



**Austin City Council
MINUTES**

**REGULAR MEETING
THURSDAY, APRIL 22, 2004**

Invocation: Pastor David Lay, Woodcliff Baptist Church

The following represents the actions taken by the Austin City Council in the order they occurred during the meeting. While the minutes are not in sequential order, all agenda items were discussed. The City Council of Austin, Texas, convened in a regular meeting on Thursday, April 22, 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 10:06 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 April 15, 2004.
The minutes from the meeting of April 15, 2004 were approved.
2. Authorize acceptance of a grant award from the U. S. Department of Energy (DOE), in the amount of \$10,200 to fund distribution of the grant funded report, Silver In the Mine, and amend Ordinance No. 030909-01, the Fiscal Year 2003-2004 Operating Budget for the Electric Utility Department, by increasing grant funding and grant expenditures by \$10,200 in the approved Operating Budget of the Electric Utility Department. (Funding will be provided by the Department of Energy (DOE). The grant will expire on August 31, 2004, unless extended by mutual agreement in writing by both parties. The City of Austin is not required to provide an in-kind match.)
Ordinance No. 040422-02 was approved.
3. Authorize execution of a construction contract with S.J. LOUIS OF TEXAS, LTD., Mansfield, TX for the construction of the Northeast Service Area - North Interceptor Project in the amount of \$2,264,435 plus a \$235,565 contingency, for a total amount not to exceed \$2,500,000 (Funding in the amount of \$2,500,000 is available in the Fiscal Year 1995-1996 Amended Capital Budget of the Austin Water Utility.) Lowest bid of eight received. 13.54% MBE and 7.51% WBE subcontractor participation. (Recommended by Water and Wastewater Commission.)
The motion authorizing the execution of a construction contract was approved.

4. Authorize negotiation and execution of an amendment to the professional services agreement with THONHOFF CONSULTING ENGINEERS, INC., Austin, TX, for construction phase services in association with the Wastewater Lift Station Relief and Rehabilitation Project, in the amount of \$342,359, for a total contract amount not to exceed \$1,923,503. (Funding in the amount of \$288,979 is included in the Fiscal Year 2003-2004 Capital Budget and \$53,380 is included in the Fiscal Year 1999-2000 Amended Capital Budget of the Austin Water Utility.) 14.68% MBE and 7.00% WBE subcontractor participation to date. (Recommended by Water and Wastewater Commission)
The motion authorizing the negotiation and execution of an amendment to the professional services agreement was approved.
5. Amend the Fiscal Year 2003-2004 Fee Schedule of Ordinance No. 030909-04 to modify the sliding scale fee payment percentages currently shown for services provided by the Community Health Centers.
Ordinance No. 040422-5 was approved.
6. Approve execution of an amendment to the Interlocal Agreement between the City of Austin and AUSTIN COMMUNITY COLLEGE, Austin, TX for the modification and extension of the agreement term until September 30, 2004, to allow for the completion of software training for small business owners. (Funding for the original agreement was included in the 2001-2002 Approved Budget of the Department of Small and Minority Business Resources. There is no financial impact to this action.)
The motion authorizing the execution of an amendment to the Interlocal Agreement was approved.
7. Approve renewal and amendment of 12-month contracts under the Ryan White Title I HIV Emergency Relief Grant for the delivery of HIV-related services with: AIDS SERVICES OF AUSTIN, INC., Austin, TX in an amount not to exceed \$691,061 with one 12-month extension option in an amount not to exceed \$691,061 per extension, for a total contract amount not to exceed \$2,057,425; AUSTIN LATINO/A LESBIAN AND GAY ORGANIZATION (ALLGO), Austin, TX, in an amount not to exceed \$164,471 with one 12-month extension option in an amount not to exceed \$164,471 per extension, for a total contract amount not to exceed \$467,934; AUSTIN-TRAVIS COUNTY MENTAL HEALTH MENTAL RETARDATION CENTER C.A.R.E. PROGRAM, Austin, TX in an amount not to exceed \$255,301 with one 12-month extension option in an amount not to exceed \$255,301 per extension, for a total contract amount not to exceed \$908,230; INTERFAITH CARE ALLIANCE, Austin, TX, in an amount not to exceed \$148,164 with one 12-month extension option in an amount not to exceed \$148,164 per extension, for a total contract amount not to exceed \$441,753; PROJECT TRANSITIONS, INC., Austin TX in an amount not to exceed \$117,848 with one 12-month extension option in a amount not to exceed \$117,848 per extension, for a total contract amount not to exceed \$362,299; and THE WRIGHT HOUSE WELLNESS CENTER, INC., Austin, TX in an amount not to exceed \$377,173 with one 12-month extension option in an amount not to exceed \$377,173 per extension, for a total contract amount not to exceed \$1,084,987. (Funding in the amount of \$1,754,018 is available in the Fiscal Year 2003-2004 Approved Operating Budget of the Health and Human Services Department (HHSD) Special Revenue Fund, Ryan White Title I HIV Emergency Relief Grant. Grant period and contract performance period is March 1, 2004 through February 28, 2005.) (Austin Area Comprehensive HIV Planning Council initially approved allocation of funds for the purchase of these services on September 9, 2003, and reaffirmed their allocation plan on March 9, 2004, following receipt of the Notice of Grant Award.)
The motion authorizing the renewal and amendment of the contracts was approved.

