 Operating Budget of Austin Energy. Funding for the second year in-kind match of \$23,500 is contingent upon available funding in future budgets.) (Recommended by the Electric Utility Commission.) (Related Item 6)
Ordinance No. 20050428-005 was approved.
6. Approve a resolution authorizing negotiation and execution of an Interlocal Agreement with the State of Texas Energy Conservation Office to provide grant funding for administration and facilitation of the City of Austin's Clean Cities Coordinator Program from March 1, 2005 to August 31, 2006 in an amount not to exceed \$67,000. (Related item: Budget Amendment). (\$20,000 in grant funds is available from the State of Texas Energy Conservation Office. \$23,500 in-kind is included in the Fiscal Year 2004-2005 Operating Budget of Austin Energy. Funding for the second year in-kind match of \$23,500 is contingent upon available funding in future budgets.) (Related Item 5)
Resolution No. 20050428-006 was approved.
7. Approve the issuance of a Letter of Intent for a rebate in the amount of \$100,000 to IBM, Austin, TX, for the installation of a solar photovoltaic system at their facility located at 2309 Gracy Farms Lane. (Funding in the amount of \$100,000 is available in the Fiscal Year 2004-2005 Operating Budget of Austin Energy in the Conservation Rebates and Incentives Fund.) (Recommended by the Resource Management Commission and the Electric Utility Commission.)
The motion authorizing the issuance of a letter of intent for a rebate in the amount of \$100,000 was approved.
8. Approve the issuance of a Letter of Intent for a rebate in the amount of \$98,700 to HINES POOL AND SPA, Austin, TX, for the installation of a solar photovoltaic system at their facility located at 900 McPhaul. (Funding in the amount of \$98,700 is available in the Fiscal Year 2004-2005 Operating Budget of Austin Energy in the Conservation Rebates and Incentives Fund.) (Recommended by Resource Management Commission and the Electric Utility Commission.)
The motion authorizing the issuance of a letter of intent for a rebate in the amount of \$98,700 was approved.

9. Approve the issuance of a Letter of Intent for a rebate in the amount of \$100,000 to CENTEX BEVERAGE, INC., Austin, TX, for the installation of a solar photovoltaic system at their facility located at 3834 Promontory Point. (Funding in the amount of \$100,000 is available in the Fiscal Year 2004-2005 Operating Budget of Austin Energy in the Conservation Rebates and Incentives Fund.) (Recommended by the Resource Management Commission and the Electric Utility Commission.)
The motion authorizing the issuance of a letter of intent for a rebate in the amount of \$100,000 was approved.
10. Approve the issuance of a Letter of Intent for a rebate in the amount of \$100,000 to AMERICAN YOUTHWORKS, Austin, TX, for the installation of a solar photovoltaic system at their facility located at 1901 E. Ben White Blvd. (Funding in the amount of \$100,000 is available in the Fiscal Year 2004-2005 Operating Budget of Austin Energy in the Conservation Rebates and Incentives Fund.) (Recommended by the Resource Management Commission and the Electric Utility Commission.)
The motion authorizing the issuance of a letter of intent for a rebate in the amount of \$100,000 was approved.

Items 11 and 12 were pulled for discussion.

13. Approve a resolution authorizing the issuance by Moore's Crossing Municipal Utility District (MUD) of Unlimited Tax Bonds, Series 2005, in an amount not to exceed \$3,000,000; and approving a substantial draft of the District's Bond Order and the Preliminary Official Statement. (The City has no responsibility for payment on District bonds unless the District is annexed and dissolved.) (Recommended by Water and Wastewater Commission)
Resolution No. 20050428-013 was approved.
14. Authorize execution of change order #5 to the construction contract with BLASTCO, INC., Houston, TX, for construction of Slaughter Lane and Loop 360 Reservoirs Recoating and Safety Improvements Project for Austin Water Utility, for the recoating of water storage and treatment tanks at Emma Long Park, in the amount of \$58,337, for a total contract amount not to exceed \$1,063,348.04. (\$58,337 is included in the Fiscal Year 2004-2005 Capital Budget of the Parks and Recreation Department. A fiscal note is attached.) 0.45% MBE and 31.77% WBE subcontractor participation to date, including this request. (Recommended by Water and Wastewater Commission)
The motion authorizing the execution of change order #5 to the construction contract was approved.
15. Approve a resolution authorizing the application for \$32,602 in grant funding from the Department of Homeland Security Office of Domestic Preparedness for the purchase of Knox Key Retention Devices to be placed in Austin Fire Department emergency response fire/rescue apparatus. (Funding is available from the Department of Homeland Security, Office of Domestic Preparedness, Assistance to Firefighters Grants, for the grant period which will begin, if the grant is awarded, in Fiscal Year 2005-2006. An in-kind match of \$8,150 is required, and will be proposed in the Fiscal Year 2005-2006 Operating Budget for the Austin Fire Department.)
Resolution No. 20050428-015 was approved.

16. Approve an ordinance authorizing acceptance of grant funds in the amount of \$49,776 from WORKSOURCE-GREATER AUSTIN AREA WORKFORCE BOARD, Austin, TX, and amending the Fiscal Year 2004-2005 Health and Human Services Operating Budget Special Revenue Fund of Ordinance No. 040913-01 to appropriate \$49,776 for targeted workforce skills training and job placement services. (Funding in the amount of \$49,776 is available from the WorkSource - Greater Austin Area Workforce Board. The grant period is from April 1, 2005 through December 31, 2005. No City match is required.) (Related Item 17)
Ordinance No. 20050428-016 was approved.
17. Approve execution of Amendment No.1 to the contract with GOODWILL INDUSTRIES OF CENTRAL TEXAS, Austin, TX, in an amount not to exceed \$49,776, to provide targeted workforce skills training and job placement services, for a total 2005 contract amount not to exceed \$212,898, with three (3) 12-month renewal options in an amount not to exceed \$163,122 per renewal option, for a combined total cost to the City not to exceed \$702,264. (Funding in the amount of \$49,776 is available in the Fiscal Year 2004-2005 Operating Budget Special Revenue Fund of the Health and Human Services Department. No City match is required.) (Related Item 16)
The motion authorizing the execution of Amendment No. 1 to the contract was approved.

