

# AUSTIN CITY COUNCIL AGENDA

THURSDAY, MARCH 25, 2004, THE BOARD ROOM AT THE LOWER COLORADO RIVER  
AUTHORITY HANCOCK BUILDING, 3700 LAKE AUSTIN BOULEVARD, AUSTIN, TEXAS.



For meeting information, contact the City Clerk, 974-2210

THE CITY OF AUSTIN IS COMMITTED TO COMPLIANCE WITH THE  
AMERICANS WITH DISABILITIES ACT. REASONABLE MODIFICATIONS AND  
EQUAL ACCESS TO COMMUNICATIONS WILL BE PROVIDED UPON REQUEST.  
FOR ASSISTANCE PLEASE CALL 974-3256 OR 974-2445 TDD.

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WILL WYNN, MAYOR ♦ JACKIE GOODMAN, MAYOR PRO TEM ♦ DARYL SLUSHER  
RAUL ALVAREZ ♦ BETTY DUNKERLEY ♦ BREWSTER MCCrackEN ♦ DANNY THOMAS

**NOTICE OF REGULAR MEETING  
THURSDAY, MARCH 25, 2004**

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**9:55 A.M. Invocation**

Robin Wieber, Pastor of Worship Ministry, Grace Covenant Church

**10:00 A.M. City Council Convenes**

**THE CITY COUNCIL OF THE CITY OF AUSTIN, TEXAS WILL CONVENE AT  
10:00 AM ON THURSDAY, MARCH 25, 2004, IN THE BOARD ROOM AT THE**

**Posted Date: Friday, March 19, 2004**

**LOWER COLORADO RIVER AUTHORITY HANCOCK BUILDING, 3700  
LAKE AUSTIN BOULEVARD, AUSTIN, TEXAS.**

The City Council will go into a closed session under Chapter 551 of the Texas Government Code to receive advice from legal counsel, to discuss matters of land acquisition, to discuss personnel matters, to discuss or take action on a "competitive matter" of the Electric Utility Department as provided for under Section 551.086, or for other reasons permitted by law as specifically listed on this agenda. If necessary, the City Council may go into a closed session as permitted by law regarding any item on this agenda.

**READING AND ACTION ON CONSENT AGENDA**

**ACTION ON THE FOLLOWING:**

**ORDINANCES / RESOLUTIONS / MOTIONS - All of the following items may be acted upon by one motion. No separate discussion or action on any of the items is necessary unless desired by a Council Member.**

**Meeting Minutes**

1. Approval of minutes from the meeting of March 11, 2004.

**Austin Energy**

2. Amend Ordinance No. 030909-1, the Fiscal Year 2003-2004 Operating Budget to:  
(1) transfer a total amount of \$7,650,000 from the Austin Energy Repair and Replacement Fund to the Austin Energy Operating Fund, and reduce the Austin Energy Repair and Replacement Fund's budgeted ending balance by the same amount to fund the first two years of Holly Power Plant decommissioning costs;  
(2) amend the operating requirements of the Electric Utility Operating Fund in a total amount of \$5,694,284 to increase the Conservation Rebates and Incentives Fund by \$1,788,000 to implement the Austin Energy Strategic Plan approved by City Council, increase energy conservation expenses by \$77,000, and add one full time equivalent (FTE) to support the new solar rebate program; (3) increase the Operations and Maintenance expense by \$3,829,284 for Fiscal Year 2003-2004 Holly Street Power Plant decommissioning costs; and (4) increase the budgeted Ending Balance of the Electric Utility Fund by \$1,955,716. (Funding is available in the 2003-2004 Approved Operating Budget of the Electric Utility Department, Repair and Replacement Fund.) (Recommended by the Electric Utility Commission.)

**Austin Water Utility**

3. Approve Service Extension Request No. 2306 for water utility service not to exceed a peak hour flow of 37 gallon per minute (gpm) for a tract of approximately 7.46 acres owned by Villita West Condominiums Association, located within the Drinking Water Protection Zone in the extraterritorial jurisdiction of Austin at 3660 Stoneridge Road. (Recommended by Water and Wastewater Commission)

**Aviation**

4. Approve the negotiation and execution of an amendment to a lease with TEMPLE-INLAND FOREST PRODUCTS CORPORATION, Austin, TX to increase the area of land leased to Temple-Inland at Austin-Bergstrom International Airport. (Revenue generating contract. Annual net revenue amount for 4.75 acres is \$41,382.08. Anticipated revenue of \$17,242.53 is not included in Aviation's Approved Fiscal Year 2003-2004 Budget. Revenue over the life of the (30-year) term is estimated at \$1,241,462.) (Recommended by the Austin Airport Advisory Commission.)

**Community Care Services**

5. Approve a six-month extension of the interlocal cooperative agreement between Travis County and City of Austin for pharmacy services and pharmaceuticals to be provided by the City to Travis County Medical Assistance Program enrollees from April 1, 2004, through September 30, 2004, with reimbursement by County in an amount not to exceed \$690,000. (Funding is included in the Fiscal Year 2003-2004 Operating Budget of the Community Care Services Department Travis County Reimbursed Fund.)

