



**AUSTIN CITY COUNCIL
MINUTES**

**REGULAR MEETING
THURSDAY, SEPTEMBER 2, 2004**

Invocation: Dr. Roy F. Bright, Jr., Pastor, Covenant Cathedral

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, September 2, 2004 in the Board Room at Lower Colorado River Authority Hancock Building, 3700 Lake Austin Boulevard.

Mayor Wynn called the Council Meeting to order at 10:18 a.m.

CONSENT AGENDA

The following items were acted on by one motion. No separate discussion or action occurred on any of the items. The consent items were approved on Council Member Alvarez' motion, Council Member Dunkerley's second on a 6-0 vote. Mayor Pro Tem Goodman was off the dais.

1. Approval of minutes from the meeting of August 26, 2004.
This item was postponed to September 30, 2004
2. Amend the Fiscal Year 2003-2004 Community Care Services Operating Budget Special Revenue Fund of Ordinance No. 030909-01 to add one full-time equivalent position for the Ryan White Title II grant fund. (Funding in the amount of \$36,096 is available in the Ryan White Title II grant. The grant period is from April 1, 2004 through March 31, 2005. These funds do not represent an increase in the actual grant awarded to the City, but a reallocation of funds.) (Recommended by the HIV Planning Council)
Ordinance No. 040902-02 was approved.
3. Authorize the execution of an interlocal agreement with Travis County and ratify the term of one year for payment by Travis County to the City of \$72,857 for NextGen Practice Management and Medical Management System services provided to the County's Community Health Centers for a one year term, October 1, 2003 through September 30, 2004.
The motion authorizing the execution of an interlocal agreement was approved.

4. Authorize negotiation and execution of an artwork commission contract with Adrienne Isom, Austin, TX, for a bas-relief mural for the East Seventh Street Wall Project located in front of Huston-Tillotson College in an amount not to exceed \$60,000. (Funding in the amount of \$50,000 is available in the Fiscal Year 2003-2004 Amended Capital Budget of Transportation, Planning and Sustainability Department and funding in the amount of \$10,000 is available in the Fiscal Year 2003-2004 Approved Operating Budget of the Neighborhood, Planning and Zoning Department. There is no unanticipated fiscal impact. A fiscal note for the CIP project is attached.) (Recommended by the Art in Public Places Panel and the Arts Commission.)
This item was postponed indefinitely and withdrawn from the agenda.
5. Approve an ordinance authorizing the City Manager to negotiate and execute an Economic Development Agreement and creating an economic development program Advanced Technology Development Facility Inc., a subsidiary of Sematech International, providing for economic incentives for a period of 10-years, consisting of rebate of 100% of personal property tax on business equipment and offering Austin Energy incentives of up to \$1 million for energy infrastructure and efficiency improvements. (Estimated incentives over a 10-year period are \$7,331,250).
Ordinance No. 040902-5 was approved.
6. Approve negotiation and execution of an Advanced Funding Agreement with Texas Department of Transportation (TxDOT) for roadway improvements to Airport Boulevard (Loop 111), Wilshire Boulevard and Aldrich Street at the Robert Mueller Municipal Airport (Mueller) site in the amount of \$248,336.82. (Funding is available from an escrow account collected from the developer to pay for this work.)
The motion authorizing negotiation and execution of an advanced funding agreement was approved.
7. Approve an Agreement with Catellus Austin LLC, a Delaware limited liability company, to fund construction of roadway improvements to Airport Boulevard (Loop 111), Wilshire Boulevard and Aldrich Street, in the amount of \$248,336.82. (Funding will be collected from the developer and held in escrow to pay for this work.)
The motion authorizing an agreement was approved.
8. Authorize acceptance of grant funds in the amount of \$50,000 from the United States Department of Health and Human Services, Public Health Service, Demonstration Project for the Medical Reserve Corps grant program; and amend the Fiscal Year 2003-2004 Health and Human Services Operating Budget Special Revenue Fund of Ordinance No. 030909-01, to appropriate \$50,000 to continue funding a full-time equivalent for the purpose of continuing and enhancing the current Medical Reserve Corps plan, bringing the grant total amount to \$100,000. (Funding in the amount of \$50,000 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.)
The motion authorizing the acceptance of grant funds and Ordinance No. 040902-08 was approved.
9. Approve the "Plan to End Chronic Homelessness in Austin/Travis County" in response to a U.S. Department of Housing and Urban Development initiative. (There is no City funding associated with this action.)
The motion authorizing the "Plan to End Chronic Homelessness in Austin/Travis County" was approved.

10. Authorize execution of a construction contract with the L. D. TEBBEN CO., INC., Austin, TX, for the Zaragoza Warehouse Reroof in an amount not to exceed \$183,375. (Funding is available in the Fiscal Year 2003-2004 Approved Capital Budget of the Library Department.) This contract will be awarded in compliance with Chapter 2-9 of the City Code (Minority-Owned and Women-Owned Business Enterprise Procurement Program). No subcontracting opportunities were identified; therefore, no goals were established for this solicitation.
The motion authorizing the execution of a construction contract was approved.
11. Authorize acceptance of grant funds from the Texas Association of Regional Councils in the amount of \$44,491, and approve an ordinance amending the Fiscal Year 2003-2004 Office of Emergency Management Operating Budget of Ordinance No. 030909-01, to appropriate grant funds to the Office of Emergency Management Special Revenue Fund for support of the continuance of a Citizen Corps Council and Community Emergency Response Team program. (Funding in the amount of \$44,491 is available in from the Texas Association of Regional Councils for the grant period September 1, 2004 - August 31, 2005. No City match is required.)
The motion authorizing the acceptance of grant funds and Ordinance No. 040902-11 was approved.
12. Approve the negotiation and execution of a twelve-month contract with the AUSTIN TENANT'S COUNCIL, Austin, TX, in an amount not to exceed \$278,870 for tenant-landlord counseling, technical assistance and mediation assistance to correct violations of the City Uniform Housing Code with local amendments, public education and information about tenant-landlord relationships, tenant rights, and the federal Fair Housing Act and the investigation of housing discrimination complaints. (Funding is available in the Proposed Fiscal Year 2004-2005 Operating Budget of Neighborhood Housing and Community Development and will come from Community Development Block Grant funds. Funding is subject to Environmental Review and Fund Release.)
The motion authorizing the negotiation and execution of a contract was approved.
13. Approve the negotiation and execution of a twelve month contract with the URBAN RENEWAL AGENCY of the City of Austin, Austin, TX, in an amount not to exceed \$148,000 for the purpose of providing funds for the Agency to acquire property and to provide relocation assistance, to secure insurance, and to pay for other necessary expenses of the Agency in connection with the redevelopment set forth in the East 11th and East 12th Streets Urban Renewal Plan. (Funding of \$105,000 is available in the Fiscal Year 2003-2004 Neighborhood Housing and Community Development Office 29th Year Community Development Block Grant funds, and \$43,000 is available in the Proposed Fiscal Year 2004-2005 Neighborhood Housing and Community Development Office 30th Year Community Development Block Grant East 11th and 12th Streets Redevelopment Program. Funding is subject to Environmental Review and Fund Release.)
The motion authorizing the negotiation and execution of a contract was approved.
14. Authorize an application of grant funding from U.S. Department of Justice, National Institute of Justice, Solving Cold Cases with DNA grant program in the amount of \$527,893 for investigative support for the Austin Police Department. (Funding is available in the Solving Cold Cases with DNA grant program for the period April 1, 2005 to March 31, 2007. A cash match is not required.)
The motion authorizing an application of grant funding was approved.
15. Approve a resolution to authorize negotiation and execution of the fee simple acquisition of a tract of land containing 0.998 acres, more or less, out of the Noel M. Bain Survey, Abstract No. 61, in Travis County, Texas, and being out of that property described in Deed recorded in Volume 4633, Page 1374 of the Deed Records of Travis County, Texas, locally known as 7416 Towery Lane, from Ellis Joseph Williams, for the Airport Noise Mitigation Program, in the amount of \$75,000 for the land and improvements and \$26,485 relocation benefits, plus closing costs and moving related expenses in the amount of \$10,000, for an amount not to exceed \$111,485. (Funding in the amount

of \$111,485 is available in the Fiscal Year 2003-2004 Amended Capital Budget of the Department of Aviation using airport funds and available Federal Aviation Administration (FAA) Grants.)
Resolution No. 040902-15 was approved.

