



**Austin City Council
MINUTES**

**REGULAR MEETING
THURSDAY, APRIL 15, 2004**

Invocation: Council Member Thomas

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 15, 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 10:12 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 Thomas' second on a 6-0 vote. Mayor Pro Tem Goodman was off the dais.

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

Items 2 and 3 were pulled for discussion.

4. Authorize negotiation and execution of an amendment to the outside counsel contract with DENTON, NAVARRO, ROCHA & BERNAL, P.C, San Antonio, TX, for representing the City as chief negotiator and legal counsel in matters relating to labor negotiations for a Meet and Confer contract with the Austin Police Association in the amount of \$35,000, with a total contract amount not to exceed \$110,000. (Funding in the amount of \$35,000 is available in the Fiscal Year 2003-2004 Amended Operating Budget of the Austin Police Department.)
The motion authorizing the negotiation and execution of an amendment to the outside counsel contract was approved.

5. Ratify the execution of emergency purchase contracts with ABATEMENT REMEDIATION SPECIALISTS, Marble Falls, TX, TLI ENVIRONMENTAL SERVICES, Kempner, TX, WATSON CONSOLIDATED, Sugarland, TX, BOLADO ENVIRONMENTAL, San Antonio, TX, DIAMONDHEAD INTERNATIONAL SALES CO., Crosby, TX, and D-SERVICES, Duncanville, TX, in the total amount of \$333,700 for the abatement of lead -based paint in 17 homes under the City's Healthy Homes and Lead Hazard Control Program. (Funding in the amount of \$1,018,494 is available from a grant from the U.S. Department of Housing and Urban Development under the Healthy Homes and Lead Hazard Control Program. Total grant amount is \$1,851,741.) (Related Item 27)

The motion authorizing the execution of emergency purchase contracts was approved.

6. Approve issuing a free lifetime swim pass for Barton Springs Pool to Francis E. McIntyre. (On November 9, 1993 the Parks and Recreation Advisory Board recommended awarding swim passes to citizens 80 years of age or older who are active swimmers at Barton Springs pool.)

The motion authorizing issuing a free lifetime swim pass was approved.

Item 7 was pulled for discussion.

8. Authorize the use of Town Lake for two water events associated with the Academy Capital 2K open water race and the Capital of Texas Triathlon (nka America's Triathlon) to be held May 15 and May 31, 2004 respectively.

The motion authorizing the use of Town Lake for two water events was approved.

9. Authorize application for and acceptance of grant funding from the U.S. Department of Justice, Project Safe Neighborhoods (PSN) to reduce gun-related crime in Austin; amend the Fiscal Year 2003-2004 Austin Police Department Operating Budget of Ordinance No. 030909-01 to appropriate \$347,145 to the Police Department Special Revenue Fund for the PSN program and increase full-time equivalents by one. (Funding is available for the grant period April 1, 2004 to August 31, 2005. A cash match is not required.)

Ordinance No. 040415-09 was approved.

10. Approve a resolution to authorize the fee simple acquisition of 13.27 acres of land out of the Noel M. Bain Survey in Travis County, TX, locally known as 7201 Bain Road, from Celestine Alexander Thompson for the Airport Noise Mitigation Program, in the amount of \$60,525 for the land and improvements and \$12,063 relocation benefits, plus closing costs and moving related expenses in the amount of \$10,000, for an amount not to exceed \$82,588. (Funding in the amount of \$82,588 is available in Fiscal Year 2003-2004 Capital Budget of the Department of Aviation using airport funds and available Federal Aviation Administration (FAA) Grants.)

Resolution No. 040415-10 was approved.

11. Approve a resolution to authorize the fee simple acquisition of 5.00 acres out of the Noel M. Bain Survey, Abstract No. 61, Travis County, TX, locally known as 11502-B McAngus, Del Valle, TX, from Eloisa Saldana for the Airport Noise Mitigation Program, in the amount of \$110,000 for the land and improvements and \$30,931.47 relocation benefits, plus closing costs and moving related expenses in the amount of \$10,000, for an amount not to exceed \$150,931.47 (Funding in the amount of \$150,931.47 is available in Fiscal Year 2003-2004 Capital Budget of the Department of Aviation using airport funds and available Federal Aviation Administration (FAA) Grants.)

Resolution No. 040415-11 was approved.

12. Approve a resolution authorizing the filing of eminent domain proceedings for the Austin Clean Water Program - Upper Tannehill - Broadmoor and Cameron portion to acquire two permanent wastewater line easements containing 108 square feet and 1,742 square feet and also a 21,166 square foot temporary working space easement out of 5.0 acres of land, more or less, in the James P. Wallace Survey No. 7, and Lots 1 and 2 of the Resubdivision of a part of Lot 9, Ridgetop Gardens, in the amount of \$9,735. The owner of the property sought to be condemned is THE EPARCHY OF OUR LADY OF LEBANON OF LOS ANGELES. (Funding is included in the Fiscal Year 2003-2004 Capital Budget of the Austin Water Utility.)
Resolution No. 040415-12 was approved.
13. Approve a resolution authorizing the filing of eminent domain proceedings for the Austin Clean Water Program - Upper Tannehill - Broadmoor and Cameron portion to acquire a 600 square foot temporary ingress and egress easement and a 1,194 square foot temporary staging area and material storage site easement out of Lot 10, of the CDN Addition No. 2, James P. Wallace Survey, in the City of Austin, Travis County, in the amount of \$1,426. The owner of the property sought to be condemned is WESTHEIMER TRACE L.P., a Texas Limited Partnership. (Funding is included in the Fiscal Year 2003-2004 Capital Budget of the Austin Water Utility.)
Resolution No. 040415-13 was approved.
14. Approve a resolution authorizing the filing of eminent domain proceedings for the Austin Clean Water Program - Upper Tannehill - Airport and IH 35 portion to acquire a 245 square foot permanent wastewater line easement out of a 0.535 acre tract of land, more or less, being Lots 1, 2 and a portion of Lot 3, F. Haster Subdivision, and the east 50' of Lot 1, Block O, Ridgetop, a subdivision in Travis County, in the amount of \$772. The owner of the property sought to be condemned is MOHAMMAD H. GHARBI. (Funding is included in the Fiscal Year 2003-2004 Capital Budget of the Austin Water Utility.)
Resolution No. 040415-14 was approved.
15. Authorize negotiation and execution of an amendment to the professional services agreement with CAMP DRESSER & MCKEE, Austin, TX, for engineering and construction phase services for the FM 812 Landfill for erosion control improvements along the north toe of the FM 812 Landfill, abutting Onion Creek, in the amount of \$261,880 for a total contract amount not to exceed \$685,747.27. (Funding in the amount of \$261,880 is available in the Fiscal Year 2003-2004 Capital Budget of the Solid Waste Services Department.) 16.26% MBE and 5.51% WBE subcontractor participation to date.
The motion authorizing the negotiation and execution of an amendment to the professional services agreement was approved.