**Financial and Administrative Services - Treasury**

6. Approve an ordinance authorizing the extension of the Letter of Credit and Reimbursement Agreement between the City of Austin and JPMorgan relating to the "\$350,000,000 City of Austin, Texas, Combined Utility Systems Commercial Paper Notes, Series A" program, and the approval of all related documents. (The estimated \$1,200,000 Letter of Credit fee will be included in the Fiscal Year 2004-2005 Proposed Operating Budget of the Austin Water Utility and Electric Utility Department. There is no unanticipated fiscal impact. A fiscal note is not required.)

**Health and Human Services**

7. Approve execution of a contract with FRONT STEPS INC. (fka CAPITOL AREA HOMELESS ALLIANCE (CAHA)), Austin, TX, for provision of homeless social services for the Austin Resource Center for the Homeless (ARCH), in an amount not to exceed \$1,051,445 for the period April 1, 2004, through December 31, 2004, with two 12-month renewal options in an amount not to exceed \$1,482,529 for the first extension option; \$1,519,592 for the second extension option, for a total contract amount not to exceed \$4,053,566. (Funding in the amount of \$689,852 is available in the Fiscal Year 2003-2004 Approved Operating Budget of the Health and Human Services Department (HHSD). Funding for the balance of the contract and the annual renewals is contingent upon available funds.)
8. Approve an ordinance authorizing acceptance of \$26,033 in additional grant funds from the Texas Department of Health, HIV Surveillance grant program; and amending the Fiscal Year 2003-2004 Health and Human Services Operating Budget Special Revenue Fund of Ordinance No. 030909-01 to appropriate \$26,033 in additional grant funds for and to extend the grant period by three months. (Funding in the amount \$26,033 is available from the Texas Department of Health, HIV Surveillance grant. The revised grant period is January 1, 2003 through March 31, 2004. No City match is required.)

**Law**

9. Approve the negotiation and execution of an agreement with PB Austin Ridge L.L.C. and MF Austin Ridge L.L.C. to release the lien held by Travis County Health Facilities Development Corporation and the City on property located at 8509 FM 969 (formerly known as Vision Village) in exchange for PB Austin Ridge L.L.C. and MF Austin Ridge L.L.C.'s agreement to: provide office space for Travis County and the City in the Family Justice Center (which is located on the property and commonly known as the hospital building), including an option for the City to purchase the building; grant the City a trail easement and restrictive covenant on the land; contribute land and a building for the Center for Child Protection; and assist the City and other agencies and non-profit organizations in preparing grant proposals related to the Family Justice Center. *(Related Item 41)*

**Public Works**

10. Approve a resolution to authorize the acquisition of a wastewater easement comprised of 25,875 square-feet of land, a temporary working space easement comprised of 16,901 square-feet of land, and a temporary staging area and material storage site comprised of 26,005 square-feet of land out of a portion of Lot 2, Villas of Quail Creek, a subdivision in Travis County, TX, located at 9036 North Lamar Boulevard, from Sigvard N. Sivertsen, Trustee of the Sigvard N. Sivertsen Revocable Living Trust, and Wilbur Newton Curtis and Alberta B. Curtis, as Trustee under Revocable Trust dated November 18, 1997, in the amount not to exceed \$56,336 for the Austin Clean Water Program: Little Walnut/Buttermilk Quail Creek Project. (Funding is included in the Fiscal Year 2003-2004 Capital Budget of the Austin Water Utility.)
11. 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.)

12. Approve a resolution to authorize the fee simple acquisition of 13.27 acres of land out of the Noel M. Bain Survey in Travis County, TX, locally known as 7201 Bain Road, from Celestine Alexander Thompson for the Airport Noise Mitigation Program, in the amount of \$60,525 for the land and improvements and \$12,063 relocation benefits, plus closing costs and moving related expenses in the amount of \$10,000, for an amount not to exceed \$82,588. (Funding in the amount of \$82,588 is available in Fiscal Year 2003-2004 Capital Budget of the Department of Aviation using airport funds and available Federal Aviation Administration (FAA) Grants.)
13. Authorize execution of a construction contract with LAUGHLIN-THYSSEN, LTD., Houston, TX, for the Austin Clean Water Program: Little Walnut/Buttermilk - Colony Creek South Wastewater Improvements Project in the amount of \$2,218,811 plus a \$221,881.10 contingency, for a total contract amount not to exceed \$2,440,692.10. (Funding in the amount of \$2,440,692.10 is included in the Fiscal Year 2003-2004 Capital Budget of the Austin Water Utility.) Lowest bid of five received. 20.96% MBE and 6.85% WBE subcontractor participation. (Recommended by the Water and Wastewater Commission.)
14. Authorize execution of a construction contract with MUNIZ CONCRETE AND CONTRACTING INC., (MH 92.79%), Austin, TX, for the construction of the Bicycle and Pedestrian Program Sidewalk Improvements project in an amount not to exceed \$217,428.60. (Funding is available in the Fiscal Year 2003-2004 Amended Capital Budget of the Transportation, Planning, and Sustainability Department.) Lowest bid of five received. 0% MBE and 7.21% WBE subcontractor participation.
15. Authorize execution of a construction contract with C. C. CARLTON INDUSTRIES, LTD, Austin, TX, for construction of the Walnut Creek - Wells Branch Flood/Erosion Control Regional Pond project in the amount of \$2,117,250 plus a \$105,862.50 contingency, for a total contract amount not to exceed \$2,223,112.50. (Funding in the amount of \$2,223,112.50 is available in the Fiscal Year 2003-2004 Approved Capital Budget of the Watershed Protection and Development Review Department.) Lowest bid of ten received. Participation subgoals stated in the solicitation were 22.96% MBE and 5.42% WBE. (Variance from LDC 25-8-361 Recommended by Environmental Board on November 5, 2003. Variance from LDC 25-8-361 approved by Zoning and Platting Commission December 16, 2004.)

