



AUSTIN CITY COUNCIL  
MINUTES

REGULAR MEETING  
THURSDAY, AUGUST 26, 2004

Invocation: Rev. Judy Skaggs, Associate Pastor, University Presbyterian Church

The following represents the actions taken by the Austin City Council in the order they occurred during the meeting. While the minutes are not in sequential order, all agenda items were discussed. The City Council of Austin, Texas, convened in a regular meeting on Thursday, August 26, 2004 in the Board Room at Lower Colorado River Authority Hancock Building, 3700 Lake Austin Boulevard.

Mayor Wynn called the Council Meeting to order at 10:19 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.

Meeting Minutes

1. Approval of minutes from the meetings of June 24, and August 12, 2004.  
The minutes from the regular meetings of June 24 and August 5, 2004 were approved.
2. Authorize negotiation and execution of the following three agreements with DAUGHTERS OF CHARITY HEALTH SERVICES OF AUSTIN (d/b/a SETON HEALTH CARE NETWORK [Seton]) related to Austin Energy supplying the new Seton Children's Hospital with electric power, chilled water, and steam: 1) Energy Commodities Services Agreement; 2) a 30-year Ground Lease for use of land at the Robert Mueller Municipal Airport redevelopment site to locate the combined on-site generation, chilled water, and steam plant; and 3) a Building Purchase Agreement to purchase from Seton a structure to house the necessary energy production equipment and any other necessary related agreements, in an amount not to exceed \$3,000,000. (Funding is available in the Fiscal Year 2003-2004 Amended Capital Budget of the Electric Utility Department.)  
The motion authorizing the negotiation and execution of the agreements was approved.

3. Authorize negotiation and execution of an agreement to terminate the current Agreement For Wholesale Water Service between the City of Austin and Northridge Water Supply Corporation and to enter into a new agreement with Northridge Water Supply Corporation, Travis County, Williamson County, and the Texas Water Development Board setting forth terms regarding the transfer of the water service area and water utility system of Northridge Water Supply Corporation to City of Austin and providing for City retail water service to the former Northridge Water Supply Corporation service area. (Funding in an amount not to exceed \$70,000 will be included in the Proposed Fiscal Year 2004-2005 Operating Budget of the Austin Water Utility, for the extension of City water infrastructure to the current boundary of Northridge Water Supply Corporation.) (Recommended by the Water and Wastewater Commission)  
**The motion authorizing the negotiation and execution of an agreement was approved.**
4. Approve Service Extension Request No. 2360 for water service not to exceed a peak hour flow of 2 gallon per minute (gpm) for a tract of approximately 4.21 acres owned by Aubrey and Margaret Edinburgh, located within the Drinking Water Protection Zone in the extraterritorial jurisdiction of Austin at 9727 F.M. 1826, #22. (Recommended by the Water and Wastewater Commission)  
**The motion authorizing the service extension request No. 2360 was approved.**
5. Approve Service Extension Request No. 2361 for water service not to exceed a peak hour flow of 2 gallon per minute (gpm) for a tract of approximately 2.02 acres owned by David Caldwell, located within the Drinking Water Protection Zone in the extraterritorial jurisdiction of Austin at 9727 F.M. 1826, #23. (Recommended by the Water and Wastewater Commission)  
**The motion authorizing the service extension request No. 2361 was approved.**
6. Authorize negotiation and execution of a cost reimbursement agreement with Catellus Austin, LLC ("Catellus"), providing terms and conditions for reimbursement to Catellus of the actual soft costs incurred for design and construction phase services in an amount not to exceed: (a) \$140,403, for the 16-inch water main and appurtenances to be constructed in Cameron Road; (b) \$55,217, for the 15-inch gravity wastewater main and appurtenances to be constructed in Airport Boulevard to serve a portion of the Robert Mueller Municipal Airport Redevelopment (RMMA), for a total cost reimbursement amount not to exceed \$195,620; adopt an Ordinance waiving the requirements of Section 25-9-63, of the City Code relating to amount of cost reimbursement; waiving the requirements of Section 25-9-67, of the City Code relating to cost reimbursement payments and rescinding the previous authorizations for Cost Reimbursements Agreements with Catellus for the 16-inch water line and the 15-inch gravity wastewater line. (Funding in the amount of \$195,620 is included in the Fiscal Year 2003-2004 Capital Budget of the Austin Water Utility.) (Recommended by the Water and Wastewater Commission) (Related Items 7, 8)  
**Ordinance No. 040826-6 was approved.**
7. Authorize execution of a construction contract with AUSTIN ENGINEERING COMPANY, INC., Austin, TX, for the Mueller Cameron Road 16-Inch Waterline Phase One North Water Pressure Zone Water Improvements (RMMA Redevelopment) in the amount of \$828,140 plus a \$82,814 contingency, for a total contract amount not to exceed \$910,954. (Funding in the amount of \$910,954 is included in the Fiscal Year 2003-2004 Capital Budget of the Austin Water Utility.) Lowest bid of four received 16.7% MBE and 10.25% WBE subcontractor participation. (Related Items 6, 8)  
**The motion authorizing the execution of a construction contract was approved.**

8. Authorize execution of a construction contract with AUSTIN ENGINEERING COMPANY, INC., Austin, TX, for the Mueller Airport Road 15-Inch Wastewater Line Northwest Wastewater Phase One-1B Wastewater Improvements (RMMA Redevelopment) in the amount of \$255,293.50 plus a \$25,529.35 contingency, for a total contract amount not to exceed \$280,822.85. (Funding in the amount of \$280,822.85 is included in the Fiscal Year 2003-2004 Capital Budget of the Austin Water Utility.) Lowest bid of four received. 14.55% MBE and 5.07% WBE subcontractor participation. (Related Items 6, 7)  
**The motion authorizing the execution of a construction contract was approved.**
9. Approve an ordinance authorizing acceptance of \$18,800 in additional grant funds from the U.S. Health Resources and Services Administration (HRSA) Bureau of Primary Health Care 330(e) New Start grant and amending Ordinance No. 030909-01, the Approved Fiscal Year 2003-2004 Operating Budget, Community Care Services Department Special Revenue Fund, by appropriating \$18,800 in additional grant funds for a total grant amount of \$656,598. (Funding in the amount of \$18,800 is available from the HRSA, Bureau of Primary Health Care, 330(e) New Start grant program. The grant period is March 1, 2004 through February 28, 2005. No City Match is required.)  
**Ordinance No. 040826-09 was approved.**
10. Approve an ordinance authorizing acceptance of \$987,833 in grant funds from the U.S. Health Resources and Services Administration (HRSA), Bureau of Primary Health Care Expanded Medical Capacity grant program; and amend the Fiscal Year 2003-2004 Community Care Services Operating Budget Special Revenue Fund of Ordinance No. 030909-01 to appropriate \$987,833 and to create 19.0 full-time equivalent positions. (Funding is available from the HRSA, Bureau of Primary Health Care Expanded Medical Capacity grant program. The grant period is August 1, 2004 through February 28, 2006.)  
**Ordinance No. 040826-10 was approved.**
11. Authorize execution of a 12-month contract with Communities In Schools-Central Texas, Inc. to provide youth services under the 78744 Youth of Promise Initiative Community Youth Development Program (CYD) in an amount not to exceed \$87,589 for the period of September 1, 2004 through August 31, 2005, with three (3) renewal options in amounts not to exceed \$87,589 per renewal for a total agreement not to exceed \$350,356. (Funding in the amount of \$87,589 is available in the Fiscal Year 2003-2004 Approved Operating Budget of the Health and Human Services Department (HHSD), Special Revenue Fund. The Grant period is September 1, 2004 through August 31, 2005. Funding for extension options is contingent upon available funding in future budgets.) (Related Item 12)  
**The motion authorizing the execution of a contract was approved.**
12. Authorize execution of an Interlocal Cooperation Agreement between the City of Austin and the Austin Independent School District for the 78744 Youth of Promise Initiative Community Youth Development Program (CYD) in an amount not to exceed \$103,466 for the agreement period of September 1, 2004 through August 31, 2005, with three (3) renewal options in amounts not to exceed \$103,466 per renewal for a total agreement not to exceed \$413,864. (Funding in the amount of \$103,466 is available in the Fiscal Year 2003-2004 Approved Operating Budget of the Health and Human Services Department (HHSD), Special Revenue Fund. The grant period is September 1, 2004 through August 31, 2005. Funding for extension options is contingent upon available funding in future budgets.) (Related Item 11)  
**The motion authorizing the execution of an interlocal cooperation agreement was approved.**