16. Approve a resolution to authorize the fee simple acquisition of 5.004 acre tract of land out of the Noel M. Bain Survey No. 1, Abstract No. 61, Travis County, Texas, being that same tract called 5.003 acres as conveyed to Jose A. Mairena and Adriana Davilia Mairena, by deed recorded in Document Number 20000178053, Official Public Records Of Travis County, Texas, locally known as 11408 McAngus Road, from Jose A. Mairena and Adriana Davilia Mairena for the Airport Noise Mitigation Program, in the amount of \$158,000 for the land and improvements, plus closing costs and moving related expenses in the amount of \$20,000, for an amount not to exceed \$178,000. (Funding in the amount of \$178,000 is available in the Fiscal Year 2003-2004 Amended Capital Budget of the Department of Aviation using airport funds and available Federal Aviation Administration (FAA) Grants.)
Resolution No. 040902-16 was approved.
17. Approve an ordinance vacating approximately 0.0854 acres of the western 10,000 Block of Jean Drive at the intersection of Jean Drive and Applegate to Gilberto I. and Maria Elena Puente, 205 East Applegate (Lot 3, Block 5, Mockingbird Hill, Section 2, Travis County, Texas) and vacating approximately 0.854 acres of the eastern 10,000 Block of Jean Drive to Clarissa Anne Reburn, 301 East Applegate (Lot 1, Block 6, Mockingbird Hill, Section 2, Travis County, Texas) for consideration in the amount not to exceed \$15,058.56. (Recommended by Zoning and Platting Commission and Urban Transportation Commission.)
Ordinance No. 040902-17 was approved.
18. Authorize negotiation and execution of a professional services agreement with PBS&J, INC., Austin, TX, for preliminary engineering studies and a watershed erosion assessment report for the Carson Creek Watershed in an amount not to exceed \$200,000. (Funding is available in the Fiscal Year 2003-2004 Capital Budget of the Watershed Protection and Development Review Department.) Best qualification statement of seven received. 17% MBE and 17% WBE subconsultant participation.
The motion authorizing the negotiation and execution of a professional services agreement was approved.
19. Authorize execution of a construction contract with SCR CONSTRUCTION CO. INC., Richmond, TX, for 2004 Miscellaneous Bridge Maintenance contract for work on fourteen bridges throughout the City of Austin in an amount not to exceed \$481,782.50. (Funding is available in the Fiscal Year 2003-2004 Operating Budget of the Public Works Department Transportation Fund.) Lowest bid of four received. 10.86% MBE and 5.41% WBE subcontractor participation.
The motion authorizing the execution of a construction contract was approved.
20. Authorize execution of a construction contract with MUNIZ CONCRETE AND CONTRACTING INC., (MBE/MH 93.65 %), Austin, TX, for the construction of the Capital Metropolitan Transportation Authority Group 1 Sidewalk Improvements project in an amount not to exceed \$591,817.79. (Funding is available in the Fiscal Year 2003-2004 Amended Capital Budget of the Transportation, Planning, and Sustainability Department.) Lowest bid of three received. 0.16% MBE and 6.19% WBE project participation.
The motion authorizing the execution of a construction contract was approved.

21. Authorize execution of a 24-month contract with OMNI ELEVATOR, San Antonio, TX, for escalator and elevator full maintenance and repair services in an amount not to exceed \$1,315,148, with two 24-month extension options in an amount not to exceed \$1,315,148 per extension option, for a total agreement amount not to exceed \$3,945,444. (Funding in the amount of \$109,596 is available in the Fiscal Year 2003-2004 Approved Operating Budget of the Aviation Department. Funding for the remaining twenty-two months of the original contract period and extension options is contingent upon available funding in future budgets.) Best value bid of six bids received. This contract will be awarded in compliance with Chapter 2-9 of the City Code (Minority-Owned and Women-Owned Business Enterprise Procurement Program). No subcontracting opportunities were identified; therefore, no goals were established for this solicitation.
The motion authorizing the execution of a contract was approved.
22. Authorize execution of a contract with TRADEWIND SCIENTIFIC LTD, Ottawa, Canada, for the purchase of a runway friction tester in an amount not to exceed \$49,500. (Funding in the amount of \$49,500 is available in the Fiscal Year 2003-2004 Amended Capital Budget of the Aviation Department. FAA Grant No. 31-Runway Equipment, Perimeter Road Study, and Elevator and Escalator Improvements, will pay for 75% of the bid price.) 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 contract was approved.
23. Authorize execution of a contract with POWELL INDUSTRIES, INC., Houston, TX, for two 15kV arc resistant switchgear in an amount not to exceed \$817,562. (Funding is available in the Fiscal Year 2003-2004 Amended Capital Budget of the Electric Utility Department.) Low bidder meeting specifications 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.
24. Authorize execution of a 12-month supply agreement with KBS ELECTRICAL DISTRIBUTORS, Austin, TX, for electrical supplies in an amount not to exceed \$68,478.40, with three 12-month extension options in an amount not to exceed \$68,478.40, for a total agreement amount not to exceed \$273,913.60. (Funding in the amount of \$5,706.53 is available in Fiscal Year 2003-2004 Amended Operating Budget of the Electric Utility Department. Funding for the remaining 11-months of the original contract period and extension options is contingent upon available funding in future budgets.) Lowest bid of eight 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.
25. Authorize execution of a contract with LONGHORN INTERNATIONAL TRUCKS, LTD, Austin, TX, for the purchase of a dump truck for the Public Works Department in an amount not to exceed \$66,851. (Funding is available in the Fiscal Year 2003-2004 Amended Capital Budget of the Transportation, Planning and Sustainability Department.) 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 contract was approved.

26. Authorize execution of a 12-month supply agreement with BWI-SCHULENBURG, INC, Schulenburg, TX, for nursery supplies in an amount not to exceed \$97,184, with two 12-month extension options in an amount not to exceed \$97,184 per extension option, for a total agreement amount not to exceed \$291,552. (Funding in the amount of \$8,099 is available in the Fiscal Year 2003-2004 Approved Operating Budgets of several City departments. Funding for the remaining eleven months of the original contract period and extension options is contingent upon available funding in future budgets.) One bid received. This contract will be awarded in compliance with Chapter 2-9 of the City Code (Minority-Owned and Women-Owned Business Enterprise Procurement Program). No subcontracting opportunities were identified; therefore, no goals were established for this solicitation.
The motion authorizing the execution of a supply agreement was approved.
27. Authorize execution of a 12-month supply agreement with MILLER UNIFORMS & EMBLEMS, INC, Austin, TX, for reflective, traffic safety vests in an amount not to exceed \$52,360, with two 12-month extension options in an amount not to exceed \$52,360, for a total agreement amount not to exceed \$157,080. (Funding in the amount of \$4,363 is available in the Fiscal Year 2003-2004 Approved Operating Budgets of the Emergency Medical Services and Austin Fire Department. Funding for the remaining eleven-months of the original contract period and extension options is contingent upon available funding in future budgets.) Low bid meeting specification of sixteen 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.
28. Authorize execution of a supply/service agreement with SOUTHWEST X-RAY COMPANY, Dallas, TX, for the purchase of a computed radiography system in an amount not to exceed \$93,398, with two 12-month extension options for extended annual warranties in an amount not to exceed \$10,000 per extension option, for a total agreement amount not to exceed \$113,398. (Funding in the amount of \$93,398 is available in the Fiscal Year 2003-2004 Approved Operating Budget of the Health and Human Services Department. Funding for the extension options is contingent upon available funding in future budgets.) Lowest bid of four bids received. This contract will be awarded in compliance with Chapter 2-9 of the City Code (Minority-Owned and Women-Owned Business Enterprise Procurement Program). No subcontracting opportunities were identified; therefore, no goals were established for this solicitation.
The motion authorizing the execution of a supply/service agreement was approved.
29. Authorize negotiation and execution of a 12-month interlocal agreement with Travis County, through Travis County Services for the Deaf and Hard of Hearing, for sign language interpretation services for the Community Care Services Department, Health and Human Services Department and the Municipal Court in an amount not to exceed \$63,413, with eight 12-month extension options in an amount not to exceed \$63,413 per extension option, for a total agreement amount not to exceed \$570,717. (Funding in the amount of \$37,000 is included in the Fiscal Year 2004-2005 Proposed Operating Budget of the Community Care Services Department. Funding in the amount of \$16,413 is included in the Fiscal Year 2004-2005 Proposed Operating Budget of the Municipal Court. Funding in the amount of \$10,000 is included in the Fiscal Year 2004-2005 Proposed Operating Budget of the Health and Human Services Department. Funding for the extension options is contingent upon available funding in future budgets.) Interlocal agreement.
The motion authorizing the negotiation and execution of an interlocal agreement was approved.

