



AUSTIN CITY COUNCIL
MINUTES

REGULAR MEETING
THURSDAY, MAY 13, 2004

Invocation: Rev. Bob Shipps, Pastor, Grace Church of the Nazarene

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, May 13, 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 10:16 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 Thomas' motion, Council Member Dunkerley's second on a 7-0 vote.

1. Approval of minutes from the meeting of May 6, 2004.
The minutes from the meeting of May 6, 2004 were approved.
2. Approve an ordinance repealing and replacing Articles 1 through 16 of Chapter 15-9 of the Code relating to Utility Service Regulations (which are the rules to be followed by the City in supplying utility services, and by the customer in using such service) to clarify existing provisions and add new provisions for products and services brought on by changing demands in the Utility industry; readopting offenses; and providing penalties. (Recommended by the Electric Utility Commission.)
This item was postponed to May 27, 2004.
3. Amend the Fiscal Year 2003-2004 Aviation Department Operating Budget of Ordinance No. 030909-01 to increase Transfers Out to the Capital Improvements Program by an amount of \$1,358,000; Amend the Fiscal Year 2003-2004 Aviation Department Capital Budget of Ordinance No. 030908-02 to increase Transfers In by an amount of \$1,358,000 and to appropriate \$6,457,000 for the Noise Mitigation Program and the Elevator and Escalator Improvement Project. (Funding in the amount of \$5,099,000 will be available from the Federal Aviation Administration (FAA) and \$1,358,000 will be available in the Capital Fund of the Aviation Department.) (To be reviewed by Airport Advisory Commission on 05/11/2004.)
Ordinance No. 040513-03 was approved.

4. Authorize negotiation and execution of an amendment to the outside counsel contract with THOMPSON & KNIGHT, L.L.P, Austin, TX, for negotiating and drafting documents related to the Redevelopment of Robert Mueller Municipal Airport Project in the amount of \$166,500, with a total contract amount not to exceed \$666,500. (The selected Master Developer, Catellus Development Corporation, is required to fund legal costs associated with negotiation of the Master Development Agreement for the redevelopment of RMMA. This contract amendment will be encumbered in the City's RMMA Reimbursement Fund. Quarterly deposits are made by Catellus into this fund, to reimburse negotiation expenses based on actual costs.) (Related Items 23, 25, 27, 34)

The motion authorizing the negotiation and execution of an amendment was approved.

5. Approve execution of an Interlocal Agreement with Williamson County to allow the County Identification Section to connect to the City of Austin's Automated Palm and Fingerprint System (APFIS); to enter its fingerprint and palm print records into the APFIS database; and to search the database for matches. This Agreement takes effect when signed on behalf of both parties, and shall remain in effect for an initial term to expire on September 30, 2005, and may be renewed four times for 12 months each renewal. (Funding for the APFIS access and related costs will be maintained by Williamson County.)

The motion authorizing the execution of an Interlocal Agreement was approved.

6. Approve resolution to authorize the acquisition of a wastewater easement comprised of 3,695 square feet of land, a wastewater easement comprised of 1,740 square feet of land, a temporary working space easement comprised of 3,960 square feet of land, an access easement comprised of 2,333 square feet of land, a lateral support (slope) easement comprised of 1,042 square feet of land, and a wastewater line easement for subterranean tunnel comprised of 1,485 square feet of land out of a portion of the George W. Spear League, Survey No. 7, in Travis County, TX, located at 1101 W. 31st Street, from Fred C. Myers and Jennifer Staub Myers in the amount not to exceed \$58,246 for the Austin Clean Water Program: Shoal Creek Wastewater Improvements/29th to 34th Street (Tunnel) Project. (Funding is included in the Fiscal Year 2003 - 2004 Capital Budget of the Austin Water Utility.)

Resolution No. 040513-6 was approved.

7. Authorize execution of a construction contract with GARVER CONSTRUCTION, LTD, Houston, TX, for the Austin Clean Water Program: Upper Tannehill Lower Fort Branch - Manor Hills project in the amount of \$1,241,402.50 plus a \$124,140.25 contingency, for a total contract amount not to exceed \$1,365,542.75. (Funding in the amount of \$1,365,542.75 is available in the Fiscal Year 2003-2004 Capital Budget of the Austin Water Utility.) Lowest bid of three received. 17.65% MBE and 6.71% WBE subcontractor participation. (Recommended by Water & Wastewater Commission.)

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

8. Authorize negotiation and execution of a professional services agreement with the following nine (9) 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; Qs TECH, LLP, Austin, TX; BAER ENGINEERING & ENVIRONMENTAL CONSULTING, INC., Austin, Tx; and SPARKS, LAROSCHE & ASSOCIATES, INC., 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 nine (9) 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.
The motion authorizing the negotiation and execution of a professional services agreement was approved.
9. Authorize negotiation and execution of a professional services agreement with URS CORPORATION, Austin, TX, for planning and preliminary engineering studies for the Capital Improvement Project Planning and Preliminary Engineering Studies project, in an amount not to exceed \$460,000. (Funding is available in the Fiscal Year 2003-2004 Approved Capital Budget of the Watershed Protection and Development Review Department.) Best qualification statement of eleven received. Participation subgoals stated in the solicitation were 1.1% African-American, 5.9% Hispanic, 1.7% Native/Asian-American, and 18.2% WBE.
The motion authorizing the negotiation and execution of a professional services agreement was approved.
10. 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.
The motion authorizing the negotiation and execution of a contract was approved.
11. Authorize execution of a 12-month supply agreement with FERGUSON ENTERPRISES INC., Austin, TX for copper pipe in an amount not to exceed \$66,468, with two 12-month extension options in an amount not to exceed \$66,468 per extension option, for a total agreement amount not to exceed \$199,404. (Funding in the amount of \$27,695 is available in the Fiscal Year 2003-2004 Approved Operating Budget of the Austin Water Utility. Funding for the remaining seven months of the original contract period and extension options is contingent upon available funding in future budgets.) Lowest bid meeting specifications of five 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.