16. Approve a resolution authorizing execution of an Interlocal Agreement with CAPITAL METROPOLITAN TRANSPORTATION AUTHORITY (Capital Metro) for the construction of 320 linear feet of sanitary sewer pipeline, associated with the Austin Clean Water Program, in conjunction with the construction of the Capital Metro North Operations and Maintenance Facility at 9315 Old McNeil Road for a total maximum not to exceed amount of \$80,784. (Funding is included in the Fiscal Year 2003-2004 Capital Budget of the Austin Water Utility.)

### **Purchasing**

17. Authorize execution of a 12-month supply agreement with US FILTER/DAVIS PRODUCTS, Sarasota, FL for the purchase of bioxide salt for the Austin Water Utility in an amount not to exceed \$218,750, with two 12-month extension options in an amount not to exceed \$218,750 per extension option, for a total agreement amount not to exceed \$656,250. (Funding in the amount of \$109,375 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.) 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.
18. Authorize execution of two 12-month supply agreements with SUNVALLEY C/O TECHLINE, INC., Austin, TX for the purchase of shoebox style lighting in an amount not to exceed \$112,478.45, with four 12-month extension options in an amount not to exceed \$112,478.45 per extension option, for a total agreement amount not to exceed \$562,392.25; and with ANTIQUE STREET LAMPS, Austin, TX for the purchase of Sixth Street Replica Lighting in an amount not to exceed \$59,304, with four 12-month extension options in an amount not to exceed \$59,304, for total agreement amount not to exceed \$296,520. (Funding in the amount of \$85,891.22 is available in the Fiscal Year 2003-2004 Approved Operating Budget of the Electric Utility Department. Funding for the remaining six months of the original contract and extension options is contingent upon available funding in future budgets.) Low bidder meeting specifications and low bidder. 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.



19. Authorize negotiation and execution of a contract with LCG CONSULTING, Los Altos, CA for services for a cost/benefit analysis for compressed air energy storage in an amount not to exceed \$145,400. (Funding is available in the Fiscal Year 2003-2004 Approved Operating Budget of the Electric Utility Department.) 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.
20. Authorize execution of a 12-month supply agreement with CENTRAL TEXAS HARLEY-DAVIDSON LP, Austin, TX for the annual supply of maintenance and repair parts, and limited repair services for the City's fleet of Harley-Davidson motorcycles for APD in an amount not to exceed \$100,000, with three 12-month extension options in an amount not to exceed \$100,000, for a total agreement amount not to exceed \$400,000. (Funding in the amount of \$58,334 is available in the Fiscal Year 2003-2004 Approved Operating Budget of the Financial and Administrative Services Department, Fleet Fund. Funding for the remaining five months of the original contract period and extension options is contingent upon available funding in future budgets.) 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.
21. Authorize negotiation and execution of a 12-month service agreement with EMERGENCY MEDICAL CERTIFICATION, INC. (dba EmCert.com), Beaumont, TX for continuing education credits for emergency response personnel in the Austin Fire Department and City of Austin/Travis County Emergency Medical Services in an amount not to exceed \$63,900, with three 12-month extension options in an amount not to exceed \$63,900 per extension option, for a total agreement amount not to exceed \$255,600. (Funding in the amount of \$24,750 is available in the Fiscal Year 2003-2004 Approved Operating Budget of the Austin Fire Department. Funding in the amount of \$7,200 is available in the Fiscal Year 2003-2004 Approved Operating Budget of the City of Austin/Travis County Emergency Medical Services. Funding for the remaining six months of the original contract period and extension option 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.