30. Authorize negotiation and execution of a contract with DECCAN INTERNATIONAL, San Diego, CA, for the purchase and installation of supplemental software for the TriTech CAD system used in responding to 9-1-1 calls, in an amount not to exceed \$178,500. (Funding is available in the Fiscal Year 2003-2004 Operating Budget of the Communications and Technology Management Special Revenue Fund. Funding is through a grant from the Office for Domestic Preparedness, U.S. Department of Homeland Security and administered by the Texas Engineering Extension Service (TEEX), a member of the Texas A&M University System.) 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 contract was approved.
31. Authorize negotiation and execution of a 12-month professional services agreement with INDUSTRIAL/ORGANIZATIONAL SOLUTIONS, INC., Winchester, IL, for police civil service assessment centers in an amount not to exceed \$50,000, with two 12-month extension options in an amount not to exceed \$50,000 per extension, for a total agreement amount not to exceed \$150,000. (Funding in the amount of \$4,167 is available in the Fiscal Year 2003-2004 Approved Operating Budget of the Human Resources Department. Funding for the remaining 11 months of the original contract period and extension options is contingent upon available funding in future budgets.) Best proposal of four proposals received. This contract will be awarded in compliance with Chapter 2-9 of the City Code (Minority-Owned and Women-Owned Business Enterprise Procurement Program). No subcontracting opportunities were identified; therefore, no goals were established for this solicitation. (Recommended by the Austin Police Association.)
This item was postponed indefinitely and withdrawn from the agenda.
32. Authorize negotiation and execution of a 12-month service agreement with WORKERS ASSISTANCE PROGRAM, Austin, TX, for employee assistance program services in an amount not to exceed \$163,007, with two 12-month extension options in an amount not to exceed \$163,007 per extension option, for a total agreement amount not to exceed \$489,021. (Funding in the amount of \$149,423 is included in the Fiscal Year 2004-2005 Proposed Operating Budget for the Employees Benefits Fund of the Human Resources Department. Funding for the remaining one month of the original contract period and extension options is contingent upon available funding in future budgets.) Best proposal of five proposals received. This contract will be awarded in compliance with Chapter 2-9 of the City Code (Minority-Owned and Women-Owned Business Enterprise Procurement Program). No subcontracting opportunities were identified; therefore, no goals were established for this solicitation.
The motion authorizing the negotiation and execution of a service agreement was approved.
33. Authorize negotiation and execution of a 12-month service agreement with STANDARD INSURANCE COMPANY, Portland, OR, for short term and long term disability insurance coverage in an amount not to exceed \$2,828,741, with two 12-month extension options in an amount not to exceed \$2,927,747 for the first extension option, and \$3,092,830 for the second extension option, for a total agreement amount not to exceed \$8,849,318. (Funding in the amount of \$2,121,556 is included in the Fiscal Year 2004-2005 Proposed Operating Budget of the Employee Benefits Fund of the Human Resources Department. Funding for the remaining three months of the original contract period and extension options is contingent upon available funding in future budgets.) Best proposal of three proposals received. This contract will be awarded in compliance with Chapter 2-9 of the City Code (Minority-Owned and Women-Owned Business Enterprise Procurement Program). No subcontracting opportunities were identified; therefore, no goals were established for this solicitation.
The motion authorizing the negotiation and execution of a service agreement was approved.

34. Authorize execution of a 12-month service agreement with D & L ENTERTAINMENT SERVICES, INC., Dallas, TX, for security and crowd management services in an amount not to exceed \$72,432, with two 12-month extension options in an amount not to exceed \$72,432 per extension option, for a total agreement amount not to exceed \$217,296. (Funding in the amount of \$6,036 is available in the Fiscal Year 2003-2004 Approved Operating Budget of the Austin Convention Center Department. Funding for the remaining 11 months of the original contract period and extension options is contingent upon available funding in future budgets.) Lowest responsive bid of eight 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. Authorize negotiation and execution of a contract with CITI ARTS, Charlotte, NC, to create a Civic Arts/Public Art Downtown Master Plan in an amount not to exceed \$75,000; and in the event negotiations are unsuccessful with Citi Arts, authorize negotiation and execution of a contract with BARNEY & WORTH, INC., Portland, OR, in an amount not to exceed \$75,000. (Funding in the amount of \$75,000 is available in the Fiscal Year 2003-2004 Approved Operating Budget of the Economic Growth and Redevelopment Services Office.) Best proposal of ten proposals received. This contract will be awarded in compliance with Chapter 2-9 of the City Code (Minority-Owned and Women-Owned Business Enterprise Procurement Program). No subcontracting opportunities were identified; therefore, no goals were established for this solicitation. (Recommended by the Art In Public Places Panel, the Austin Arts Commission, and the Austin Design Commission.)
This item was postponed to September 30, 2004.

Item 36 was pulled for discussion.

37. Approve an ordinance to annex the 290 S.M.A.R.T. Housing Tract (Approximately 23 acres in Travis County south of US Highway 290 East, east of the abandoned MKT Railroad and north of Old Manor Road); grant MF 3 interim zoning designation for the property within the annexation area; waive zoning application fees for property within the annexed area for a period of one year from the effective date of annexation; and postpone the enforcement of fireworks sales regulations in the expanded 5000 foot area adjacent to the city limits of this annexation area for 20 days after the effective date. (Funding necessary to provide general governmental services to this tract is available in the budgets of the departments which will be providing the services.)
This item was postponed indefinitely and withdrawn from the agenda.
38. Amend the Fiscal Year 2003-2004 Transportation, Planning & Sustainability Department Capital Budget of Ordinance No. 030908-02 to appropriate funds from the Capital Metropolitan Transit Authority in the amount of \$1,600,000 for regional mobility, roadway improvements, sidewalk, bicycle and traffic signalization projects; and reallocation of funding for regional mobility, roadway improvements, sidewalk, bicycle and traffic signalization projects. (Funding is available from an Interlocal Agreement with Capital Metropolitan Transportation Authority (1/4 cent of each cent collected within the City's jurisdiction))
This item was postponed to September 30, 2004.
39. Authorize negotiation and execution of a 12-month State Use Agreement with TEXAS INDUSTRIES FOR THE BLIND AND HANDICAPPED, for vegetation control in creeks and detention/water quality ponds, and for the hauling of excessive vegetation and debris from specified job site locations to an acceptable landfill in an amount not to exceed \$1,618,000. (Funding in the amount of \$1,618,000 is included in the Fiscal Year 2004-2005 proposed Operating Budget of the Watershed Protection and Development Review Department.)
The motion authorizing the negotiation and execution of a State Use agreement was approved.

40. Approve an ordinance amending sections 14-10-14(A) and 15-2-15(A) of the City Code relating to exemptions from the Transportation User and Drainage Utility Fees for public institutions of higher education.
Ordinance No. 040902-40 was approved.

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

<u>Board/ Appointee</u>	<u>Consensus/ Council Nominee</u>	<u>Appointment/ Reappointment</u>
<u>Austin Community Education Consortium</u> Juan Alcala	Consensus	Appointment
<u>Resource Management Commission</u> Jeffrey Beckage	Consensus	Reappointment
<u>Robert Mueller Municipal Airport Plan Implementation Advisory Commission</u> Matthew Harris	Consensus	Reappointment
<u>Telecommunications Commission</u> Chad Williams	Council Member Slusher	Reappointment

42. Approve an ordinance waiving and reimbursing certain fees and requirements under Title [Chapter] 14 of the Code and authorizing payment of certain fees for the Fiesta de Independencia Foundation's Fiesta de Independencia to be held at Plaza Saltillo on September 15, 2004. (Council Member Raul Alvarez)
Ordinance No. 040902-42 was approved.

43. Approve the waiver and reimbursement of certain fees required under Title 14 of the Code and payment of certain costs for the Texas Quarter Launch event that was held on June 10, 2004. (Council Member Brewster McCracken and Mayor Will Wynn)
The motion authorizing the waiver and reimbursement of certain fees was approved.

44. Set public hearings for the full purpose annexation of the following areas: **290/Ed Bluestein ROW Area** (Approximately 16 acres in Travis County at the southeast corner of the intersection of US Highway 290 East and Ed Bluestein). **Alum Rock ROW Area** (Approximately 1.3 acres of Alum Rock right-of-way in Travis County approximately 655 feet south of the intersection of Colton Bluff Springs and Alum Rock and 175 feet north of the intersection of Thaxton and Alum Rock). **Burleson Road ROW Area** (Approximately 6 acres of Burleson Road right-of-way in Travis County east of the intersection of Burleson Road and US Highway 183). **Canyon Creek West 50 foot strip Area** (Approximately 1 acre in Travis County east of FM 620 approximately 1,400 feet south of the intersection of Boulder Lane and FM 620). **Dessau Road ROW Area** (Approximately 5.3 acres of Dessau Road right-of-way in Travis County north of the intersection of Dessau Road and Parmer Lane and south of the intersection of Dessau Road and Bradbury). **Market at Wells Branch Area** (Approximately 0.5 acres in Travis County south of Wells Branch Parkway and west of Howard Lane at the intersection of Wells Branch Parkway and Howard Lane). **Nelson Area** (Approximately 164.9 acres in Travis County north of FM 969 and east of Decker Lane approximately 460 feet north of the intersection of FM 969 and Decker Lane). **Overcash Area** (Approximately 6 acres in Travis County east of Dessau Road approximately 1,900 feet east of the intersection of Dessau Road and Collinwood West Drive). **Parmer Area /US 290 East ROW** (Approximately 17.6 acres of Parmer Lane ROW in Travis County north of the intersection of Parmer Lane and US Highway 290 East). **Southwest Parkway ROW Area** (Approximately 8.8

acres of Southwest Parkway right-of-way in Travis County west of the intersection of Southwest Parkway and Foster Ranch Road and east of the intersection of Southwest Parkway and Mirador Drive). **Greenshores Area** (Approximately 176.8 acres located in Travis County approximately one mile east of the intersection of City Park Road and Pearce Road.) (Suggested dates and times: September 30, 2004 at 6:00 p.m., Lower Colorado River Authority, Hancock Building; October 7, 2004 at 6:00 p.m., Lower Colorado River Authority, Hancock Building).