12. Authorize execution of a 12-month supply agreement with STAR AIR, INC., Round Rock, TX for air conditioner filters in an amount not to exceed \$56,554.51, with two 12-month extension options in an amount not to exceed \$56,554.51 per extension option, for a total agreement amount not to exceed \$169,663.53. (Funding in the amount of \$11,979 is included in the Fiscal Year 2003-2004 Approved Operating Budget of the Austin Convention Center Department. Funding in the amount of \$6,873 is included in the Fiscal Year 2003-2004 Approved Operating Budget of the Building Services Division of the Finance and Administrative Services Department. Funding for the remaining eight months of the original contract period and extension options is contingent upon available funding in future budgets.) Lowest bid of 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.
13. Ratify execution of a contract with ENTECH SALES AND SERVICE, INC., Austin, TX, for the emergency purchase and installation of a 105 ton chiller to replace a 100 ton chiller for the Waller Creek Plaza building in an amount not to exceed \$64,690. (Funding is available in the Fiscal Year 2003-2004 Approved Operating Budget of the Communications & Technology Management Department.) 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 contract was approved.
14. Rescind approval for execution of a service agreement with Denver's Towing; and approve execution of a 12-month service agreement with SOUTHSIDE WRECKER, INC., Austin, TX, for towing services in an amount not to exceed \$250,000, with four 12-month extension options in amount not to exceed \$250,000 per extension option, for a total agreement amount not to exceed \$1,250,000. (Funding in the amount of \$83,333 is available in the Fiscal Year 2003-2004 Approved Operating Budget of the Financial and Administrative Services Department, Fleet Fund. Funding for the remaining eight months of the original contract period and extension options is contingent upon available funding in future budgets.) Lowest bid meeting specifications. 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 rescinding approval of an execution of a service agreement with Denver's Towing and approving the execution of a service agreement with Southside Wrecker, Inc. was approved.
15. Approve 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). (Second and Third Readings) (Funding to provide general governmental services to this tract is available in the budgets of the departments providing the services.)
This item was postponed to June 10, 2004.
16. Board and Commission Appointments.
The following appointments were made:

<u>Board/ Appointee</u>	<u>Consensus/ Council Nominee</u>	<u>Appointment/ Reappointment</u>
<u>Austin Community Education Consortium</u> Rick Cofer	Consensus	Appointment
<u>Building & Standards Commission</u> Howard Lenett (Alternate)	Consensus	Appointment
<u>Commission on Immigrant Affairs</u> Mary Jo Rodriguez	Consensus	Appointment
<u>Community Development Commission</u> Ricardo Zavala	Council Member Slusher	Appointment
<u>Urban Transportation Commission</u> Dana Lockler	Council Member Alvarez'	Reappointment
17.	Approve an ordinance waiving certain requirements and fees under Chapter 14-8 of the Code, and authorizing payment of certain costs for the Greater East Austin Youth Association Juneteenth Parade and Festival to be held on June 19, 2004. (Council Member Danny Thomas, Council Member Raul Alvarez and Council Member Betty Dunkerley) Ordinance No. 040513-17 was approved.	
18.	Approve a resolution to establish criteria and procedure for naming a building as authorized under Chapter 14-1-33(I) of the City Code and to name the field office co-owned by Watershed Protection and Development Review and Public Works Departments, located at 6301-C Harold Court, the "Lee Nichols Jr. Building". (Council Member Betty Dunkerley and Council Member Danny Thomas) Resolution No. 040513-18 was approved.	
19.	Approve a resolution showing Council support for the passage of the Bringing America Home Act of 2003, currently pending in the 108th Congress, and its goals of ending homelessness. (Council Member Danny Thomas, Mayor Pro Tem Jackie Goodman and Council Member Daryl Slusher) Resolution No. 040513-19 was approved.	
20.	Approve an ordinance waiving and modifying certain land development requirements of Chapter 25-8 for property located at 10140 and 10300 Old San Antonio Road. (Mayor Pro Tem Jackie Goodman, Mayor Will Wynn and Council Member Betty Dunkerley) Ordinance No. 040513-20 was approved.	

Items 21 through 26 were Executive Session items.

Items 27 and 28 were action on Executive Session items.

Item 29 was a briefing item set for a time certain at 2:00 p.m.

Items 30 through 33 and Z-1 through Z-5 were Zonings set for a time certain at 4:00 p.m.

Items 34 through 39 were Public Hearing items set for a time certain at 6:00 p.m.

Mayor Wynn recessed the Council Meeting to go into Executive Session at 10:34 a.m.

