



**Austin City Council
MINUTES**

**REGULAR MEETING
THURSDAY, FEBRUARY 26, 2004**

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, February 26, 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 10:10 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 Dunkerley's second on a 6-0 vote. Mayor Pro Tem Goodman was off the dais.

1. Approval of minutes from the meeting of February 12, 2004.
The minutes from the meeting of February 12, 2004 were approved

Item 2 was pulled for discussion.

3. Authorize an Ordinance accepting \$53,525 from Travis County under the terms of an Interlocal Cooperation Agreement; and amending the Fiscal Year 2003-2004 Community Care Services Department Operating Budget of Ordinance 030909-01 to appropriate \$53,525 to the Travis County Reimbursed fund, increase the Austin/Travis County Reimbursed Fund Patient Assistance Program expenditures and adding 1.0 full-time (FTE) equivalent. (Funding is available in the Fiscal Year 2003-2004 Travis County budget.)
Ordinance No. 040226-03 was approved.

4. Approve execution of Amendment No. 2 to the Interlocal Cooperation Agreement between the City of Austin, Travis County, and the Travis County Juvenile Board for the Truancy Court Program for the period of October 1, 2003 through September 30, 2004, in an amount not to exceed \$32,245 with two 12-month extension options not to exceed \$32,245 per extension option, for a total amendment amount not to exceed \$96,735. (Funding in the amount of \$32,245 is available in the Fiscal Year 2003-2004 Approved Operating Budget for the Health and Human Services Department, General Fund. Funding for the extension options is contingent upon available funding in future budgets.)
The motion authorizing the execution of Amendment No. 2 was approved.
5. Approve an ordinance to accept \$15,752 in additional grant funds from the U.S. Department of Health and Human Services, Ryan White Title III HIV Early Intervention Services grant program; and to amend the Fiscal Year 2003-2004 Health and Human Services Operating Budget of Ordinance No. 030909-01 to appropriate \$15,752 to the Special Revenue Fund. (Funds are available from the U.S. Department of Health and Human Services, Ryan White Title III HIV Early Intervention Services grant. The grant period is January 1, 2004 through December 31, 2004. No City match is required.) (Related Item 6)
Ordinance No. 040226-05 was approved.

Items 6-8 were pulled for discussion.

9. Approve execution of a contract with PRISM DEVELOPMENT (MBE/MH 70.71%) for construction of playground improvements and Americans with Disabilities Act accessibility for Chestnut Park Development in the amount of \$270,000 for the base bid, \$20,415 for alternate bid # 1, and \$23,500 for alternate bid # 2, for a total approval amount not to exceed \$313,915. (Funding in the amount of \$313,915 is available in the Fiscal Year 2003-2004 approved Capital Budget of the Parks and Recreation Department.) 10.01% MBE and 3.75% WBE subcontractor participation.
The motion authorizing the execution of a contract was approved.
10. Approve a resolution authorizing the fee simple acquisition of Lot 2, Block F, Onion Creek Forest, Section 1, locally known as 5503 Little Cypress Lane, Austin, TX, from James G. Jensen, Laverd R. Jensen and Roy Rodriguez for the Second Phase of the Onion Creek Flood Buyout Project, in the amount not to exceed \$62,000. (Funding is available in Fiscal Year 2002-2003 Capital Budget of the Watershed, Protection and Development Review Department.)
Resolution No. 040226-10 was approved.
11. Approve resolution to authorize the fee simple acquisition of Lot A, McAngus Road Addition, locally known as 11400 McAngus Road, from Thomas Knappe for the Airport Noise Mitigation Program in the amount of \$215,000 for the land and improvements, plus closing costs and moving related expenses in the amount of \$10,000, for an amount not to exceed \$225,000. (Funding in the amount of \$225,000 is available in Fiscal Year 2003-2004 Capital Budget of the Department of Aviation using airport funds and available Federal Aviation Administration (FAA) Grants.)
Resolution No. 040226-11 was approved.