13. Authorize negotiation and execution of an outside counsel contract with SCOTT, DOUGLASS, & MCCONNICO, L.L.P, Austin, TX, for legal counsel concerning issues relating to the design and construction issues of the airport parking garage. (Funding in the amount of \$225,000 is available in the Fiscal Year 2003-2004 Amended Capital Budget of the Aviation Department.) (Related Item 44)  
**The motion authorizing the negotiation and execution of an outside counsel contract was approved.**
14. Authorize negotiation and execution of an amendment to the outside counsel contract with BRACEWELL & PATTERSON, L.L.P. Austin, TX, concerning an agreement with Aqua Water Supply Corporation regarding retail water supply water service territory issues, in the amount of \$10,000, with a total contract amount not to exceed \$55,000. (Funding in the amount of \$10,000 is available in the Fiscal Year 2003-2004 Approved Operating Budget of the Austin Water Utility.) (Related Items 15, 45)  
**The motion authorizing the negotiation and execution of an amendment to the outside counsel was approved.**
15. Authorize negotiation and execution of an amendment to the legal services agreement with BRACEWELL & PATTERSON, L.L.P., Austin, TX, for legal representation, advice, and counsel concerning water rights permit matters (Lower Colorado River Authority [LCRA] Drought Management Plan before the Texas Commission on Environmental Quality [TCEQ]; LCRA application for Colorado River flows and City of Austin return flows before TCEQ; City of Austin bed and banks application before TCEQ; various LCRA Certificates of Adjudication before TCEQ, among others) involving the Colorado River and the LCRA for an increase of \$223,000, with a total contract amount not to exceed \$760,000. (Funding in the amount of \$89,511.71 is available in the Fiscal Year 2003-2004 Approved Operating Budget of the Austin Water Utility. Funding in the amount of \$133,488.29 is available in the Fiscal Year 2003-2004 Approved Operating Budget of Austin Energy.) (Related Items 14, 45)  
**The motion authorizing the negotiation and execution of an amendment to the legal services agreement was approved.**
16. Authorize negotiation and execution of an amendment to the contract with MICHAEL SULLIVAN & ASSOCIATES, INC., Austin, TX, for services on behalf of the City of Austin as a consulting and/or expert witness in various dockets before the Texas Commission on Environmental Quality (TCEQ) concerning water rights permitting matters involving the City, the Lower Colorado River Authority (LCRA) and others in the amount of \$30,000, with a total contract amount not to exceed \$425,500. (Funding in the amount of \$17,544.10 is available in the Fiscal Year 2003-2004 Amended Operating Budget of Austin Energy. Funding in the amount of \$12,455.90 is available in the Fiscal Year 2003-2004 Approved Operating Budget of Austin Water Utility.)  
**The motion authorizing the negotiation and execution of an amendment to the contract was approved.**

17. Approve a resolution authorizing application and acceptance of \$80,000 in grant funding from the State of Texas, Governor's Office, Criminal Justice Division, Violence Against Women Act for the renewal of Austin Police Department project entitled "Assistance to Female Victims of Domestic Violence." (Funding is available from the State of Texas, Governor's Office, Criminal Justice Division, Violence Against Women Act for the grant period September 1, 2004 -August 31, 2005. A cash match of \$36,883 is required and will be met by continuing the existing salary funding and additional personnel expenses for grant funded FTEs to be proposed in the Fiscal Year 2004-2005 Operating Budget for the Austin Police Department (APD), Victim Services Program.)  
**Resolution No. 040826-17 was approved.**
18. Approve a resolution authorizing the filing of eminent domain proceedings for the IH 35 North Project to acquire 0.055 of an acre for a permanent water line easement and 0.017 of an acre for a temporary workspace easement out of Lot 1, Block A, HEB/Pflugerville Subdivision, Resubdivision of Lots 3, 4 and 5, Block 1, Wells Point Commercial, Section 1 and the amended Plat of Lots 1 and 2, Block 1, Wells Point Commercial, Section 1, in the amount of \$4,802. The owner of the property interests sought to be condemned is H.E.BUTT GROCERY COMPANY, San Antonio, TX. The property is located at 1434 Wells Branch Parkway, Pflugerville, TX. (Funding is included in the Fiscal Year 2003-2004 Capital Budget of the Austin Water Utility.)  
**Resolution No. 040826-18 was approved.**

**Item 19 was pulled for discussion.**

20. Authorize negotiation and execution of a professional services agreement with REINHART AND ASSOCIATES, INC., Austin, TX, for a comprehensive one-year program of inspection, testing, and monitoring City-owned equipment to prevent failure and to ensure safety compliance in an amount of \$125,000 for the first year, with three (3) one-year extension options. The estimated total cost of these services are over a four (4) year period or until funds are expended, in an amount not to exceed \$500,000. (Funding in the amount of \$125,000 for the first year's services is available in the Fiscal Year 2004-2005 Proposed Operating Budget of the Fleet Maintenance Fund of the Financial and Administrative Services Department. Funding for the extension options is contingent upon available funding in future budgets.) Best qualification statement of two 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 sub-consulting 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.**
21. Authorize negotiation and execution of a contract with KUMARAN SYSTEMS, Rockville, MD, for Oracle Migration Services in an amount not to exceed \$70,160. (Funding is included in the Fiscal Year 2003-2004 Capital Budget of the Austin Water Utility.) Best evaluated proposal of three proposals received. This contract will be awarded in compliance with Chapter 2-9 of the City Code (Minority-Owned and Women-Owned Business Enterprise Procurement Program). No subcontracting opportunities were identified; therefore, no goals were established for this solicitation.  
**The motion authorizing the negotiation and execution of a contract was approved.**

22. Authorize execution of two revenue contracts with AUSTIN METAL & IRON, Austin, TX, in an amount of \$64,780; and with A & R DEMOLITION, Del Valle, TX, in an amount of \$7,300, for the one-time sale of miscellaneous steel, for a total amount of \$72,080. (Revenue will be included in the Fiscal Year 2004-2005 Operating Budget of the Electric Utility Department.) Best bids of three bids received.

**The motion authorizing the execution of two revenue contracts was approved.**

23. Authorize execution of a 12-month supply agreement with KBS ELECTRICAL DISTRIBUTORS, Austin, TX, in an amount not to exceed \$66,460, with four 12-month extension options in an amount not to exceed \$66,460 per extension option, for a total agreement amount not to exceed \$332,300; and with TECHLINE, INC., Austin, TX, in an amount not to exceed \$45,522, with four 12-month extension options in an amount not to exceed \$45,522 per extension option, for a total agreement amount not to exceed \$227,610 for substation class surge arresters. (Funding in the amount of \$9,331.83 is available in the Fiscal Year 2003-2004 Amended Operating Budget of the Electric Utility Department. Funding for the remaining 11-months of the original contract period and extension options is contingent upon available funding in future budgets.) Low bids of three bids received. This contract will be awarded in compliance with Chapter 2-9 of the City Code (Minority-Owned and Women-Owned Business Enterprise Procurement Program). No subcontracting opportunities were identified; therefore, no goals were established for this solicitation.