EXECUTIVE SESSION

The City Council went into Executive Session, pursuant to Chapter 551 of the Texas Government Code, to receive advice from Legal Counsel, to discuss matters of land acquisition, litigation, and personnel matters as specifically listed on this agenda and to receive advice from Legal Counsel regarding any other item on this agenda.

Private Consultation with Attorney - Section 551.071

21. Discuss legal issues relating to the Fourth Special Called Session of the 78th State Legislature.
No discussion was held on this item.
22. Discuss legal issues in *Cypress Construction v. City of Austin*, Cause No. GN103911, in the 250th Judicial District Court of Travis County (relating to William Cannon Bridge Project, Westover Drive Storm Sewer Project, and the East Austin Sidewalk Project construction contracts). (Related Item 28)
No discussion was held on this item.
23. Discuss legal issues regarding the terms of the disposition for the former Robert Mueller Municipal Airport. (Related Items 4, 25, 27, 34)
No discussion was held on this item.

Item 24 was discussed later in Executive Session.

Real Property - Section 551.072

25. Discuss terms of the disposition for the former Robert Mueller Municipal Airport site to Catellus Austin, L.L.C. (Related Items 4, 23, 27, 34)

Public Power Utility Competitive Matters - Section 551.086

26. Discuss Austin Energy's Right of First Refusal regarding American Electric Power's proposed sale of its share of the South Texas Project. (STP is the nuclear plant located in Bay City, Texas in which the City of Austin has a 16% ownership interest).

Executive Session ended and Mayor Wynn called the Council Meeting back to order at 12:08 p.m.

CITIZEN COMMUNICATIONS: GENERAL

Amy Hettenhausen - On behalf of Johnston High School, would simply like to publicly thank the City Council and the Transportation Division for moving quickly to approve the installation of flashing lights to enforce our school zones. Thank you! She was not present when her name was called.

Jimmy Castro - Healthcare District - Election

James Medina - City of Austin Historic Landmark Commission Hearings - A Waste of Time and Money

Robert Singleton - Leasing Mueller

Mary Lehmann - Mueller Airport Redevelopment

Jennifer L. Gale - In Our Children's Election, We Are All Educators - All of us with or without children throughout the A.I.S.D., by our vote, enable and empower Austin's children and teachers when we elect Jennifer Gale as their School Board Member

Cynthia Gorman - Civil Rights - Austin Coalition for Marriage Equality

Ronald Torrey - Refuse Collection License

Pat Johnson - Why is this being allowed to continue

William Cheung - Freedom of Belief

Mayor Wynn recessed the Council Meeting to go into Executive Session at 12:39 p.m.

EXECUTIVE SESSION CONTINUED

24. Discuss legal issues related to a proposed amendment to the regulations applicable to the Mission Bethany Subdivision to allow the transfer of impervious cover within the subdivision and to extend the expiration date of Ordinance No. 980507-A which established regulations for the subdivision. The subdivision is generally located at the intersection of Slaughter Lane and Wolftrap Drive in the area subject to the Save Our Springs Initiative.

Executive Session ended at 1:15 p.m.

Mayor Wynn called the Council Meeting back to order at 2:03 p.m.

Action on Executive Session

28. Approve a settlement in *Cypress Construction v. City of Austin*, Cause No. GN103911, in the 250th Judicial District Court of Travis County (relating to William Cannon Bridge Project, Westover Drive Storm Sewer Project, and the East Austin Sidewalk Project construction contracts.)(Related Item 22)
This item was postponed indefinitely and withdrawn from the agenda on Council Member Slusher's motion, Council Member Dunkerley's second on a 5-0 vote. Mayor Pro Tem Goodman and Council Member Alvarez were off the dais.

BRIEFINGS

29. Briefing by the Chief of Police regarding crime rates, strategies and statistics in Austin. The presentation was made by Stanley Knee, Chief of Police; Juan Villa, AISD; and Pastor Ivie Rich, St. Luke Baptist Church.

Mayor Wynn recessed the Council Meeting at 2:36 p.m.

Mayor Wynn called the Council Meeting back to order at 4:08 p.m.

ZONING CONSENT ITEMS

The following zoning items were acted on by one motion. No separate discussion or action occurred on any of the items. The consent items were approved on Council Member Alvarez' motion, Mayor Wynn's second on a 7-0 vote.

Item 30 was pulled for discussion.

31. C14-03-0120 - Centrum - Approve third reading of an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 3413 North Hills Drive, 6415 Hart Lane and 6426 Mopac Expressway North (Shoal Creek Watershed) from limited office-conditional overlay (LO-CO) combining district zoning and general office-conditional overlay district zoning to general office-conditional overlay (GO-CO) combining district zoning on Tract A and community commercial-conditional overlay (GR-CO) combining district zoning on Tract B. First reading on February 12, 2004. Vote: 7-0. Second reading on April 1, 2004. Vote: 6-0, McCracken off the dais. Conditions met as follows: Conditional Overlay incorporates the conditions imposed by Council on second ordinance reading. Applicant: Balcones Centrum Ltd. (Gerald Kucera). Agent: Crocker Consultants (Sarah Crocker). City Staff: Glenn Rhoades, 974-2775.
Ordinance No. 040513-31 was approved.
32. C14H-03-0002 - HAMPTON ROAD CALCASIEU HOUSES - Approve third reading of an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 3403 and 3407 Hampton Road (Waller Creek Watershed) from family residence (SF-3) district, to family residence, standard lot (SF-2-CO) conditional overlay district. Planning Commission recommendation: Forward without a recommendation. Historic Landmark Commission recommendation: To grant family residence (SF-3-H) historic combining district. Applicant: Historic Landmark Commission. Property Owner: Nick Cochrane. Agent: Chris Pezold. City Staff: Steve Sadowsky, Transportation, Planning and Sustainability Department, 974-6454. Note: A valid petition has been filed by the property owner in opposition to the grant of historic zoning.
Ordinance No. 040513-32 was approved.