Item 8 was pulled for discussion.

9. Approve a resolution authorizing the filing of eminent domain proceedings for the Austin Clean Water Program portion of Little Walnut/Buttermilk - Quail Creek to acquire a 0.265 acre permanent wastewater line easement, a 0.043 acre temporary working space easement, a 0.349 acre temporary ingress and egress easement, and a 0.251 acre temporary staging area and material storage site easement out of a Lot 1, Capital City Section One, a subdivision in the City of Austin, in the amount of \$45,441. The owner of the property sought to be condemned is WILDFLOWER ASSOCIATES, a Texas General Partnership. (Funding is included in the Fiscal Year 2003-2004 Capital Budget of the Austin Water Utility.)
Resolution No. 040422-9 was approved.

Item 10 was pulled for discussion.

11. Authorize negotiation and execution of a professional services agreement with the following seven (7) firms: AMTECH ROOFING CONSULTANTS, Austin, TX; FUGRO SOUTH, INC., Austin, TX; EDIS OLIVER & ASSOCIATES, Austin, TX; CONLEY GROUP, Dallas, TX; MENDOZA ARCHITECTURE (MBE/MH), Spicewood, TX; RABA KISTNER CONSULTANTS, INC., Austin, TX and Qs TECH, LLP, Austin, TX for roofing and waterproofing consultant services for a period of approximately three (3) years or until financial authorization is expended, in an amount not to exceed \$1,000,000 or with a total aggregate amount of the seven (7) agreements not to exceed \$1,000,000. (Funding in the amount of \$1,000,000 is available in the Fiscal Year 2004-2005 Approved Capital Budget and/or Operating Budget of the Public Works Department and various other departments for which the services are needed.) Best qualification statements of twelve (12) 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.
This item was postponed to May 6, 2004.
12. Approve a resolution authorizing the negotiation and execution of an earnest money contract, which includes \$110,000 of non-refundable earnest money, with (1) Anne Ashmun and (2) Scott and Gini Nester, to purchase two conservation easements on a total of 755 acres along FM 967 in Hays County, in the Barton Creek Recharge Zone. (Funding is included in the Fiscal Year 2003-2004 Open Space Account of the Parks and Recreation Department.)
Resolution No. 040422-12 was approved.
13. Authorize execution of 12-month service agreement with TEXAS INFRARED, Beaumont, TX for infrared imaging inspections in an amount not to exceed \$53,400, with four 12-month extension options in an amount not to exceed \$53,400 per extension option, for a total agreement amount not to exceed \$267,000. (Funding in the amount of \$22,250 is available in Fiscal Year 2003-2004 Amended Operating Budget of the Electric Utility Department. Funding for the remaining seven months of the original contract period and extension options is contingent upon available funding in future budgets.) Low bidder 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.