The public hearings were set for September 30 and October 7, 2004 at 6:00 p.m., Lower Colorado River Authority, Hancock Building.

Items 45 through 51 were Executive Session items.

Item 52 was action on Executive Session item.

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

Items 54 through 62 and Z-1 through Z-11 were Zoning items.

Items 63 through 64 were public hearings set for 6:00 p.m.

Items 65 through 67 were budget public hearings set for 6:00 p.m.

Item 68 was a time certain item of 6:00 p.m.

DISCUSSION ITEM

36. Authorize negotiation and execution of a 60-month service agreement with AMPCO SYSTEM PARKING, Houston, TX, for parking lot operation and management at the new City Hall, in an amount not to exceed \$1,212,977, with two 12-month extension options in an amount not to exceed \$249,432 per extension option, for a total agreement amount not to exceed \$1,711,841. (Funding in the amount of \$215,249 is included in the Fiscal Year 2004-2005 Proposed City Hall Parking Fund. Funding for the remaining 48-months of the original contract period and extension options is contingent upon available funding in future budgets.) Best proposal of six proposals received. This contract will be awarded in compliance with Chapter 2-9 of the City Code (Minority-Owned and Women-Owned Business Enterprise Procurement Program). No subcontracting opportunities were identified; therefore, no goals were established for this solicitation.

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

Mayor Wynn recessed the Council Meeting to go into Executive Session at 11:09 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 45 was discussed later in Executive Session.

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

47. Discuss legal issues in *S.R. Ridge Limited Partnership v. City of Austin and Stratus Properties, Inc.*; Cause No. A-03-CA-832SS; U.S. District Court, Western District, Austin Division. (Concerns alleged breach of a 1996 settlement agreement affecting development rights on property at Slaughter and MoPac, where a Wal-Mart had been proposed.) (Related Item 52)
This item was withdrawn.
48. Discuss legal issues in *Austin Community Coalition for Responsible Development v. City of Austin, TX, S.R. Ridge Limited Partnership, James G. Monaghan, and Monaghan Company f/k/a/ Maple Run Joint Venture*; Cause No. GN402443, 353rd District Court, Travis County, Texas (seeks court declarations regarding the validity of a 1996 settlement agreement affecting development rights on property at Slaughter and MoPac.)
This item was withdrawn.

Item 49 through 51 were discussed later in Executive Session.

Executive Session ended at 12:17 p.m.

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

CITIZEN COMMUNICATIONS: GENERAL

Jimmy Castro - A.I.S.D. Bond Election

Bruno Conegliano - Voter's Registration. **He was not present when his name was called.**

Betty Quinell - Beef with City of Austin concerning quality of hiring Police Employees at the Taxpayer's Expense. **She was not present when her name was called.**

Pat Johnson - City Council

Mayor Wynn recessed the Council Meeting to go into Executive Session at 12:27 p.m.

EXECUTIVE SESSION CONTINUED

45. Discuss legal issues related to implementation of the Travis County Hospital District.

Real Property - Section 551.072

49. Discuss terms of sale for the Mueller site (former Robert Mueller Municipal Airport) to Catellus Austin, L.L.C.

Homeland Security - Section 418.183(f) of the Texas Government Code and Security Personnel or Devices - Section 551.076

51. Discuss homeland security issues affecting the City of Austin.

Executive Session ended and Mayor Wynn called the Council Meeting back to order at 2:19 p.m.

BRIEFINGS

53. Presentation of the Fiscal Year 2004-2005 Proposed Budget for the Utilities, including the Austin Water Utility, the Solid Waste Services Department and Austin Energy.
The presentation was made by Joe Canales, Deputy City Manager; Juan Garza, General Manager, Austin Energy; Roger Duncan, Vice President, Austin Energy; Chris Lippe, Director, Austin Water Utility; and Willie Rhodes, Director, Solid Waste Services.

Mayor Wynn recessed the Council Meeting to go into Executive Session at 3:14 p.m.

EXECUTIVE SESSION CONTINUED**Real Property – Section 551.072**

50. Discuss acquisition of an interest in real property for Open Space as authorized under Proposition 2 of the November 7, 2000 Bond Election through City's Agreement with Hill Country Conservancy.

The Executive Session ended and Mayor Wynn called the Council Meeting back to order at 4:07 p.m.
Action on Executive Session

52. Consider a limited waiver of the City's attorney-client privilege as it relates to the executive session held by City Council on September 25, 2003, to allow the City Attorney to answer questions relating to the 1996 settlement agreement that is the subject of *S. R. Ridge Limited Partnership v. City of Austin and Stratus Properties, Inc.*; Cause No. A-03-CA-832SS; U.S. District Court, Western District, Austin, Texas. (Concerns alleged breach of a 1996 settlement agreement affecting development rights on property at Slaughter and MoPac, where a Wal-Mart had been proposed)(Related Item 47)
This item was withdrawn.

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 Mayor Pro Tem Goodman's motion, Council Member Thomas' second on a 7-0 vote.

54. C814-98-0001.01 - Southwest Marketplace (an amendment to The Forum P.U.D.) - Approve second and third readings of an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 4201-4515 West William Cannon Drive and 6900-7238 South MoPac Expressway (Williamson Creek Watershed-Barton Springs Zone) from planned unit development (PUD) district zoning to planned unit development (PUD) district zoning with conditions. This property is located in the Barton Springs Zone, has been proposed for a zoning change that will: 1) modify the original conditions of zoning, and 2) modify the application of Chapter 25-8, Article 12 (Save Our Springs Initiative). First reading on August 27, 2004. Vote: 6-1, McCracken nay. Conditions met as follows: Ordinance and Restrictive Covenant incorporates the conditions imposed or accepted by City Council at first ordinance reading. Applicant: Hay Barn Ltd. (Carey P. Brownlee). Agent: Drenner Stuart Wolff Metcalfe von Kreisler, LLP (Michele Haussmann). City Staff: Wendy Walsh, 974-7719.
Ordinance No. 040902-54 was approved. Council Member McCracken voted nay.

60. C14-04-0072 - Powerhouse Lounge - Approve second reading of an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 515 Pedernales Street and 2507 E. 6th Street (Town Lake Watershed) from commercial liquor sales-mixed use-conditional overlay-neighborhood plan (CS-1-MU-CO-NP) combining district zoning to general commercial services-mixed use-conditional overlay-neighborhood plan (CS-MU-CO-NP) combining district zoning. First reading on July 29, 2004. Vote: 7-0. Conditions met as follows: No conditions were imposed by Council on first ordinance reading. Applicant: City of Austin. Agent: Neighborhood Planning and Zoning Department (Glenn Rhoades). City Staff: Glenn Rhoades, 974-2775. Note: The property owner has filed a valid petition in opposition to this rezoning request. This item was postponed to September 30, 2004 at the owner'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 Mayor Pro Tem Goodman's motion, Council Member Dunkerley's second on a 7-0 vote.