Item 33 was pulled for discussion.

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 postponements were approved on Mayor Pro Tem Goodman's motion, Council Member Dunkerley's second on a 7-0 vote.

Items Z-1 and Z-2 were pulled for discussion.

- Z-3 C14-04-0018 - Double Creek Village, Tract 2 - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by zoning property locally known as 11001 - 11119 South First Street (Onion Creek Watershed) from interim-rural residence (I-RR) district zoning to community commercial (GR) district zoning. Zoning and Platting Commission Recommendation: To grant community commercial-conditional overlay (GR-CO) combining district zoning, with conditions. Applicant: Riddell Family Limited Partnership (Wayne Riddell). Agent: Drenner Stuart Wolff Metcalfe von Kreisler, LLP (Michele Rogerson Allen). City Staff: Wendy Walsh, 974-7719.
This item was postponed to June 17, 2004.

- Z-4 C14-04-0019 - Double Creek Village, Phase II - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by zoning property locally known as 11000 - 11100 South IH-35 Service Road Southbound (Onion Creek Watershed) from interim-rural residence (I-RR) district zoning to general commercial services (CS) district zoning. Zoning and Platting Commission Recommendation: To grant general commercial services-conditional overlay (CS-CO) combining district zoning, with conditions. Applicant: Old San Antonio Road, L.P. (William S. Walters III). Agent: Drenner Stuart Wolff Metcalfe von Kreisler, LLP (Michele Rogerson Allen). City Staff: Wendy Walsh, 974-7719.
This item was postponed to June 17, 2004.
- Z-5 C14-04-0020 - Double Creek Village, Phase II, Tracts 1 and 2 - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by zoning property locally known as 11200-11300 South IH-35 Service Road Southbound (Onion Creek Watershed) from interim-rural residence (I-RR) district zoning to general commercial services-mixed use (CS-MU) combining district zoning for Tract 1 and multi-family residence medium density (MF-3) district zoning for Tract 2. Zoning and Platting Commission Recommendation: To grant general commercial services-mixed use-conditional overlay (CS-MU-CO) combining district zoning, with conditions for Tract 1 and multi-family residence low density (MF-2) district zoning, with conditions for Tract 2. Applicants: Old San Antonio Road, L.P. (William S. Walters III) and Haviland Lake Partners L.L.P. (Jeffrey N. Drinkard). Agent: Drenner Stuart Wolff Metcalfe von Kreisler, LLP (Michele Rogerson Allen). City Staff: Wendy Walsh, 974-7719.
This item was postponed to June 17, 2004.

ZONING DISCUSSION ITEMS

- Z-2 C14-03-0096 - Central East Austin Planning Area Rezoning - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 2017 and 2101 East 8th Street (Town Lake Watershed) from family residence-neighborhood plan (SF-3-NP) combining district zoning to multifamily residence medium density (MF-3-CO) combining district zoning. Planning Commission Recommendation: To deny multi-family residence moderate-high density (MF-4) district zoning. Applicant: Louree Atkins. Agent: Bernice Butler. City Staff: Annick Beaudet, 974-2975 (Related Item Z-1)
The public hearing was closed on Mayor Pro Tem Goodman's motion, Council Member Slusher's second on a 7-0 vote.

The motion to deny the zoning request was approved on Council Member Slusher's motion and Mayor Pro Tem Goodman's second on a 7-0 vote.

- Z-1 Conduct a public hearing and approve an ordinance to amend the Central East Austin Neighborhood Plan, an element of the Austin Tomorrow Comprehensive Plan, to change the Future Land Use Map from single-family residential land use designation to a multi-family residential land use designation for 2017 & 2101 E. 8th Street. (Planning Commission Recommendation: To deny the plan amendment request. Vote: 5-0. (NS-1st, MC-2nd; MA & DS-absent, LO-on leave).) (Related Item Z-2)
The public hearing was closed on Mayor Pro Tem Goodman's motion, Council Member Slusher's second on a 7-0 vote.

The motion to deny the request to amend the Central East Austin Neighborhood Plan was approved on Council Member Slusher's motion, Mayor Pro Tem Goodman's second on a 7-0 vote.

The Mayor recessed the Council Meeting at 5:49 p.m.