14. Authorize execution of amendment No. 1 to the 12-month service agreement with AMTECH LIGHTING SERVICES, Austin, TX and AMERICAN LIGHT INC., Austin, TX for commercial lighting retrofit services in an amount not to exceed \$2,141,622.30 for the initial contract term and in an amount not to exceed \$141,622.30 for each of the two 12-month extension options, for a revised contract amount not to exceed \$3,000,000 for the initial contract term, and \$1,000,000 for each of the two extension options, and authorize an additional third 12-month extension option in an amount not to exceed \$1,000,000, for a revised total contract amount not to exceed \$6,000,000. (Funding in the amount of \$1,427,748.20 is available in the Fiscal Year 2003-2004 Amended Operating Budget of the Electric Utility Department. Funding for the remaining four months of the initial term and the extension options is contingent upon funding in future budgets.) American Light: 19.08% MBE, 6.37% WBE subcontracting participation. Amtech Lighting Services: 11.70% MBE, 0% WBE subcontracting participation.
The motion authorizing the execution of amendment No. 1 to the service agreement was approved.
15. Authorize negotiation and execution of a contract with COMPUTER ASSOCIATES, Islandia, NY, through the UNITED STATES GENERAL SERVICES ADMINISTRATION (GSA) Federal Supply Schedule GS-35F-0823M for network management system software, implementation, maintenance and training services through September 30, 2005, in an amount not to exceed \$526,000, with the option to purchase two additional 12-month periods of software maintenance in an amount not to exceed \$200,000 per option, for a total contract amount not to exceed \$926,000. (Funding in the amount of \$526,000 is available in the Fiscal Year 2003-2004 Approved Capital Budget of the Electric Utility Department. Funding for the extension options is contingent upon available funding in future budgets.) General Services Administration (GSA) Cooperative Purchasing.
This item was postponed indefinitely and withdrawn from the agenda.
16. Authorize execution of 12-month supply agreement with AMERICAN INDUSTRIAL PRECAST PRODUCTS, Seguin, TX for precast concrete manholes in an amount not to exceed \$68,595, with four 12-month extension options in an amount not to exceed \$68,595, for a total agreement amount not to exceed \$342,975. (Funding in the amount of \$28,581.25 is available in Fiscal Year 2003-2004 Amended Operating Budget of the Electric Utility Department. Funding for the remaining seven months of the original contract period and extension options is contingent upon available funding in future budgets.) Low bid of three bids received. This contract will be awarded in compliance with Chapter 2-9 of the City Code (Minority-Owned and Women-Owned Business Enterprise Procurement Program. No subcontracting opportunities were identified; therefore, no goals were established for this solicitation.
The motion authorizing the execution of a supply agreement was approved.
17. Authorize execution of a 12-month supply agreement with LONE STAR READY MIX (WBE/FH), Austin, TX for ready-mix concrete in an amount not to exceed \$229,550, with four 12-month extension options in an amount not to exceed \$229,550 per extension option, for a total agreement amount not to exceed \$1,147,750. (Funding in the amount of \$95,645.85 is available in Fiscal Year 2003-2004 Amended Operating Budget of the Electric Utility Department. Funding for the remaining seven months of the original contract period and extension options is contingent upon available funding in future budgets.) Low bid of five bids received. This contract will be awarded in compliance with Chapter 2-9 of the City Code (Minority Owned and Women-Owned Business Enterprise Procurement Program) No subcontracting opportunities were identified; therefore, no goals were established for this solicitation.
The motion authorizing the execution of a supply agreement was approved.

18. Authorize execution of 12-month supply agreement with CAPITOL AGGREGATES, LTD, Austin, TX for the purchase of hot mix-cold laid asphaltic concrete in an amount not to exceed \$245,400, with two 12-month extension options in an amount not to exceed \$245,400 per extension option, for a total agreement amount not to exceed \$736,200. (Funding in the amount of \$61,350 is available in the Fiscal Year 2003-2004 Approved Operating Budget of the Austin Water Utility. Funding for the remaining nine 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.
The motion authorizing the execution of a supply agreement was approved.
19. Authorize execution of a 12-month supply agreement with ARNOLD OIL CO., INC., Austin, TX for the purchase of lubricating oils, fluids, and greases in an amount not to exceed \$373,240.30, with two 12-month extension options in an amount not to exceed \$373,240 per extension option, for a total agreement amount not to exceed \$1,119,720.90. (Funding in the amount of \$155,517 is available in the Fiscal Year 2003-2004 Approved Operating Budget of the Fleet Maintenance Fund of the Financial and Administrative Services Department. Funding for the remaining seven months of the original contract period and extension options is contingent upon available funding in future budgets.) Lowest bid of seven 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.
20. Authorize negotiation and execution of a 12-month interlocal agreement with CAPITAL METROPOLITAN TRANSPORTATION AUTHORITY, Austin, TX, to purchase commuter passes for the City of Austin Commuter Pass Program in an amount not to exceed \$50,000, with four 12-month extension options in an amount not to exceed \$50,000 per extension option, for a total agreement amount not to exceed \$250,000. (Funding in the amount of \$20,833 is available in the Fiscal Year 2003-2004 Approved Operating Budget of the Human Resources Department. Participating departments are back charged for their costs. Funding for the remaining seven months of the original contract period and extension options is contingent upon available funding in future budgets.) Interlocal.
The motion authorizing the negotiation and execution of an interlocal agreement was approved.
21. Authorize negotiation and execution of a 17-month supply agreement with Philips S.P.A. dba FIMI S.R.I, Saronno, Italy for up to one hundred 29-inch CRT monitors in an amount not to exceed \$135,000. (Funding in the amount of \$54,000 is available in the Fiscal Year 2003-2004 Approved Operating Budget of the Aviation Department.) Sole Source. (Recommended by the Austin Airport Advisory Commission)
The motion authorizing the negotiation and execution of a supply agreement was approved.
22. Authorize execution of an Interlocal Agreement with the University of Texas at Austin, Center for Transportation Research, for the Triangle Transportation Study, in an amount not to exceed \$100,000. (Funding in the amount of \$75,000 is included in the Fiscal Year 2003-2004 Amended Capital Budget of the Transportation, Planning & Sustainability Department; \$25,000 will be contributed by the developer and held in escrow as a condition of the developer's Site Development Permit.)
The motion authorizing the execution of an Interlocal Agreement was approved.