Items 18 and 19 were pulled for discussion.

20. Approve a resolution authorizing the application for renewal funding from the Texas Department of Transportation, Texas Automobile Theft Prevention Authority in the amount of \$368,938 in grant funds for the continuation of the Auto Theft Interdiction Project in the Austin Police Department. (Funding in the amount of \$368,938 is available in the grant period September 1, 2005 - August 31, 2006 from the Texas Department of Transportation, Texas Automobile Theft Prevention Authority. An in-kind match is required. Funding for the continued operation of this program is contingent upon available funding in the future budgets.)
Resolution No. 20050428-020 was approved.
21. Authorize the application for one-time supplemental funding from the Texas Department of Transportation, Texas Automobile Theft Prevention Authority in the amount of \$45,000 for equipment and supply purchases needed to sustain the Auto Theft Interdiction Project of the Austin Police Department. (Funding in the amount of \$45,000 is available in the current Fiscal Year from the Texas Department of Transportation, Texas Automobile Theft Prevention Authority.)
The motion authorizing the application for one-time supplemental funding was approved.
22. Authorize an Interlocal Agreement between the City of Austin and Travis County to reimburse the Travis County Sheriff's Office for overtime hours incurred working on potential human trafficking cases as part of the Austin/Travis County Human Trafficking Law Enforcement Task Force in an amount not to exceed \$40,000. (Funding is available from the City of Austin Austin Police Department Fiscal Year 2004-2005 Special Revenue Fund from the Bureau of Justice Assistance "Law Enforcement Response to Human Trafficking" grant program)
The motion authorizing an Interlocal Agreement was approved.

23. Authorize execution of a construction contract with LAUGHLIN-THYSSEN, LTD., Houston, TX, for the Austin Clean Water Program's Upper Shoal - Lower Hancock Branch 18-Inch Wastewater Improvements Project in the amount of \$6,143,144 plus a \$307,157.20 contingency, for a total contract amount not to exceed \$6,450,301.20. (Funding in the amount of \$6,450,301.20 is included in the Fiscal Year 2004-2005 Capital Budget of the Austin Water Utility.) Lower bid of two received. 16.86% MBE and 16.52% WBE subcontractor participation.

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

24. Authorize execution of change order #5 to the construction contract with SCR CONSTRUCTION CO. INC., Richmond, TX, for 2004 Miscellaneous Bridge Maintenance in the amount of \$53,349.71, for a total contract amount not to exceed \$620,914.42. (Funding in the amount of \$53,349.71 is available in the Fiscal Year 2004-2005 Operating Budget of the Public Works Department Transportation Fund.) 10.56% MBE and 4.68% WBE subcontractor participation to date.

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

Item 25 was pulled for discussion.

26. Approve an ordinance to authorize the acceptance of \$300,000 from the City of Sunset Valley, and to amend the Fiscal Year 2004-2005 Public Works Department Capital Budget of Ordinance No. 040913-02 to create a new project entitled "Brodie Lane and William Cannon Drive Intersection Improvements Project" and to appropriate \$300,000 for that project. (Total project cost is \$300,000. Funding for this project is from the City of Sunset Valley.)

Ordinance No. 20050428-026 was approved.

27. Approve an ordinance amending Section 12-4-63 of the City Code by adding a 20 miles per hour school zone speed limit to a portion of Tannehill Lane for Norman Elementary School; and amending Section 12-4-42 of the City Code by adding Riata Vista Circle to the list of streets having a maximum speed limit of 40 miles per hour. (Funding in the amount of \$800 is available in the Fiscal Year 2004-2005 Operating Budget of the Public Works Department for the installation of the necessary signs.)

Ordinance No. 20050428-027 was approved.

28. Authorize execution of a 12-month service agreement with AVERY'S LAWN CARE & LANDSCAPE (MBE/MB-100%), Austin, TX, for landscaping services at various Austin Energy facilities in an amount not to exceed \$83,270, with four 12-month extension options in an amount not to exceed \$83,270 per extension option, for a total agreement amount not to exceed \$416,350. (Funding in the amount of \$34,696 is available in the Fiscal Year 2004-2005 "Amended" Operating Budget of Austin Energy. Funding for the remaining seven months of the original contract period and extension options is contingent upon available funding in future budgets.) Low 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.