Item 16 was pulled for discussion.

17. Authorize execution of a construction contract with SIMPLEX GRINNELL, L.P., Round Rock, TX, for security system improvements at Austin-Bergstrom International Airport in the amount of \$1,481,143 plus a \$148,000 contingency, for a total contract amount not to exceed \$1,629,143. (Funding in the amount of \$1,629,143 is available in the Fiscal Year 2003-2004 Approved Capital Budget of the Department of Aviation.) Lowest bid of four responsive bids received. 21.59% DBE subcontractor participation.
The motion authorizing the execution of a construction contract was approved.

18. Authorize execution of a contract with S.D. PITMAN, INC., Redkey, IN for the purchase of a 40-foot easement aerial device and trailer in an amount not to exceed \$94,135. (Funding is available in the Fiscal Year 2003-2004 Approved Capital Budget of the Electric Utility Department.) Lowest bid meeting specifications of three bids received. This contract will be awarded in compliance with Chapter 2-9 of the City Code (Minority-Owned and Women-Owned Business Enterprise Procurement Program). No subcontracting opportunities were identified; therefore, no goals were established for this solicitation.
The motion authorizing the execution of a contract was approved.
19. Ratify execution of a contract with UNINTERRUPTIBLE POWER SUPPLY, INC., Carrollton, TX for the purchase of an uninterruptible power supply in an amount not to exceed \$96,486.30. (Funding is available in Fiscal Year 2003-2004 Approved Capital Budget of the Electric Utility Department.) Critical Business Need. 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 ratifying the execution of a contract was approved.
20. Authorize execution of a 12-month service agreement with SOUTHWEST TURF & EROSION, Manor, TX for hydro mulch services for the Watershed Protection and Development Review Department in an amount not to exceed \$70,800, with two 12-month extension options in an amount not to exceed \$70,800 per extension option, for a total agreement amount not to exceed \$212,400. (Funding in the amount of \$35,400 is available in the Fiscal Year 2003-2004 Approved Operating Budget of the Watershed Protection and Development Review Department. Funding for the remaining six months of the original contract period and extension options is contingent upon available funding in future budgets.) Low bid of two bids received. This contract will be awarded in compliance with Chapter 2-9 of the City Code (Minority-Owned and Women-Owned Business Enterprise Procurement Program). No subcontracting opportunities were identified; therefore, no goals were established for this solicitation.
The motion authorizing the execution of a service agreement was approved.
21. Authorize execution of a 12 -month supply agreement with EAST JORDAN IRON WORKS, San Antonio, TX for curb inlet covers and rings and grates for the Watershed Protection and Development Review Department in an amount not to exceed \$59,267, with two 12 -month extension options in an amount not to exceed \$59,267 per extension option, for a total agreement amount not to exceed \$177,801. (Funding in the amount of \$29,633 is available in the Fiscal Year 2003-2004 Approved Operating Budget of the Watershed Protection and Development Review Department. Funding for the remaining six months of the original contract period and extension option is contingent upon available funding in future budgets.) Lowest bid of six bids received. This contract will be awarded in compliance with Chapter 2-9 of the City Code (Minority-Owned and Women-Owned Business Enterprise Procurement Program). No subcontracting opportunities were identified; therefore, no goals were established for this solicitation.
The motion authorizing the execution of a supply agreement was approved.
22. Authorize execution of a purchase through the State of Texas, Texas Building & Procurement Commission with TEXAS HIGHWAY PRODUCTS, Round Rock, TX, for video detection and ancillary camera equipment in an amount not to exceed \$63,000. (Funding is available in the Fiscal Year 2003-2004 Approved Operating Budget (Inventory Fund) of the Transportation, Planning & Sustainability Department) Cooperative Purchasing.
The motion authorizing the execution of a purchase through the State of Texas was approved.

23. Authorize execution of a 24-month service agreement with AUSTIN TRAFFIC SIGNAL CONSTRUCTION CO., L.P., (MBE/MA-75.55%), Austin, TX, for pull box and conduit installation services in the amount not to exceed \$1,337,700.50. (Funding in the amount of \$650,000 is available in the Fiscal Year 2003-2004 Amended Capital Budget of the Transportation, Planning & Sustainability Department. Funding for the remaining \$687,700.50 is contingent upon available funding in future budgets.) Lowest bid of two bids received. 8.90% MBE and 15.55% WBE subcontractor participation.
The motion authorizing the execution of a service agreement was approved.

Items 24 and 25 were pulled for discussion.