23. Approve an ordinance amending Section 12-4-42 of the City Code by extending the 40 miles per hour speed limit on Beckett Road, from Davis Lane to Slaughter Lane (West), and extending the 40 miles per hour speed limit on Riverside Drive (East), from Pleasant Valley Road (South) to Parker Lane. (Funding in the amount of \$300 for the installation of the appropriate speed limit signs is available in the Fiscal Year 2003-2004 Operating Budget of the Transportation, Planning & Sustainability Department.)
Ordinance No. 040422-23 was approved.

Item 24 was reconsidered later in the meeting.

25. Approve first reading of an ordinance for the full purpose annexation of the Double Creek Village area (Approximately 131 acres in Travis County at the intersection of FM 1626 and IH-35). (Funding necessary to provide general governmental services to this tract is available in the budgets of the departments providing the services.)
The first reading of the ordinance was approved.
26. Board and Commission Appointments.
There were no appointments.
27. Authorize the use of Town Lake for the water event "Swim 4 the Reef," to be held May 8, 2004 from 8:00 a.m. to 12:00 p.m (Mayor Pro Tem Jackie Goodman, Council Member Raul Alvarez and Council Member Daryl Slusher)
The motion authorizing the use of Town Lake for the water event "Swim 4 the Reef" was approved.
28. Approve a resolution regarding the selection of the Board and employee issues for the proposed Travis County Hospital District (Council Member Betty Dunkerley)
This item was postponed to May 6, 2004.

Item 29 was pulled for discussion.

30. Approve an ordinance deferring the application of the landscaping requirements of Chapter 25-2 of the Code for a period not to exceed 24 months to a project identified in SP-99-2212C, generally known as the Abundant Life Church of Praise, located at 4605 Manor Road, Austin, Texas. (Council Member Danny Thomas)
This item was withdrawn.

Item 31 was pulled for discussion.

32. Approve a resolution directing the City Manager to initiate the zoning of approximately 6300 acres of land generally located between F.M. 1325 and Parmer Lane in Travis and Williamson Counties, and locally known as the Robinson Property, to a planned unit development zoning district. (Mayor Will Wynn, Council Member Betty Dunkerley and Council Member Daryl Slusher)
Resolution No. 040422-32 was approved.

33. Set public hearings for the limited purpose annexation of the Robinson Property. (Approximately 6300 acres located in Travis and Williamson Counties, between F.M. 1325 and Parmer Lane.) (Suggested dates and times: May 6, 2004 and May 13, 2004 at 6:00 p.m., Lower Colorado River Authority, Hancock Building). (Mayor Will Wynn, Mayor Pro Tem Jackie Goodman and Council Member Brewster McCracken)
The public hearings were set for May 6 and May 13, 2004 at 6:00 p.m., Lower Colorado River Authority, Hancock Building.
34. Set a public hearing to amend the City of Austin Comprehensive Plan, 2025 Austin Metropolitan Area Transportation Plan (AMATP), to designate: 1. Escarpment Blvd as a Major Arterial Divided roadway with four lanes (MAD 4) from William Cannon Dr. to Davis Ln.; 2. Escarpment Blvd. as a Major Arterial Divided roadway with four lanes (MAD 4) and bike lane striping from Davis Ln. to Salcon Cliff Dr.; 3. Escarpment Blvd. as a Major Arterial Divided roadway with four lanes (MAD 4), bike lane striping and a reduction in speed to 40 mph from Salcon Cliff Dr. to Slaughter Ln 4. Escarpment Blvd as a Major Arterial Divided roadway with two lanes (MAD 2), and a Major Arterial Undivided roadway with two lanes (MAU 2), and bike lanes from Slaughter Ln. to Aden Ln.; 5. Escarpment Blvd. as a Major Arterial Divided roadway with two lanes (MAD 2), and bike lanes from Aden Ln. to SH 45: Case No. C2-03-07); 6. Delete North Lake Creek Parkway, from the existing terminus north of Lakeline Blvd. to Avery Ranch Rd. (Case No. C2-04-02); 7. Downgrade Manor Rd., between Airport Blvd. And 51st St., to a Major Arterial Undivided roadway with four lanes (MAU 4) [Case No. C2-04-03]. (Suggested date and time: May 6, 2004 at 6:00 p.m., Lower Colorado River Authority, Hancock Building) (Recommended by Urban Transportation Commission, Environmental Board and Planning Commission.)
The public hearing was set for May 6, 2004 at 6:00 p.m., Lower Colorado River Authority, Hancock Building.
35. Set a public hearing on an appeal by Mike McHone of the Planning Commission's decision to deny a conditional use permit for transitional housing at 5117 North Lamar (Suggested date and time: May 6, 2004, at 6:00 p.m., Lower Colorado River Authority, Hancock Building). (Denied by the Planning Commission.)
The public hearing was set for May 6, 2004, at 6:00 p.m., Lower Colorado River Authority, Hancock Building.