12. Approve a resolution to authorize the acquisition of (1) One 34,909 square foot wastewater easement, (2) Two temporary working space easements containing (a) 36,871 square feet, and (b) 7,862 square feet, and (3) Three temporary staging area and material storage site easements containing: (a) 27,324 square feet (b) 13,277 square feet, and (c) 6,998 square feet all out of a portion of Lot 1, Silvermine Sec. 2, Subdivision, located at 8800 IH 35 N, from GARDEN STONE I, LP, in an amount not to exceed \$158,029 for the Austin Clean Water Program: Little Walnut/Buttermilk North/Capital Drive Easement Project. (Funding is included in the Fiscal Year 2003-2004 Approved Capital Budget of the Austin Water Utility.)
Resolution No. 040226-12 was approved.
13. Approve a resolution to authorize the acquisition of a wastewater line easement containing .373 acres, and a temporary working space easement containing .377 acres, both out of Lot One, Reindale Acres, located at 9220 IH 35 N, from LV INVESTMENTS, INC., in an amount not to exceed \$64,295 for the Austin Clean Water Program: Little Walnut/Buttermilk North/Capital Drive Easement Project. (Funding is included in the Fiscal Year 2003-2004 Approved Capital Budget of the Austin Water Utility.)
This item was postponed to March 25, 2004.
14. Approve a resolution authorizing the filing of eminent domain proceedings for the Little Walnut/Buttermilk - Colony Creek North portion of the Austin Clean Water Program to acquire a 3,845 square foot permanent wastewater line easement and a 4,003 square foot temporary working space easement out of Lot 15, Block B, The Villas on Walnut Creek, a subdivision in the City of Austin and a 4,906 square foot temporary working space easement out of Lot 15, Block A and Lot 15, Block B, The Villas on Walnut Creek, a subdivision in the City of Austin, Texas, in the amount of \$8,008. The owner of the property sought to be condemned is Villas on Walnut Creek Association, an unincorporated Homeowner's Association. The property is a part of The Villas on Walnut Creek, Travis County, Texas, located along the south side of West Rundberg Lane. (Funding is included in the Fiscal Year 2003-2004 Capital Budget of the Austin Water Utility.)
Resolution No. 040226-14 was approved.
15. Approve a resolution to negotiate and execute all documents related to the purchase of a temporary staging area and material storage site easement comprised of 43,652 square-feet of land and a drainage easement comprised of 1,083 square-feet of land out of a 15.034 acre tract of land, as well as an access easement over the entire 15.034 acres of land, all located in the John Applegate Survey 58, Abstract 29, Travis County, TX, located east of Cameron Road and south of Clear Creek Drive, from JOSEPH, JOSEPH, and WILLIAMS PARTNERSHIP, a Texas general partnership, in the amount of \$424,000 for the Austin Clean Water Program. (Funding is included in the Fiscal Year 2003 - 2004 Approved Capital Budget of the Austin Water Utility.)
Resolution No. 040226-15 was approved.

16. Approve a resolution authorizing payment to Anderson Mill Municipal Utility District for the City's portion of the costs for relocating utility facilities owned by Anderson Mill Municipal Utility District along US 183 from R.M. 620 to the Travis County Line, in accordance with the June 27, 1986, Agreement for Right-of-Way Procurement with the State of Texas, in an amount not to exceed \$718,476.66. (Funding is available in the Fiscal Year 2003-2004 Amended Capital Budget of the Transportation, Planning and Sustainability Department.)
Resolution No. 040226-16 was approved.
17. Authorize execution of a construction contract with THE BARR COMPANY, A.I.A. (MBE/FH 67.93%); Austin, TX, for Women's Locker Room Additions at Austin Fire Station #6 and Station #18, in an amount not to exceed \$214,000. (Funding is available in the 2002-2003 Amended Capital Budget of the Fire Department.) Lowest most responsive bid of six received. 23.12% MBE and 8.95% WBE subcontractor participation.
The motion authorizing the execution of a construction contract was approved.
18. Authorize execution of change order # 4 to the construction contract with JAY-REESE CONTRACTORS, INC., Austin, TX, for construction of an access road at the alternative fuel dispensing facility at Austin-Bergstrom International Airport in the amount of \$43,556.25, for a total contract amount not to exceed \$794,566.75. (Funding in the amount of \$25,000 is available in the Fiscal Year 2003-2004 Capital Budget of the Fleet Services Division, Financial & Administrative Services Department, and \$18,556.25 is available in the Fiscal Year 2003-2004 Capital Budget of the Department of Aviation.) 5.64% MBE and 16.54% WBE subcontractor participation to date.
The motion authorizing the execution of change order #4 to the construction contract was approved.
19. Authorize execution of a 12-month supply agreement with DXI INDUSTRIES, Houston, TX for the purchase of liquid chlorine for the Austin Water Utility in an amount not to exceed \$737,898, with two 12-month extension options in an amount not to exceed \$737,898 per extension option, for a total agreement amount not to exceed \$2,213,694. (Funding in the amount of \$368,949 is available in the Fiscal Year 2003-2004 Approved Operating Budget of the Austin Water Utility. Funding for the remaining six months of the original contract period and extension options is contingent upon available funding in future budgets.) Low bid of three 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.