26. Authorize execution of Amendment No. 1 to a contract with INGRAM LIBRARY SERVICES INC., LaVergne, TN and BAKER & TAYLOR, INC., Charlotte, NC, for adult and juvenile books and cataloging/processing services, to increase the contract in an amount not to exceed \$197,121.86, for a revised current year contract amount not to exceed \$985,609.33, with the total agreement amount not to exceed \$2,365,462.41. (Funding in the amount of \$197,121.86 is available in the Fiscal Year 2003-2004 Approved Operating Budget of the Library Department.) This contract was 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 contract.
The motion authorizing the execution of Amendment No. 1 to a contract was approved.
27. Authorize execution of a 12-month service agreement with TLI ENVIRONMENTAL SERVICES, Kempher, TX, BOLADO ENVIRONMENTAL, San Antonio, TX, DIAMONDHEAD INTERNATIONAL SALES CO., Crosby, TX, ABATEMENT REMEDIATION SPECIALISTS, Marble Falls, TX and WATSON CONSOLIDATED, Sugarland, TX for lead base paint abatement services for the Neighborhood Housing and Community Development Department in an amount not to exceed \$342,397, with one 12-month extension options in an amount not to exceed \$342,397, for a total agreement amount not to exceed \$684,794 (Funding in the amount of \$684,794 is available from a grant from the U.S. Department of Housing and Urban Development under the Healthy Homes and Lead Hazard Control Program. Total grant amount is \$1,851,741.) Low bidders 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. (Related Item 5)
The motion authorizing the execution of a service agreement was approved.
28. Authorize execution of a four-month supply agreement through the State of Texas, Texas Building and Procurement Commission, with GRAY'S WHOLESALE TIRE DISTRIBUTORS, Fort Worth, TX for police pursuit sedan tires in an amount not to exceed \$70,400, with one 12-month extension option in an amount not to exceed \$211,200, for a total agreement amount not to exceed \$281,600. (Funding in the amount of \$70,400 is available in the Fiscal Year 2003-2004 Approved Operating Budget of the Financial and Administrative Services Department, Fleet Fund. Funding for the extension option is contingent upon available funding in future budgets.) Purchasing Cooperative.
The motion authorizing the execution of a supply agreement was approved.

Item 29 was pulled for discussion.

30. Approve an ordinance amending Section 12-4-63 of the City Code by adding Arthur Stiles Road from Lotus Lane to Mayhall Drive to the list of streets having a maximum speed limit of 20 miles per hour during certain times to increase the safety of students attending Johnston High School. (Funding in the amount of \$10,000 for the installation of signs and flashers is available in the Fiscal Year 2003-04 Operating Budget of the Transportation, Planning & Sustainability Department.)

Ordinance No. 040415-30 was approved.

31. Approve execution of a construction contract with SALAS CONSTRUCTORS, INC. (MBE/MH: 83.94%), Buda, TX for construction of the Endangered Species Research Facility in the amount of \$228,457.00 for federally required conservation activities. (Funding in the amount of \$228,457.00 is available in the Fiscal Year 2003-2004 Capital and Operating Budgets of the Watershed Protection and Development Review Department.) 0% MBE and 13.04% WBE subcontractor participation.

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

32. Board and Commission Appointments.

The following appointments were made:

<u>Board/ Appointee</u>	<u>Consensus/ Council Nominee</u>	<u>Appointment/ Reappointment</u>
<u>Animal Advisory Commission</u> Patricia Valls-Trelles	Council Member Alvarez'	Reappointment
<u>Federally Qualified Health Center Board</u> Jessie Cleveland	Consensus	Appointment
<u>Human Rights Commission</u> Austin Dullnig	Consensus	Reappointment
<u>Parks and Recreation Board</u> Joseph Hughes	Council Member McCracken's	Appointment

33. Approve an ordinance waiving the signature requirement under Chapter 14-8 of the City Code for the America's Triathlon to be held on May 31, 2004. (Mayor Will Wynn and Council Member Danny Thomas)

Ordinance No. 040415-33 was approved.

34. Approve an ordinance waiving the signature requirement under Chapter 14-8 of the City Code for the Texas Round-up to be held April 15-18, 2004. (Mayor Will Wynn and Council Member Danny Thomas)

Ordinance No. 040415-34 was approved.

35. Set a public hearing to consider 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 the City Code relating to signs on public property; creating offenses; and providing penalties. (Recommended date and time: April 22, 2004, at 6:00 P.M., Lower Colorado River Authority, Hancock Building.) (There is no fiscal impact associated with setting this public hearing.) (Scheduled for public hearing and consideration before the Planning Commission on Tuesday, April 13, 2004.)
The public hearing was set for April 22, 2004 at 6:00 p.m., Lower Colorado River Authority, Hancock Building.
36. Set public hearings 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)(Suggested dates and times: May 6, 2004 at 6:00 p.m., Lower Colorado River Authority Hancock Building; and May 13, 2004 at 6:00 p.m., Lower Colorado River Authority Hancock Building).
The public hearings were set for May 6 and May 13, 2004 at 6:00 p.m., Lower Colorado River Authority Hancock Building,
37. Set a public hearing to consider an amendment to 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. (Suggested date and time: April 22, 2004 at 6:00 p.m., Lower Colorado River Authority, Hancock Building). (March 17, 2004 - Environmental Board recommended disapproval. April 6, 2004 - Zoning and Platting Commission recommended disapproval. Amendments will be presented to the Planning Commission on April 13, 2004.)
The public hearing was set for April 22, 2004 at 6:00 p.m., Lower Colorado River Authority, Hancock Building.

Items 38 through 41 were Executive Session items.

Item 42 was a briefing item set for a time certain at 2:00 p.m.

Items AHFC-1 through AHFC-2 and 43 were set for a time certain at 3:00 p.m.

Items 44 through 51 and Z-1 through Z-4 were Zonings set for a time certain at 4:00 p.m.

Item 52 was a Public Hearing item set for a time certain at 6:00 p.m.

DISCUSSION ITEMS

25. Authorize negotiation and execution of a 6-month supply/service agreement with ENVIRONMENTAL SYSTEMS RESEARCH INSTITUTE, INC., Redlands, CA, for a Geographic Information Systems software enterprise license in an amount not to exceed \$62,500, with four 12-month extension options in an amount not to exceed \$287,500 for the first extension option, \$462,000 for the second extension option, \$487,000 for the third extension option, and \$500,000 for the fourth extension option, for a total agreement amount not to exceed \$1,799,000. (Funding in the amount of \$62,500 is available in the Fiscal Year 2003-2004 Approved Operating Budget of the Communications and Technology Management Department. Funding for the extension options is contingent upon available funding in future budgets.) Sole Source. This contract will be awarded in compliance with Chapter 2-9 of the City Code (Minority-Owned and

Women-Owned Business Enterprise Procurement Program). No subcontracting opportunities were identified; therefore, no goals were established for this solicitation.