Items 36 through 41 were Executive Session items.

Item 42 was action on Executive Session item.

Item 43 was a briefing item set for a time certain at 2:00 p.m.

Item 44 was a briefing item set for a time certain at 3:00 p.m.

Items 45 through 48 and Z-1 through Z-7 were Zonings set for a time certain at 4:00 p.m.

Items 49 through 51 were Public Hearing items set for a time certain at 6:00 p.m.

52. Approve waiver of the permit fee under Chapter 14-8 of the Code in an amount not to exceed \$100.00 for the Great Taste of Mexico to be held on May 6, 2004. (Council Member Raul Alvarez and Mayor Pro tem Jackie Goodman)
The motion authorizing the waiver of the permit fee was approved.

DISCUSSION ITEMS

10. Authorize execution of a construction contract with PRISM DEVELOPMENT, INC., (DBE 39.91%), Austin, TX, for Boggy Creek Trail Improvements in an amount not to exceed \$375,543.30. (Funding is available in the Fiscal Year 1998-1999 Amended Capital Budget of the Transportation, Planning and Sustainability Department.) Second lowest bid of eight received. 33.29% DBE subcontractor participation.
This item was postponed to May 6, 2004 on Council Member Slusher's motion, Council Member McCracken's second on a 6-0 vote. Mayor Pro Tem was off the dais.
29. Approve an ordinance amending Chapter 9-2 of the City Code relating to noise and amplified sound, to expand the exception for the annual South-by-Southwest music event. (Council Member Brewster McCracken and Council Member Betty Dunkerley)
The ordinance failed on Council Member McCracken's motion, Council Member Dunkerley's second on a 3-3 vote. Those voting aye were: Mayor Wynn, Council Members Dunkerley and McCracken. Those voting nay were: Council Members Alvarez, Slusher and Thomas. Mayor Pro Tem Goodman was off the dais.
24. Approve issuance of a street event permit to the Mexic-Arte Museum to close the 100 block of East 5th Street for a fundraising fee paid event to be held on May 6, 2004 from 9:00 a.m. to 11:00 p.m. (Two lanes will remain open between 9:00 a.m. and 6:00 p.m.; full closure will occur between 6:00 p.m. and 11:00 p.m.)
The motion authorizing the issuance of a street event permit was approved as a part of the consent action with the following friendly amendment from Council Member Alvarez, the maker of the consent motion. The amendment was to leave one lane open for traffic during the event rather than two lanes. This was accepted by Council Member Dunkerley, who seconded the consent motion.
- A motion to reconsider Item 24 was approved on Council Member Slusher's motion, Mayor Wynn's second on a 5-0 vote. Mayor Pro Tem Goodman and Council Member McCracken were off the dais.
- The motion authorizing staff's recommendation to have two lanes remain open was approved on Council Member Slusher's motion, Mayor Wynn's second on a 6-0 vote. Mayor Pro Tem Goodman was off the dais.

CITIZEN COMMUNICATIONS: GENERAL

Jimmy Castro - Cinco de Mayo Celebration

Jason J. Thibodeaux - Gay Marriage in Austin

Mary Lehmann - Mueller Redevelopment

Robert Single - Mueller Redevelopment

Mae Harris Marion - Budget Plan and Silver Hair Legislature

Ellen Hobbs - Marriage Equality

Pat Johnson - It's a shame

Jun Yeh - Human rights, stop persecution of Falun Gong

Mei-chih Huang - Invitation to UT rally

Kyre Osborn - Marriage Equality

Mayor Wynn recessed the Council Meeting to go into Executive Session at 12:47 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

36. Discuss legal issues relating to *Hyde Park Baptist Church v. City of Austin*; Cause No. GN202015; in the 98th Judicial District Court of Travis County, Texas (concerns the church's construction of a parking garage near 39th Street and Avenue D.) (Related Item 8)
37. Discuss legal issues related to Agreement on Subdivision Platting in the Extraterritorial Jurisdiction Between the City of Austin and Travis County. (concerns House Bill 1445 issues)
No discussion on this item
38. Discuss legal issues relating to the Fourth Special Called Session of the 78th State Legislature.