**The motion authorizing the execution of a supply agreement was approved.**

24. Authorize execution of Amendment No. 7 to the agreement with MAXIMUS, INC, Wayne, PA, for a 12-month service agreement for the renewal of software license and maintenance for GEMS 2000, M4-version 3.11c in amount not to exceed \$64,057.92, with two 12-month extension options in an amount not to exceed \$65,979.66 for the first extension option and \$67,958.99 for the second extension option, for a total contract amount not to exceed \$562,021.75. (Funding in the amount of \$64,057.92 is included in the 2004-2005 Proposed Operating Budget for Fleet Services Department. Funding for the extension options is contingent upon available funds in future budgets.) 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 solicitation.

**The motion authorizing the execution of Amendment No. 7 to the agreement was approved.**

25. Authorize execution of 12-month supply agreements with SUN BELT MEDICAL/EMERGISOURCE, Hilton Head Island, SC, in an amount not to exceed \$185,402, with two 12-month extension options in an amount not to exceed \$185,402 per extension option, for a total agreement amount not to exceed \$556,206; BOUND TREE MEDICAL, LLC, Galloway, OH, in an amount not to exceed \$130,519.95, with two 12-month extension options in an amount not to exceed \$130,519.95 per extension option, for a total agreement amount not to exceed \$391,559.85; EMS\*USA, Shepherdsville, KY, in an amount not to exceed \$118,512.50, with two 12-month extension options in an amount not to exceed \$118,512.50 per extension option, for a total agreement amount not to exceed \$355,537.50; TRI ANIM HEALTH SERVICES, INC., Sylmar, CA, in an amount not to exceed \$89,812.50, with two 12-month extension options in an amount not to exceed \$89,812.50 per extension option, for a total agreement amount not to exceed \$269,437.50; SOUTHERN SAFETY SALES, INC., Austin, TX, in an amount not to exceed \$86,836, with two 12-month extension options in an amount not to exceed \$86,836 per extension option, for a total agreement amount not to exceed \$260,508; and MOORE MEDICAL, New Britain, CT, in an amount not to exceed \$54,546.60, with two 12-month extension options in an amount not to exceed \$54,546.60 per extension option, for a total agreement amount not to exceed \$163,639.80, for medical supplies and medications for the Austin-Travis County Emergency Medical System. (Funding in the amount of \$50,469 is available in the Fiscal Year 2003-2004 Approved Operating Budget of the Emergency Medical Services Department and \$5,000 is available in the Fiscal Year 2003-2004 Approved Operating Budget of the Austin Fire Department. Funding for the remaining 11-months of the original contract period and extension options is contingent upon available funding in future budgets.) Lowest responsive bids of sixteen 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 supply agreements was approved.**

26. Authorize execution of a contract with GT DISTRIBUTORS, INC., Austin, TX, for tactical body armor for the Austin Police Department in an amount not to exceed \$70,967.30. (Funding is available in the Fiscal Year 2003-2004 Approved Operating Budget of the Austin Police Department.) Lowest bid meeting specification of ten 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.**

27. Authorize execution of a contract through the United States General Services Administration 1122 Program with NORITSU, Tysons Corner, VA, for the purchase of a digital photo lab system for the Austin Police Department in an amount not to exceed \$127,867. (Funding is available in the Fiscal Year 2003-2004 Approved Operating Budget of the Austin Police Department.) Purchasing Cooperative.

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

28. Authorize execution of a 28-month supply agreement through the United States General Services Administration 1122 Program with EASTMAN KODAK CO., Rochester, NY, for the purchase of photographic film, chemicals, paper and batteries in an amount not to exceed \$162,550.92. (Funding in the amount of \$5,805.39 is available in the Fiscal Year 2003-2004 Approved Operating Budget of the Austin Police Department. Funding for the remaining 27-months of the original contract period is contingent upon available funding in future budgets.) Purchasing Cooperative.  
**The motion authorizing the execution of a supply agreement was approved.**
29. Authorize negotiation and execution of a 12-month professional services agreement with INDUSTRIAL/ORGANIZATIONAL SOLUTIONS, INC., Winchester, IL, for police civil service assessment centers in an amount not to exceed \$50,000, with two 12-month extension options in an amount not to exceed \$50,000 per extension, for a total agreement amount not to exceed \$150,000. (Funding in the amount of \$4,167 is available in the Fiscal Year 2003-2004 Approved Operating Budget of the Human Resources Department. Funding for the remaining 11 months of the original contract period and extension options is contingent upon available funding in future budgets.) Best proposal of four proposals received. This contract will be awarded in compliance with Chapter 2-9 of the City Code (Minority-Owned and Women-Owned Business Enterprise Procurement Program). No subcontracting opportunities were identified; therefore, no goals were established for this solicitation. (Recommended by the Austin Police Association.)  
**This item was postponed to September 2, 2004.**
30. Authorize execution of a 12-month supply agreement with BAKER & TAYLOR, INC., Charlotte, NC, for adult and juvenile books for the Central Texas Library System in an amount not to exceed \$352,072.52, with two 12-month extension options in an amount not to exceed \$352,072.52 per extension option, for a total agreement amount not to exceed \$1,056,217.56. (Funding in the amount of \$352,072.52 is included in the Fiscal Year 2004-2005 Proposed Special Revenue Fund of the Library Department. Funding for the extension options is contingent upon available funding in future budgets.) Lowest bid of three bids received. This contract will be awarded in compliance with Chapter 2-9 of the City Code (Minority-Owned and Women-Owned Business Enterprise Procurement Program). No subcontracting opportunities were identified; therefore, no goals were established for this solicitation.  
**The motion authorizing the execution of a supply agreement was approved.**

**Item 31 was pulled for discussion.**

32. Approve an ordinance amending City Code Section 12-4-42 by adding Harris Ridge Boulevard from Parmer Lane (F.M. 734) to Howard Lane to the list of streets having a maximum speed limit of 40 miles per hour. (Funding in the amount of \$300 is available in the Approved Fiscal Year 2003-2004 Operating Budget of the Transportation, Planning & Sustainability Department for the installation of necessary signs.)  
**Ordinance No. 040826-32 was approved.**



33. Approve an ordinance to annex the 290 S.M.A.R.T. Housing Tract (Approximately 23 acres in Travis County south of US Highway 290 East, east of the abandoned MKT Railroad and north of Old Manor Road); grant MF 3 interim zoning designation for the property within the annexation area; waive zoning application fees for property within the annexed area for a period of one year from the effective date of annexation; and postpone the enforcement of fireworks sales regulations in the expanded 5000 foot area adjacent to the city limits of this annexation area for 20 days after the effective date. (Funding necessary to provide general governmental services to this tract is available in the budgets of the departments which will be providing the services.)  
**This item was postponed to September 2, 2004.**
34. Approve an ordinance to annex the Avery Ranch Areas: **Tract One:** Avery Brookside, Phase Two (Approximately 19.417 acres in Williamson County north of the intersection of Prestancia Drive and Royal New Kent Drive); **Tract Two:** Avery Brookside, Phase Two (Approximately 18.423 acres in Williamson County north of Avery Ranch Blvd between Roy Butler Drive and Loxley Lane); **Tract Three:** Avery East Phase Two, Section Two (Approximately 25.953 acres in Williamson County north of the intersection of Avery Ranch Blvd and Indina Hills Dr); **Tract Four:** Avery South Section Two, Phase One (Approximately 27.257 acres in Williamson County south of the intersection of Castle Pines Drive and Royal Dublin Drive); **Tract Five:** Avery Ranch Blvd (Approximately 12.271 acres of Avery Ranch Blvd in Williamson County west of the intersection of Avery Ranch Blvd and Staked Plains Drive); waive zoning application fees for property within the annexed area for a period of one year from the effective date of annexation; and postpone the enforcement of fireworks sales regulations in the expanded 5000 foot area adjacent to the city limits of this annexation area for 20 days after the effective date. (Funding necessary to provide general governmental services to this tract is available in the budgets of the departments which will be providing the services.)  
**Ordinance No. 040826-34 was approved.**
35. Approve an ordinance to annex the Interport Area (Approximately 1.013 acres in Travis County north of State Highway 71 east of the intersection of State Highway 71 and Fallwell Lane); waive zoning application fees for property within the annexed area for a period of one year from the effective date of annexation; and postpone the enforcement of fireworks sales regulations in the expanded 5000 foot area adjacent to the city limits of this annexation area for 20 days after the effective date. (Funding necessary to provide general governmental services to this tract is available in the budgets of the departments which will be providing the services.)  
**Ordinance No. 040826-35 was approved.**
36. Board and Commission Appointments.  
**The following appointments were made:**