- Z-3 C14-04-0103 - Parkside at Slaughter Creek, Lot 127, Block C - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by zoning property locally known as 1825 National Park Boulevard (Slaughter Creek Watershed) from interim-rural residence (I-RR) district zoning to community commercial (GR) district zoning. Zoning and Platting Commission Recommendation: To grant community commercial-conditional overlay (GR-CO) combining district zoning with conditions. Applicant: Lumbermen's Investment Corp. (Robert M. Mann). Agent: Vaughn & Associates (Rick Vaughn). City Staff: Wendy Walsh, 974-7719. Ordinance No. 040902-Z-3 for community commercial-conditional overlay (GR-CO) combining district zoning with conditions was approved.
- Z-4 C14-04-0084 - Hoskins 10 - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 412, 414, 426 and 428 Thompson Lane (Carson Creek Watershed) from rural residence (RR) district zoning to general commercial services (CS) district zoning. Zoning and Platting Commission Recommendation: To grant general commercial services-conditional overlay (CS-CO) combining district zoning. Applicant: Fred W. Hoskins. Agent: Jim Bennett Consulting (Jim Bennett). City Staff: Wendy Walsh, 974-7719. Ordinance No. 040902-Z-4 for general commercial services-conditional overlay (CS-CO) combining district zoning was approved.
- Z-5 C14-04-0085 - Hoskins 20 - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by zoning property locally known as 411 Thompson Lane (Carson Creek Watershed) from interim-rural residence (I-RR) district zoning to general commercial services (CS) district zoning. Zoning and Platting Commission Recommendation: To grant general commercial services-conditional overlay (CS-CO) combining district zoning. Applicant: Fred W. Hoskins. Agent: Jim Bennett Consulting (Jim Bennett). City Staff: Wendy Walsh, 974-7719. Ordinance No. 040902-Z-5 for general commercial services-conditional overlay (CS-CO) combining district zoning was approved.
- Z-6 C14-04-0106 - Walnut Creek Greenbelt at Metric - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City code by rezoning property locally known as 12100 Block of Metric Blvd. (Walnut Creek Watershed) from multifamily residence low density (MF-2) district zoning to public (P) district zoning. Zoning and Platting Commission Recommendation: To grant public (P) district zoning. Applicant: City of Austin. Agent: Parks and Recreation Department (Sarah Campbell). City Staff: Glenn Rhoades, 974-2775. Ordinance No. 040902-Z-6 for public (P) district zoning was approved.

- Z-7 C14-04-0113 - Amy's Ice Cream - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 2109 Northland Drive (Shoal 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 grant general commercial services-conditional overlay (CS-CO) combining district zoning. Applicant: Conrad and Arvel Bohn. Agent: Crocker Consultants (Sarah Crocker). City Staff: Glenn Rhoades, 974-2775.
Ordinance No. 040902-Z-7 for general commercial services-conditional overlay (CS-CO) combining district zoning was approved.
- Z-8 C14-04-0092 - Spicewood/183 Zoning - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 12852 U.S. Highway 183 North (Rattan Creek Watershed) from development reserve (DR) district zoning to community commercial (GR) district zoning. Zoning and Platting Commission Recommendation: To grant community commercial-conditional overlay (GR-CO) combining district zoning. Applicant: John P. Nieman. Agent: Site Specifics (John Hussey). City Staff: Sherri Gager, 974-3057.
Ordinance No. 040902-Z-8 for community commercial-conditional overlay (GR-CO) combining district zoning was approved.
- Z-10 C14-04-0099 - Zimmerman Zoning - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 11108 Zimmerman Lane (Bull Creek Watershed) from development reserve (DR) district zoning to townhouse & condominium residence (SF-6) district zoning. Zoning and Platting Commission Recommendation: To grant townhouse & condominium residence-conditional overlay (SF-6-CO) district zoning. Applicant: Hamid Zarafshani. Agent: Crocker Consultants (Sarah Crocker). City Staff: Sherri Gager, 974-3057.
The first reading of the ordinance for townhouse & condominium residence-conditional overlay (SF-6-CO) district zoning was approved.

ZONING DISCUSSION ITEMS

61. C14-03-0157 - Harris Ranch - Approve third reading of an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as the south side of Davis Lane, between Brodie Lane and Westgate Boulevard (Slaughter Creek Watershed-Barton Springs Zone) from development reserve (DR) district zoning and rural residence (RR) district zoning to community commercial-conditional overlay (GR-CO) combining district zoning for Tract 1, and townhouse & condominium residence-conditional overlay (SF-6-CO) combining district zoning for Tract 2. First reading on June 24, 2004. Vote: 7-0. Second reading on August 26, 2004. Vote: 7-0. Conditions met as follows: Conditional Overlay and Restrictive Covenant incorporate the conditions imposed or accepted by City Council at second ordinance reading. Applicant: Robert Brent Harris, John Weldon Harris and Darrow Dean Harris. Agent: Weynand Development, Ltd. (Mike Weynand). City Staff: Wendy Walsh, 974-7719.
The motion to postpone this item to September 30, 2004 at the applicant's request was approved on Mayor Pro Tem Goodman's motion, Council Member McCracken's second on a 6-0. Council Member Slusher was off the dais.

Mayor Wynn recessed the Council Meeting to go into Executive Session at 5:44 p.m.

LIVE MUSIC

Gustavo Rodriguez

PROCLAMATIONS

Proclamation - Global Energy Conference - to be presented by Mayor Will Wynn and to be accepted by Michael McCluskey

Proclamation - A Week of Preparedness and Remembrance - to be presented by Mayor Will Wynn and to be accepted by Lindy McGinnis

Proclamation - Deloitte IMPACT Day - to be presented by Mayor Will Wynn and to be accepted by Amy Chronis

Executive Session ended and Mayor Wynn called the Council Meeting back to order at 6:40 p.m.

ZONING DISCUSSION ITEMS

55. Approve an ordinance amending Ordinance No. 040826-56, which adopts the Central Austin Neighborhood Plan as an element of the Austin Tomorrow Comprehensive Plan to change the future land use map for portions of Tracts 30, 33, 34, 35, 36, 40, 43, 44, 49, 50, 52, 60, 80, 80A, 81, 99A, 133, 133A, 148, 148A, 180, 181, 201, 204, 236 and 1019 in the West University Neighborhood Plan Area and portions of Tracts 503, 503A, 503B, 515, 516, 563A and 2104A, and 3406 Red River Street in the Hancock neighborhood Plan Area. The area is bounded by Lamar Blvd. And Duval St. to the west, 38th St. and 45th St. to the north, IH-35 to the east, and MLK Jr. Blvd. to the south, excluding the University of Texas at Austin campus. The Central Austin Combined Neighborhood Planning Area includes the Hancock, North University, and West University Neighborhood Planning Areas. (There is no fiscal impact associated with adopting the Central Austin Combined Neighborhood Plan. An estimate of the fiscal impact to implement all of the recommendations in the plan is \$14,566,100. This plan is advisory and does not legally obligate the Council to implement any particular recommendation.) (The Planning Commission recommended approval of the Central Austin Combined Neighborhood Plan on May 25, 2004.) (Related Items 56, 57, 58)

Ordinance No. 040902-55 was approved as follows:

The motion to postpone on third reading action on Tract 2104A to September 30, 2004 was approved on Council Member Dunkerley's motion, Mayor Pro Tem Goodman's second on a 7-0 vote.

The motion to approve Commercial Mixed Use designation for Tract 563A as the future land use in the Hancock Neighborhood Plan was approved on Council Member Dunkerley's motion, Council Member Thomas' second on a 6-1 vote. Mayor Pro Tem Goodman voted nay.

The motion to approve Multi-Family designation for Tract 30 as the future land use in the West University Neighborhood Plan Combining District was approved on Mayor Pro Tem Goodman's motion, Council Member Thomas' second on a 7-0 vote.

The motion to approve Multi-Family designation for Tract 33 as the future land use in the West University Neighborhood Plan Combining District was approved on Council Member Alvarez' motion, Mayor Pro Tem Goodman's second on a 7-0 vote.

The motion to postpone on third reading action on Tracts 34 and 35 to September 30, 2004 was approved on Council Member Slusher's motion, Council Member Thomas' second on a 7-0 vote.

The motion to postpone on third reading action on Tract 44 to September 30, 2004 was approved on Mayor Pro Tem Goodman's motion, Council Member Dunkerley's second on a 7-0 vote.

The motion to approve Multi-Family designation for Tract 36 as the future land use in the West University Neighborhood Plan Combining District was approved on Council Member Slusher's motion, Council Member Thomas' second on a 7-0 vote.

The motion to approve Office designation for Tract 40 as the future land use in the West University Neighborhood Plan Combining District was approved on Council Member Slusher's motion, Council Member Thomas' second on a 7-0 vote. The motion to reconsider this action and postpone it to September 30, 2004 was approved on Mayor Pro Tem Goodman's motion, Council Member Thomas' second on a 7-0 vote.

The motion to approve Single-Family designation for Tract 49 as the future land use in the West University Neighborhood Plan Combining District was approved on Council Member Alvarez' motion, Mayor Pro Tem Goodman's second on a 7-0 vote. The motion to reconsider this action and postpone it to September 30, 2004 was approved on Council Member Slusher's motion, Council Member Thomas' second on a 7-0 vote.

The motion to approve Single-Family designation for Tract 52 as the future land use in the West University Neighborhood Plan Combining District was approved on Council Member McCracken's motion, Council Member Thomas' second on a 7-0 vote.

The motion to approve Mixed Use designation for Tract 60 as the future land use in the West University Neighborhood Plan Combining District was approved on Council Member Thomas' motion, Council Member Slusher's second on a 7-0 vote.