Item 39 was discussed later in Executive Session.

Real Property - Section 551.072

40. Discuss terms of the disposition for the former Robert Mueller Municipal Airport site to Catellus Austin, L.L.C. (Related Item 42)

Item 41 was discussed later in Executive Session

Executive Session ended and Mayor Wynn called the meeting back to order at 2:46 p.m.

BRIEFINGS

43. Presentation from the Historic Preservation Task Force.
The presentation was made by Betty Baker, Chair of the Historic Preservation Task Force; John Phillip Donisi, member of Historic Landmark Task Force; and Steve Sadowsky, Historic Preservation Officer.

ACTION ON EXECUTIVE SESSION

42. Approve a resolution authorizing the disposition, sale, lease, or transfer of the former Robert Mueller Municipal Airport site. (Related Item 40)
No discussion was held on this item.

DISCUSSION ITEMS CONTINUED

8. Authorize negotiation and execution of an outside counsel contract with GRAVES, DOUGHERTY, HEARON, & MOODY, P.C., Austin, TX, in *Hyde Park Baptist Church v City of Austin and Hyde Park Neighborhood Association*, Cause No. GN202015, in the 98th Judicial District Court of Travis County, Texas, in an amount not to exceed \$45,000. (Funding in the amount of \$45,000 is available in the Fiscal Year 2003-2004 Approved Operating Budget of the Liability Reserve Fund.) (Related Item 36)
The motion authorizing the negotiation and execution of an outside counsel contract was approved on Mayor Pro Tem Goodman's motion, Council Member Dunkerley's second on a 5-1 vote. Those voting aye were: Mayor Wynn, Mayor Pro Tem Goodman, Council Members Alvarez, Dunkerley and Slusher. Those voting nay were: Council Member Thomas. Council Member McCracken was off the dais.

APD BRIEFING

44. Briefing by the Chief of Police regarding crime rates, strategies and statistics in Austin.
The presentation was made by Laura Huffman, Assistant City Manager and Stanley Knee, Chief of Police.

ZONING CONSENT ITEMS

The following zoning items were acted on by one motion. No separate discussion or action occurred on any of the items. The consent items were approved on Council Member Alvarez' motion, Council Member Thomas' second on a 6-0 vote. Council Member McCracken was off the dais.

45. C14-04-0014 - Peppard - Approve second/third readings of an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 4601 Spicewood Springs Road (Bull Creek Watershed) 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. First reading on April 1, 2004. Vote: 7-0. Conditions met as follows: Conditional Overlay incorporates the conditions imposed by Council on first ordinance reading. Applicant: Eric Liljenwall, Muskis/Cummins Partnership (Alan Muskis), Ivy Crew and Elliot Building (Frank Ivy). Agent: Jim Bennett. City Staff: Glenn Rhoades, 974-2775.
Ordinance No. 040422-45 was approved.

Item 46 was pulled for discussion.

47. C14-03-0137- Approve second/third readings of an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 500 East Ben White Boulevard (Blunn Creek Watershed) from family residence (SF-3) district zoning to general commercial services-conditional overlay (CS-CO) combining district zoning for Tract 1 and limited office-conditional overlay (LO-CO) combining district zoning for Tract 2. First reading on March 4, 2004. Vote: 6-0; McCracken absent. Conditions met as follows: Conditional Overlay and Restrictive Covenant incorporates the conditions imposed or accepted by City Council at first ordinance reading. Applicant: Galaxie Corporation. Agent: Doucet & Associates (Carol M. Stewart). City Staff: Annick Beaudet, 974-2975.
Ordinance No. 040422-47 was approved.

ZONING DISCUSSION ITEMS

46. C14-04-0028 - Jack Brown Cleaners - Approve second/third readings of an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 11521 R.M. Road 620 North (Bull Creek Watershed) from community commercial-conditional overlay (GR-CO) combining district zoning to general commercial services (CS) district zoning. First reading on April 15, 2004. Vote: 7-0. Conditions met as follows: No conditions were imposed. Applicant: Plaza V 620, Ltd. (James H. Matoushak). Agent: Crocker Consultants (Sarah Crocker). City Staff: Sherri Gager, 974-3057
Ordinance No. 040422-46 was approved on Council Member Dunkerley's motion, Council Member Thomas' second on a 6-0 vote. Council Member McCracken was off the dais.