20. Authorize execution of a 12-month service agreement with SBR PUMPING INC., Austin, TX, to provide emergency response for sludge and sewage pumping, hauling and disposal service for the Austin Water Utility in an amount not to exceed \$400,000, with two 12-month extension options in an amount not to exceed \$400,000 per extension option, for a total agreement amount not to exceed \$1,200,000. (Funding in the amount of \$200,000 is available in the Fiscal Year 2003-2004 Approved Operating Budget of the Austin Water Utility. Funding for the remaining six months of the original contract period and extension options is contingent upon available funding in future budgets.) Lowest bid of three bids received. This contract will be awarded in compliance with Chapter 2-9 of the City Code (Minority-Owned and Women-Owned Business Enterprise Procurement Program). No subcontracting opportunities were identified; therefore, no goals were established for this solicitation.
The motion authorizing the execution of a service agreement was approved.
21. Approve execution of a 12-month revenue agreement with COMMERCIAL METALS-AUSTIN, Austin, TX for the transportation and sale of recycled aluminum, tin and steel cans for the Solid Waste Services Department in an estimated amount of \$387,000, with two 12-month extension options in an estimated amount of \$387,00 per extension, for an estimated total amount of \$1,161,000. (This agreement will generate revenues credited to the Solid Waste Services Fund.) Only 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 revenue agreement was approved.
22. Authorize execution of a 12-month supply agreement with AUSTIN CRUSHED STONE COMPANY, INCORPORATED Austin, TX for crushed limestone rock in an amount not to exceed \$149,934, with three 12 -month extension options in an amount not to exceed \$149,934 for a total agreement amount not to exceed \$599,736. (Funding in the amount of \$87,461.50 is available in the 2003-2004 Approved Operating Budget of the Electric Utility Department. Funding for the remaining five months of the original contract period and extension options is contingent upon available funding in future budgets.) Low bid of two bids received. This contract will be awarded in compliance with Chapter 2-9 of the City Code (Minority-Owned and Women-Owned Business Enterprise Procurement Program). No subcontracting opportunities were identified; therefore, no goals were established for this solicitation.
The motion authorizing the execution of a supply agreement was approved.
23. Approve an ordinance amending Section 12-4-63 of the Code to extend the 20 miles per hour school zone on Fairfield Drive for Lanier High School/Woolridge Elementary. (Funding in the amount of \$4,400 is available in the Fiscal Year 2003-2004 Approved Budget of the Transportation, Planning & Sustainability Department.)
Ordinance No. 040226-23 was approved.
24. Board and Commission Appointments.
The following appointments were made:

| <u>Board/ Appointee</u> | <u>Consensus/ Council Nominee</u> | <u>Appointment/ Reappointment</u> |
|---|---------------------------------------|---------------------------------------|
| <u>Community Development Commission</u> Sharlene Perkins (St. John's Neighborhood Rep.) | Consensus | Appointment |
| <u>Downtown Commission</u> Teresa Ferguson (Music Commission Rep.) | Consensus | Reappointment |
| <u>Ethics Review Commission</u> Jose de la Fuente | Council Member McCracken's | Nomination |
| <u>Medical Assistance Program and Rural Medical Assistance Program Joint Advisory Board</u> Catherine Fallon | Consensus | Appointment |
| <u>Planning Commission</u> Jerome Newton | Council Member Thomas' | Appointment |
| <u>Renaissance Market Commission</u> Michael Kleinman | Consensus | Reappointment |
| <u>Telecommunications Commission</u> Jesús Sifuentes | Council Member Alvarez' | Reappointment |
| <u>Zoning and Platting Commission</u> Joseph Martinez | Consensus | Reappointment |

Items 25-27 were pulled for discussion.