22. Authorize negotiation and execution of a 12-month service agreement with NEC BUSINESS NETWORK SOLUTIONS, INC., Irving, TX for maintenance support for the PBX Switch and related Premises Distribution System in an amount not to exceed \$444,248, with three 12-month extension options in an amount not to exceed \$387,854 for the first extension option, \$391,550 for the second extension option, and \$395,339 for the third extension option, for a total agreement amount not to exceed \$1,618,991. (Funding in the amount of \$222,124 is available in the Fiscal Year 2003-2004 Operating Budget of the Department of Aviation. Funding for the remaining six months of the original contract period and extension options is contingent upon available funding in future budgets.) Only proposal 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 Airport Advisory Board.)
23. Authorize execution of a 12-month service agreement with DENVER'S TOWING, Austin, TX for towing services in an amount not to exceed \$250,000, with four 12-month extension options in an amount not to exceed \$250,000, for a total agreement amount not to exceed \$1,250,000. (Funding in the amount of \$125,000 is available in 2003-2004 Approved Operating Budget of the Financial and Administrative Services Department, Fleet Fund. 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 five bids received. This contract will be awarded in compliance with Chapter 2-9 of the City Code (Minority-Owned and Women-Owned Business Enterprise Procurement Program). No subcontracting opportunities were identified; therefore, no goals were established for this solicitation.

#### **Transportation, Planning and Sustainability**

24. Approve a resolution authorizing negotiation and execution of an Advanced Funding Agreement with Texas Department of Transportation (TxDOT) for the construction of a right-turn lane on RR 620 Northbound to Anderson Mill Road, in the amount of \$182,977.98. (Funding is available from an escrow account collected from the developer to pay for this work.) (Related Item 25)
25. Approve negotiation and execution of an Agreement with Plaza V. 620 Ltd., Austin, Texas, to fund construction of a right-turn lane on RR 620 Northbound to Anderson Mill Road, in the amount of \$182,977.98. (Funding will be collected from the developer and held in escrow until the funds are requested by TxDOT.) (Related Item 24)

26. Approve a resolution authorizing negotiation and execution of an Advanced Funding Agreement with the Texas Department of Transportation (TxDOT) for a right-turn lane and signalization work at the intersection of Covered Bridge and State Highway 71, in the amount of \$100,000. (Total project cost is \$267,000. Funding in the amount of \$167,000 to be provided by TxDOT; \$55,000 will be collected from private entities and held in escrow by the City; and \$45,000 is available in the Fiscal Year 2003-2004 Operating Budget of the Fire Department.) (Related Item 27)
27. Approve negotiation and execution of an agreement with Covered Bridge, L.L.C., Covered Bridge Section 7, L.L.C., Covered Bridge Section 8, L.L.C., 71 DHL, Ltd., Stephen I Adler and Michael M. Barron, to fund construction of a right-turn lane and signalization at the intersection of Covered Bridge and State Hwy. 71, in the amount of \$55,000. (Total project cost is \$267,000. Funding in the amount of \$167,000 to be provided by TxDOT; \$55,000 will be collected from private entities and held in escrow by the City; and \$45,000 is available in the Fiscal Year 2003-04 Operating Budget of the Fire Department.) (Related Item 26)
28. Approve a resolution authorizing the final version of the Clean Air Action Plan to be submitted to the Texas Commission on Environmental Quality and the United States Environmental Protection Agency. (Funding in the amount of \$454,719 is proposed to be included in the Fiscal Year 2004-05 Operating Budget of the Transportation, Planning & Sustainability Department.) (Reviewed by Environmental Board, Resource Management Commission and Planning Commission.) (Related Item 29)
29. Approve a resolution authorizing City of Austin's participation in the State's Vehicle Inspection and Maintenance Program as a strategy of the Clean Air Action Plan. (Reviewed by Environmental Board, Resource Management Commission and Planning Commission.) (Related Item 28)

#### **ITEMS FROM COUNCIL**

30. Board and Commission Appointments.
31. Approve an ordinance establishing a new compensation and benefits package for the Municipal Court Clerk and repealing Sections A and B (current compensation and benefits package) of Part 1 of Ordinance No. 030227-65. (Related Item 44)(Mayor Will Wynn)

32. Approve a resolution supporting the creation of a Travis County Hospital District. (Approved by City Council Healthcare Subcommittee) (Related Item 47)(Mayor Pro Tem Jackie Goodman, Council Member Betty Dunkerley and Council Member Raul Alvarez)
33. Approve a waiver and authorize reimbursement of \$1500 in street event permit fees under 15-11 of the Code for the Austin Jewish Community Day School's Bagelfest Fun Run/Walk held on March 14, 2004. (Council Member Raul Alvarez, Council Member Betty Dunkerley and Council Member Brewster McCracken)
34. Approve a waiver of \$2000 in street event permit fees under Chapter 14-8 of the code for the Austin American Statesman's Junior 'Dillo Kids Mile and Capitol 10,000 to be held on March 27<sup>th</sup>, and 28<sup>th</sup>, 2004 respectively. (For actual amounts of fees waived for each event, see Recommendation for Council Action attachments.) (Mayor Will Wynn, Council Member Betty Dunkerley and Council Member Brewster McCracken)
35. Approve a waiver of Emergency Medical Services fees in an amount not to exceed \$4875.00 for the Senior Olympic Games - Austin, to be held beginning April 30, 2004. (For actual times and amounts of EMS services to be provided, see Recommendation for Council Action attachments.) (Council Member Betty Dunkerley and Council Member Danny Thomas)
36. Approve an ordinance amending Ordinance 030909-01, the Fiscal Year 2003-2004 Operating Budget of the General Fund by decreasing appropriations of the Municipal Court Department by \$99,132, by decreasing positions by one Full-Time Equivalent and by increasing transfers out to the Support Services Fund by \$99,132, and amending the Fiscal Year 2003-2004 Operating Budget of the Support Services Fund by increasing transfers in from the General Fund by \$99,132, increasing appropriations of the Office of the City Auditor by \$99,132, and by increasing positions by one Full-Time Equivalent, Auditor I. (Council Member Brewster McCracken and Mayor Pro Tem Jackie Goodman)