LIVE MUSIC

Grisham Middle School Band

PROCLAMATIONS

Distinguished Service Awards - Michael Clemons, Michael Morales and Adam Valdez - to be presented by Council Member Brewster McCracken and to be accepted by the honorees

Certificates of Appreciation - St. John's Community Center Support Groups - to be presented by Mayor Will Wynn and to be accepted by the honorees

Proclamation - Assistance League of Austin "Bus for Us" Program 25th Anniversary - to be presented by Mayor Will Wynn and to be accepted by Barbara Wilson, Sharon Marrow and Mary Elledge

Proclamation - River City Youth Foundation - to be presented by Council Member Raul Alvarez and to be accepted by Mona Gonzalez

Proclamation - Asian-Pacific American Heritage Month - to be presented by Council Member Daryl Slusher and to be accepted by Vince Cobalis and Sarah Chen

Proclamation - Hughes & Luce 25th Anniversary - to be presented by Council Member Betty Dunkerley and to be accepted by Larry McGinnis

PUBLIC HEARINGS AND POSSIBLE ACTION

38. 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.)
The motion to withdraw this item from the agenda was approved on Council Member Slusher's motion, Mayor Wynn's second on a 7-0 vote.
39. Conduct a public hearing and consider action on an appeal by Richard Mathias of the Planning Commission's denial of a conditional use permit for a convenience storage facility at 1304 West 5th Street. (Denied by the Planning Commission on March 23, 2004 (7-0).)
The public hearing was postponed to June 17, 2004 at the applicant's request on Mayor Pro Tem Goodman's motion, Council Member Dunkerley's second on a 7-0 vote.
34. Conduct a public hearing and consider a resolution authorizing the disposition, sale, lease, or transfer of the former Robert Mueller Municipal Airport site. (Related Items 4, 23, 25, 27)
The public hearing was closed on Council Member Alvarez' motion, Mayor Wynn's second on a 5-0 vote. Mayor Pro Tem Goodman and Council Member Slusher were off the dais.

DISCUSSION ITEMS CONTINUED

27. Approve a resolution authorizing the disposition, sale, lease, or transfer of the former Robert Mueller Municipal Airport site. (Related Items 4, 23, 25, 34)
Resolution No. 040513-27 was approved authorizing the sale of the former Robert Mueller Municipal Airport site on Council Member McCracken's motion, Council Member Slusher's second on a 7-0 vote.

The motion to waive the rules and allow Council to meet after 10 p.m. was approved on Council Member Thomas' motion, Mayor Wynn's second on a 7-0 vote.

PUBLIC HEARINGS AND POSSIBLE ACTION

35. Conduct a public hearing on the draft of the following documents: (1) the Five-year Consolidated Plan for 2005-2009, which is the document submitted by the City to the U.S. Department of Housing and Urban Development that serves as the planning document of the City and an application for federal funding; (2) the 2004-2005 Action Plan, which is a description of the activities the City will undertake during the year to address priority community-development needs, and (3) the 2004-2005 Community Development Program, which addresses the City's efforts to improve the living and economic conditions of persons of low- and moderate-income, benefit low- or moderate-income neighborhoods, aid in the prevention or elimination of slums and blighted areas, aid federally assisted new communities, and meet other community development needs. The public hearing is required by HUD and by Chapter 373 of the Texas Local Government Code, and is in accordance with the City's Citizen Participation Plan, which sets forth the City's policies and procedures for citizen participation in the Consolidated Plan and Community Development Program. (The Community Development Commission conducted a public hearing on February 10, 2004 and May 11, 2004. The HIV Planning Council conducted a public hearing on March 16, 2004. The Community Action Network conducted a public hearing on March 15, 2004.)
The public hearing was closed on Council Member Thomas' motion, Council Member Alvarez' second on a 7-0 vote.
36. Conduct a public hearing for the limited purpose annexation of Ribelin Ranch (Approximately 750 acres located in Travis County north of the intersection of McNeil Drive and FM 2222).
The public hearing was closed on Council Member Dunkerley's motion, Mayor Wynn's second on a 6-0 vote. Mayor Pro Tem Goodman was off the dais.
37. Conduct a public hearing for the limited purpose annexation of the Robinson Property (Approximately 6300 acres in Travis and Williamson Counties between FM 1325 and Parmer Lane).
The public hearing was closed on Council Member Slusher's motion, Council Member Alvarez' second on a 7-0 vote.

ZONING DISCUSSION ITEMS CONTINUED

30. Approve third reading of 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. (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.) (Recommended with conditions by the Planning Commission.) (Related Item 33)

Ordinance No. 040513-30 was approved with all of the following motions:

The motion to approve the Neighborhood Plan as recommended by Planning Commission with the exception of Tracts 16, 51, 238 and 248a was approved on Council Member Alvarez' motion, Mayor Pro Tem Goodman's second on a 7-0 vote.

The motion to approve Tract 3 (6709 Burnet Lane) as Commercial Mixed-Use in the Neighborhood Plan was approved on Council Member Slusher's motion, Council Member Dunkerley's second on a 7-0 vote.

The motion to approve Tract 10b (5607, 5615 and 5701-5715 Burnet Road) as Commercial Mixed-Use in the Neighborhood Plan was approved on Council Member Dunkerley's motion, Council Member Thomas' second on a 7-0 vote.

The motion to approve Tract 15c (5508 Clay Avenue) as Commercial Mixed-Use in the Neighborhood Plan was approved on Council Member Dunkerley's motion, Mayor Wynn's second on a 7-0 vote.