<u>Board/ Appointee</u>	<u>Consensus/ Council Nominee</u>	<u>Appointment/ Reappointment</u>
<u>Electrical Board</u> Ronny Williams	Council Member Thomas'	Reappointment
<u>Environmental Board</u> Phil Moncada	Council Member Alvarez'	Reappointment
<u>Human Rights Commission</u> Juliet Nious	Council Member Thomas'	Appointment

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| <u>Resource Management Commission</u>  |                            |               |
| Andrew Donoho                          | Council Member Thomas'     | Reappointment |
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| <u>Solid Waste Advisory Commission</u> |                            |               |
| Rosemary Wyman                         | Council Member Dunkerley's | Appointment   |
|  |                            |               |
| <u>Historic Landmark Task Force</u>    |                            |               |
| Charles Betts                          | Council Member Dunkerley's | Appointment   |
37. Approve initiation of an ordinance amending Chapter 25-2 of the Austin City Code to rezone Pioneer Farm, locally known as Heritage Society Pioneer Farm located at 11418 Sprinkle Cut-Off Rd., Austin, Travis County, Texas, 78754 to Public (P) district zoning and direct the City Manager to begin negotiations concerning a development agreement for consideration by council concerning this property in conjunction with the change in zoning. (Council Member Betty Dunkerley, Council Member Danny Thomas, and Mayor Will Wynn)  
**The motion directing the initiation of an ordinance and negotiations concerning a development agreement was approved.**
38. Direct the City Manager to conduct an environmental survey of closed landfills and tank farms in Austin and to report back to the Council with the status of each within 90 days. (Council Member Danny Thomas and Council Member Betty Dunkerley)  
**The motion directing the City Manager to conduct an environmental survey of closed landfills and tank farms was approved.**
39. Approve a resolution directing the City Manager to suspend citation and prosecution of construction of an eight-foot high fence between a residential use and a commercial or industrial use in violation of the height limitation contained in Section 25-2-899 (Fences as Accessory Uses) of the City Code. (Mayor Pro Tem Jackie Goodman and Council Member Betty Dunkerley)  
**Resolution No. 040826-39 was approved.**
40. Direct the Historic Preservation Taskforce to review their recommendations related to residential historic designations and incentive/tax abatements and report back to Council within 45 days. (Council Member Betty Dunkerley, Mayor Will Wynn and Council Member Brewster McCracken)  
**The motion directing the Historic Preservation Taskforce to review their recommendations was approved.**
41. Approve a resolution encouraging the United States Government Accountability Office to begin an investigation into violent acts against the homeless population. (Council Member Danny Thomas and Mayor Pro Tem Jackie Goodman)  
**Resolution No. 040826-41 was approved.**
42. Direct the City Manager to work with Community Development Commission to (1) develop criteria for the use of money in the University Neighborhood Overlay (UNO) trust fund, (2) develop minimum criteria that projects developed under UNO guidelines would have to meet to receive fee waivers, (3) make recommendations regarding the applicability of smart housing units developed under the UNO guidelines to the 1,000 living unit equivalent cap and report back to City Council in 180 days. (Council Member Raul Alvarez)  
**The motion directing the City Manager to work with the Community Development Commission was approved.**

43. Set a public hearing regarding the adoption of an ordinance that establishes cable rates for basic tier, equipment and installation services offered under the cable franchise held by Time Warner Entertainment/Advance-Newhouse Partnership (Time Warner Cable). (Suggested date and time: September 2, 2004 at 6:00 pm., Lower Colorado River Authority, Hancock Building) (To be reviewed by Council Committee for Telecommunications Infrastructure on August 25, 2004.)  
**The public hearing was set for September 2, 2004 at 6:00 pm, Lower Colorado River Authority, Hancock Building.**

Items 44 through 49 were Executive Session items.

Items 50 through 53 were bond sales set for a time certain of 2:00 p.m.

Items 54 through 55 were briefings set for a time certain of 2:00 p.m.

Items AHFC-1 through AHFC-4 were set for a time certain of 3:00 p.m.

Items 56 through 64 and Z-1 through Z-13 were Zoning items.

Items 65 through 69 were public hearings set for 6:00 p.m.

Item 70 was a budget public hearing set for 6:00 p.m.

#### **DISCUSSION ITEMS**

31. Authorize negotiation and execution of a 60-month service agreement with AMPCO SYSTEM PARKING, Houston, TX, for parking lot operation and management at the new City Hall, One Texas Center and the IH-35 lots in an amount not to exceed \$2,001,747, with two 12-month extension options in an amount not to exceed \$408,086 per extension option, for a total agreement amount not to exceed \$2,817,919. (Funding in the amount of \$215,249 is included in the Fiscal Year 2004-2005 Proposed City Hall Parking Fund; \$149,804 is included in the Fiscal Year 2004-2005 Proposed IH-35 Parking Program Fund; and \$4,350 is included in the Fiscal Year 2004-2005 Proposed One Texas Center Parking Fund. Funding for the remaining 48-months of the original contract period and extension options is contingent upon available funding in future budgets.) Best proposal of six proposals received. This contract will be awarded in compliance with Chapter 2-9 of the City Code (Minority-Owned and Women-Owned Business Enterprise Procurement Program). No subcontracting opportunities were identified; therefore, no goals were established for this solicitation.  
**This item was postponed to September 2, 2004 on Council Member McCracken's motion, Council Member Thomas' second on a 6-0 vote. Mayor Pro Tem Goodman was off the dais.**

19. Approve a resolution authorizing the use of the Competitive Sealed Proposal method for contracting for facility construction as permitted by Subchapter H of Chapter 271 of the Texas Local Government Code ("Senate Bill 510") for the following projects and finding that this method provides a better value with respect to that construction contracting expenditure than competitive bidding: Mexican American Cultural Center - Phase I; Gus Garcia Recreation Center; Colony Park Recreation Center; North Village Branch Library; and Twin Oaks Library. (Recommended by the MBE/WBE Council Subcommittee and the MBE/WBE Advisory Committee.)  
Resolution No. 040826-19 was approved on Council Member Thomas' motion, Council Member Slusher's second on a 7-0 vote.

Mayor Wynn recessed the Council Meeting to go into Executive Session at 11:01 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**

44. Discuss legal issues related to the design and construction of the airport parking garage and the legal service agreement with Scott Douglass & McConnico, L.L.P. (Related Item 13)  
This item was withdrawn.
45. Discuss legal issues regarding pending water rights permitting applications for the Colorado River and surface water rate matters concerning the Colorado River before the Texas Commission on Environmental Quality (TCEQ); the City's pending applications for certificates of convenience and necessity and sale, transfer and merger approvals for water and waste water service before TCEQ; and the legal and consulting services agreements regarding these matters with Michael Sullivan and Bracewell and Patterson. (Related Items 14, 15, 16)

Items 46 through 48 were discussed later in Executive Session.