**Item(s) to Set Public Hearing(s)**

37. Set a public hearing on the Central Austin Combined Neighborhood Plan, an element of the Austin Tomorrow Comprehensive Plan, including the Hancock, North University, and West University Neighborhood Planning Areas. The combined planning area boundaries are: 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. (Recommended date and time for the public hearing: May 6, 2004, 4:00 PM, Lower Colorado River Authority, Hancock Building.)
38. Set a public hearing to consider amendments to Chapter 25 of the Austin City Code creating the University Neighborhood Overlay District, a new zoning overlay district located in the area west of the University of Texas at Austin. The district is generally bounded on the east by Guadalupe Street; on the west by San Gabriel Street, Longview Street, the rear property lines of property along Lamar Blvd., and Rio Grande Street; on the north by 29<sup>th</sup> Street; and on the south by MLK Jr. Blvd. The proposed amendments permit increased residential density and promote mixed use development regulations; the amendments also contain development incentives for meeting the requirements of the overlay. (Recommended date and time for public hearing: May 6, 2004, 4:00 p.m., Lower Colorado River Authority, Hancock Building) (The Planning Commission is scheduled to conduct a public hearing and take action on March 23, 2004.)

**12:00 P.M. CITIZEN COMMUNICATIONS: GENERAL**

Chuck Perry - Fort Branch Project

Mary Lehmann - Mueller Questions

Robert Singleton - Mueller Questions

Glen Nessel - David Powell Clinic

Gavino Fernandez - El Concilio a coalition of Mexican-American neighborhood association in East Austin has successfully negotiated with transporte San Louis bus service to re-locate from Cesar Chavez to East 7th. The Soup Kitchen on Cesar Chavez is also scheduled to relocate soon.

Pat Johnson - Fleet Service Bid

**EXECUTIVE SESSION (No Public Discussion On These Items)****Private Consultation with Attorney - Section 551.071**

39. Discuss legal issues relating to the labor negotiations for a Meet and Confer contract with the Austin Police Association.
40. Discuss legal issues relating to Agreement on Subdivision Platting in the Extraterritorial Jurisdiction Between the City of Austin and Travis County. (concerns House Bill 1445 issues)
41. Discuss legal issues related to an offer by PB Austin Ridge L.L.C. and MF Austin Ridge L.L.C. in exchange for the release of the lien held by Travis County Health Facilities Development Corporation and the City on the property located at 8509 FM 969 (formerly known as Vision Village) (Related Item 9)

**Real Property - Section 551.072**

42. Discuss acquisition of an interest in real property for Open Space Project (November 2000 Bond Election). (Related Item 45)
43. Discuss acquisition of an interest in real property for Greenway and Destination Parks (November 1998 Bond Election). (Related Item 46)

**Personnel Matters - Section-551.074**

44. Evaluate the performance of and consider compensation and benefits for the Municipal Court Clerk. (Related Item 31)

**Action on Executive Session**

45. Approve a resolution authorizing the City Manager, or designee, to negotiate and execute all documents related to acquiring approximately 236 acres in Hays County, in Barton Springs Contributing Zone using Open Space bond funds (November 2000). (Related Item 42)
46. Approve a resolution authorizing the City Manager, or designee, to negotiate and execute all documents related to acquiring approximately 7.9 acres located on Wasson Road using Greenway and Destination Park Bond Funds (November 1988). (Related Item 43)

**2:00 PM BRIEFINGS**

47. Briefing by the Hospital District Steering Committee on the proposed Travis County Hospital District. (Related Item 32)

**2:30 PM Police**

48. Approve the Meet and Confer Contract with the Austin Police Association for Austin Police Officers. (Funding in the amount of \$33,404,363 will be included in the proposed Operating Budget for Fiscal Years 2004-2005 through Fiscal Year 2007-2008. Funding in subsequent years is subject to appropriation by City Council.)