The motion to postpone on third reading action on Tract 80A to September 30, 2004 was approved on Council Member McCracken's motion, Mayor Pro Tem Goodman's second on a 7-0 vote.

The motion to approve High Density Mixed Use designation for Tract 81 as the future land use in the West University Neighborhood Plan Combining District was approved on Council Member Dunkerley's motion, Council Member McCracken's second on a 7-0 vote.

The motion to approve Multi-Family designation for Tract 99A as the future land use in the West University Neighborhood Plan Combining District was approved on Council Member Alvarez' motion, Mayor Pro Tem Goodman's second on a 7-0 vote.

The motion to approve Multi-Family designation for 2802/2804 San Pedro and Single-Family for 2806/2808 San Pedro as the future land use in the West University Neighborhood Plan Combining District was approved on Mayor Pro Tem Goodman's motion, Mayor Wynn's second on a 7-0 vote.

The motion to postpone on third reading action on Tract 148A to October 7, 2004 was approved on Council Member Alvarez' motion, Council Member Thomas' second on a 7-0 vote.

The motion to approve Multi-Family designation for Tract 201 as the future land use in the West University Neighborhood Plan Combining District was approved on Council Member Thomas' motion, Mayor Pro Tem Goodman's second on a 7-0 vote.

The motion to approve Single-Family designation for a portion of Tract 204, 3106 King Street and 3105 King Lane, 3102 King Street and 3100 King Street, failed on Council Member

Alvarez' motion, Council Member McCracken's second on a 5-1-1 vote. Council Member Thomas voted no and Mayor Pro Tem Goodman abstained. The motion to postpone action on Tract 204 to September 30, 2004 was approved on Council Member Slusher's motion, Mayor Pro Tem Goodman's second on a 7-0 vote.

The motion to approve Single-Family designation for a portion of Tract 1019, 2833 and 2841 San Gabriel only, was approved on Mayor Pro Tem Goodman's motion, Mayor Wynn's second on a 7-0 vote.

The motion to approve Mixed-Use designation on Tract 236 as the future land use in the West University Neighborhood Plan Combining District was approved on Council Member Slusher's motion, Mayor Wynn's second on a 7-0 vote.

56. C14-04-0023 - Central Austin Combined Neighborhood Plan (Hancock Neighborhood) rezoning - Approve third reading of an ordinance amending Chapter 25-2 of the Austin City Code by zoning and rezoning property locally known as the Hancock Neighborhood, generally bounded on the north by 45th Street, on the south by Dean Keeton Street, on the west by Duval Street and on the east by IH-35. The proposed zoning changes will create a Neighborhood Plan (NP) combining district covering the entire area. Under the proposed Hancock NP, the Neighborhood Mixed Use Building special use is proposed for Tracts 514A, 515, 516, and 563A. The Planning Commission may recommend and the City Council may approve a zoning change to any of the following: Rural Residence (RR) district zoning; Single-Family Residence - Large Lot (SF-1) district zoning; Single-Family Residence-Standard Lot (SF-2) district zoning; Family Residence (SF-3) district zoning; Single-Family - Small Lot & Condominium Site (SF-4A/B) district zoning; Urban Family Residence (SF-5) district zoning; Townhouse & Condominium Residence (SF-6) district zoning; Multi-Family Residence - Limited Density (MF-1) district zoning; Multi-family Residence - Low Density (MF-2) district zoning; Multi-family Residence - Medium Density (MF-3) district zoning; Multi-family Residence - Moderate-High Density (MF-4) district zoning; Multi-family Residence - High Density (MF-5) district zoning; Multi-family Residence - Highest Density (MF-6) district zoning; Mobile Home Residence (MH) district zoning; Neighborhood Office (NO) district zoning; Limited Office (LO) district zoning; General Office (GO) district zoning; Commercial Recreation (CR) district zoning; Neighborhood Commercial (LR) district zoning; Community Commercial (GR) district zoning; Warehouse / Limited Office (W/LO) district zoning; Commercial Services (CS) district zoning; Commercial-Liquor Sales (CS-1) district zoning; Commercial Highway (CH) district zoning; Industrial Park (IP) district zoning; Major Industrial (MI) district zoning; Limited Industrial Services (LI) district zoning; Research and Development (R&D) district zoning; Development Reserve (DR) district zoning; Agricultural (AG) district zoning; Planned Unit Development (PUD) district zoning; Historic (H) district zoning; and Public (P) district zoning. A Conditional Overlay (CO) combining district, Planned Development Area (PDA) combining district, Mixed Use (MU) combining district; Neighborhood Conservation (NC) combining district; or special uses for a Neighborhood Plan (NP) combining district may also be added to these zoning base districts. First reading on June 10, 2004. Vote: 7-0. Second reading August 5, 2004. Third reading for portions of NPCD on August 26, 2004. Vote 7-0. Applicant: City of Austin. Agent: Neighborhood Planning and Zoning Department. City Staff: Tom Bolt, 974-2755, Glenn Rhoades, 974-2775. Note: A valid petition has been filed in opposition to this zoning request. (Related Items 55, 57, 58)

Ordinance No. 040902-56 was approved as follows:

The motion to postpone on third reading action on Tract 2104A to September 30, 2004 was approved on Council Member Dunkerley's motion, Mayor Pro Tem Goodman's second on a 7-0 vote.

The motion to approve the third reading of Tract 563A the same as the second reading but adding the 40' height restriction failed on Mayor Pro Tem Goodman's motion, Council

Member McCracken's second on a 5-2 vote. It failed because the valid petition required 6 votes to approve it.

The motion to approve the third reading as follows was approved on Council Member Dunkerley's motion, Council Member Thomas' second on a 6-1 vote. Mayor Pro Tem Goodman voted nay. The motion was to make Tract 563A, 4427-4429 Duval Street, CS-MU-CO-NP, adding the 40' height restriction, allowing service stations as a permitted use, with conditional uses including: automotive rentals, repair, and sales, commercial off-street parking, congregate living, hospital services-limited, laundry services, and monument retail sales. Prohibited uses include: agricultural sales and services, automotive washing, building maintenance services, business or trade school, business support services, campground, college and university facilities, commercial blood plasma center, construction sales and services, convenience storage, drive-through accessory uses, drop-off recycling collection facilities, electronic prototype assembly, equipment repair services, equipment sales, exterminating services, funeral services, hospital services—general, hotel-motel, indoor entertainment, indoor sports and recreation, kennels, limited warehousing and distribution, maintenance and service facilities, outdoor entertainment, outdoor sports and recreation, pawn shop services, research services, residential treatment and vehicle storage.

57. C14-04-0021 - Central Austin Combined Neighborhood Plan (West University Neighborhood) rezoning - Approve third reading of an ordinance amending Chapter 25-2 of the Austin City Code by zoning and rezoning property locally known as the West University Neighborhood Plan Area, generally bounded on the north by 38th Street, on the south by Martin Luther King Jr. Blvd., on the west by Lamar Blvd. and on the east by Guadalupe Street. The proposed zoning change will create a Neighborhood Plan (NP) combining district covering the entire area. Under the proposed West University NP, the Neighborhood Mixed Use Building special use is proposed for Tracts 80A, 81, and 236. The Planning Commission may recommend and the City Council may approve a zoning change to any of the following: Rural Residence (RR) district zoning; Single-Family Residence - Large Lot (SF-1) district zoning; Single-Family Residence-Standard Lot (SF-2) district zoning; Family Residence (SF-3) district zoning; Single-Family - Small Lot & Condominium Site (SF-4A/B) district zoning; Urban Family Residence (SF-5) district zoning; Townhouse & Condominium Residence (SF-6) district zoning; Multi-Family Residence - Limited Density (MF-1) district zoning; Multi-family Residence - Low Density (MF-2) district zoning; Multi-family Residence - Medium Density (MF-3) district zoning; Multi-family Residence - Moderate-High Density (MF-4) district zoning; Multi-family Residence - High Density (MF-5) district zoning; Multi-family Residence - Highest Density (MF-6) district zoning; Mobile Home Residence (MH) district zoning; Neighborhood Office (NO) district zoning; Limited Office (LO) district zoning; General Office (GO) district zoning; Commercial Recreation (CR) district zoning; Neighborhood Commercial (LR) district zoning; Community Commercial (GR) district zoning; Warehouse / Limited Office (W/LO) district zoning; Commercial Services (CS) district zoning; Commercial-Liquor Sales (CS-1) district zoning; Commercial Highway (CH) district zoning; Industrial Park (IP) district zoning; Major Industrial (MI) district zoning; Limited Industrial Services (LI) district zoning; Research and Development (R&D) district zoning; Development Reserve (DR) district zoning; Agricultural (AG) district zoning; Planned Unit Development (PUD) district zoning;; Historic (H) district zoning; and Public (P) district zoning. A Conditional Overlay (CO) combining district, Planned Development Area (PDA) combining district, Mixed Use (MU) combining district; Neighborhood Conservation (NC) combining district; or special use for a Neighborhood Plan (NP) combining district may also be added to these zoning base districts. First reading on June 10, 2004. Vote: 7-0. Second reading August 5, 2004. Third reading for portions of the NPCD on August 26, 2004. Vote: 7-0. Applicant: City of Austin. Agent: Neighborhood Planning and Zoning Department. City Staff: Tom Bolt, 974-2755 and Glenn Rhoades, 974-2775. Note: Valid petitions have been filed in opposition to this rezoning request. (Related Items 55, 56, 58)
- Ordinance No. 040902-57 was approved as follows:**

The motion to approve MF-4-CO-NP zoning (limit height to 45') on Tract 30 was approved on Mayor Pro Tem Goodman's motion, Council Member Thomas' second on a 7-0 vote.