28. Provide direction to the City Council Judicial Subcommittee and Municipal Court Clerk on the municipal court judge evaluation and selection process. (Council Member Raul Alvarez and Council Member Danny Thomas)
Resolution No. 040226-28 was approved.
29. Set a public hearing to consider amending Section 25-2-513 of the City Code related to features allowed in setbacks; and amending Sections 25-10-101, 25-10-123, and 25-10-124 of the City Code relating to signs for public, religious, or charitable institutions, sign height in an Expressway Corridor Sign District, and internal lighting of signs in a Scenic Roadway District. (Suggested date and time: March 25, 2004 at 6:00 p.m., Lower Colorado River Authority, Hancock Building) (Recommended by Planning Commission.)
The public hearing was set for March 25, 2004 at 6:00 p.m., Lower Colorado River Authority, Hancock Building.

30. Set a public hearing to consider an ordinance amending Chapter 25-10 of the City Code relating to nonconforming signs to allow location of new off-premise signs (billboards) in various locations in the City if an existing off-premise sign is removed. (Suggested time and date: March 11, 2004, 6:00 p.m., Lower Colorado River Authority, Hancock Building) (To be reviewed by Planning Commission on February 24, 2004.)
The public hearing was set for March 11, 2004, 6:00 p.m., Lower Colorado River Authority, Hancock Building.
31. Set a public hearing to amend Subchapter D of Chapter 25-2 of the City Code to provide that an ordinance zoning property as a neighborhood plan combining district (NPCD) may restrict parking in the front or side yards of a residential property. (Suggested date and time: March 25, 2004 at 4:00 P.M., Lower Colorado River Authority, Hancock Building) (Planning Commission Recommendation: Amend Subchapter D of Chapter 25-2 of the City Code to provide that an ordinance zoning property as a neighborhood plan combining district may restrict parking in the front or side yards of residential property.)
The public hearing was set for March 25, 2004 at 4:00 p.m., Lower Colorado River Authority, Hancock Building)

Item 32 through 36 were Executive Session items.

AHFC 1-2 items were set for a 3:00 P.M. time certain.

Items Z-1 through Z-11 were Zoning items set for 4:00 P.M. time certain.

Item 37 was a Public Hearing set for 6:00 P.M. time certain.

38. Approve a resolution reaffirming Resolution 000113-57 which supports Austin's participation in the creation of the regional Brushy Creek Trail and Greenway. (Council Member Brewster McCracken and Council Member Daryl Slusher)
Resolution No. 040226-38 was approved.

DISCUSSION ITEMS

7. Approve execution of 12-month contracts for HIV-related services with: AIDS SERVICES OF AUSTIN, INC., Austin, TX in an amount not to exceed \$164,561 with two 12-month extension options in an amount not to exceed \$164,561 per extension for a total contract amount not to exceed \$493,683, AUSTIN LATINO/A LESBIAN AND GAY ORGANIZATION (ALLGO), Austin, TX, in an amount not to exceed \$150,000, with two 12-month extension options in an amount not to exceed \$150,000 per extension for total contract amount not to exceed \$450,000; AUSTIN/TRAVIS COUNTY MENTAL HEALTH AND MENTAL RETARDATION (MHMR), Austin, TX in an amount not to exceed \$47,000 with two 12-month extension options in an amount not to exceed \$47,000 per extension for total contract amount not to exceed \$141,000; PROJECT TRANSITIONS, INC., Austin, TX in an amount not to exceed \$49,737 with two 12-month extension options in an amount not to exceed \$49,737 per extension for total contract amount not to exceed \$149,211; and THE WRIGHT HOUSE WELLNESS CENTER, INC., Austin, TX in an amount not to exceed \$107,500 with two 12-month extension options in an

amount not to exceed \$107,500 per extension for total contract amount not to exceed \$322,500. Each contract period is March 1, 2004 through February 28, 2005. (Funding in the amount of \$302,633 is available in the Fiscal Year 2003-2004 Approved Operating Budget of the Health and Human Service Department (HHSD). Funding for the remaining five (5) months of the contract period and any extension options is contingent on available funding in future budgets.)