The motion authorizing the negotiation and execution of a supply/service agreement was approved on Mayor Pro Tem Goodman's motion, Council Member Alvarez' second on a 7-0 vote.

2. Approve an ordinance amending Exhibits A, B, and C of Ordinance No. 040311-05 calling the May 15, 2004, Special Municipal Election to adopt changes to election day polling place locations, the list of election day precinct judges, and early voting places.
Ordinance No. 040415-2 was approved on Council Member McCracken's motion, Mayor Wynn's second on a 7-0 vote.
7. Approve execution of a contract with MAC, Inc, (DBE 66.86 %) Austin, TX for construction of trail improvements and Americans with Disabilities Act accessibility for Zilker Loop Trail - Phase I, in the amount of \$985,975. (Funding is available in the Fiscal Year 2002-2003 Approved Capital Budget of the Parks and Recreation Department.) 2.47 % DBE subcontractor participation.
The motion authorizing the execution of a contract was approved on Council Member Slusher's motion, Council Member Alvarez' second on a 7-0 vote.
16. Authorize negotiation and execution of an amendment to the professional services agreement with MALCOLM PIRNIE, INC., Austin, TX, for the Govalle Tunnel Odor/Corrosion Control Project in the amount of \$5,895,192 for a total contract amount not to exceed \$8,247,639. (Funding in the amount of \$5,895,192 is included in the Fiscal Year 2003-2004 Capital Budget of the Austin Water Utility.) 10.1% MBE and 18.3% WBE subcontractor participation to date. (Recommended by the Water & Wastewater Commission.)
The motion authorizing the negotiation and execution of an amendment to the professional services agreement was approved on Council Member Thomas' motion, Mayor Wynn's second on a 7-0 vote.

Mayor Wynn recessed the Council Meeting to go into Executive Session at 10:41 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.

Items 38-40 were discussed later in Executive Session.

Real Property - Section 551.072

41. Discuss terms of the disposition for the former Robert Mueller Municipal Airport site to Catellus Austin, L.L.C.

Executive Session ended and Mayor Wynn called the Council Meeting back to order at 12:24 p.m.

CITIZEN COMMUNICATIONS: GENERAL

Scott Johnson - Electric Lawnmower Program

Rain G.A.C. Castro - Apache/Aztec Beaten Up by an Austin Policeman

Mike Alexander - Idling trucks! Ordinance help!

Chuck Perry - Ft. Branch. He was not present when his name was called.

Robert Singleton - Mueller 102

Mary Lehmann - More Mueller

Laura Koenig - Week of the Young Child

Eliza Kempner Thomas - Prisoner Re-Entry in Austin and Travis County. She was not present when her name was called.

Pat Johnson - It's a Shame

Mayor Wynn recessed the Council Meeting to go into Executive Session at 12:52 p.m.

EXECUTIVE SESSION CONTINUEDPrivate Consultation with Attorney - Section 551.071

38. Discuss legal issues relating to *Michael King v. The City of Austin, Texas*, Cause No. GN100452, in the 345th Judicial District Court of Travis County, Texas (concerns a claim for additional pay based on allegedly defective 1993 City ordinance authorizing bi-lingual pay for police officers.) (Related Item 3)
39. 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)
40. Discuss legal issues relating to the anticipated Third Special Called Session of the 78th State Legislature.

Executive Session ended and Mayor Wynn called the Council Meeting back to order at 2:04p.m.

3. Authorize negotiation and execution of an amendment to the legal services contract with SCOTT, DOUGLASS & MCCONNICO, L.L.P., Austin, Texas, for representation in *Michael King v. City of Austin, Texas*, Cause No. GN100452, in the 345th Judicial District Court of Travis County, Texas, for an increase of \$25,000, with a total contract amount not to exceed \$175,000 (Funding in the amount of \$25,000 is available in the Fiscal Year 2003-2004 Approved Operating Budget of the Liability Reserve Fund.) (Related Item 38)
The motion authorizing negotiation and execution of an amendment to the legal services contract was approved on Council Member Alvarez' motion, Mayor Wynn's second on a 6-0. Mayor Pro Tem Goodman was off the dais.

29. Authorize execution of a contract with MOBILE VISION, INC., Euless, TX, for the purchase of VoiceLink Plus personal transmitters for use with the Mobile-Vision law enforcement in-car video/audio recording systems for the Austin Police Department in an amount not to exceed \$60,450. (Funding is available in the Fiscal Year 2003-2004 Amended Operating Budget of the Austin Police Department.) Sole Source. This contract will be awarded in compliance with Chapter 2-9 of the City Code (Minority-Owned and Women-Owned Business Enterprise Procurement Program). No subcontracting opportunities were identified; therefore, no goals were established for this purchase.
- The motion authorizing the execution of a contract was approved on Council Member Thomas' motion, Council Member Dunkerley's second on a 6-0 vote. Mayor Pro Tem Goodman was off the dais.

BRIEFINGS

42. Presentation of the Three-Year Financial Forecast to City Council.
- The presentation was made by City Manager Toby Futrell; Rudy Garza, Budget, Office and Vickie Schubert, Finance Department.
24. Authorize execution of contracts through the Interlocal Agreement with Fairfax County Virginia as part of the U.S. COMMUNITIES GOVERNMENT PURCHASING ALLIANCE with HERMAN MILLER INCORPORATED, Austin, TX, in an amount not to exceed \$114,347.10; HAWORTH INCORPORATED, Austin, TX, and their authorized distributor, Furniture Marketing Group, Austin, TX, in an amount not to exceed \$86,933.56; KNOLL, INCORPORATED, Austin, TX, and their authorized distributor, Shelton Keller Group, Austin, TX, in an amount not to exceed \$1,383,452.41; and with STEELCASE INCORPORATED, Austin TX, and their authorized distributor, Rockford Business Interior, Austin, TX, in an amount not to exceed \$340,941.55, for the purchase and installation of freestanding furniture and systems furniture for the new City Hall building. (Funding in the amount of \$1,925,674.62 is available in Fiscal Year 2003-2004 Capital Budget of the Economic Growth and Redevelopment Services Department) Purchasing Cooperative.
- The motion authorizing the execution of contracts through the Interlocal Agreement was approved on Council Member Slusher's motion, Council Member Dunkerley's second on a 7-0 vote.