The motion to approve MF-3-NP zoning on Tract 33 was approved on Council Member Alvarez' motion, Mayor Pro Tem Goodman's second on a 7-0 vote.

The motion to postpone on third reading action on Tract 34 and 35 to September 30, 2004 on Council Member Slusher's motion, Council Member Thomas' second on a 7-0 vote.

The motion to postpone on third reading action on Tract 44 to September 30, 2004 on Mayor Pro Tem Goodman's motion, Council Member Dunkerley's second on a 7-0 vote.

The motion to approve MF-1-CO-NP zoning (limit height to 30'; limit residential use to 3,000 square feet) on Tract 36 was approved on Council Member Slusher's motion, Council Member Thomas' second on a 7-0 vote.

The motion to approve GO-NP zoning on Tract 40 was approved on Council Member Slusher's motion, Council Member Thomas' second on a 7-0 vote. The motion to reconsider this action and postpone it to September 30, 2004 was approved on Mayor Pro Tem Goodman's motion, Council Member Thomas' second on a 7-0 vote.

The motion to approve SF-3-CO-NP (limit height to 30') on Tract 49 was approved on Council Member Alvarez' motion, Mayor Pro Tem Goodman's second on a 7-0 vote. The motion to reconsider this action and postpone it to September 30, 2004 was approved on Council Member Slusher's motion, Council Member Thomas' second on a 7-0 vote.

The motion to approve SF-3-CO-NP (limit height to 30') on Tract 52 was approved on Council Member McCracken's motion, Council Member Thomas' second on a 7-0 vote.

The motion to approve MF-4-CO-NP (45' height limit) on Tract 60 was approved on Council Member Thomas' motion, Council Member Slusher's second on a 7-0 vote.

The motion to postpone on third reading action on Tract 80A to September 30, 2004 was approved on Council Member McCracken's motion, Mayor Pro Tem Goodman's second on a 7-0 vote.

The motion to approve CS-MU-NP on Tract 81 was approved on Council Member Dunkerley's motion, Council Member McCracken's second on a 7-0 vote.

The motion to approved MF-4-CO-NP (limit height to 40') on Tract 99A was approved on Council Member Alvarez' motion, Mayor Pro Tem Goodman's second on a 7-0 vote.

The motion to rezone 2802 and 2804 San Pedro to MF-2-NP and 2806 and 2808 San Pedro to SF-3-CO-NP (30' height limit) was approved on Mayor Pro Tem Goodman's motion, Mayor Wynn's second on a 7-0 vote.

The motion to postpone on third reading action on Tract 148A to October 7, 2004 was approved on Council Member Alvarez' motion, Council Member Thomas' second on a 7-0 vote.

The motion to approve MF-3-CO-NP (limit height to 35') on Tract 201 was approved on Council Member Thomas' motion, Mayor Pro Tem Goodman's second on a 7-0 vote.

The motion to approve SF-3-CO-NP (limit height to 30') on a portion of Tract 204, 3106 King St. and 3105 King Ln., 3102 King St., and 3100 King St. failed on Council Member Alvarez' motion, Council Member McCracken's second a 5-1-1 vote. Council Member Thomas voted no. Mayor Pro Tem Goodman abstained. The motion to postpone action to September 30, 2004 was approved on Council Member Slusher's motion, Mayor Pro Goodman's second on a 7-0 vote.

The motion to approve SF-3-CO-NP (limit height to 30') on a portion on Tract 1019, 2833 and 2841 San Gabriel only, was approved on Mayor Pro Tem Goodman's motion, Mayor Wynn's second on a 7-0 vote.

The motion to approve CS-CO-NP zoning for Tract 236, with the following conditions, was approved on Council Member Slusher's motion, Mayor Wynn's second on a 7-0 vote. The conditions were: Allow the Mixed Use Buildings and limit height to 50'. Prohibit the following uses: automotive washing of any type, agricultural sales and services, campground, commercial off-street parking, construction sales and services, convenience storage, drop-off recycling collection facilities, electronic prototype assembly, equipment repair services, equipment sales, indoor sports and recreation, kennels, limited warehousing and distribution, maintenance and service facilities, monument retail sales, outdoor entertainment, outdoor sports and recreation, pawn shop services, transportation terminal and vehicle storage. The following conditional uses include: building maintenance services, club or lodge, commercial blood plasma center, group home class II, hospital services-general, hotel-motel, laundry services, research services, residential treatment and transitional housing.

58. Approve third reading of an ordinance amending Chapter 25-2 of the City Code to create the University Neighborhood Overlay (UNO) District generally located between Lamar Blvd. on the west and Guadalupe St. on the east and between 29th St. on the north and MLK Jr. Blvd. on the south. (There is no fiscal impact associated with this code amendment.) (Recommended by the Planning Commission.) (Related Items 55, 56, 57)

Ordinance No. 040902-58 was approved on Council Member Alvarez' motion, Mayor Pro Tem Goodman's second on a 7-0 vote as stated in the second reading, including the map approved in the first reading, with the following changes. 25-2-754 Setbacks would be amended to add, "A building under 60 feet in height along the following corridors that is built under the provisions of the University Neighborhood Overlay does not have to comply with the provision (D)(1) which requires that the local uses (types of commercial and civic uses allowed under the UNO) may not occupy more than 20% of the site: Guadalupe Street between MLK Jr. Boulevard and 29th Street, MLK Jr. Boulevard between Guadalupe Street and Rio Grande Street, and 24th Street between Guadalupe Street and Rio Grande Street. 25-2-757 Setbacks would read, "A building must be at least 12 feet from the front face of the curb of the adjacent street. 25-2-760 (B) Streetscape Improvements would read, "A site owner shall install a sidewalk not less than five feet wide along West 24 1/2th Street, San Pedro Street, West 21st Street, Hume Place and Salado Street. 25-2-765 Affordable Housing would read, "(A) A multi-family residential use established after (effective date of ordinance) must, for a period of not less than 15 years from the date a certificate of occupancy is issued, set aside at least: (1) 10 percent of the dwelling units on the site to house persons whose household income is less than 80 percent of the median income in the Austin statistical metropolitan area, as determined by the director of the Austin Neighborhood Housing and Community Development Department; and (2) except as provided in Subsection (B), an additional 10 percent of the dwelling units on the site to house persons who household income is less than 65 percent of the median income in the Austin statistical metropolitan area, as determined by the director of the Austin Neighborhood Housing and Community Development Department. (b) The University Neighborhood District Housing Trust Fund is established. Instead of complying with Paragraph (A)(2), a person may pay into the fund a fee of \$0.50 for each square foot of net rentable floor area in the multi-family residential use

development. (C) the director of the Austin Neighborhood Housing and Community Development Department may allocate money from the University Neighborhood District Housing Trust Fund for housing development in the university neighborhood overlay district that provides at least 10 percent of its dwelling units to persons whose household income is less than 50 percent of the median income in the Austin statistical metropolitan area, as determined by the director of the Austin Neighborhood Housing and Community Development Department, for a period of not less than 15 years from the date a certificate of occupancy is issued.

Off-street parking is not required for a commercial use if the use is located on a site with frontage along one of the following commercial corridors, whether or not the property owner has made the election to build under the University Neighborhood Overlay: Guadalupe Street between Martin Luther King, Jr. Blvd. to West 29th Street and West 24th Street between Guadalupe Street and Rio Grande Street.

In a height district of 50 feet or greater in the Outer West Campus District, a project may add an additional fifteen feet if 10% of the units are provided to individuals making 80% of the local median family income for a period of fifteen years. An additional 10% of the units will be provided at 50% of the local median family income for a period of fifteen years.

A project may reduce the required on-site parking to 40% of that required if 10% of the units are provided to individuals making 50% of the local median family income for a period of fifteen years.