29. Authorize negotiation and execution of a 12-month service agreement with THIELSCH ENGINEERING, Cranston, RI; and PK & L CONSTRUCTION, INCORPORATED, (WBE/FR-4.16%), Austin, TX, for power plant maintenance services in an amount not to exceed \$2,500,000, with four 12-month extension options in an amount not to exceed \$2,500,000 per extension option, for a combined total agreement amount not to exceed \$12,500,000. (Funding in the amount of \$1,041,666 is available in Fiscal Year 2004-2005 Amended Operating Budget of Austin Energy. Funding for the remaining seven months of the original contract period and extension options is contingent upon available funding in future budgets.) Best two evaluated proposals of three received. 10.70% MBE and 4.38% WBE subcontractor participation (THIELSCH); and 10.40% MBE and 0.31% WBE subcontractor participation (PK & L).
The motion authorizing the negotiation and execution of a service agreement was approved.
30. Authorize execution of a 12-month supply agreement with BOC GASES INC, Lebanon, NJ, for liquid carbon dioxide for the Austin Water Utility in an amount not to exceed \$154,720, with two 12-month extension options in an amount not to exceed \$154,720 per extension option, for a total contract amount not to exceed \$464,160. (Funding in the amount of \$51,573 is available in Fiscal Year 2004-2005 Approved Operating Budget of the Austin Water Utility. Funding for the remaining eight months of the original contract period and extension option is contingent upon available funding in future budgets.) Lowest bid of two bids received. This contract will be awarded in compliance with Chapter 2-9 of the City Code (Minority-Owned and Women-Owned Business Enterprise Procurement Program). No subcontract opportunities were identified; therefore, no goals were established for this solicitation.
The motion authorizing the execution of a supply agreement was approved.
31. Ratify the execution of an emergency purchase contract with TRANE A DIVISION OF AMERICAN STANDARD INC., Austin, TX, for the purchase and installation of an air-cooled chiller for the Austin Water Utility, in an amount not to exceed \$67,319. (Funding is available in Fiscal Year 2004-2005 Capital Improvement Budget of the Austin Water Utility.) Sole Source.
The motion authorizing the execution of an emergency purchase contract was approved.
32. Authorize negotiation and execution of a 12-month supply/service agreement with CONCORD COMMUNICATIONS, INC., Portsmouth, NH, for software upgrades and maintenance support for the Spectrum line of software used to monitor the City's fiber optic network, in an amount not to exceed \$125,794.50, with three 12-month extension options in an amount not to exceed \$60,350 per extension option, for a total agreement amount not to exceed \$306,844.50. (Funding in the amount of \$125,794.50 is available in the 2005-2006 Capital Budget of the Communications and Technology Management Department COATN CIP. Funding for the extension options is contingent upon available funding in future budgets.) Sole Source. This contract will be awarded in compliance with Chapter 2-9 of the City Code (Minority-Owned and Women-Owned Business Enterprise Procurement Program). No subcontracting opportunities were identified; therefore, no goals were established for this solicitation.
The motion authorizing the negotiation and execution of a supply/service agreement was approved.
33. Authorize execution of a 12-month service agreement with SILVER & ASSOCIATES, Inc., (MBE/MB), Houston, TX, STAFF SEARCH, Austin, TX, and EVINS PERSONNEL, Austin, TX, for temporary medical support staff in an amount not to exceed \$264,000, with three 12-month extension options not to exceed \$264,000 per extension option, for a combined total agreement amount not to exceed \$1,056,000. (Funding in the amount of \$110,000 is available in the Fiscal Year 2004-2005 Approved Operating Budget for the Community Care Services Department. Funding for the remaining seven months of the original contract period and

extension options is contingent upon available funding in future budgets.) Low bids of five 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.

34. Authorize execution of a 12-month service agreement with SILVER & ASSOCIATES, INC., (MBE/MB), Houston, TX, STAFF SEARCH HEALTHCARE, Austin, TX, and BACKSTAGE MEDICAL SERVICES, Austin, TX, for temporary licensed pharmacists and certified pharmacy technicians in an amount not to exceed \$100,000, with three 12-month extension options in an amount not to exceed \$100,000 per extension option, for a combined total agreement amount not to exceed \$400,000. (Funding in the amount of \$41,667 is available in the Fiscal Year 2004-2005 Operating Budget of the Community Care Services Department. Funding for the remaining seven months of the original contract period and extension options is contingent upon available funding in future budgets.) Low bids of five 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.

35. Ratify execution of the contract with SANOFI-PASTEUR, INC., Swiftwater, PA, for 2,100 vials of the influenza vaccine for the upcoming 2005-2006 flu season in an amount not to exceed \$224,700. (Funding is available in the Fiscal Year 2004-2005 Approved Operating Budgets of the Community Care Services Department-\$107,000, Health and Human Services Department-\$80,250, Employee Benefits Fund-\$26,750, Austin Fire Department-\$8,025, and Emergency Medical Services Department-\$2,675.) Public Health and Safety.

The motion authorizing the execution of the contract was approved.

36. Authorize execution of a contract through the Texas Local Government Purchasing Cooperative (BuyBoard) with WILSON FIRE APPARATUS & EQUIPMENT, New Braunfels, TX, for fire rescue tools in an amount not to exceed \$120,970. (Funding is available in the Fiscal Year 2004-2005 Capital Improvement Project Budget for the Fire Department.) Purchasing Cooperative.

The motion authorizing the execution of a contract was approved.

37. Authorize execution of a contract with TASER INTERNATIONAL, INC., Scottsdale, AZ, for ninety tasers and associated equipment for the Austin Police Department in an amount not to exceed \$75,291. (Funding is available in the Fiscal Year 2004-2005 Approved Operating Budget of the Austin Police Department.) Lowest bids 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.

38. Authorize execution of two 12-month service agreements with TEXAS INDUSTRIES FOR THE BLIND AND HANDICAPPED, Austin, TX, for property cleaning services for the Solid Waste Services Department (SWS): 1) Code Compliance Division-enforcement activities in an amount not to exceed \$247,230, with two 12-month extension options in an amount not to exceed \$247,230 per extension option, for a total agreement amount not to exceed \$741,690; and 2) Code Compliance Division-Property Abatement Programs in an amount not to exceed \$229,850, with two 12-month extension options in an amount not to exceed \$229,850 per extension option, for a

total agreement amount not to exceed \$689,550. (Funding in the amount of \$159,027 is available in the Fiscal Year 2004-2005 Approved Operating Budget of the Solid Waste Services Department. Funding for the remaining eight months of the original contract period and extension options is contingent upon available funding in future budgets.) This contract will be awarded in compliance with Chapter 2-9 of the City Code (Minority-Owned and Women-Owned Business Enterprise Procurement Program). No subcontracting opportunities were identified; therefore, no goals were established for this solicitation.