The motion to approve the execution of 12-month contracts for HIV-related services was approved with the following amendments on Council Member Alvarez' motion, Council Member McCracken's second on a 7-0 vote. Council Member Alvarez' amendments were: to revise the funding proposal to reduce \$40,000 to United Way and increase the funding for Aides Services of Austin by \$40,000 for Information and Referral services. Ask the County to consider utilizing the \$80,000 designated for media campaign for the AIDS Services of Austin Information and Referral Services. Council Member Thomas' amendment was to direct the City Manager to try to find some level of funding for an AIDS media campaign.

6. Approve execution of 12-month contracts under the Ryan White Title III HIV Early Intervention grant for the delivery of HIV-related services with AIDS SERVICE OF AUSTIN, INC, Austin, TX, in an amount not to exceed \$159,276, with two 12-month extension options in an amount not to exceed \$159,276 per extension option, for a total contract amount not to exceed \$477,828; and COMMUNITY ACTION, INC., Austin, TX, in an amount not to exceed \$77,637, with two 12-month extension options in an amount not to exceed \$77,637 per extension option, for total contract amount not to exceed \$232,911. (Funding in the amount of \$236,913 is included in the Fiscal Year 2003-2004 Approved Operating Budget of the Health and Human Service Department (HHSD) Special Revenue Fund, Ryan White Title III HIV Emergency Relief Services grant. Grant period and contract performance period is January 1, 2004 through December 31, 2004.) (Related Item 5)

The motion authorizing the execution of contracts was approved on Council Member Alvarez' motion, Council Member Thomas' second on a 7-0 vote.

2. Authorize the City Manager to negotiate and execute an interlocal agreement with Lower Colorado River Authority (LCRA), San Antonio Water System (SAWS), Guadalupe-Blanco River Authority (GBRA), and San Antonio River Authority (SARA) to set forth terms for participation in a Texas Water Development Board (TWDB) study of the feasibility of constructing a Central Texas Regional Water Treatment Facility to serve Austin and San Antonio with funding by Austin in an amount not to exceed \$12,500 in cash and up to \$10,000 in in-kind services. (Funding in the amount of \$12,500 in cash contribution is available in the Fiscal Year 2003-2004 Operating Budget of the Austin Water Utility.) (Recommended by Water and Wastewater Commission)

The motion authorizing the City Manager to negotiate and execute an interlocal agreement was approved on Council Member Alvarez, Council Member McCracken's second on a 7-0 vote.

27. Approve a resolution instructing the City Manager to develop design standards for commercial and retail developments and to identify appropriate corridors for design character focus and potential code amendments addressing design improvements in these corridors for consideration by Council no later than April 30, 2004. (Council Member Brewster McCracken, Mayor Will Wynn and Mayor Pro Tem Jackie Goodman)
Resolution No. 040226-27 was approved on Council Member McCracken's motion, Mayor Pro Tem Goodman's second on a 7-0 vote.
40. Approve a resolution amending Resolution No. 021003-40, adopted by Council on October 3, 2002, to add one additional annual City co-sponsored event, Celebrate Texas Parade and Run. (Mayor Pro Tem Jackie Goodman, Mayor Will Wynn and Council Member Brewster McCracken)
Resolution No. 040226-40 was approved on Council Member McCracken's motion, Mayor Pro Tem Goodman's second on a 6-0 vote. Council Member Slusher was off the dais.

CITIZEN COMMUNICATIONS: GENERAL

Tom Ibis - Avery Ranch

Stefan Wray - Rancho - Kinder Morgan Pipeline

Pam Thompson - Rancho - Kinder Morgan Pipeline

Marguerite Jones - Kinder Morgan Pipeline. **She was not present when her name was called.**

John Torres - Avery Ranch

Albert Carrion Jr. - City's Failure To Enforce Board of Adjustment decision at 900 West 23rd

Mary L. Lehmann - Mueller Update

Robert Singleton - Mueller Update

Pat Johnson - Budget

John Villarreal - Community Television Update

Mayor Wynn recessed the Council Meeting to go into Executive Session at 12:43 p.m.