59. C14-03-0049 - House of Tutors - Approve second/third readings of an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 2400 Pearl Street (Shoal Creek Watershed) from general-office-mixed use (GO-MU) district zoning to general commercial services-mixed use conditional overlay (CS-MU-CO) combining district zoning and multifamily residence highest density conditional overlay (MF-6-CO) combining district zoning. First reading on June 20, 2004. Vote: 4-3, Mayor Wynn, Mayor Pro Tem Goodman and Alvarez - nay. Conditions met as follows: Conditional Overlay incorporates the conditions imposed by Council on first ordinance reading with conditions. Applicant: House of Tutors Inc. (Hussain Malik). Agent: Holland Architecture (Jimmy Holland). City Staff: Glenn Rhoades, 974-2775. Note: A valid petition has been filed in opposition to this rezoning request.
The motion to postpone this item to September 30, 2004 was approved on Council Member Slusher's motion, Council Member McCracken's second on a 7-0 vote.
62. C814-04-0024 - Brodie 31 c/o Walters Southwest - Approve third reading of an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 9000-9600 Block of Brodie Lane (Williamson Creek Watershed-Barton Springs Zone) from development reserve (DR) district zoning to planned unit development (PUD) district zoning. First reading on August 12, 2004. Vote: 6-0. Goodman off the dais. Second reading August 26, 2004. Vote: 7-0. Conditions met as follows: Ordinance and restrictive covenant incorporates the conditions imposed or accepted by City Council at second ordinance reading. Applicant: 31 Deerfield Ltd. c/o William S. Walters, III (William S. Walters, III). Agent: Land Strategies, Inc. (Paul W. Linehan). City Staff: Wendy Walsh, 974-7719.
Ordinance No. 040902-62 was approved as read on the first reading with the following additions on Council Member Slusher's motion, Council Member Dunkerley's second on a 4-3 vote. Those voting aye were: Mayor Wynn and Council Members Dunkerley, Slusher and Thomas. Those voting nay were: Mayor Pro Tem Goodman and Council Members Alvarez and McCracken. The additions were to prohibit drive thru services for restaurants, two story limitation and limit the buildings to 40,000 gross square feet. Also, direction was given to the developer to work with the neighborhood to incorporate as many of their ideas as possible in the site plan development.

PUBLIC HEARINGS AND POSSIBLE ACTION

63. Conduct a public hearing and approve an ordinance establishing rates for basic cable service, equipment and installation services for Time Warner Entertainment Advance-Newhouse Partnership (Time Warner). (Approved by the Council Committee for Telecommunications Infrastructure on August 31, 2004.)
The public hearing was closed and Ordinance No. 040902-63 was approved on Mayor Pro Tem Goodman's motion, Council Member Alvarez' second on a 6-0 vote. Council Member Slusher was off the dais.
64. Conduct a public hearing for the full purpose annexation of Anderson Mill Road Right-of-Way (ROW), approximately 7.93 acres located along the northern edge of the Motorola campus on the east side of Parmer Lane.
The public hearing was closed on Council Member Alvarez' motion, Mayor Pro Tem Goodman's second on a 7-0 vote.

Budget Public Hearings

65. Conduct a public hearing to receive public comment on the proposed rate fee increases for the Drainage Fee of the Watershed Protection and Development Review Department as part of the Fiscal Year 2004-2005 Proposed budget.
The public hearing was closed on Mayor Pro Tem Goodman's motion, Council Member McCracken's second on a 6-0 vote. Council Member Alvarez was off the dais.
66. Conduct a public hearing to receive public comment on the proposed rate and fee changes for the Solid Waste Services Department as part of the Fiscal Year 2004-2005 Proposed Budget.
The public hearing was closed on Council Member Thomas' motion, Council Member Dunkerley's second on a 6-0 vote. Council Member Alvarez was off the dais.

ZONING DISCUSSION ITEMS CONTINUED

- Z-9 C14-04-0071 - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 8423 State Highway 71 West (Williamson Creek Watershed-Barton Springs Zone) from rural residence (RR) district zoning to neighborhood commercial-conditional overlay (LR-CO) combining district zoning. Zoning and Platting Commission Recommendation: To grant limited office-conditional overlay (LO-CO) combining district zoning. Applicant: City of Austin. Agent: Neighborhood Planning and Zoning Department. City Staff: Glenn Rhoades, 974-2775.
The public hearing was closed and first reading of the ordinance for limited office-conditional overlay (LO-CO) combining district zoning with a trip limitation of 2,000 was approved on Mayor Pro Tem Goodman's motion, Mayor Wynn'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.

68. Consider action on an appeal by Melton West of the Planning Commission's decision to deny a compatibility height waiver for property located at 1106 West 6th Street, Unit 301. (Public hearing conducted and closed on June 17, 2004.) (Denied by the Planning Commission.)
The motion to postpone this item to October 7, 2004 was approved on Council Member Slusher's motion, Council Member McCracken's second on a 7-0 vote.

ZONING DISCUSSION ITEMS CONTINUED

- Z-1 Conduct a public hearing and approve an ordinance amending Ordinance No. 020523-30, which adopted the North Loop Neighborhood Plan as an element of the Austin Tomorrow Comprehensive Plan, to change the Future Land Use Map from single-family residential to commercial-mixed use for property located at 0 (south 75 feet of lots 9, 10, & 11 and the north 75 feet of lots 12, 13 & 14, Block 1, Smith and Abrahamson Subdivision, Travis County, Texas), 100, 102 and 104 E. 51st Street. (Planning Commission made no recommendation.) (Related Item Z-2)

The public hearing was closed on Council Member Slusher's motion, Mayor Wynn's second on a 7-0 vote.

Ordinance No. 040902-Z-1 for SF-5-CO-NP was approved on Mayor Pro Tem Goodman's motion, Council Member McCracken's second on a 7-0 vote.

- Z-2 C14-04-0015 - 51st Street Mixed Use - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin Code by rezoning property locally known as 0 (south 75 feet of lots 9, 10 & 11 and the north 75 feet of lots 12, 13 & 14, Block 1, Smith and Abrahamson Subdivision, Travis County, Texas), 100, 102 and 104 East 51st Street (Waller Creek Watershed) from family residence-neighborhood plan (SF-3-NP) combining district zoning to neighborhood commercial-mixed use-conditional overlay-neighborhood plan (LR-MU-CO-NP) combining district zoning. Planning Commission Recommendation: To forward to Council without a recommendation. Applicant: Northfield Design Associates (Don Smith). Agent: Northfield Design Associates (Don Smith). City Staff: Glenn Rhoades, 974-2775. Note: A valid petition has been filed by property owners within 200 feet of the site. (Related Item Z-1)

The public hearing was closed on Council Member Slusher's motion, Mayor Wynn's second on a 7-0 vote.

Ordinance No. 040902-Z-2 for SF-5-CO-NP was approved on Mayor Pro Tem Goodman's motion, Council Member McCracken's second on a 7-0 vote.

- Z-11 C14-04-0060 - Walgreens - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 2409 South Lamar Boulevard and 0 Bluebonnet Lane (2.18 acres out of the Isaac Decker League and also being a portion of Lots 4 and 6, Theodore Low Heights, a subdivision of record in Travis County, Texas) (West Bouldin Creek Watershed) from family residence (SF-3) district zoning and general commercial services (CS) district zoning to neighborhood commercial (LR) district zoning for Tract 1 and limited office (LO) district zoning for Tract 2. Zoning and Platting Commission Recommendation: To grant neighborhood commercial-conditional overlay (LR-CO) combining district zoning for Tract 1 and limited office-conditional overlay (LO-CO) combining district zoning for Tract 2, with conditions. Applicant: Gene Charlesworth Payne. Agent: Drenner Stuart Wolff Metcalfe von Kreisler, LLP (Michele Haussmann). City Staff: Wendy Walsh, 974-7719.

The public hearing was closed on Mayor Pro Tem Goodman's motion, Mayor Wynn's second on a 7-0 vote.

The first reading for neighborhood commercial-conditional overlay (LR-CO) combining district zoning for Tract 1 and limited office-conditional overlay (LO-CO) combining district zoning for Tract 2, with conditions, was approved on Council Member Dunkerley's motion, Council Member Alvarez' second on a 6-1 vote. Council Member McCracken voted nay.

67. Conduct a public hearing to receive public comment on the proposed rate and fee changes for Austin Water Utility, as part of the Fiscal Year 2004-2005 Proposed Budget.

The public hearing was closed on Mayor Pro Tem Goodman's motion, Council Member Alvarez' second on a 7-0 vote.

COUNCIL MEETING MINUTES

THURSDAY, SEPTEMBER 2, 2004

The motion to adjourn the meeting at 1:49 a.m. was approved on Council Member Slusher's motion, Council Member Alvarez' second on a 7-0 vote.

The minutes for the Regular Meeting of September 2, 2004 were approved on this the 21st day of October, 2004 on Council Member Alvarez' motion, Council Member Thomas' second on a 7-0 vote.