The motion to postpone action on Tract 15b (5510 and 5600 Clay Avenue) was approved on Council Member Thomas' motion, Mayor's Wynn's second on a 7-0 vote.

The motion to postpone action on Tract 15b (5602 Clay Avenue) was approved on Council Member Slusher's motion, Mayor Wynn's second on a 7-0 vote.

The motion to approve Tract 16 (5611 Clay Avenue) as Office Mixed-Use in the Neighborhood Plan was approved on Council Member Alvarez' motion, Mayor Pro Tem Goodman's second on a 6-1 vote. Council Member Thomas voted no.

The motion to approve Tract 51 (5006 Grover Avenue) as Single-Family in the Neighborhood Plan was approved on Council Member Thomas' motion, Council Member Dunkerley's second on a 7-0 vote.

The motion to approve Tract 77b (814 Romeria) as Commercial Mixed-Use in the Neighborhood Plan was approved on Council Member Alvarez' motion, Council Member Slusher's second on a 7-0 vote.

The motion to approve Tract 77c (6200 North Lamar) as Commercial Mixed-Use in the Neighborhood Plan was approved on Council Member Dunkerley's motion, Council Member McCracken's second on a 6-1 vote. Council Member Alvarez voted no.

The motion to approve Tract 93 (1400 Koenig Lane) as Commercial Mixed-Use in the Neighborhood Plan was approved on Council Member McCracken's motion, Council Member Dunkerley's second on a 7-0 vote.

The motion to approve Tract 99a (5700 Grover Avenue) as Commercial Mixed-Use in the Neighborhood Plan was approved on Council Member McCracken's motion, Council Member Dunkerley's second on a 4-3 vote. Those voting aye were: Mayor Wynn and Council Members Dunkerley, McCracken and Thomas. Those voting nay were: Mayor Pro Tem Goodman and Council Members Alvarez and Slusher.

The motion to approve Tract 99b (5813 Woodrow Avenue) as Commercial Mixed-Use in the Neighborhood Plan was approved on Council Member Dunkerley's motion, Council Member Wynn's second on a 5-2 vote. Those voting aye were: Mayor Wynn, Council Members Dunkerley, McCracken, Slusher and Thomas. Those voting nay were: Mayor Pro Tem Goodman and Council Member Alvarez.

The motion to approve Tract 101 (1401 Koenig Lane) as Commercial Mixed-Use in the Neighborhood Plan was approved on Council Member Slusher's motion, Council Member McCracken's second on a 6-1 vote. Mayor Pro Tem Goodman voted no.

The motion to approve Tract 107 (2003 Koenig Lane) as Office Mixed-Use in the Neighborhood Plan was approved on Council Member Slusher's motion, Council Member McCracken's second on a 7-0 vote.

The motion to approve Tract 210c (a portion of 7427 North Lamar) as Commercial Mixed-Use was approved on Council Member Dunkerley's motion, Mayor Wynn's second on a 6-1 vote. Council Member Alvarez voted no.

The motion to approve Tract 222b (608 Kenniston Drive) as Commercial Mixed-Use was approved on Council Member McCracken's motion, Mayor Wynn's second on a 7-0 vote.

The motion to approve all of 407 Kenniston Avenue as Commercial Mixed-Use was approved on Council Member Alvarez' motion, Mayor Wynn's second on a 7-0 vote.

The motion to approve Tract 240a (200 W. Huntland Drive and 104 E. Huntland Drive) as Commercial Mixed-Use was approved on Council Member McCracken's motion, Mayor Wynn's second on a 7-0 vote.

The motion to approve Tract 271 (6757 Airport Blvd.) as Commercial Mixed-Use was approved on Council Member Dunkerley's motion, Council Member Thomas' second on a 7-0 vote.

The motion to approve Tract 248a (6225 Lamar Blvd.) and 6208 Burns as Commercial Mixed Use was approved on Mayor Pro Tem Goodman's motion, Mayor Wynn's second on a 7-0.

33. C14-04-0012 - Brentwood/Highland Neighborhood Plan Rezoning - Approve third reading of an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as The Brentwood/Highland Neighborhood Planning 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. The proposed zoning change will create

two Neighborhood Plan combining districts (NP) covering the entire area. Under the proposed Highland NP, "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 sub districts. 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 NP, "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 Watersheds) 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. First reading on March 25, 2004. Vote: Council votes on specific motions are noted in the back-up. Second reading on April 15, 2004. Votes: Council votes on specific motions are noted in the back-up. Conditions met as follows: Conditional Overlays incorporate the conditions imposed by Council on second ordinance reading. Agent: Neighborhood Planning & Zoning Department. City Staff: Brian Block, 974-7687, Annick Beaudet, 974-2975. Note: Several valid petitions have been filed in opposition to this rezoning request. (Related Item 30) Ordinance No. 040513-33 was approved with the following motions:

The motion to approve the NPCD rezonings including Tracts 221 (601, 605, and 613 St. Johns), 266 (6016 and (6020 Dillard Circle), 267 (6015 Dillard Circle), 244 (108 Denson Drive), and 268(0 Denson Drive) and with the exception of Tracts 3, 10b, 15b, 15c, 16, 51, 77b, 77c, 93, 99a, 99b, 101, 107, 210c, 222b, 238, 240a, 248a, 271 and 6208 Burns were approved on Council Member Alvarez' motion, Mayor Pro Tem Goodman's second on a 7-0 vote.