EXECUTIVE SESSION

The City Council went into Executive Session, pursuant to Chapter 551 of the Texas Government Code, to receive advice from Legal Counsel, to discuss matters of land acquisition, litigation, and

personnel matters as specifically listed on this agenda and to receive advice from Legal Counsel regarding any other item on this agenda.

Private Consultation with Attorney - Section 551.071

The Mayor announced that Council would discuss item number 26 on the regular agenda during Executive Session.

32. Discuss legal issues relating to the labor negotiations for a Meet and Confer contract with the Austin Police Association.
33. Discuss legal issues relating to recent legislation permitting the creation of a hospital/healthcare district and a proposed Travis County election to consider a proposition to create a countywide hospital district.
34. Discuss legal issues in *Hector Fabela v. the City of Austin*, Cause No. 97-01805 in the 345th Judicial District Court of Travis County, Texas. (Concerns alleged retaliation in employment) (Related Item 8)
35. Discuss legal issues related to *Brian Rodgers v. City of Austin and Endeavor Real Estate Group, L.L.C.*, Cause No. GN30466 in the 345th Judicial District Court of Travis County, Texas. (Concerns the City's economic development sales tax incentives given to the developer of the Domain, a multi-use development located at Mopac Boulevard and Braker Lane)
This item was postponed to March 11, 2004.

Item 36 was discussed later in Executive Session.

39. Discuss legal issues related to meet and confer and collective bargaining for the Austin Fire Department.

Executive Session ended and Mayor Wynn called the Council Meeting back to order at 4:09 p.m.

BOARD OF DIRECTORS MEETING OF AUSTIN HOUSING FINANCE CORPORATION.

Mayor Wynn recessed the Council Meeting at 4:10 p.m. to go into the Board of Director's Meeting of the Austin Housing Finance. See separate minutes.

AHFC adjourned and the regular Council meeting was called back to order at 4:13 p.m.

8. Authorize negotiation and execution of an amendment to the outside counsel contract with CORNELL SMITH, L.L.P., Austin, TX, in *Hector Fabela v City of Austin*, Cause No. 97-01805; in the 345th Judicial District Court of Travis County, Texas, in the amount of \$40,000, with a total contract amount not to exceed \$163,000. (Funding in the amount of \$40,000 is available in the Fiscal Year 2003-2004 Approved Operating Budget of the Liability Reserve Fund.) (Related Item 34)
The motion authoring the negotiation and execution of an amendment to the outside counsel contract was approved on Mayor Pro Tem Goodman's motion, Mayor Wynn's second on a 6-0 vote. Council Member McCracken was off the dais.
26. Approve an ordinance on 3rd reading appointing the Presiding Judge, Associate Judges, Downtown Austin Community Court Judge and Substitute Judges to the City of Austin Municipal Court for the 2004-2005 judicial term, and setting compensation and benefits. (Mayor Will Wynn, Mayor Pro Tem Jackie Goodman and Council Member Brewster McCracken)
Ordinance No. 040226-26 was approved on Council Member Dunkerley's motion, Mayor Wynn's second on a 4-3 vote. Those voting aye were: Mayor Wynn, Council Members Dunkerley, McCracken, and Slusher. Those voting nay were: Mayor Pro Tem Goodman and Council Members Alvarez and Thomas. The motion included making the ordinance effective on March 15, 2004.

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 Dunkerley's motion, Council Member McCracken's second on a 6-0 vote. Council Member Thomas was off the dais.

- Z-1 Conduct a public hearing and approve an ordinance to amend the Montopolis Neighborhood Plan for a portion of 900 Bastrop Hwy and a portion of 7300-7320 Riverside Drive, to change the Future Land Use Map from commercial to single family residential. (Planning Commission hearing postponed to February 24, 2004.)
This item was postponed to April 1, 2004.
- Z-2 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 multi-family residential for property located at 505 and 507 Nelray Boulevard. (Planning Commission Recommendation: To change the land use designation for 505 and 507 Nelray Boulevard from single-family to multi-family in the North Loop Planning Area Future Land Use Map as proposed.) (Related Item Z-7)
Ordinance No. 040226-Z-2 was approved.