#### **Real Property - Section 551.072**

49. Discuss terms of sale for the Mueller site (former Robert Mueller Municipal Airport) to Catellus Austin, L.L.C.  
This item was withdrawn.

Executive Session ended and Mayor Wynn called the Council Meeting back to order at 12:20 p.m.

CITIZEN COMMUNICATIONS: GENERAL

Sylvia Herrera - Govalle/Johnston Terrace Neighborhood Plan and Protection for the Oak Springs Marsh

Joe Quintero - Negative Impact on City's Neighborhood Planning

Pat Johnson - Police Department. He was not present when his name was called.

Nicole Oswald - Cole's Icehouse

Akwasi Evans - Community Concerns, Economics Imbalance, Reparations. He was not present when his name was called.

Jake Billingsly - Concerns about City Planning

Susana Almanza - Real Affordable Housing for poor and working poor

Michael Austin - Electrical Service at my house - Mestena Trail

Jennifer Gayle - Commuter Rail vs. Light Rail - Is there a difference?

Mayor Wynn recessed the Council Meeting to go into Executive Session at 1:07 p.m.

EXECUTIVE SESSION CONTINUED

46. Discuss legal issues related to implementation of the Travis County Hospital District.

Executive Session ended and Mayor Wynn called the Council Meeting back to order at 2:39 p.m.

Bond Sales

50. Authorize the issuance of City of Austin, Texas, Public Improvement Refunding Bonds, Taxable Series 2003A, in the amount of \$2,430,000 and all related documents. (\$321,905 in the first year debt service requirement and \$600 estimated annual administration fee for the paying agent/registrar for the proposed bond sale is included in the 2004-2005 Proposed Operating Budget of the General Obligation Debt Service Fund.)

**Ordinance No. 040826-50 was approved on Council Member Dunkerley's motion, Council Member Thomas' second on a 7-0 vote.**

51. Authorize the issuance of City of Austin, Texas, Certificates of Obligation, Series 2004, in the amount of \$25,000,000 and all related documents. (\$2,066,698 in the first year debt service requirement and \$600 estimated annual administration fee for the paying agent/registrar for the proposed Certificate of Obligation sale is included in the 2004-2005 Proposed Operating Budget of the General Obligation Debt Service Fund.) (Approved by the Audit and Finance Committee.)

**Ordinance No. 040826-51 was approved on Council Member Dunkerley's motion, Council Member Thomas' second on a 7-0 vote.**

52. Series 2004, in the amount of \$67,835,000 and all related documents. (\$3,272,638 in the first year Authorize the issuance of City of Austin, Texas, Public Improvement and Refunding Bonds, debt service requirement and \$600 estimated annual administration fee for the paying agent/registrar for the proposed bond sale is included in the 2004-2005 Proposed Operating Budget of the General Obligation Debt Service Fund.)  
**Ordinance No. 040826-52 was approved on Council Member Dunkerley's motion, Council Member Thomas' second on a 7-0 vote.**
53. Authorize the issuance of City of Austin, Texas, Public Property Finance Contractual Obligations, Series 2004, in the amount of \$21,830,000 and all related documents. (\$1,701,283 in the first year debt service requirement and \$600 estimated annual administration fee for the paying agent/registrar for the proposed contractual obligation sale is included in the 2004-2005 Proposed Operating Budget of the General Obligation Debt Service Fund.)  
**Ordinance No. 040826-53 was approved on Council Member Dunkerley's motion, Council Member Thomas' second on a 7-0 vote.**

**BRIEFINGS**

55. Quarterly economic briefing.  
The presentation was made by Rudy Garza, Acting Assistant City Manager; Greg Canally, Budget; Sue Edwards, Director, Economic Growth & Redevelopment Services; and Ed Jones, Executive Director, International Center of Austin.

**BOARD OF DIRECTORS MEETING OF AUSTIN HOUSING FINANCE CORPORATION.**

Mayor Wynn recessed the Council Meeting at 3:23 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 3:35 p.m.

**BRIEFING CONTINUED**

54. Presentation of the Fiscal Year 2004-2005 proposed budget for the Infrastructure and Growth Management Departments, including the Economic Growth and Redevelopment Services Office, the Neighborhood Planning and Zoning Department, the Watershed Protection and Development Review Department and the Public Works Department.  
The presentation was made by Laura Huffman, Assistant City Manager; Sue Edwards, Economic Growth and Redevelopment Services Office; Alice Glasco, Neighborhood Planning and Zoning Department; Joe Pantalion, Watershed Protection and Development Review Department; and Sandra Creighton, Public Works Department.

**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 s McCracken's motion, Council Member Dunkerley's second on a 7-0 vote.

Items 56 through 60 were pulled for discussion.

61. C814-04-0055 - Mueller PUD - Approve second and third readings of an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as North Interstate Highway-35 and East 51st Street (Boggy Creek and Tannehill Creek Watersheds) from aviation services (AV) and planned unit development (PUD) district zoning to planned unit development (PUD) district zoning. First reading on June 24, 2004. Vote: 7-0. Applicant: City of Austin. Agent: Economic Growth and Redevelopment Services Office (Pam Hefner). City Staff: Sherri Gager, 974-3057.  
**Ordinance No. 040826-61 was approved.**
62. C14-04-0004.002 (PART) - 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) (Waller Creek Watershed.) The Neighborhood Mixed Use Building special use is proposed for Tract 123. The proposed zoning change will also change the base district on the tract of land from general commercial services (CS) to general commercial services-mixed use-conditional overlay-neighborhood plan (CS-MU-CO-NP) combining district zoning. 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 incorporates the conditions imposed by Council on second ordinance reading. Applicant: City of Austin. Agent: Neighborhood Planning and Zoning Department. City Staff: Wendy Walsh, 974-7719 and Scott Whiteman, 974-2865.  
**Ordinance No. 040826-62 was approved.**

Items 63 and 64 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 C14-04-0037 - Slaughter @ Cullen Commercial - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 9200 Cullen Lane (Onion Creek Watershed) from rural residence (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: A. King Enterprise Management, Ltd. (Alma King Fancher). Agent: Crocker Consultants (Sarah Crocker). City Staff: Wendy Walsh, 974-7719.  
**Ordinance No. 040826-Z-1 for community commercial-conditional overlay (GR-CO) combining district zoning, with conditions was approved.**
- Z-2 C14-04-0087 - Scenic Brook Rezoning - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as Scenic Brook Drive at Thunderbird Road (Williamson Creek Watershed-Barton Springs Zone) from neighborhood office (NO) district zoning to single family residence standard lot (SF-2) district zoning. Zoning and Platting Commission Recommendation: To grant single family residence standard lot (SF-2) district zoning. Applicant: Distinctive Forms, Inc. (Bradley Bohls). City Staff: Wendy Walsh, 974-7719.  
**Ordinance No. 040826-Z-2 for single family residence standard lot (SF-2) district zoning was approved.**