The motion to approve CS-MU-CO-NP zoning on Tract 3 (6709 Burnet Lane) with the following conditional overlay was approved on Council Member Slusher's motion, Council Member Dunkerley's second on a 7-0 vote. The conditional overlay prohibits the following uses: agricultural sales and services, automotive rentals, automotive sales, automotive washing (of any type), campground, commercial blood plasma center, commercial off-street parking, convenience storage, drive through services, drop-off recycling collection facility, equipment repair services, equipment sales, exterminating services, general retail of any type greater than 20,000 sq. ft., kennels, laundry services, maintenance and service facilities, monument retail sales, off-site accessory parking, outdoor entertainment, outdoor sports and recreation, pawn shop services, service station and vehicle storage.

There was a motion to approve CS-MU-CO-NP zoning on Tract 10b (5607, 5615, and 5701-5715 Burnet Road) and CS-1 zoning on 5711 Burnet with the following conditional overlay that was made by Council Member Dunkerley and seconded by Council Member Thomas. The conditional overlay prohibited agricultural sales and services, campground, drop-off recycling collection facility, equipment repair services, equipment sales, outdoor entertainment, and outdoor sports and recreation.

There was a substitute motion by Council Member Slusher to approve the Planning Commission recommendation for CS-MU-CO-NP with the following conditional overlay. It died for lack of a second. The overlay included conditional use for construction sales and services and prohibited agricultural sales and services, campground, commercial blood plasma center, drop-off recycling collection facility, equipment repair services, equipment sales, kennels, outdoor entertainment, outdoor sports and recreation and vehicle storage.

The motion to approve CS-MU-CO-NP with the following conditional overlay and adding construction sales and services as an authorized use was approved on Council Member Dunkerley's motion, Council Member Thomas' second on a 7-0 vote. The conditional overlay includes prohibited uses of agricultural sales and services, campground, commercial blood plasma center, drop-off recycling collection facility, equipment repair services, equipment sales, kennels, outdoor entertainment, outdoor sports and recreation and vehicle storage.

The motion to approve CS-MU-CO-NP zoning on Tract 15c (5508 Clay Avenue) with the following conditional overlay was approved on Council Member Dunkerley's motion and Mayor's Wynn second on a 7-0 vote. The conditional overlay allows conditional uses of plant nursery and customer manufacturing and prohibited uses of automotive rentals, automotive repair services, automotive sales, automotive washing (of any type), commercial off-street parking, drop-off recycling collection facility, exterminating services, general retail of any type greater than 20,000 sq. ft., off-site accessory parking, outdoor entertainment, outdoor sports and recreation, pawn shop services, plant nursery, service station, drive through services, agricultural sales and services, art and craft studio (general), building maintenance services, campground, commercial blood plasma center, convenience storage, electronic prototype assembly, equipment repair services, equipment sales, kennels, laundry services, limited warehousing and distribution, maintenance and service facilities, monument retail sales, transitional housing, transportation terminal, vehicle storage, veterinary services, funeral services, hotel-motel, indoor entertainment, indoor sports and recreation, restaurant (general), restaurant (limited), theater and a 5,000 square foot limitation for commercial use.

The motion to postpone action on Tract 15b (5510 and 5600 Clay Avenue), 5605 Adams and 5453 Burnett Road, to allow staff time to write a restrictive covenant was approved on Council Member Thomas' motion, Mayor Wynn's second on a 7-0 motion.

The motion to postpone action on Tract 15b 5602 Clay Avenue was approved on Council Member Slusher' motion, Mayor Wynn's second on a 7-0 motion.

The motion to approve zoning for Tract 16 (5611 Clay Avenue) was approved on Council Member Alvarez' motion, Mayor Pro Tem Goodman's second on a 6-1 vote. Council Member Thomas voted no.

The motion to approve SF-3-NP zoning for Tract 51 (5006 Grover Avenue) was approved on Council Member Thomas' motion, Council Member Dunkerley's second on a 7-0 vote.

The motion to approve CS-MU-CO-NP zoning for Tract 77b (814 Romeria) with the following Conditional Overlay was approved on Council Member Alvarez' motion, Council Member Slusher's second on a 7-0 vote. The Conditional Overlay includes conditional use for construction sales and services and prohibited uses of agricultural sales and services, campground, commercial blood plasma center, drop-off recycling collection facility, equipment repair services, equipment sales, kennels, outdoor entertainment, outdoor sports and recreation and vehicle storage.

The motion to approve CS-1-MU-CO-NP zoning for Tract 77c (6200 North Lamar) with the following Conditional Overlay was approved on Council Member Dunkerley's motion, Council Member McCracken's second on a 6-1 vote. Council Member Alvarez voted no. The Conditional Overlay includes conditional use for construction sales and services and

prohibited uses of agricultural sales and services, campground, commercial blood plasma center, drop-off recycling collection facility, equipment repair services, equipment sales, kennels, outdoor entertainment, outdoor sports and recreation and vehicle storage.

The motion to approve GR-MU-CO-NP zoning for Tract 93 (1400 Koenig Lane) with a Conditional Overlay that prohibits all GR uses not allowed in LR except auto sales was approved on Council Member McCracken's motion, Council Member Dunkerley's second on a 7-0 vote.