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

39. Authorize execution of a 12-month service agreement with PRUDENTIAL OVERALL SUPPLY, Round Rock, TX, for uniform rental services for the Solid Waste Services Department in an amount not to exceed \$104,862.96, with two 12-month extension options in an amount not to exceed \$104,862.96, for a total contract amount not to exceed \$314,588.88. (Funding in the amount of \$34,954.32 is available in the Fiscal Year 2004-2005 Approved Operating Budget of the Solid Waste 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 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 service agreement was approved.

Item 40 was pulled for discussion.

41. 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> Brad Hughes	Consensus	Reappointment
<u>Austin Community Education Consortium</u> Elmore DuFour	Consensus	Reappointment
<u>Community Development Commission</u> Jeffery Lewis	Council Member Thomas'	Reappointment
<u>Ethics Review Commission</u> Meichihko Proctor	Council Member Alvarez'	Nomination
<u>Federally Qualified Health Center Board</u> John Mayo	Consensus	Reappointment
<u>Water and Wastewater Commission</u> Cheryl Scott-Ryan	Consensus	Appointment

42. Approve an ordinance authorizing the waiver or reimbursement of certain fees and requirements, authorizing payment of certain costs, and approving issuance of a permit for Mexicarte's Great Taste of Mexico, a fee-paid street event, to be held on May 7, 2005. (Council Member Raul Alvarez and Council Member Daryl Slusher)
Ordinance No. 20050428-042 was approved.

Item 43 was pulled for discussion.

44. Authorize the use of Town Lake for two water events associated with the Academy Capital 2K open water race and the Capital of Texas Triathlon Inc. (AKA America's Triathlon) to be held on May 21st and May 30, 2005. (Mayor Will Wynn and Council Member Brewster McCracken)
The motion authorizing the use of Town Lake for two water events was approved.
45. Approve an ordinance waiving the signature requirement under Chapter 14-8 of the City Code for the America's Triathlon to be held on May 30, 2005. (Mayor Will Wynn and Council Member Brewster McCracken)
Ordinance No. 20050428-045 was approved.
46. Approve a resolution directing the City Manager to identify possible solutions for resolving current disagreements with Northwest Travis County MUD #4 ("Canyon Creek"). (Mayor Will Wynn and Council Member Betty Dunkerley)
This item has been withdrawn and replaced with item 66.
47. Set public hearings for the full purpose annexation of the Harris Branch Apartments S.M.A.R.T. Housing Area (Approximately 21 acres located in Travis County at the northeast corner of the intersection of Dessau Road and Parmer Lane.) (Suggested dates and times: May 19, 2005 and May 26, 2005 at 6:00 p.m., City Hall Council Chambers, 301 West 2nd Street).
The public hearings were set for May 19 and May 26, 2005 at 6:00 p.m., City Hall Council Chambers, 301 West 2nd Street.
48. Set public hearings for the limited purpose annexation of the Watersedge Area (Approximately 418 acres located in Travis County at the northwest corner of the intersection of State Highway 71 East and Doctor Scott Drive).(Suggested dates and times: May 19, 2005 and May 26, 2005 at 6:00 p.m., City Hall Council Chambers, 301 West 2nd Street).
The public hearings were set for May 19 and May 26, 2005 at 6:00 p.m., City Hall Council Chambers, 301 West 2nd Street.
49. Set a public hearing on an ordinance consenting to the creation of Winfield Municipal Utility Districts Nos. 1, 2, 3, and 4 to be developed within a tract of land of approximately 2,428 acres generally located within 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 between Winfield Municipal Utility Districts Nos. 1, 2, 3, and 4, 2428 Management, L.L.C., and the City of Austin, including a requirement to enter into a Strategic Partnership Agreement ("SPA") under substantially the same terms and conditions as indicated in the attached draft SPA with Winfield Municipal District 2 ("MUD 2") providing for the delayed annexation of MUD 2, the City's collection of sales tax within MUD 2, and addressing other administrative issues between the City of Austin and MUD 2; and authorizing commencement of the SPA approval process when MUD 2 has been created. (Suggested date and time: May 19, 2005 at 6:00 p.m., City Hall Council Chambers, 301 West 2nd Street)

The public hearing was set for May 19, 2005 at 6:00 p.m., City Hall Council Chambers, 301 West 2nd Street.

Items 50 through 56 were Executive Session items.

Items 57 and 58 were action on Executive Session items.

Item 59 was a briefing set for a time certain of 2:00 p.m.

Items 60 through 63 and Z-1 through Z-24 were zoning items set for 4:00 p.m.

Items 64 and 65 were public hearings set for 6:00 p.m.

DISCUSSION ITEMS

11. Approve a resolution repealing Resolution No. 990826-65 and adopting the City of Austin Water Conservation Plan. This plan is a requirement of the Texas Commission on Environmental Quality (TCEQ). (Recommended by Water and Wastewater Commission; and by Resource Management Commission 4-19-05) (Related Item 12)

Resolution No. 20050428-011 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.

12. Approve a resolution repealing Resolution No. 990826-66 and adopting the City of Austin Drought Contingency Plan. This plan is a requirement of the Texas Commission on Environmental Quality (TCEQ). (Recommended by Water and Wastewater Commission and by Resource Management Commission April 19, 2005.) (Related Item 11)

Resolution No. 20050428-012 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.