- Z-3 C14-04-0005 - Slaughter Lane Pump Station - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by zoning property locally known as 7411 West Slaughter Lane (Slaughter Creek and Williamson Creek Watersheds-Barton Springs Zone) from interim-rural residence (I-RR) district zoning to public (P) district zoning. Zoning and Platting Commission Recommendation: To grant public (P) district zoning. Applicant: City of Austin - Austin Water Utility (Charles H. Samson, III, P.E.). Agent: City of Austin - Department of Public Works (Patricia L. Wadsack, P.E.). City Staff: Wendy Walsh, 974-7719.
Ordinance No. 040226-Z-3 for public (P) district zoning was approved.
- Z-4 C14-03-0180 - Horizon Center - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by zoning property locally known as 13497 U.S. Highway 183 North (Lake Creek Watershed) from interim-single family residence standard lot (I-SF-2) district zoning to community commercial-conditional overlay (GR-CO) combining district zoning for Tract 1 and commercial-liquor sales-conditional overlay (CS-1-CO) combining district zoning for Tract 2. Zoning and Platting Commission Recommendation: To grant community commercial-conditional overlay (GR-CO) combining district zoning for Tract 1 and commercial-liquor sales-conditional overlay (CS-1-CO) combining district zoning for Tract 2. Applicant: Pecan Center (Louis R. Williams). Agent: Richard H. Crank, ASLA (Richard H. Crank). City Staff: Sherri Gager, 974-3057.
Ordinance No. 040226-Z-4 for community commercial-conditional overlay (GR-CO) combining district zoning for Tract 1 and commercial-liquor sales-conditional overlay (CS-1-CO) combining district zoning for Tract 2 was approved.
- Z-5 C14-03-0167 - Guadalupe Street Lofts - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 4525 Guadalupe Street (Waller Creek Watershed) from general commercial services (CS) district zoning to general commercial services-mixed use-conditional overlay (CS-MU-CO) combining district zoning. Planning Commission Recommendation: To grant community commercial-mixed use-conditional overlay (GR-MU-CO) combining district zoning. Applicant: Austin WFD Ltd. Agent: Codney Group Inc. (Mike Rhodes). City Staff: Glenn Rhoades, 974-2775.
The first reading of the ordinance for community commercial-mixed use-conditional overlay (GR-MU-CO) combining district zoning was approved.
- Z-6 C14-03-0161 - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 1608 West 34th Street (Shoal Creek Watershed) from family residence (SF-3) district zoning to neighborhood office-mixed use-conditional overlay (NO-MU-CO) combining district zoning. Zoning and Platting Commission Recommendation: To grant neighborhood office-mixed use-conditional overlay (NO-MU-CO) combining district zoning. Applicant: Shirley Slaughter. Agent: Thrower Design (Ron Thrower). City Staff: Glenn Rhoades, 974-2775.
Ordinance No. 040226-Z-6 for neighborhood office-mixed use-conditional overlay (NO-MU-CO) combining district zoning was approved.

- Z-7 C14-03-0179 - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 505 and 507 Nelray Boulevard (Waller creek Watershed) from family residence-neighborhood plan (SF-3-NP) combining district zoning to multifamily residence medium density-neighborhood plan (MF-3-NP) combining district zoning. Planning Commission Recommendation: To grant multifamily residence medium density-neighborhood plan (MF-3-NP) combining district zoning. Applicant: Patrick Goetz. Agent: Patrick Goetz. City Staff: Glenn Rhoades, 974-2775. (Related Item Z-2)
The first reading of the ordinance for multifamily residence medium density-neighborhood plan (MF-3-NP) combining district zoning was approved.
- Z-8 C14-03-0154.SH - Steiner Tract - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 7300-7320 Riverside Drive and 900 Bastrop Highway (Carson Creek Watershed) from townhouse and condominium residence-conditional overlay-neighborhood plan (SF-6-CO) combining district zoning, multi-family residence medium density-conditional overlay-neighborhood plan (MF-3-CO) combining district zoning, and general commercial services-conditional overlay-neighborhood plan (CS-CO-NP) combining district zoning to single-family residence small lot (SF-4A) district zoning. Planning Commission Recommendation: To be considered by the Commission on February 24, 2004. Applicant: Robert Steiner. Agent: Minter, Joseph, and Thornhill, P.C. (John Joseph, Jr.). City Staff: Annick Beaudet, 974-2975.
All tracts for this item except tract 3 were postponed to March 4, 2004. Tract 3 was postponed to April 1, 2004.
- Z-9 C14-02-0181 - Champion Tract, City Park Road West - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 6100-6404 City Park Road and 6509-6909 F.M. 2222 (Bull Creek and West Bull Creek Watersheds) from development reserve (DR) district zoning and neighborhood commercial-conditional overlay (LR-CO) combining district zoning to neighborhood commercial-conditional overlay (LR-CO) combining district zoning. Zoning and Platting Commission Recommendation: To grant neighborhood commercial (LR) district zoning with conditions. Applicant: Champion Assets Ltd. (Josie Ellen Champion). Agent: Graves, Dougherty, Hearon (Michael J. Whellan). City Staff: Glenn Rhoades, 974-2775.
This item was postponed to March 25, 2004 at staff's request.
- Z-10 C14-03-0067 - Freedom Auto Sales - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 1401 West Koenig Lane (Shoal Creek Watershed) from neighborhood commercial (LR) district zoning to general commercial services-mixed use-conditional overlay (CS-MU-CO) combining district zoning. Planning Commission Recommendation: To deny general commercial services-mixed use-conditional overlay (CS-MU-CO) district zoning. Applicant: Walter Leamons and Eugene Volcik. Agent: Lopez-Phelps and Associates (Amelia Phelps). City Staff: Glenn Rhoades, 974-2775.
This item was postponed to March 25, 2004 at staff's request.