**4:00 P.M. ZONING HEARINGS AND APPROVAL OF ORDINANCES AND RESTRICTIVE COVENANTS****Zoning Ordinances / Restrictive Covenants**

49. C14-03-0182 - Asian Market - Approve second/third readings of an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 901 West Braker Lane (Walnut Creek Watershed) from general office (GO) to community commercial-conditional overlay (GR-CO) combining district zoning. First reading on March 4, 2004. Vote: 7-0. Conditions met as follows: Conditional Overlay incorporates the conditions imposed by Council on first ordinance reading. Applicant: Hill Country Dairies (Dan McMahon). Agent: Vision Design Group (Andrew Guzman). City Staff: Glenn Rhoades, 974-2775.
50. C14-03-0167 - Guadalupe Street Lofts - Approve second/third readings of 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 community commercial-mixed use-conditional overlay (GR-MU-CO) combining district zoning. First reading on February 26, 2004. Vote: 6-0, D. Thomas - off dais. Conditions met as follows: Conditional Overlay incorporates the conditions imposed by Council on first ordinance reading. Applicant: Austin WFD Ltd. Agent: Codney Group Inc. (Mike Rhoades). City Staff: Glenn Rhoades, 974-2775.

51. C14-03-0165 - Shaid Zoning - Approve second/third readings of an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 3206 West Slaughter Lane (Slaughter Creek Watershed-Barton Springs Zone) from interim-rural residence (I-RR) district zoning to townhouse & condominium residence (SF-6) district zoning. First reading on February 5, 2004. Vote: 6-1, D. Slusher - nay). Conditions met as follows: Conditional Overlay and Restrictive Covenant incorporates the conditions imposed or accepted by City Council at first ordinance reading. Applicant: Orrin Shaid and Orrin Shaid III. Agent: Crocker Consultants (Sarah Crocker). City Staff: Wendy Walsh, 974-7719.
52. C14-02-0154 - McDougal 620 Property - Approve second reading of an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as Windy Ridge Road at North F.M. 620 (Lake Travis Watershed) from development reserve (DR) district zoning to general commercial services (CS) district zoning. City Council approved community commercial-conditional overlay (GR-CO) combining district zoning and rural residence (RR) district zoning at first ordinance reading. First reading on March 20, 2003. Vote: 7-0. Conditions met as follows: Conditional Overlay incorporates the conditions imposed by Council on first ordinance reading. Applicant: Gerald McDougal. Agent: Brad Greenblum. City Staff: Glenn Rhoades, 974-2775. Note: A valid petition has been filed in opposition to this rezoning request.

#### **Neighborhood Plans - Hearings and Approval**

- Z- 1            Conduct a public hearing and approve an ordinance amendment to 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. (January 27, 2004: Planning Commission recommended the ordinance amendment.)



- Z- 2            Conduct a public hearing and consider an ordinance amending the Austin Tomorrow Comprehensive Plan by adopting the Brentwood/Highland Combined Neighborhood Plan for the area bounded on the north by Justin Lane and Anderson Lane, on the east by Middle Fiskville Road and Twin Crest Drive, on the south by 45th Street and Koenig Lane, and on the west by Burnet Road. (Planning Commission voted to recommend the Brentwood/Highland Combined Neighborhood Plan with conditions) (There is no fiscal impact associated with adopting the Brentwood/Highland Neighborhood Plan. An estimate of the fiscal impact to implement all of the recommendations in the plan is \$11,252,000. This plan is advisory and does not legally obligate the Council to implement any particular recommendation.) (February 24, 2004 - Planning Commission voted to recommend the Brentwood/Highland Combined Neighborhood Plan to the Council for adoption.) (Related Item Z-8)

**Zoning Hearings and Approval of Ordinances / Restrictive Covenants**

- Z- 3            C14-04-0010 - E.M. Rowshan et al. Property - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by zoning property locally known as 0 F.M. 2222 Road (West Bull Creek Watershed) from interim-rural residence (I-RR) district zoning to limited office-mixed use-conditional overlay (LO-MU-CO) combining district zoning. Zoning and Platting Commission Recommendation: To grant limited office-mixed use-conditional overlay (LO-MU-CO) combining district zoning. Property Owners: Esmacil M. Rowshan et al. Applicant: City of Austin. Agent: Neighborhood Planning & Zoning Department. City Staff: Sherri Gager, 974-3057.
- Z- 4            C14-03-0147 - Rich Retail Center - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 8700 Block of South First Street (Slaughter Creek Watershed) from development reserve (DR) district zoning to townhouse & condominium residence (SF-6) district zoning, community commercial-conditional overlay (GR-CO) combining district zoning and neighborhood commercial-conditional overlay (LR-CO) combining district zoning. Zoning and Platting Commission Recommendation: To grant townhouse & condominium residence (SF-6) district zoning for Tract 1 and neighborhood commercial (LR) district zoning for Tract 2 with conditions. Applicant: Mickey Rich Plumbing and Heating (Mickey Rich). Agent: Land Answers (Jim Wittliff). City Staff: Wendy Walsh, 974-7719.