43. Approve a resolution adopting a program for economic and community development, entitled the Community Preservation and Revitalization Zone Program, for an area bounded by IH-35 from Manor Road to Riverside Drive, Riverside Drive from IH-35 to State Highway 71, State Highway 71 from Riverside Drive to US Highway 183, US Highway 183 from State Highway 71 to Manor Road, and Manor Road from US Highway 183 to IH-35; and directing the City Manager to undertake specific actions to support affordable housing and small business development in the Community Preservation and Revitalization Zone. (Council Member Raul Alvarez and Council Member Danny Thomas)

Resolution No. 20050428-043 was approved with the following friendly amendment on Council Member Alvarez's motion, Council Member Thomas' second on a 7-0 vote.

Council Member Slusher's friendly amendment as follows was approved by the maker of the motion and Council Member Thomas, who seconded the motion. The friendly amendment was to change page 2, (2) (a) to read as follows: (i) "For projects that include at least 7500 sq. ft. of commercial space, the greater of one (1) residential unit or 10% of the total units must be provided at 65% MFI; (ii) For projects that include at least 15,000 sq. ft. of commercial space, the greater of three (3) residential units or 10% of the total units must be provided at 65% MFI; and (iii) For projects that include at least 30,000 sq. ft. of commercial space, the greater of five (5) residential units or 10% of the total units must be provided at 65% MFI."

Mayor Wynn recessed the Council Meeting to go into Executive Session at 11:25 a.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 50 was discussed later in Executive Session.

51. Discuss legal issues related to Collective Bargaining with the Austin Association of Professional Fire Fighters.
This item was withdrawn.

Item 52 was discussed later in Executive Session.

53. Discuss legal issues regarding the Purchase Contract between the City of Austin and Austin Museum of Arts regarding the sale of the Jail-House Block (bounded by Third Street, Fourth Street, San Antonio Street, and Guadalupe Street).

Items 54 and 55 were discussed later in Executive Session.

Real Property - Section 551.072

56. Discuss the sale, lease, or value of the Seaholm Power Plant property located on Cesar Chavez between Lamar Boulevard and Guadalupe Street west of the Green Water Treatment Plant and of Block 21 (bounded by Second Street, Guadalupe Street, Third Street, and Lavaca Street). (Related Items 57, 58)

Executive Session ended and Mayor Wynn called the Council Meeting back to order at 12:40 p.m.

CITIZEN COMMUNICATIONS: GENERAL

Sara Strandtman - South Austin Park - Galindo Neighborhood

Steve Coursen - South Austin Park

Patty Sprinkle - South Austin Park

Jimmy Castro - ACC Annexation Election

Katheryn Kawazoe - South Austin Park

Marnie Reeder - Animal Issue

Joanne Neto - Animal Issues

Bob Swaffar and Kathryn Houser - Cool House Tour

Kalila Homann - South Austin Park

Myra Felder - Business Issues

Mayor Wynn recessed the Council Meeting to go into Executive Session at 1:28 p.m.

EXECUTIVE SESSION CONTINUED

- 50. Discuss legal issues concerning proposed legislation in the 79th Legislative Session.
- 55. Discuss legal issues concerning a proposed amendment to Chapter 25-1 of the City Code, which would allow the City to expire dormant projects under the authority of Chapter 245 of the Texas Local Government Code. (Related Item 40)

The Mayor announced that Council would discuss item number 66 on the regular agenda during Executive Session.

Executive Session ended and Mayor Wynn called the Council Meeting back to order at 3:16 p.m.

DISCUSSION ITEMS CONTINUED

- 66. Approve an ordinance authorizing the City Manager to execute an amendment to the Consent Agreement with the Northwest Austin Municipal Utility District #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. (This item replaces Item 46.) (Mayor Will Wynn and Council Member Betty Dunkerley)
This item was postponed to May 12, 2005 with direction to the City Manager, to bring back resolution of the outstanding issues.

BRIEFINGS

- 59. Briefing on the City's financial forecast.
The presentation was made by Toby Futrell, City Manager and John Stephens, Director of Financial Services Department

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 consent items were approved on Council Member Alvarez' motion, Mayor Pro Tem Goodman's second on a 6-0 vote. Mayor Wynn and Council Member McCracken were off the dais.

60. C14-04-0202 - 102 Herrera - Approve second/third readings of an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 102 Herrera Street (Colorado River Watershed) from family residence (SF-3) district zoning to community commercial-conditional overlay (GR-CO) district zoning, with conditions. Conditions met as follows: Conditional overlay and restrictive covenant incorporates the conditions imposed or accepted at first ordinance reading. First reading on April 14, 2005. Vote: 7-0. Applicant Wayne E. Brown. City Staff: Wendy Walsh, 974-7719.
Ordinance No. 20050428-060 was approved.
61. 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 Parmer 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.
This item was postponed to May 12, 2005 at staff's request.
62. 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.
This item was postponed to May 12, 2005 at the applicant's request.
63. C14-04-0012.003 - Brentwood/Highland Combined Neighborhood Plan rezoning (Part) - Approve second/third readings of an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 6208 Burns Street (Waller Creek Watershed) from multi-family residence medium density-neighborhood plan (MF-3-NP) combining district zoning to community commercial-mixed use-conditional overlay-neighborhood plan (GR-MU-CO-NP) combining district zoning with conditions. First reading on November 4, 2004. Vote: 7-0. Conditions met as follows: Conditional overlay and restrictive covenant incorporates the conditions imposed or accepted at first ordinance reading. Applicant: City of Austin. Agent: Neighborhood Planning & Zoning Department. City Staff: Greg Guernsey, 974-2387. Note: A valid petition has been filed in opposition to this rezoning request.
This item was postponed to May 26, 2005 at the agent's request.

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 Thomas' motion, Mayor Pro Tem Goodman's second on a 5-0 vote. Mayor Wynn and Council Member McCracken were off the dais.