BOARD OF DIRECTORS MEETING OF AUSTIN HOUSING FINANCE CORPORATION.

Mayor Wynn recessed the Council Meeting at 3:02 p.m. to go into the Board of Director's Meeting of the Austin Housing Finance. See separate minutes.

AHFC adjourned and the regular Council meeting was called back to order at 3:03 p.m.

Economic Growth and Redevelopment Services

43. Approve a resolution authorizing revised policies and procedures for the City's Cultural Arts Funding Program. (Recommended by the Arts Commission.)
- The following amendment made by Council Member Alvarez' motion, and seconded by Mayor Pro Tem Goodman's failed on a 3-4 vote. Those voting aye were: Mayor Pro Tem Goodman, Council Members Alvarez and Thomas. Those voting nay were: Mayor Wynn, Council Members Dunkerley, McCracken and Slusher. The amendment was to change the staff's recommendation to increase the amount for which applicants in the institutional category may apply from 25% to 35% of unrestricted revenues and amend the criteria so

no arts group may be awarded a contract over 15% greater than their current allocation for this first year.

Resolution No. 040415-43 was approved with the following amendment on Council Member Dunkerley's motion, Council McCracken's second on a 6-1 vote. Council Alvarez voted nay. Mayor Pro Tem Goodman made the amendment to allow a process to be crafted for a staff recommendation to go before the Art Commission. The amendment was accepted by Council Member Dunkerely, the maker of the motion and Council Member McCracken who seconded the motion.

ZONING CONSENT ITEMS

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

Item 44 was pulled for discussion.

45. C14H-03-0002 - HAMPTON ROAD CALCASIEU HOUSES - Approve second/third readings 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; the property owner agrees to the conditional overlay and SF-2 zoning. **The second reading of the ordinance was approved.**
46. 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. **This item was postponed to April 22, 2004 at the applicant's request.**

47. 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.
This item was postponed to May 6, 2004 at the applicant's request.
48. C14-03-0167 - Guadalupe Street Lofts - Approve second/third readings of an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 4525 Guadalupe Street (Waller Creek Watershed) from general commercial services (CS) district zoning to community commercial-mixed use-conditional overlay (GR-MU-CO) combining district zoning. First reading on February 26, 2004. Vote: 6-0, D. Thomas - off dais. Conditions met as follows: Conditional Overlay incorporates the conditions imposed by Council on first ordinance reading. Applicant: Austin WFD Ltd. Agent: Codney Group Inc. (Mike Rhoades). City Staff: Glenn Rhoades, 974-2775.
Ordinance No. 040415-48 was approved.
49. 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.
This item was postponed to April 22, 2004 at staff's request.

Items 50 and 51 were 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 public hearings were closed and consent items were approved on Council Member Alvarez' motion, Council Member Thomas' second on a 7-0 vote.

- Z-1 C14-04-0028 - Jack Brown Cleaners - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 11521 R.M. 620 North (Bull Creek Watershed) from community commercial-conditional overlay (GR-CO) combining district zoning to general commercial services (CS) district zoning. Zoning and Platting Commission Recommendation: To grant general commercial services (CS) district zoning. Applicant: Plaza V 620, Ltd. (James H. Matoushak). Agent: Crocker Consultants (Sarah Crocker). City Staff: Sherri Gager, 974-3057.
The first reading of the ordinance for general commercial services (CS) district zoning was approved.

- Z-2 C14-04-0042 - 13802 Research Boulevard - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by zoning and rezoning property locally known as 13802 Research Boulevard (Lake Creek Watershed) from interim-rural residence (I-RR) district zoning and neighborhood commercial (LR) 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: Rebota, Inc. (Jim Gauntt). Agent: Carlson, Brigrance & Doering, Inc. (Debbie Guerra). City Staff: Sherri Gager, 974-3057.
Ordinance No. 040415-Z-2 for community commercial-conditional overlay (GR-CO) combining district zoning was approved.
- Z-3 C14-04-0029 - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as South 1st Street and South Center Street (West Bouldin Creek Watershed) from limited office-conditional overlay (LO-CO) combining district zoning to general office (GO) district zoning. Zoning and Platting Commission Recommendation: To grant general office-conditional overlay (GO-CO) combining district zoning. Applicant: Daughter's of Charity Health Services. Agent: Thrower Design (Ron Thrower). City Staff: Annick Beaudet, 974-2975.
Ordinance No. 040415-Z-3 for general office-conditional overlay (GO-CO) combining district zoning was approved.
- Z-4 C14-03-0187 - Scarlet Ibis - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 7411 Old Bee Caves Road (Williamson Creek Watershed-Barton Springs Zone) from rural residential (RR) district zoning to limited office-mixed use (LO-MU) combining district zoning. Zoning and Platting Commission Recommendation: To grant limited office-mixed use-conditional overlay (LO-MU-CO) combining district zoning. Applicant and Agent: Suzanne Rittenberry. City Staff: Annick Beaudet, 974-2975.
The first reading of the ordinance for limited office-mixed use-conditional overlay (LO-MU-CO) combining district zoning was approved.