The motion to approve CS-MU-CO-NP zoning for Tract 99a (5700 Grover) was approved with the following conditional overlay on Council Member McCracken's motion, Council Member Dunkerley's second on a 4-3 vote. Those voting aye were: Mayor Wynn and Council Members Dunkerley, McCracken and Thomas. Those voting nay were: Mayor Pro Tem Goodman and Council Members Alvarez and Slusher. The Conditional Overlay limits the height to 40 feet or three stories and prohibits drop-off recycling collection facility, outdoor entertainment, outdoor sports and recreation, pawn shop services and all commercial uses not allowed in GR base zoning except Limited Warehousing and Distribution use.

The motion to approve CS-MU-CO-NP zoning on Tract 99 (5813 Woodrow Avenue) with the following Conditional Overlay was approved on Council Member Dunkerley's motion, Mayor Wynn's second on a 5-2 vote. Those voting aye were: Mayor Wynn and Council Members Dunkerley, McCracken, Slusher and Thomas. Those voting nay were: Mayor Pro Tem Goodman and Council Members Alvarez. The Conditional Overlay limits height to 40 feet or three stories and prohibits drop-off recycling collection facility, outdoor entertainment, outdoor sports and recreation, pawn shop services and all commercial uses not allowed in GR base zoning except vehicle storage and limited warehousing and distribution uses.

The motion approving GR-MU-CO-NP zoning for Tract 101 (1401 Koenig Lane) with a Conditional Overlay prohibiting all GR uses not allowed in LR except Restaurant was approved on Council Member Slusher's motion, Council Member McCracken's second on a 6-1. Mayor Pro Tem Goodman voted no.

The motion approving LO-MU-CO-NP zoning on Tract 107 (2003 Koenig Lane) with a Conditional Overlay prohibiting Private Secondary School was approved on Council Member Slusher's motion, Council Member McCracken's second on a 7-0 vote.

The motion approving CS-1-MU-CO-NP zoning for Tract 210b (a portion of 7427 North Lamar) with a Conditional Overlay allowing conditional uses of agricultural sales and serves, campground, commercial blood plasma center, equipment repair services, equipments sales, kennels and vehicles storage was approved on Council Member Dunkerley's motion, Mayor Wynn's second on a 6-1 vote. Council Member Alvarez voted no.

The motion approving CS-MU-CO-NP zoning for Tract 222b (608 Kenniston Drive) with the following Conditional Overlay was approved on Council Member McCracken's motion, Mayor Wynn's second on a 7-0 vote. The Conditional Overlay includes conditional use for construction sales and services and prohibited uses of agricultural sales and services, campground, commercial blood plasma center, drop-off recycling collection facility,

equipment repair services, equipment sales, kennels, outdoor entertainment, outdoor sports and recreation and vehicle storage.

The motion approving GR-MU-CO-NP zoning for all property with the address of 407 Kenniston Avenue with a Conditional Overlay prohibiting outdoor entertainment, outdoor sports and recreation, drop off recycling facility and pawn shop services was approved on Council Member Alvarez motion, Mayor Wynn's second on a 7-0 vote.

The motion approving CS-MU-CO-NP zoning for Tract 240 (200 W. Huntland Drive and 104 E. Huntland Drive) with a Conditional Overlay prohibiting outdoor entertainment, outdoor sports and recreation, drop off recycling facility, pawn shop services and all commercial uses not allowed in GR base zoning except vehicle storage and limited warehousing and distribution uses was approved on Council Member McCracken's motion, Mayor Wynn's second on a 7-0 vote.

The motion approving CS-MU-CO-NP zoning for Tract 271 (6757 Airport Blvd.) with the following conditional overlay was approved on Council Member Dunkerley's, Council Member Thomas' second on a 7-0 vote. The Conditional Overlay includes conditional use for construction sales and services and prohibited uses of agricultural sales and services, campground, commercial blood plasma center, drop-off recycling collection facility, equipment repair services, equipment sales, kennels, outdoor entertainment, outdoor sports and recreation, and vehicle storage.

The motion approving GR-MU-CO-NP for Tract 248 (6225 Lamar Blvd.) with the following conditional overlay was approved on Mayor Pro Tem Goodman's motion, Mayor Wynn's second on a 7-0 vote. The Conditional Overlay prohibits automotive rentals, automotive repair services, automotive sales, automotive washing (of any type), commercial off-street parking, drop-off recycling collection facility, exterminating services, off-site accessory parking, outdoor entertainment, outdoor sports and recreation, pawn shop services, plant nursery, service station, and drive through services. The prohibition of General Retail of any type greater than 20,000 sq. ft. was removed.

The motion directing staff to initiate GR-MU-CO-NP zoning for Tract 248 (6208 Burns) was approved on Mayor Pro Tem Goodman's motion, Mayor Wynn's second on a 7-0.

The motion to adjourn the meeting at 11:29 p.m. was approved on Council Member Alvarez' motion, Council Member Slusher's second on a 7-0 vote.

The minutes for the Regular Meeting of May 13, 2004 were approved on this the 27th day of May, 2004 on Council Member Alvarez' motion, Mayor Pro Tem Goodman's second on a 5-0 vote. Mayor Wynn was absent. Council Member McCracken was off the dais.