- Z-1 C14-04-0149 - Old West Austin Neighborhood Plan rezoning at 1306 Lorraine Street - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 1306 Lorraine Street (Town Lake Watershed) from multi-family residence - neighborhood plan (MF-3-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: Jerry Jeff & Susan Walker Mgt. Trust. Agent: City of Austin Neighborhood Planning and Zoning Department. Staff: Thomas Bolt, 974-2755
Ordinance No. 20050428-Z001 for family residence - neighborhood plan (SF-3-NP) combining district zoning was approved.
- Z-2 C14-04-0149.02 - Old West Austin Neighborhood Plan rezoning at 1204 Baylor Street. - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 1204 Baylor Street (Shoal Creek Watershed) from multi-family residence moderate - high density - neighborhood plan (MF-4-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: Kevin McLea. Agent: City of Austin Neighborhood Planning and Zoning Department. Staff: Thomas Bolt, 974-2755.
Ordinance No. 20050428-Z002 for family residence - neighborhood plan (SF-3-NP) combining district zoning was approved.
- Z-3 C14-04-0149.03 - Old West Austin Neighborhood Plan rezoning at 1204 Castle Hill Street. - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 1204 Castle Hill Street (Shoal Creek Watershed) from multi-family residence medium density - neighborhood plan (MF-3-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: Charles & Virginia Herring. Agent: City of Austin Neighborhood Planning and Zoning Department. Staff: Thomas Bolt, 974-2755
Ordinance No. 20050428-Z003 for residence - neighborhood plan (SF-3-NP) combining district zoning was approved.
- Z-4 C14-04-0149.05 - Old West Austin Neighborhood Plan rezoning at 1506 W. 9th Street. - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 1506 W. 9th Street (Town Lake Watershed) from multi-family residence moderate - high density - neighborhood plan (MF-4-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: Donna Carter. Agent: City of Austin Neighborhood Planning and Zoning Department. Staff: Thomas Bolt, 974-2755
Ordinance No. 20050428-Z004 for family residence - neighborhood plan (SF-3-NP) combining district zoning was approved.

- Z-5 C14-04-0149.06 – Old West Austin Neighborhood Plan rezoning at 1412 W. 9th Street. - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 1412 W. 9th Street (Town Lake Watershed) from multi-family residence moderate – high density - neighborhood plan (MF-4-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: Jeffrey & Mary Crawford. Agent: City of Austin Neighborhood Planning and Zoning Department. Staff: Thomas Bolt, 974-2755
Ordinance No. 20050428-Z005 for family residence – neighborhood plan (SF-3-NP) combining district zoning was approved.
- Z-6 C14-04-0149.08 – Old West Austin Neighborhood Plan rezoning at 1117 W. 9th Street. - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 1117 W. 9th Street (Town Lake Watershed) from multi-family residence moderate – high density - neighborhood plan (MF-4-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: Robert Renfro. Agent: City of Austin Neighborhood Planning and Zoning Department. Staff: Thomas Bolt, 974-2755
Ordinance No. 20050428-Z006 for family residence – neighborhood plan (SF-3-NP) combining district zoning was approved.
- Z-7 C14-04-0149.09 – Old West Austin Neighborhood Plan rezoning 1608 W. 9th Street - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 1608 W. 9th Street (Town Lake Watershed) from multi-family residence medium density - neighborhood plan (MF-3-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: Robert R. Cocke. Agent: City of Austin Neighborhood Planning and Zoning Department. Staff: Thomas Bolt, 974-2755
Ordinance No. 20050428-Z007 for family residence – neighborhood plan (SF-3-NP) combining district zoning was approved.
- Z-8 C14-04-0149.25 – Old West Austin Neighborhood Plan rezoning at 804 & 806 Highland Avenue - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 804 & 806 Highland Avenue (Town Lake Watershed) from multi-family residence moderate – high-density - neighborhood plan (MF-4-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: 804 Highland Avenue – Mary Jane Warren, 806 Highland Avenue – Joseph Slate. Agent: City of Austin Neighborhood Planning and Zoning Department. Staff: Thomas Bolt, 974-2755
Ordinance No. 20050428-Z008 for family residence – neighborhood plan (SF-3-NP) combining district zoning was approved.

- Z-9 C14-04-0149.37-- Old West Austin Neighborhood Plan rezoning at 1313 West 9-1/2 Street - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 1313 West 9-1/2 Street (Town Lake Watershed) from multi-family residence moderate – high-density - neighborhood plan (MF-4-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: Charles Price. Agent: City of Austin Neighborhood Planning and Zoning Department. Staff: Thomas Bolt, 974-2755.
Ordinance No. 20050428-Z009 for family residence – neighborhood plan (SF-3-NP) combining district zoning was approved.
- Z-10 C14-04-0149.38 – Old West Austin Neighborhood Plan rezoning at 1804 Waterston Avenue - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 1804 Waterston Avenue (Town Lake Watershed) from multi-family residence medium density - neighborhood plan (MF-3-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: Amelia Boatright. Agent: City of Austin Neighborhood Planning and Zoning Department. Staff: Thomas Bolt, 974-2755.
Ordinance No. 20050428-Z010 for family residence – neighborhood plan (SF-3-NP) combining district zoning was approved.
- Z-11 C14-04-0149.39– Old West Austin Neighborhood Plan rezoning at 1202 Shelley Avenue - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 1202 Shelley Avenue (Town Lake Watershed) from multi-family residence medium density - neighborhood plan (MF-3-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: Brian Pape & Paige Frederick. Agent: City of Austin Neighborhood Planning and Zoning Department. Staff: Thomas Bolt, 974-2755.
Ordinance No. 20050428-Z011 for family residence – neighborhood plan (SF-3-NP) combining district zoning was approved.
- Z-12 C14-04-0149.41– Old West Austin Neighborhood Plan rezoning at 1214 West 8th Street - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 1214 West 8th Street (Town Lake Watershed) from multi-family residence moderate – high density - neighborhood plan (MF-4-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: Nathan & Marion Cimbala. Agent: City of Austin Neighborhood Planning and Zoning Department. Staff: Thomas Bolt, 974-2755.
Ordinance No. 20050428-Z012 for family residence – neighborhood plan (SF-3-NP) combining district zoning was approved.