- Z- 5            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.
- Z- 6            C14-03-0140 - Champion Tract - City Park Road East - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 6011-6411 City Park Road and 5801-6507 F.M. 2222 (Bull Creek and West Bull Creek Watersheds) from general office-conditional overlay (GO-CO) combining district zoning to general office-conditional overlay (GO-CO) combining district zoning in order to change a condition of zoning.. Zoning and Platting Commission Recommendation: To grant general office-conditional overlay (GO-CO) combining district zoning. Applicant: Champion Assets Ltd. (Josie Champion). Agent: Graves, Dougherty and Hearon (Michael Whellan). City Staff: Glenn Rhoades, 974-2775.
- Z- 7            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.

- Z- 8            C14-04-0012 - Brentwood/Highland Neighborhood Plan - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as the area covered by the Brentwood/Highland Combined Neighborhood Plan, encompassing the Brentwood and Highland planning areas. The Brentwood/Highland Neighborhood Planning area is bounded on the north by Justin Lane and Anderson Lane, on the east by Middle Fiskville Road and Twin Crest Drive, on the south by 45th Street and Koenig Lane, and on the west by Burnet Road. The proposed zoning change will create two Neighborhood Plan Combining Districts (NPCD) covering the entire area. Under the proposed Highland NPCD, "Small Lot Amnesty" and "Secondary Apartment" special uses are proposed for the entire plan area. "Garage Placement," "Front Porch Setback" and "Impervious Cover and Parking Placement Restrictions" are proposed for the entire area, with the exception of St. Johns Avenue. The Cottage Lot special use is proposed for the North and South Highland subdistricts. The North Highland subdistrict is bounded on the north by Crestland Drive, on the east by Twin Crest Drive, on the south by St. Johns Avenue, and on the west by Lamar Blvd. The South Highland subdistrict is bounded on the north and east by Airport Blvd., on the south by Denson Drive, and on the west by Lamar Blvd. The Neighborhood Mixed Use Building special use is proposed for Tract 221 and the Neighborhood Urban Center special use is proposed for Tracts 200, 201, 202, 222a, 222b, 222c, 223, 241, 242, 243a, 243b, 243c, 275, 276, and 277. Under the proposed Brentwood NPCD, "Small Lot Amnesty," "Secondary Apartment," "Garage Placement," "Front Porch Setback" and "Impervious Cover and Parking Placement Restrictions" are proposed for the entire area. The Urban Home special use is proposed for the Romeria Gateway subdistrict, which includes all lots adjacent to Romeria, between Lamar Blvd. and the Grover Drainage Channel. The Neighborhood Urban Center special use is proposed for Tracts 1 and 2. (Buttermilk Creek, Shoal Creek, Tannehill Creek and Waller Creek Watershed) To approve base district changes on certain parcels of land from Family Residence (SF-3) district zoning; Multi-family Residence-Low Density (MF-2) district zoning; Multi-family Residence - Medium Density (MF-3) district zoning; Neighborhood Office (NO) district zoning; Limited Office (LO) district zoning; Limited Office-Conditional Overlay (LO-CO) district zoning; General Office (GO) district zoning; General Office-Conditional Overlay (GO-CO) combining district zoning; Neighborhood Commercial (LR) district zoning; Neighborhood Commercial-Conditional (LR-CO) district zoning; Community Commercial (GR) district zoning; Community Commercial-Conditional Overlay (GR-CO) combining district zoning; General Commercial Services (CS) district zoning; General Commercial Services-Conditional Overlay (CS-CO) combining district zoning; Commercial-Liquor Sales (CS-1) district zoning; Commercial-Liquor Sales-Conditional Overlay (CS-1-CO) combining district zoning; Limited Industrial

Services-Conditional Overlay (LI-CO) combining district zoning; Multi-Family Residence - Limited Density-Conditional Overlay (MF-1-CO) combining district zoning; Multi-family Residence - Moderate-High Density (MF-4) district zoning; Limited Industrial Services (LI) district zoning; unzoned (UNZ); ~~to~~ Rural Residential-Neighborhood (RR-NP) combining district zoning; Single-Family Residence - Large Lot-Neighborhood (SF-1-NP) combining district zoning; Single-Family Residence-Standard Lot-Neighborhood (SF-2-NP) combining district zoning; Family Residence-Neighborhood (SF-3-NP) combining district zoning; Single-Family - Small Lot & Condominium Site-Neighborhood (SF-4A-NP) combining district zoning; Urban Family Residence-Neighborhood (SF-5-NP) combining district zoning; Townhouse & Condominium Residence-Neighborhood (SF-6-NP) combining district zoning; Multi-Family Residence - Limited Density-Neighborhood Plan (MF-1-NP) combining district zoning; Multi-family Residence - Low Density-Neighborhood Plan (MF-2-NP) combining district zoning; Multi-family Residence - Medium Density-Neighborhood Plan (MF-3-NP) combining district zoning; Multi-family Residence - Moderate-High Density-Neighborhood Plan (MF-4-NP) combining district zoning; Multi-family Residence - High Density-Neighborhood Plan (MF-5-NP) combining district zoning; Multi-family Residence - Highest Density-Neighborhood Plan (MF-6) combining district zoning; Mobile Home Residence-Neighborhood (MH-NP) combining district zoning; Neighborhood Office-Neighborhood Plan (NO-NP) combining district zoning; Limited Office-Neighborhood Plan (LO-NP) combining district zoning; General Office-Neighborhood (GO-NP) combining district zoning; Commercial Recreation-Neighborhood Plan (CR-NP) combining district zoning; Neighborhood Commercial-Neighborhood Plan (LR-NP) combining district zoning; Community Commercial-Neighborhood Plan (GR-NP) combining district zoning; Warehouse / Limited Office-Neighborhood Plan (W/LO-NP) combining district zoning; General Commercial Services Plan (CS-NP) combining district zoning; Commercial-Liquor Sales-Neighborhood Plan (CS-1-NP) combining district zoning; Commercial Highway Plan (CH-NP) combining district zoning; Industrial Park-Neighborhood Plan (IP-NP) combining district zoning; Major Industrial-Neighborhood (MI-NP) combining district zoning; Limited Industrial Services Plan (LI-NP) combining district zoning; Research and Development-Neighborhood Plan (R&D-NP) combining district zoning; Development Reserve-Neighborhood Plan (DR-NP) combining district zoning; Agricultural-Neighborhood Plan (AG-NP) combining district zoning; Planned Unit Development-Neighborhood Plan (PUD-NP) combining district zoning; and Public-Neighborhood Plan (P-NP) combining district zoning. A Conditional Overlay (CO) combining district, Planned Development Area (PDA) district, Mixed Use (MU) combining district may also be added to these zoning base districts. Planning Commission Recommendation: To grant