ZONING DISCUSSION

50. C14-04-0004.002 (PART) - Crestview Neighborhood Plan District Rezoning - Approve third reading of an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 7700 - 7720 North Lamar Boulevard and 822 Taulbee Lane (Tract 123); and property located south of Morrow Street, west of Lamar Boulevard and northeast of the Southern Pacific Railroad tracks (Tracts 160a, 160b and 160c) (Waller Creek Watershed.) The Residential Infill special use is proposed for Tract 160a, the Neighborhood Mixed Use Building special use is proposed for Tract 123, and the Neighborhood Urban Center special use is proposed for Tract 160a. The proposed zoning change will also change the base district on 4 tracts of land from: family residence (SF-3) district zoning; multi-family residence medium density (MF-3) district zoning; multi-family residence moderate-high density (MF-4) district zoning; general commercial services (CS) district zoning; commercial-liquor sales (CS-1) district zoning; and limited industrial services (LI) district zoning to: general commercial services-mixed use-conditional overlay-neighborhood plan (CS-MU-CO-NP) combining district zoning for Tract 123; and limited industrial services-planned development area-neighborhood plan (LI-PDA-NP) combining district zoning for Tract 160a, Tract 160b and Tract 160c, with conditions. First reading on March 4, 2004. Vote: 6-0, McCracken off the dais. Second Reading on April 1, 2004. Vote 6-0, Goodman off the dais. Conditions met as follows: Conditional Overlay and Restrictive Covenant incorporates the conditions imposed or accepted by City Council at second ordinance

reading. Applicant: City of Austin. Agent: Neighborhood Planning and Zoning Department (Wendy Walsh). City Staff: Wendy Walsh, 974-7719 and Scott Whiteman, 974-2865.

The motion to postpone the rezoning on Tract 123 to May 6, 2004 was approved on Council Member Thomas' motion, Council Member McCracken's second on a 7-0 vote.

Ordinance No. 040415-50 was approved to rezone Tracts 160a, 160b, and 160c to LI-PDA-NP but divide Tract 160b into 160b-1 and 160b-2; to allow SF-6 uses and development regulations on Tract 160b-1; to allow only community recreation and park and recreation uses, on Tract 160b-2 and add a trip limitation of 1,000 trips per day on all of tract 160 along Morrow, and to change section 23, third line to change the 50% to 80% credit was approved on Council Member Dunkerley's motion, Council Member McCracken's second on a 7-0 vote.

LIVE MUSIC

Django's Moustache

PROCLAMATIONS

Proclamation - National Volunteer Appreciation Week - to be presented by Mayor Will Wynn and to be accepted by David Balch

Proclamation - Austin Crimestoppers 25th Anniversary - to be presented by Mayor Will Wynn and to be accepted by Becky Motal

Proclamation - Community Development Block Grant Program - to be presented by Mayor Will Wynn and to be accepted by Paul Hilgers

Proclamation - Child Abuse Prevention Month - to be presented by Council Member Raul Alvarez and to be accepted by Cindy Ashby

PUBLIC HEARINGS AND POSSIBLE ACTION

52. Conduct a public hearing and approve a resolution authorizing the waiver of the 300 feet minimum distance requirement of Section 4-9-4 of the City Code between the Pacha Coffeehouse, a business that proposes to sell alcoholic beverages at 4618 Burnet Road, and Texas School for the Blind and Visually Impaired, a public school located at 1100 West 45th Street. The public hearing was closed and Resolution No. 040415-52 was approved on Council Member Slusher's motion, Council Member Alvarez' second on a 7-0 vote.
44. Approve second 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.) The motion approving the second reading of the Neighborhood Plan as recommended by the Planning Commission, with the exception of Tracts 16, 51, 238 and 248, was approved on Mayor Pro Tem Goodman's motion, Council Member Alvarez' second on a 7-0 vote.

The second reading of the original neighborhood plan recommendation and adjacent property owners request for Single-Family designation for Tract 16 (5611 Clay Avenue) was approved on Council Member Alvarez' motion, Mayor Wynn's second on a 6-1 vote. Council Member Thomas voted nay.

The second reading of Planning Commission's recommendation for Tract 51 (5006 Grover Avenue) for Single-Family designation was approved on Council Member Alvarez' motion, Mayor Wynn's second on a 7-0 vote. .

The second reading of the property owner's request for Commercial Mixed Use designation on Tract 238 (407 Kenniston Avenue) was approved on Council Member Alvarez' motion, Council Member Slusher's second on a 7-0 vote.

The second reading of the property owner's request for Commercial Mixed Use designation on Tract 248 (6225 Lamar Blvd.) was approved on Council Member Alvarez' motion, Mayor Wynn's second on a 7-0 vote.

The second reading of the property owner's request for Commercial Mixed Use designation on Tract 248 (6208 Burns) was approved on Council Member Alvarez' motion, Mayor Wynn's second on a 7-0 vote.

51. C14-04-0012 - Brentwood/Highland Neighborhood Plan Rezoning - Approve second 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 is bounded on the north by Justin Lane and Anderson Lane, on the east by Middle Fiskville Road and Twin Crest Drive, on the south by 45th Street and Koenig Lane, and on the west by Burnet Road. The proposed zoning change will create two Neighborhood Plan Combining Districts (NPCD) covering the entire area. Under the proposed Highland NPCD, "Small Lot Amnesty" and "Secondary Apartment" special uses are proposed for the entire plan area. "Garage Placement," "Front Porch Setback" and "Impervious Cover and Parking Placement Restrictions" are proposed for the entire area, with the exception of St. Johns Avenue. The Cottage Lot special use is proposed for the North and South Highland subdistricts. The North Highland subdistrict is bounded on the north by Crestland Drive, on the east by Twin Crest Drive, on the south by St. Johns Avenue, and on the west by Lamar Blvd. The South Highland subdistrict is bounded on the north and east by Airport Blvd., on the south by Denson Drive, and on the west by Lamar Blvd. The Neighborhood Mixed Use Building special use is proposed for Tract 221 and the Neighborhood Urban Center special use is proposed for Tracts 200, 201, 202, 222a, 222b, 222c, 223, 241, 242, 243a, 243b, 243c, 275, 276, and 277. Under the proposed Brentwood NPCD, "Small Lot Amnesty," "Secondary Apartment," "Garage Placement," "Front Porch Setback" and "Impervious Cover and Parking Placement Restrictions" are proposed for the entire area. The Urban Home special use is proposed for the Romeria Gateway subdistrict, which includes all lots adjacent to Romeria, between Lamar Blvd. and the Grover Drainage Channel. The Neighborhood Urban Center special use is proposed for Tracts 1 and 2. (Buttermilk Creek, Shoal Creek, Tannehill Creek and Waller Creek Watersheds) Also, 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) combining 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) combining 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; and 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: 7-0. 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.