- Z-11 C14-03-0178 - Western Oaks Physical Fitness Studio - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 4625 West William Cannon Drive (Williamson Creek Watershed - Barton Springs Zone) from neighborhood commercial (LR) 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: AVG-Austin GP (Arnold Schlesinger). Agent: Land Strategies, Inc. (Paul W. Linehan). City Staff: Wendy Walsh, 974-7719.
Ordinance No. 040226-Z-11 for community commercial-conditional overlay (GR-CO) combining district zoning was approved.

Mayor Wynn recessed the Council Meeting to go into Executive Session at 4:33 p.m.

EXECUTIVE SESSION CONTINUED

Personnel Matters - Section-551.074

36. Evaluate the performance of and consider compensation and benefits for the City Clerk. (Related Item 25)

The Executive Session ended at 5:30 p.m.

LIVE MUSIC

Leo Stokes

PROCLAMATIONS

Proclamation - Austin Area Science Fest - to be presented by Mayor Will Wynn and to be accepted by Juan Garza

Proclamation - Trail Ride Month - to be presented by Mayor Will Wynn and to be accepted by Jean Mueller

Distinguished Service Award - Peter Collins - to be presented by Mayor Will Wynn and to be accepted by the honoree

Distinguished Service Award - Charles Hill - to be presented by Mayor Will Wynn and to be accepted by the honoree

Distinguished Service Award - J. David Walker - to be presented by Mayor Will Wynn and to be accepted by the honoree

Mayor Wynn called the Council Meeting back to order at 6:30 p.m.

PUBLIC HEARINGS AND POSSIBLE ACTION

37. Conduct a public hearing and approve an ordinance setting Standards of Child Care for the Parks and Recreation Department facilities and programs. (Recommended by the Parks Board.)
The public hearing was closed and Ordinance No. 040226-37 was approved on Council Member Thomas' motion, Council Member Alvarez' second on a 5-0 vote. Mayor Pro Tem Goodman and Council Member Slusher were off the dais.

DISCUSSION ITEMS CONTINUED

25. Approve a resolution regarding the performance evaluation and compensation package for the City Clerk. (Related Item 36)(Mayor Will Wynn)
Resolution No. 040226-25 continuing the same compensation and benefit package for the City Clerk and acknowledging an exemplary job was approved on Council Member Alvarez' motion, Council Member Slusher's second on a 6-0 vote. Mayor Pro Tem Goodman was off the dais.

The motion to adjourn the meeting at 6:26 p.m. was approved on Council Member Thomas' motion, Council Member Slusher's second on a 6-0 vote. Mayor Pro Tem Goodman was off the dais.

The minutes for the Regular Meeting of February 26, 2004 were approved on this the 4th day of March, 2004 on Council Member Dunkerley's motion, Council Member Thomas' second on a 6-0 vote. Council Member McCracken was absent.