- Z-3 C14-04-0062 - Project Sharky - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 615 and 617 Radam Lane (West Bouldin Creek) from family residence (SF-3) district zoning to neighborhood commercial-conditional overlay (LR-CO) combining district zoning. Zoning and Platting Commission Recommendation: To grant neighborhood commercial-conditional overlay (LR-CO) combining district zoning. Property Owner and Applicant: Homayoon Kavoussi (Mehryar Kavoussi). City Staff: Wendy Walsh, 974-7719.  
**Ordinance No. 040826-Z-3 for neighborhood commercial-conditional overlay (LR-CO) combining district zoning was approved.**
- Z-4 C14-04-0090 - Star Center - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 3100 West Slaughter Lane (Slaughter Creek Watershed-Barton Springs Zone) from neighborhood commercial-conditional overlay (LR-CO) combining district zoning to community commercial-conditional overlay (GR-CO) combining district zoning. Zoning and Platting Commission Recommendation: To grant community commercial-conditional overlay (GR-CO) combining district zoning. Applicant: Artale Services, Ltd. (Dennis Artale). City Staff: Wendy Walsh, 974-7719.  
**Ordinance No. 040826-Z-4 for community commercial-conditional overlay (GR-CO) combining district zoning was approved.**
- Z-5 C14-04-0069 - Shurgard Storage - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 10000 Middle Fiskville Road (Little Walnut Creek Watershed) from single family residence standard lot (SF-2) district zoning to general commercial services (CS) district zoning. Zoning and Platting Commission Recommendation: To grant general commercial services (CS) district zoning. Applicant: Shurgard Storage Centers (Jeffrey S. Holgerson). Agent: Mathias Company (Richard Mathias). City Staff: Sherri Gager, 974-3057.  
**Ordinance No. 040826-Z-5 for general commercial services (CS) district zoning was approved.**
- Z-6 C14-04-0089 - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 5811 Balcones Drive (Shoal Creek Watershed) from community commercial-conditional overlay (GR-CO) combining district zoning to general commercial services-conditional overlay (CS-CO) combining district zoning. Zoning and Platting Commission Recommendation: To grant general commercial services-conditional overlay (CS-CO) combining district zoning. Applicant: Compass Bank (James Lederer). Agent: Jim Bennett. City Staff: Glenn Rhoades, 974-2775.  
**Ordinance No. 040826-Z-6 for general commercial services-conditional overlay (CS-CO) combining district zoning was approved.**
- Z-7 C14-04-0070 - 12952 Pond Springs Road - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by zoning property locally known as 12952 Pond Springs Road (Rattan Creek Watershed) from interim-rural residence (I-RR) 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: Joe A. Carr. Agent: Lenworth Consulting (Nash Gonzalez). City Staff: Sherri Gager, 974-3057.  
**Ordinance No. 040826-Z-7 for community commercial-conditional overlay (GR-CO) combining district zoning was approved.**



Z-8 C14-04-0073 - 1200 W. Howard Lane - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 1200 West Howard Lane (Walnut Creek Watershed) from general commercial services-conditional overlay (CS-CO) combining district zoning to commercial-liquor sales (CS-1) district zoning. Zoning and Platting Commission Recommendation: To grant commercial-liquor sales (CS-1) district zoning. Applicant: SPASCO, Ltd. (Sandy Aron). Agent: Jim Bennett. City Staff: Sherri Gager, 974-3057.  
**Ordinance No. 040826-Z-8 for commercial-liquor sales (CS-1) district zoning was approved.**

Z-9 C14-04-0095 - Sherlock's Baker Street Pub and Grill - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 9012 Research Blvd. (Little Walnut Creek Watershed) from general commercial services-neighborhood plan (CS-NP) combining district zoning to commercial liquor sales-conditional overlay-neighborhood plan (CS-1-CO-NP) combining district zoning. Planning Commission Recommendation: To grant commercial liquor sales-conditional overlay-neighborhood plan (CS-1-CO-NP) combining district zoning. Applicant: Austin Home Center Associates (David Mills). Crocker Consultants (Sarah Crocker). City Staff: Glenn Rhoades, 974-2775.  
**Ordinance No. 040826-Z-9 for commercial liquor sales-conditional overlay-neighborhood plan (CS-1-CO-NP) combining district zoning was approved.**

Z-10 C14-04-0098 - Burnet Crossing - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 5320 Burnet Road from general commercial services (CS) district zoning to commercial liquor sales (CS-1) district zoning. Zoning and Platting Commission Recommendation: To grant commercial liquor sales (CS-1) district zoning. Applicant: W.D. Enterprises Company (Milford Desenberg). Agent: Thrower Designer (Ron Thrower). City Staff: Glenn Rhoades, 974-2775.  
**The first reading of the ordinance for commercial liquor sales (CS-1) district zoning was approved.**

**Item Z-11 was pulled for discussion.**

Z-12 C814-01-0038.01 - Parmer/Walnut Creek PUD Amendment # 1 - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 1310-1314 Block of West Pramer Lane (Walnut Creek Watershed) from planned unit development (PUD) district zoning to planned unit development (PUD) district zoning in order to change a condition of zoning. Zoning and Platting Commission Recommendation: To grant planned unit development (PUD) district zoning. Applicant: FSKMS Ranch, Ltd. (John Scofield, Edgar and Linda Perry, Vernon Scofield, and Glen and Martha Chilek). Agent: Armbrust & Brown, L.L.P. (Richard T. Suttle, Jr.). City Staff: Sherri Gager, 974-3057.  
**The first reading of the ordinance for planned unit development (PUD) district zoning was approved.**

Z-13 C14-04-0058 - Sahara Club Extension - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 900 East Braker Lane (Walnut Creek Watershed) from community commercial (GR) district zoning to commercial-liquor sales (CS-1) district zoning. Zoning and Platting Commission Recommendation: To deny commercial-liquor sales (CS-1) district zoning. Applicant: Walnut Ridge Shopping Center (Thomas C. Calhoon). Agent: Turnkey Properties (Victorious B. Giraud). City Staff: Sherri Gager, 974-3057.  
**This item was postponed to September 30, 2004 at the applicant's request.**

Mayor Wynn recessed the Council Meeting to go into Executive Session at 5:33 p.m.

LIVE MUSIC

Frank Meyer

PROCLAMATIONS

Proclamation - Prostate Cancer Awareness Month - to be presented by Mayor Will Wynn and to be accepted by Dr. Randy Fagin and Leibel Harelik

Proclamation - 25th Anniversary of Kiddie Acres - to be presented by Mayor Will Wynn and to be accepted by Joe and Marina Herring

EXECUTIVE SESSION CONTINUED

47. Discuss legal issues related to proposed East 6<sup>th</sup> Street Public Improvement District. (Related Item 65)
48. Discuss legal issues related to the rezoning of Southwest Marketplace (an amendment to The Forum P.U.D.) in zoning Case No. C814-98-0001.01. This property is subject to the Save Our Springs Initiative. (Related Item Z-11)

Executive Session ended and Mayor Wynn called the Council Meeting back to order at 6:45 p.m.

BUDGET PUBLIC HEARINGS

70. Conduct a public hearing to receive public comment on the City of Austin Fiscal Year 2004-2005 proposed budget including the Economic Growth and Redevelopment Services Office, the Neighborhood Planning and Zoning Department, the Watershed Protection and Development Review Department and the Public Works Department.  
The public hearing was closed on Council Member Slusher's motion, Mayor Pro Tem Goodman's second on a 7-0 vote.
68. Conduct a public hearing and approve an ordinance amending Sections 25-7-92 and 25-7-152 and adding a new Section 25-7-96 to the City Code relating to the construction of an unoccupied building structure or parking area on recreational lands in the 25-year floodplain and to the dedication of easements and rights of way. (Approved by the Parks and Recreation Board. Not recommended by the Environmental Board. Recommended by the Planning Commission.)  
The public hearing was closed and Ordinance No. 040826-68 was approved on Mayor Pro Tem Goodman's motion, Council Member Dunkerley's second on a 7-0 vote.

Items 56 and 57 were reconsidered.