The second reading of the NPCD rezonings as recommended by the Planning Commission, with the exception of Tracts 3, 10b, 15b, 16, 51, 77b, 77c, 93, 99, 101, 107, 210b, 221, 222b, 238, 240, 244, 248, 266, 267, 268 and 271 was approved on Mayor Pro Tem Goodman's motion, Council Member Alvarez' second on a 7-0 vote.

The second reading of the Planning Commission's recommendation on Tract 3 (6709 Burnet Lane) to CS-MU-CO-NP zoning, with the following Conditional Overlay, was approved on Council Member Dunkerley's motion, Mayor Wynn's second on a 7-0 vote. The conditional overlay prohibits 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 square feet, 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.

The second reading of the owner's request for rezoning on Tract 10b (5607 and 5615 Burnet Road) from CS to CS-MU-CO-NP with the following Conditional Overlay was approved on Council Member Dunkerley's motion, Council Member McCracken's second on a 7-0 motion. The conditional overlay prohibits agricultural sales and services, campground, drop-off recycling collection facility, equipment repair services, equipment sales, outdoor entertainment, and outdoor sports and recreation.

The second reading of the owner's request for rezoning on Tract 10b (5701-5715 Burnet Road) from CS to CS-MU-CO-NP, with the following Conditional Overlay was approved on Council Member Dunkerley's motion, Council Member McCracken's second on a 7-0 vote. The conditional overlay prohibits agricultural sales and services, campground, drop-off recycling collection facility, equipment repair services, equipment sales, outdoor entertainment, and outdoor sports and recreation.

The second reading of the owner's request for rezoning on Tract 15b (5508 Clay Avenue) from CS to CS-MU-CO-NP with the following Conditional Overlay was approved on Council Member Dunkerley's motion, Council Member Slusher's second on a 7-0 vote. The conditional overlay prohibits: all commercial uses not allowed in GR base zoning, except for construction sales and service, automotive rental, 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 square feet, off-site accessory parking, outdoor entertainment, outdoor sports and recreation, pawn shop services, plant nursery, service station, and drive through services, funeral services, hotel-motel, indoor entertainment, indoor sports and recreation, restaurant, and theater.

The second reading of the Clay Avenue residents' request for rezoning on Tract 15b (5510 and 5600 Clay Avenue) from CS to LR-MU-CO-NP with a Conditional Overlay that prohibits service stations drive through services, and off-site accessory parking was approved on Council Member Slusher's motion, Mayor Pro Tem Goodman's second on a 7-0 vote.

The second reading of the Clay Avenue residents' request for rezoning on Tract 15b (5602 Clay Avenue) from CS to LR-MU-CO-NP with a Conditional Overlay that prohibits service stations, drive through services and off-site accessory parking was approved on Council Member Dunkerley's motion, Council Member Slusher's second on a 7-0 vote.

The second reading of Tract 16 (5611 Clay Avenue) of the original neighborhood plan and adjacent property owners' request for rezoning from LO to SF-3-NP was approved on Council Member Alvarez' motion, Mayor Wynn's second on a 6-1 vote. Council Member Thomas voted nay.

The second reading for Planning Commission's recommendation on Tract 51 (5006 Grover Avenue) for SF-3-NP zoning was approved on Council Member Alvarez' motion, Mayor Wynn's second on a 7-0 vote.

The second reading for the Planning Commission's recommendation on Tract 77b (814 Romeria) for CS-MU-CO-NP with the following Conditional Overlay was approved on Council Member Dunkerley's motion, Council Member McCracken'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 second reading for the owner's request for rezoning on Tract 77b (6200 North Lamar) from CS-1 to CS-1-MU-CO-NP zoning with the following Conditional Overlay was approved on Council Member Dunkerley's motion, Mayor Wynn's second on a 6-1 vote. Council Member Alvarez voted nay. 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 second reading of the owner's request for rezoning on Tract 93 (1400 Koenig Lane) from GR-CO to GR-MU-CO-NP, with the Conditional Overlay that prohibits all GR uses not permitted in the LR base district except auto sales was approved on Council Member Dunkerley's motion, Council Member McCracken's second on a 5-2 vote. Those voting aye were: Mayor Wynn, Mayor Pro Tem Goodman, and Council Members Dunkerley, McCracken and Slusher. Those voting nay were: Council Members Alvarez and Thomas.

The second reading of the Planning Commission's recommendation for rezoning on 1401 Tract 101 (1401 Koenig Lane) for LR-MU-CO-NP zoning with a Conditional Overlay prohibiting service station, drive through services and off-site accessory parking was approved on Council Member Alvarez' motion, Mayor Pro Tem Goodman's second on a 4-3 vote. Those voting aye were: Mayor Wynn, Mayor Pro Tem Goodman, and Council Members Alvarez and Slusher. Those voting nay were: Council Members Dunkerley, McCracken and Thomas.

The second reading of the owner's request for rezoning on Tract 99 (5813 Woodrow Avenue) from CS to CS-MU-CO-NP, with the following Conditional Overlay 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 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 second reading for the owner's request for rezoning on Tract 99 (5700 Grover) from CS to CS-MU-CO-NP was approved on Mayor Pro Tem Goodman's motion, Council Member McCracken's second on a 6-1 vote. Mayor Wynn voted nay. 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.

The second reading for Planning Commission's recommendation on Tract 107 (2003 Koenig Lane) to LO-MU-NP zoning was approved on Council Member Dunkerley's motion, Council Member Thomas' second on a 7-0 vote.

The second reading for the owner's request for rezoning on Tract 210b (a portion of 7427 North Lamar) from CS-1 to CS-1-MU-CO-NP 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, Council Member McCracken's second on a 5-2 vote. Those voting aye were: Mayor Wynn, Mayor Pro Tem Goodman and Council Members Dunkerley, McCracken and Thomas. Those voting nay were Council Members Alvarez and Slusher.