staff recommendation with the following changes: to recommend Neighborhood Office-Mixed Use-Neighborhood Plan (NO-MU-NP) combining district zoning on Tract 16; to recommend Neighborhood Office-Mixed Use-Neighborhood (NO-MU-NP) combining district zoning on Tract 213b; to recommend General Commercial Services-Mixed Use-Conditional Overlay-Neighborhood Plan (CS-CO-MU-NP) combining district zoning for a portion of Tract 222b (6900 & 6902 Guadalupe Street). Applicant: City of Austin. Agent: Neighborhood Planning and Zoning Department. City Staff: Annick Beaudet. 974-2975, Brian Block, 974-7687. Note: Several valid petitions have been filed in opposition to this rezoning request. (Related Item Z-2)

### **5:30 P.M. LIVE MUSIC AND PROCLAMATIONS**

#### **LIVE MUSIC**

The Damnations

#### **PROCLAMATIONS**

Certificate of Congratulations - PARD - to be presented by Mayor Will Wynn and to be accepted by Warren Struss

Proclamation - Wildfire Awareness Week - to be presented by Mayor Will Wynn and to be accepted by Kevin Baum

Distinguished Service Award - Tim Jones, Environmental Board - to be presented by Council Member Daryl Slusher and to be accepted by the honoree

### **6:00 P.M. PUBLIC HEARINGS AND POSSIBLE ACTION**

#### **Transportation, Planning and Sustainability**

53. Conduct a public hearing on the full purpose annexation of the Double Creek Village Area (Approximately 133 acres located in Travis County at the intersection of FM 1626 and IH 35).

**Watershed Protection and Development Review**

54. Conduct a public hearing and approve ordinances amending Section 25-2-513 of the City Code related to structures allowed in setbacks; Section 25-2-531 related to height limit exceptions; and Chapter 25-10 related to signs for certain institutions, and sign regulations in certain sign districts. (Recommended with amendments by the Planning Commission.)

**ADJOURN**

**THE CITY OF AUSTIN IS COMMITTED TO COMPLIANCE WITH THE AMERICANS WITH DISABILITIES ACT. REASONABLE MODIFICATIONS AND EQUAL ACCESS TO COMMUNICATIONS WILL BE PROVIDED UPON REQUEST. FOR ASSISTANCE PLEASE CALL 974-3256 OR 974-2445 TDD.**

Council Meetings

January 8, 2004  
January 15, 2004

January 29, 2004  
February 5, 2004  
February 12, 2004

February 26, 2004  
March 4, 2004  
March 11, 2004

March 25, 2004  
April 1, 2004

April 15, 2004  
April 22, 2004

May 6, 2004  
May 13, 2004

May 27, 2004

June 10, 2004  
June 17, 2004  
June 24, 2004

July 29, 2004  
August 5, 2004  
August 12, 2004

August 26, 2004  
September 2, 2004

September 13, 14, 15  
(Budget)

September 30, 2004  
October 7, 2004

October 21, 2004  
October 28, 2004  
November 4, 2004

November 18, 2004

December 2, 2004

December 16, 2004

Cancelled Meetings

January 1, 2004

January 22, 2004

February 19, 2004

March 18, 2004

April 8, 2004

April 29, 2004

May 20, 2004

June 3, 2004

July 1, 2004  
July 8, 2004  
July 15, 2004  
July 22, 2004

August 19, 2004

September 9, 2004  
September 16, 2004

September 23, 2004

October 14, 2004

November 11, 2004

November 25, 2004

December 9, 2004

December 23, 2004  
December 30, 2004