60. Approve third reading of an ordinance amending Chapter 25-2 of the City Code to create the University Neighborhood Overlay (UNO) District generally located between Lamar Blvd. on the west and Guadalupe St. on the east and between 29th St. on the north and MLK Jr. Blvd. on the south. (There is no fiscal impact associated with this code amendment.) (Recommended by the Planning Commission.) (Related Items 56, 57, 58, 59)  
**This item was postponed to September 2, 2004 on Council Member Slusher's motion, Council Member Thomas' second on a 7-0 vote.**

56. Approve third of reading an ordinance amending the Austin Tomorrow Comprehensive Plan by adopting the Central Austin Combined Neighborhood Plan for the area bounded by Lamar Blvd. and Duval St. to the west, 38th St. and 45th St. to the north, IH-35 to the east, and MLK Jr. Blvd. to the south, excluding the University of Texas at Austin campus. The Central Austin Combined Neighborhood Planning Area includes the Hancock, North University, and West University Neighborhood Planning Areas. (There is no fiscal impact associated with adopting the Central Austin Combined Neighborhood Plan. An estimate of the fiscal impact to implement all of the recommendations in the plan is \$14,566,100. This plan is advisory and does not legally obligate the Council to implement any particular recommendation.) (The Planning Commission recommended approval of the Central Austin Combined Neighborhood Plan on May 25, 2004.) (Related Items 57, 58, 59, 60)

**Ordinance No. 040826-56 adopting the Central Austin Combined Neighborhood Plan for West University, North University and Hancock, except for the following tracts, was approved on Council Member Alvarez' motion, Mayor Wynn's second on a 7-0 vote. The tracts are: 30, 33, 34 (1007 W. 22<sup>nd</sup> Street), 35, 36, 43, 44, 49, 50, 52 (1006 W. 22<sup>nd</sup> Street), 80, 80A, 81, 99A, 133, 133A, 148, 148A, 180, 181, 201, 204 (3100, 3102, 3106 King Street and 3105 Kings Lane), 236 (3201 N. Lamar Boulevard), 1019 (2833, 2841 San Gabriel, APD-843, APD-862A, GDS-716, RDE-797, RDW-739A, RDW-748A, SD-874, SD-880A, SD-884D. Tract 503, 503A, 503B, 515-516 (924-926 E. Dean Keeton only), 563A, 2104 (3402, 3405, 3407 Hampton Rd. & 3406 Red River St. only), and 2910 Medical Arts (E 115' only: Lots 5-6, OLT 5, DIV C, Weise Subd.)**

**The third reading to make Tract 43, 2205 N. Lamar, office mixed use future land use was approved on Council Member Alvarez' motion, Mayor Wynn's second on a 7-0 vote.**

**The third reading to make Tract 50, 1110 W. 22 ½ St., multi-family future land use was approved on Council Member Alvarez' motion, Mayor Wynn's second on a 7-0 vote.**

**The third reading to make Tract 80, 607 W. 24<sup>th</sup> St., high density mixed use future land use was approved on Council Member Alvarez' motion, Mayor Wynn's second on a 7-0 vote.**

**The third reading to make Tract 133, 2710, 2712, 2800 San Pedro St., multi-family future land use was approved on Council Member Alvarez' motion, Mayor Wynn's second on a 7-0 vote.**

**The third reading to make Tract 148, 710 W. 29<sup>th</sup> St., mixed use future land use was approved on Council Member Alvarez' motion, Mayor Wynn's second on a 7-0 vote.**

**The third reading to make Tract 180, mixed use future land use was approved on Council Member Alvarez' motion, Mayor Wynn's second on a 7-0 vote.**

The third reading to make Tract 181, 611 W. 31<sup>st</sup> St., multi-family future land use was approved on Council Member Alvarez' motion, Mayor Wynn's second on a 7-0 vote.

The third reading to make Tract 181, 613, 615 and 617 W. 31<sup>st</sup> St., single-family future land use was approved on Council Member Alvarez' motion, Mayor Wynn's second on a 7-0 vote.

The third reading to make Tract 503 and 503A, 505-605 Rathervue Place, civic future land use was approved on Council Member Alvarez' motion, Mayor Wynn's second on a 7-0 vote.

The third reading to make Tract 503B, 607-609 Rathervue Place, civic future land use was approved on Council Member Alvarez' motion, Mayor Wynn's second on a 7-0 vote.

The third reading to make Tract 515-516, 924-926 E. Dean Keeton St., mixed use future land use was approved on Council Member Alvarez' motion, Mayor Wynn's second on a 7-0 vote.

The third reading to make Tract 551, 506 E. 40<sup>th</sup> St., single-family future land use was approved on Council Member Alvarez' motion, Mayor Wynn's second on a 7-0 vote.

The third reading to make E. 115' of 2910 Medical Arts St., mixed use future land use was approved on Council Member McCracken's motion, Council Member Thomas' second on a 7-0 vote.

The third reading to make Tract SD-880A, 3108 Helms St., office mixed-use future land use was approved on Council Member McCracken's motion, Council Member Thomas' second on a 7-0 vote.

The third reading to make Tract APD-862A, 2815 Fruth Street, commercial future land use was approved on Council Member McCracken's motion, Mayor Wynn's second on a 7-0 vote.

The third reading to make Tract GDS-716, 2815 Fruth Street, commercial future land use was approved on Council Member McCracken's motion, Mayor Pro Tem Goodman's second on a 7-0 vote.

The third reading to make Tract RDE-797, 307 E. 35<sup>th</sup> Street, single-family future land use was approved on Council Member Alvarez' motion, Mayor Pro Tem Goodman's second on a 7-0 vote.

The third reading to make Tract RDW-739A (part of), 405 W. 35<sup>th</sup> Street, single-family future land use was approved on Council Member Alvarez' motion, Council Member Dunkerley's second on a 7-0 vote.

The third reading to make Tract RDW-748A, 3405 Cedar Street, single family future land use was approved on Council Member McCracken's motion, Mayor Pro Tem Goodman's second on a 7-0 vote.

The third reading to make Tract SD-874, 3410 and 3412 Speedway only, multi-family future land use was approved on Mayor Pro Tem Goodman's motion, Council Member Alvarez' second on a 7-0 vote.

The third reading to make Tract SD-884D, 3002 Speedway and 206 E. 30<sup>th</sup> Street only, multi-family future land use was approved on Council Member Dunkerley's motion, Mayor Wynn's second on a 7-0 vote.

The third reading to make Tract RDW-745, 3709 Cedar Street only, multi-family future land use was approved on Council Member Thomas' motion, Council Member Slusher's second on a 7-0 vote.

The third reading to make Tract SJD885A, 3007-3011 Speedway, multi-family future land use was approved on Council Member McCracken's motion, Council Member Alvarez' second on a 7-0- vote.

The third reading to make Tract SD882, SD882A, SD883 and SD883A, 3000-3012 University and 103 W. 31<sup>st</sup> Street, commercial and multi-family future land use was approved on Council Member Dunkerley's motion, Mayor Wynn's second on a 7-0 vote.

The third reading to make WCD894A, WCD 896 and WCD 897, civic future land use was approved on Council Member Alvarez' motion, Mayor Wynn's second on a 7-0 vote.

The third reading to make Tract APD-843, 3004 Fruth St., commercial future land use was approved on Council Member Alvarez' motion, Mayor Wynn's second on a 7-0 vote.

There was a motion to postpone Tract 236, 3201 N. Lamar Boulevard and Tracts 563A and 2104, 3403, 3405, 3407 Hampton Road and 3406 Red River Street to September 2, 2004 on Council Member Alvarez' motion, Mayor Wynn's second on a 7-0 vote.

A motion to reconsider Item 56 was approved on Council Member Slusher's' motion, Mayor Wynn's second on a 7-0 vote.

Ordinance No. 040826-56 was approved as stated above with the addition of Tract 40, 1230-1232 W. Martin Luther King Jr. Boulevard being added to the list of exceptions on Council Member Slusher's motion, Mayor Wynn's second on a 7-0 vote.