- Z-13 C14-04-0149.45-- Old West Austin Neighborhood Plan rezoning at 1619 West 14th Street - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 1619 West 14th Street. (Town Lake Watershed) from multi-family residence medium density - neighborhood plan (MF-3-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: Jean Stevens. Agent: City of Austin Neighborhood Planning and Zoning Department. Staff: Thomas Bolt, 974-2755.
Ordinance No. 20050428-Z013 for family residence - neighborhood plan (SF-3-NP) combining district zoning was approved.
- Z-14 C14-04-0149.46 - Old West Austin Neighborhood Plan rezoning to 701 Blanco Street. - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 701 Blanco Street (Town Lake Watershed) from multi-family residence moderate - high density - neighborhood plan (MF-4-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: Blanche Santos. Agent: City of Austin Neighborhood Planning and Zoning Department. Staff: Thomas Bolt, 974-2755.
Ordinance No. 20050428-Z014 for family residence - neighborhood plan (SF-3-NP) combining district zoning was approved.
- Z-15 C14-77-053 (RCT) - Conduct a public hearing and approve a termination of a restrictive covenant of record in Volume 6626, Page 283, Deed Records of Travis County, Texas. The subject property is located at 602 Davis Street (Town Lake Watershed). Zoning and Platting Commission: To grant the request to terminate the restrictive covenant. Applicant: Sack Family Holding, LTD. (Charles T. Sack). Agent: Graves Dougherty, Hearon & Moody (Rick Triplett) City Staff: Thomas Bolt, 974-2755
The motion authorizing the termination of a restrictive covenant was approved.
- Z-16 C14-04-0212 - Dessau Park - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by zoning property locally known as 1000 West Howard Lane (Walnut Creek Watershed) from interim-rural residence (I-RR) district zoning to multi-family residence low density (MF-2) district zoning and limited industrial services (LI) district zoning. Zoning and Platting Commission Recommendation: To grant multi-family residence low density-conditional overlay (MF-2-CO) district zoning for Tract 1 and limited industrial services-conditional overlay (LI-CO) district zoning for Tract 2. Applicant: Beal Bank (William T. Saurenmann). Agent: Bury and Partners, Inc. (Jon C. Kanak). City Staff: Sherri Sirwaitis, 974-3057.
Ordinance No. 20050428-Z016 for multi-family residence low density-conditional overlay (MF-2-CO) district zoning for Tract 1 and limited industrial services-conditional overlay (LI-CO) district zoning for Tract 2 was approved.
- Z-18 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
This item was postponed to May 12, 2005 at Council's request.

- Z-19 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: The Commission postponed consideration of this request until their May 3, 2005 meeting. Applicant: T. E. Kokenda. Agent: Bill Foust. City Staff: Robert Heil, 974-2330
This item was postponed to May 19, 2005 at staff's request.
- Z-20 C14-04-0196 - Hyde Park North NCCD - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property bounded by 51st Street to the north, 45th Street to the south, Red River Street to the east and Guadalupe Street to the west (Waller Creek Watershed) from family residence (SF-3) district zoning, limited office (LO) district zoning, and general commercial services (CS) district zoning to single-family residence-standard lot-neighborhood conservation (SF-2-NCCD) combining district zoning, family residence-neighborhood conservation (SF-3-NCCD) combining district zoning, multi-family residence-medium density-neighborhood conservation (MF-3-NCCD) combining district zoning, and community commercial-neighborhood conservation (GR-NCCD) combining district zoning. A Conditional Overlay (CO) combining district or a Mixed Use (MU) combining district may also be added to these zoning base districts. Planning Commission Recommendation: The Commission will consider this request at their April 26, 2005 public hearing. Applicant: City of Austin. Agent: Neighborhood Planning and Zoning Department. City Staff: Glenn Rhoades, 974-2775.
This item was postponed to June 23, 2005 at staff's request.
- Z-22 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 12, 2005 at the applicant's request.
- Z-23 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-24)
This item was postponed to May 12, 2005 at the applicant's request.

- Z-24 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-23)

This item was postponed to May 12, 2005 at the applicant's request.

ZONING DISCUSSION ITEMS

- Z-17 C14-05-0021 - 5808 Manor - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 5808 Manor (Fort Creek Watershed) from neighborhood commercial (LR) district zoning to general commercial services-conditional overlay (CS-CO) combining district zoning. Zoning and Platting Commission Recommendation: To community commercial-conditional overlay (GR-CO) combining district zoning. Applicant and Agent: Maria Sosa. City Staff: Robert Heil, 974-2330

The first reading of the ordinance for community commercial-conditional overlay (GR-CO) combining district zoning with conditional automotive related uses (other than auto sales) and direction to staff to ensure some commitment to screening with an 8 ft. fence or shrubbery was approved on Council Member Alvarez' motion, Mayor Pro Tem Goodman's second on a 5-0 vote. Mayor Wynn and Council Member McCracken were off the dais.

- Z-21 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.

This item was postponed to May 12, 2005 on Mayor Pro Tem Goodman's motion, Council Member Dunkerley's second on a 5-0 vote. Mayor Wynn and Council Member McCracken were off the dais.

Mayor Pro Tem Goodman recessed the Council Meeting to go into Executive Session at 4:50 p.m.