The second reading for the Planning Commission's recommendation on Tract 222b (608 Kenniston Drive) for CS-MU-CO-NP with the following Conditional Overlay was approved on Council Member McCracken's motion, Mayor Wynn's second on a 6-0 vote. Council Member Thomas was off the dais. 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 second reading for the owner's request for rezoning on Tract 238 (407 Kenniston Avenue) from SF-3 to GR-MU-CO-NP 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, Council Member Slusher's second on a 7-0 vote.

The second reading for the owner's request for rezoning on Tract 240 (200 W. Huntland Drive) from CS to CS-MU-CO-NP 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 Dunkerley's motion, Council Member Thomas's second on a 6-0 vote. Council Member Slusher was off the dais.

The second reading for the owner's request for rezoning on Tract 240 (104 E. Huntland Drive) from CS to CS-MU-CO-NP 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 Dunkerley's motion, Council Member Thomas's second on a 6-0 vote. Council Member Slusher was off the dais.

The second reading of the owner's request for rezoning on Tract 271 (6757 Airport Blvd.) from CS to CS-MU-CO-NP with the following conditional overlay was approved on Council Member Thomas, Council Member McCracken's second on a 6-1 vote. Mayor Pro Tem

Goodman 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, and outdoor sports and recreation. Staff was directed to encourage a private restrictive covenant that would distinguish between an impound lot and a new car dealership.

The second reading of the owner's request for rezoning on Tract 266 (6016 Dillard Circle) from CS to CS-MU-CO-NP 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 agricultural sales and services, automotive rentals, automotive sales, automotive washing (of any type), campground, commercial blood plasma center, commercial off-street parking, drive through services, drop-off recycling collection facility, equipment repair services, equipment sales, exterminating services, general retail of any type greater than 35,000 square feet kennels, laundry services, off-site accessory parking, outdoor entertainment, outdoor sports and recreation, pawn shop services, service station, and vehicle storage.

The second reading of the owner's request for rezoning on Tract 266 (6020 Dillard Circle) from CS to CS-MU-CO-NP 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 agricultural sales and services, automotive rentals, automotive sales, automotive washing (of any type), campground, commercial blood plasma center, commercial off-street parking, drive through services, drop-off recycling collection facility, equipment repair services, equipment sales, exterminating services, general retail of any type greater than 35,000 square feet kennels, laundry services, off-site accessory parking, outdoor entertainment, outdoor sports and recreation, pawn shop services, service station, and vehicle storage.

The second reading of the owner's request for rezoning on Tract 267 (6015 Dillard Circle) from CS to CS-MU-CO-NP 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 agricultural sales and services, automotive rentals, automotive sales, automotive washing (of any type), campground, commercial blood plasma center, commercial off-street parking, drive through services, drop-off recycling collection facility, equipment repair services, equipment sales, exterminating services, general retail of any type greater than 35,000 square feet kennels, laundry services, off-site accessory parking, outdoor entertainment, outdoor sports and recreation, pawn shop services, service station, and vehicle storage.

The second reading of the owner's request for rezoning on Tract 244 (108 Denson Drive) from CS to CS-MU-CO-NP with the following Conditional Overlay was approved on Council Member Slusher's motion, Mayor Wynn's second on a 7-0 vote. The Conditional Overlay prohibits agricultural sales and services, campground, commercial blood plasma center, drop-off recycling collection facility, equipment repair services, equipment sales, kennels, outdoor sports and recreation, pawn shop services and vehicle storage.

The second reading of the owner's request for rezoning on Tract 268 (0 Denson Drive) from CS to CS-MU-CO-NP with the following Conditional Overlay was approved on Council Member Slusher's motion, Mayor Wynn's second on a 7-0 vote. The Conditional Overlay prohibits agricultural sales and services, automotive sales, automotive washing (of any

type), campground, commercial blood plasma center, drive through services, drop-off recycling collection facility, equipment repair services, equipment sales, kennels, monument retail sales, outdoor entertainment, outdoor sports and recreation, pawn shop services, service station and vehicle storage.

The second reading of the Revised Neighborhood Stakeholders' recommendation for Tract 221 (601, 605 and 613 St. Johns) for LR-MU-CO-NP zoning with a Conditional Overlay prohibiting service station, drive through services, off-site accessory parking, and limiting residential density to 12 units per acre was approved on Council Member McCracken's motion, Council Member Dunkerley's second on a 7-0 vote.

The second reading of the property owner's request for a rezoning on Tract 248 (6225 Lamar Blvd.) from SF-3 to GR-MU-CO-NP with the following conditional overlay was approved on Council Member Alvarez' 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 staff was directed to initiate a rezoning on Tract 248 (6208 Burns) from MF-3 to GR-MU-CO-NP with the following Conditional Overlay on Council Member Alvarez' motion, Mayor Wynn's second on a 7-0. 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.

PLEASE SEE END OF FILE FOR AMENDMENT TO ITEM 51

The motion to adjourn the meeting at 9:46 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 15, 2004 were approved on this the 22nd day of April, 2004 on Council Member Alvarez' motion, Council Member Dunkerley's second on a 6-0 vote. Mayor Pro Tem Goodman was off the dais.

The minutes for the regular meeting of April 15, 2004 were amended and approved on May 27, 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. The following amendments were made:

51. C14-04-0012 - Brentwood/Highland Neighborhood Plan Rezonings - Approve second 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 is bounded on the north by Justin Lane and Anderson Lane, on the east by Middle Fiskville Road and Twin Crest Drive, on the south by 45th Street and Koenig Lane, and on the west by Burnet Road. The proposed zoning change will create two Neighborhood Plan Combining Districts (NPCD) covering the entire area. ...

The second reading of the owner's request for rezoning on Tract 271 (6757 Airport Blvd.) from CS to CS-MU-CO-NP with the following conditional overlay was approved on Council Member

Thomas, Council Member McCracken's second on a 6-1 vote. Mayor Pro Tem Goodman 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, and outdoor sports and recreation. Staff was directed to encourage a private restrictive covenant that would distinguish between an impound lot and a new car dealership.