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-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. (April 13, 2004 - Planning Commission supported the staff recommendation to deny the plan amendment request on a vote of 6-2-1.)
This item was postponed to May 27, 2004.
- Z-2 C14-04-0031 - Davenport Village - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by zoning property locally known as 3801 North Capitol of Texas Highway (Lake Austin Watershed) from interim-community commercial (I-GR) district zoning to commercial liquor sales-conditional overlay (CS-1-CO) combining district zoning.. Zoning and Platting Commission Recommendation: To grant commercial liquor sales-conditional overlay (CS-1-CO) combining district zoning. Applicant: D.V. Partners Ltd. (Robbie Mayfield). Agent: Lopez-Phelps and Assoc. (Amelia Lopez-Phelps). City Staff: Glenn Rhoades, 974-2775.
Ordinance No. 040422-Z-2 for commercial liquor sales conditional overlay (CS-1-CO) combining district zoning was approved.

- Z-3 C14-04-0032 - Davenport Village - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 3801 North Capitol of Texas Highway (Lake Austin Watershed) from commercial liquor sales-conditional overlay (CS-1-CO) combining district zoning to community commercial-conditional overlay (GR-CO) combining district zoning. Zoning and Platting Commission Recommendation: To grant community commercial-conditional overlay (GR-CO) combining district zoning. Applicant: D.V. Partners Ltd. (Robbie Mayfield). Agent: Lopez-Phelps and Assoc. (Amelia Lopez-Phelps). City Staff: Glenn Rhoades, 974-2775.
Ordinance No. 040422-Z-3 for community commercial-conditional overlay (GR-CO) combining district zoning was approved.
- Z-4 C14-04-0025 - River Place Section 17 - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 8600-8798 Big View Drive (Lake Austin Watershed) from commercial recreation (CR) district zoning to Lake Austin residence (LA) district zoning. Zoning and Platting Commission Recommendation: To grant Lake Austin residence (LA) district zoning. Applicant: Lake Austin River Place, Ltd. (Russell Parker). Agent: PBS & J (Frank Del Castillo). City Staff: Glenn Rhoades, 974-2775.
Ordinance No. 040422-Z-4 for Lake Austin residence (LA) district zoning was approved.
- Z-5 C14-03-0049 - House of Tutors - Conduct a public hearing and approve 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) combining district zoning to general commercial services-mixed use-conditional overlay (CS-MU-CO) combining district zoning and multi-family residence highest density-conditional overlay (MF-6-CO) combining district zoning. Planning Commission Recommendation: To grant general commercial services-mixed use-conditional overlay (CS-MU-CO) combining district zoning and multi-family residence highest density-conditional overlay (MF-6-CO) combining district zoning. Applicant: House of Tutors Inc. (Hussain Malik). Agent: Holland Architectural (James Holland). City Staff: Glenn Rhoades, 984-2775.
This item was postponed to May 6, 2004 at the neighborhood association's request.
- Item Z-6 was pulled for discussion.**
- Z-7 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 (Tract 3) (Carson Creek Watershed) from 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 deny single-family residence small lot (SF-4A) district zoning. Applicant: Robert Steiner. Agent: Minter, Joseph, and Thornhill, P.C. (John Joseph, Jr.). City Staff: Annick Beaudet, 974-2975.
This item was postponed to May 27, 2004.

ZONING DISCUSSION ITEMS

- Z-6 C14H-04-0001 - Driver-Metcalf House. Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 1204 Travis Heights Boulevard from family residence (SF-3) district to family residence-historic (SF-3-H) combining district. Historic Landmark Commission Recommendation: To grant family residence-historic (SF-3-H) combining district. Planning Commission Recommendation: To deny family residence-historic (SF-3-H) combining district. Applicant: Historic Landmark Commission. City Staff: Steve Sadowsky, Historic Preservation Office, Transportation, Planning and Sustainability Department, 974-6454.
This item was postponed to May 27, 2004 on Council Member McCracken's motion, Council Member Alvarez' second on a 4-3 vote. Those voting aye were: Mayor Pro Tem Goodman and Council Members Alvarez, McCracken and Thomas. Those voting nay were: Mayor Wynn and Council Members Dunkerley and Slusher.
48. C14-03-0165 - Shaid Zoning - Approve third reading of an ordinance amending Chapter 25-2 of the Austin City Code by zoning 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, Slusher nay. Second Reading on March 25, 2004. Vote: 6-1, Slusher nay. Conditions met as follows: Restrictive Covenant incorporates the conditions accepted by City Council at second ordinance reading. Applicant: Orrin Shaid and Orrin Shaid III. Agent: Crocker Consultants (Sarah Crocker). City Staff: Wendy Walsh, 974-7719.
Ordinance No. 040422-48 was approved on Council Member Dunkerley's motion, Mayor Pro Tem Goodman's second on a 6-1 vote. Council Member Slusher voted nay.