EXECUTIVE SESSION CONTINUED

52. Discuss legal issues relating to the creation of the Winfield Municipal Utility District Nos. 1, 2, 3, and 4 on approximately 2,428 acres owned by 2428 Partners, Ltd., generally located east of IH-35, south of Turnersville Road, east of County Road 118, north of Satterwhite Road (County Road 107), and west of South Turnersville Road.
54. Discuss legal issues regarding the project commonly known as "Lantana" described in the Patton Ranch Revised Preliminary Plan, number C8-84-102(88), approved on August 23, 1988. This project is in an area subject to the Save Our Springs Initiative Ordinance.

LIVE MUSIC

Shiva's Headband in honor of Burton Wilson

PROCLAMATIONS

Proclamation - National Historic Preservation Month - to be presented by Mayor Will Wynn and to be accepted by Marion Augustine

Proclamation - National Volunteer Appreciation Week - to be presented by Mayor Will Wynn and City Manager Toby Hammett Futrell and to be accepted by Sharon Edwards

Proclamation - National Client's Council of Legal Aide Service Providers Conference - to be presented by Mayor Will Wynn and to be accepted by Ofelia Zapata and David Frayley

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

Proclamation - Community Career Expo Day - to be presented by Mayor Pro Tem Jackie Goodman and to be accepted by Jerry Davis

Certificates of Congratulations - Volunteers of the Month for March and April - to be presented by Council Member Brewster McCracken and to be accepted by Chuck Dachis and Carol and Steve Stuewe

Mayor Wynn called the Council Meeting back to order at 7:10 p.m.

DISCUSSION ITEMS CONTINUED

25. Authorize negotiation and execution of a professional services agreement with WILBUR SMITH ASSOCIATES, Austin, TX, for engineering services for the Arterial High Occupancy Vehicle (HIOV) Reversible Lane Study in an amount not to exceed \$550,000. (Funding is available in the Fiscal Year 2004-2005 Capital Budget of the Public Works Department.) Only one qualification statement received. 15.9% MBE and 14.42% WBE subconsultant participation.
The action on this item was postponed indefinitely and withdrawn from the agenda on Council Member McCracken's motion, Council Member Thomas' second on a 7-0 vote.
40. Approve an ordinance 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. (Planning Commission scheduled for April 26, 2005.) (Related Item 55)
The first and second readings of the ordinance were approved on Council Member Slusher's motion, Council Member Alvarez' second on a 7-0 vote. This item will be open for citizen input at the third reading on May 12, 2005.

Action on Executive Session

58. Approve the negotiation and execution of a contract for the sale and redevelopment of City-owned Block 21 (bounded by Second Street, Guadalupe Street, Third Street, and Lavaca Street).(Related Items 56, 57)
The motion authorizing the negotiation of a contract with Stratus was approved on Council Member McCracken's motion, Council Member Thomas' second on a 7-0 vote with direction to the City Manager to negotiate on the following items:
- 1. Investigate the opportunity of providing a minimum of 20,000 square feet of ground level public plaza on Second Street, even if it means less retail space on the main floor;**
 - 2. Require schematic architectural review before execution; and**
 - 3. Investigate opportunity for condominium ownership for the not-for-profit, cultural, civic space.**
57. Approve the negotiation and execution of a contract for disposition and redevelopment of the Seaholm Power Plant, grounds, and adjacent property located on Cesar Chavez between Lamar Boulevard and Guadalupe Street west of the Green Water Treatment Plant. (Related Items 56, 58)
The motion authorizing the negotiation only of a contract was approved on Mayor Wynn's motion and Council Member Dunkerley's second on a 7-0 vote. Staff was directed to analyze Cap Metro and San Antonio Rail's participation in this development and investigate the Water Intake Building for the Seaholm plant as a way to enhance the Hike and Bike Trail.
65. Conduct a public hearing to consider a variance request by Garrett Quinn to allow remodeling, construction of a second story addition and expansion of the carport on an existing house encroaching on the 25-year and 100-year floodplain of the Hancock Branch of Shoal Creek at 2608 Great Oaks Parkway.
The public hearing was closed and Ordinance No. 20050428-065 was approved on Council Member Thomas' motion, Council Member McCracken's second on a 7-0 vote.
18. 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 19)
Action on this item was postponed to May 12, 2005 at 3:00 p.m. time Council Member Alvarez's motion, Council Member Slusher's second on a 7-0 vote.
19. Approve a resolution to establish goals for affordable housing in Transit Oriented Development (TOD) districts and Station Area Plans. (Related Item 18)
Action on this item was postponed to May 12, 2005 at 3:00 p.m. on Council Member Alvarez's motion, Council Member Slusher'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 McCracken's motion, Council Member Dunkerley's second on a 5-0 vote. Council Members Alvarez and Slusher were off the dais.

PUBLIC HEARINGS AND POSSIBLE ACTION

64. Conduct a public hearing and provide direction regarding proposed design standards for commercial and retail development. (Reviewed by Design Commission, and recommended by the Zoning and Platting Commission and the Planning Commission)
The public hearing was closed on Council Member McCracken's motion, Council Member Thomas' second on a 7-0 vote. The motion directing the City Manager to convert the April 20, 2005 document to an ordinance, except for the sections on development orientation and building design standards, was approved on Council Member McCracken's motion, Mayor Pro Tem Goodman's second on a 7-0 vote. There was a friendly amendment from Council Member Dunkerley to do an impact study to analyze the costs to local businesses. This was accepted by the maker of the motion and Mayor Pro Tem Goodman, who made the second.

Mayor Wynn adjourned the meeting at 11:21 p.m. without objection.

The minutes for the Regular Meeting of April 28, 2005 were approved on this the 12th day of May, 2005 on Council Member Thomas' motion, Mayor Pro Tem Goodman's second on a 7-0 vote.