DISCUSSION ITEMS CONTINUED

31. Approve an ordinance amending Part 7 of Ordinance No. 031030-35 regarding the effective date of smoking in public places. (Mayor Pro Tem Jackie Goodman and Council Member Brewster McCracken)
Ordinance No. 040422-31, allowing a one-month postponement of the effective date of the ordinance, was approved on Council Member McCracken's motion, Mayor Pro Tem Goodman's second on a 7-0 vote.

Mayor Wynn recessed the Council Meeting at 5:25 p.m.

LIVE MUSIC

Sergeant Ben

PROCLAMATIONS

Proclamation - National Infant Immunization Week - to be presented by Mayor Will Wynn and to be accepted by David Lurie

Proclamation - Career Expo - to be presented by Mayor Will Wynn and to be accepted by Olin Clemons and Jerry Davis

Certificates of Congratulations - Volunteers of the Month - to be presented by Council Member Brewster McCracken and to be accepted by the honorees, Kim Eckert and Rick Jordan

Certificate of Congratulations - Camp Fire Graduates - to be presented by Council Member Betty Dunkerley and to be accepted by Amber Shirley

Proclamation - Donate Life Month - to be presented by Mayor Will Wynn and to be accepted by Melanie Stonerock

Mayor Wynn called the Council Meeting back to order to go into Executive Session at 6:12 p.m.

EXECUTIVE SESSION CONTINUED

39. Discuss legal issues related to new citation program and amendments to Sections 10-5-44 and 25-10-103 of City Code. (Concerns prohibited signs on public property or public right-of-way) (Related Item 49)

Executive Session ended and Mayor Wynn called the Council Meeting back to order at 6:28 p.m.

PUBLIC HEARINGS AND POSSIBLE ACTION

49. Conduct a public hearing and approve an ordinance adopting a new Chapter 1-3 of the City Code relating to Citation Program; amending Section 10-5-44 of the City Code relating to placing objects on public property; amending Section 25-10-103 of City Code relating to signs on public property; creating offenses; and providing penalties. (Recommended by the Planning Commission) (Related Item 39)

The public hearing was closed and Ordinance No. 040422-49 was approved on Council Member Thomas' motion, Council Member Dunkerley's second on a 6-0 vote. Council Member Alvarez was off the dais.

51. Conduct a public hearing and approve an ordinance amending Title 25 of the City Code (Land Development Code) regarding administrative approval of wastewater lines in the Critical Water Quality Zones in the Harris Branch, Decker, Gilleland and Wilbarger Creek watersheds (Weston Study Area). (Environmental Board and Zoning and Platting Commission recommended disapproval. Planning Commission recommended disapproval of Code Amendments, and recommended adopting streamline variance process.)

This item was postponed to May 13, 2004 on Council Member Dunkerley's motion, Mayor Pro Tem Goodman's second on a 6-0 vote. Council Member Alvarez was off the dais.

50. Conduct 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 and approve an amendment of Ordinance No. 030908-04 (fee ordinance) to add a sign removal and relocation fee. (Not recommended by the Planning Commission.)

This item was postponed indefinitely and withdrawn from the agenda on Council Member Dunkerley's motion, Council Member McCracken's second on a 6-0 vote. Council Member Alvarez was off the dais.

Mayor Wynn recessed the Council Meeting to go into Executive Session at 6:36 p.m.

EXECUTIVE SESSION CONTINUED

41. Discuss disposition of an interest in real property acquired for the Barton Springs Clean Water Project (May 1998 Bond Election), for the Balcones Canyonlands Preserve (August 1992 Bond Election), and/or for the Water Quality Lands Project (November 2000 Bond Election).

Executive Session ended at 7:18 p.m.

The motion to adjourn the meeting at 7:20 p.m. was approved on Council Member Slusher's motion, Council Member Thomas' second on a 7-0 vote.

The minutes for the Regular Meeting of April 22, 2004 were approved on this the 6th day of May, 2004 on Mayor Pro Tem Goodman's motion, Council Member Thomas' second on a 6-0 vote. Council Member McCracken was off the dais.