Tract 236, 3201 N. Lamar Boulevard and Tracts 563A and 2104, 3403, 3405, 3407 Hampton Road and 3406 Red River Street were postponed to September 2, 2004 on Council Member Alvarez' motion, Mayor Wynn's second on a 7-0 vote.

57. C14-04-0021 - Central Austin Combined Neighborhood Plan (West University Neighborhood) rezoning - Approve third reading of an ordinance amending Chapter 25-2 of the Austin City Code by zoning and rezoning property locally known as the West University Neighborhood Plan Area, generally bounded on the north by 38th Street, on the south by Martin Luther King Jr. Blvd., on the west by Lamar Blvd. and on the east by Guadalupe Street. The proposed zoning change will create a Neighborhood Plan (NP) combining district covering the entire area. Under the proposed West University NP, "Small Lot Amnesty" is proposed for the entire area. "Garage Placement," "Front Porch Setback," "Impervious Cover and Parking Placement Restrictions" and "Front or Side Yard Parking Restrictions" apply as set forth in Section 25-2-1406 of the City Code are proposed for the Heritage, Shoal Crest, and West University subdistricts. The Heritage subdistrict is bounded by Lamar Blvd. to the west, W. 38th St. to the north, Guadalupe St. to the east, and W. 29th St. to the south. The Shoal Crest subdistrict is bounded by Lamar Blvd. to the west, W. 29th St. to the north, Rio Grande St. to San Pedro St. to the east, and 28th St. to Poplar St. the south. The West University Neighborhood subdistrict is bounded by Lamar Blvd. to the west, W. 24th St. to the north, Leon St. and Robbins Pl. to the east, and MLK Jr. Blvd. to the south. The Neighborhood Mixed Use Building special use is proposed for Tracts 1-13, 13A, 13B, 16, 20, 20A, 22-27, 31-32, 58, 58A, 58B, 64-74, 74A, 75, 77-96, 112-113, 115-122, 128-129, 141-143, 143C, 144-146, 148, 156-158, 166-167, 170, 172, 174, 176-180, 179A, 183, 192-197, 209-210, 213, 219-220, 225-226, 230, 235-239, 241, 243-256, 259-266. The Planning Commission may recommend and the City Council may approve a zoning change to any of the following: Rural Residence (RR) district zoning; Single-Family Residence - Large Lot (SF-1) district zoning; Single-Family Residence-Standard Lot (SF-2) district zoning; Family Residence (SF-3) district zoning; Single-Family - Small Lot & Condominium Site (SF-4A/B) district zoning; Urban Family Residence (SF-5) district zoning; Townhouse & Condominium Residence (SF-6) district zoning; Multi-Family Residence - Limited Density (MF-1) district zoning; Multi-family Residence - Low Density (MF-2) district zoning; Multi-family Residence - Medium Density (MF-3) district zoning; Multi-family Residence - Moderate-High Density (MF-4) district zoning; Multi-family Residence - High Density (MF-5) district zoning; Multi-family Residence - Highest Density (MF-6) district zoning; Mobile Home Residence (MH) district zoning; Neighborhood Office (NO) district zoning; Limited Office (LO) district zoning; General Office (GO) district zoning; Commercial Recreation (CR) district zoning; Neighborhood Commercial (LR) district zoning; Community Commercial (GR) district zoning; Warehouse / Limited Office (W/LO) district zoning; Commercial Services (CS) district zoning; Commercial-Liquor Sales (CS-1) district zoning; Commercial Highway (CH) district zoning; Industrial Park (IP) district zoning; Major Industrial (MI) district zoning; Limited Industrial Services (LI) district zoning; Research and Development (R&D) district zoning; Development Reserve (DR) district zoning; Agricultural (AG) district zoning; Planned Unit Development (PUD) district zoning;; Historic (H) district zoning; and Public (P) district zoning. A Conditional Overlay (CO) combining district, Planned Development Area (PDA) combining district, Mixed Use (MU) combining district; Neighborhood Conservation (NC) combining district; or special use for a Neighborhood Plan (NP) combining district may also be added to these zoning base districts. First reading on June 10, 2004. Vote: 7-0. Second reading August 5, 2004. Applicant: City of Austin. Agent: Neighborhood Planning and Zoning Department. City Staff: Tom Bolt, 974-2755 and Glenn Rhoades, 974-2775. Note: Valid petitions have been filed in opposition to this rezoning request. (Related Items 56, 58, 59, 60)
- Ordinance No. 040826-57 adopting the Neighborhood Plan Combining District for the West University Neighborhood Planning Area, except for the following tracts, was approved on Council Member McCracken's motion, Mayor Wynn's second on a 7-0 vote. The exceptions are:**

The third reading approving GO-MU-CO-NP for Tract 43, 2205 N. Lamar Blvd., with the following conditions, was approved on Council Member Dunkerley's motion, Mayor Wynn's second on a 7-0 vote. The conditions include: Impervious cover shall not exceed 75%. Not more than 21,000 square feet of residential use is allowed. The floor-to-area ratio may not exceed .75 to 1. No access to West 22 ½ Street for ingress or egress will be allowed. Individual residential units may be no larger than 1,200 square feet. No structure located on the rear 90' of the tract may exceed a height of 570' above mean sea level. No structure located elsewhere on the tract may exceed a height of 578' above mean sea level.

The third reading approving CS-1-NP for Tract 80, 607 W. 24<sup>th</sup> St. and 2313 Rio Grande St, was approved on Council Member Dunkerley's motion, Mayor Wynn's second on a 7-0 vote.

The third reading to make the zoning for Tract 133, 2710, 2712 and 2800 San Pedro, MF-3-NP was approved on Council Member Dunkerley's motion, Mayor Wynn's second on a 7-0 vote.

The third reading to make the zoning for Tract 181, 611 W. 31<sup>st</sup>, MF-1-CO-NP (limit height to 30') was approved on Council Member Dunkerley's motion, Mayor Wynn's second on a 7-0 vote.

The third reading to make the zoning for Tract 181, 613, 615, 617 W. 31<sup>st</sup>, SF-3-CO-NP (limit height to 30') was approved on Council Member Dunkerley's motion, Mayor Wynn's second on a 7-0 vote.

The third reading to make Tract 180, 609 W. 31<sup>st</sup> Street, 3004, 3006, 3010 and 3016 Guadalupe Street, CS-MU-CO-NP with the following conditions was approved on Council Member Dunkerley's motion, Mayor Wynn's second on a 7-0 vote. The conditions were: Allow the Mixed Use Building. Prohibit residential uses on the first floor. Prohibit the following uses: campground, drive through restaurant and services, exterminating services, kennels, and vehicle storage. The following conditional uses include: automotive repair, building maintenance services, club or lodge, commercial blood plasma center, commercial off street parking, construction sales and services, convenience storage, drop-off recycling collection facility, equipment repair services, equipment sales, hospital services-general, laundry services, off-site accessory parking and service station.

The third reading to make Tract 148, 710 W. 29<sup>th</sup> St., CS-CO-NP with the following conditions was approved on Council Member Dunkerley's motion, Mayor Wynn's second on a 7-0 vote. The conditions were: Allow mixed use building special use. Limit building height to 35' and prohibit the following uses: accessory use of drive through services, agricultural sales and services, automotive rentals, automotive repair services, automotive sales, automotive washing of any type, building maintenance services, business or trade school, business support services, campground, college and university facilities, commercial blood plasma center, commercial off-street parking, construction sales and services, convenience storage, drop-off recycling collection facilities, electronic prototype assembly, equipment repair services, equipment sales, funeral services, hospital services-general, hospital services-limited, hotel-motel, indoor entertainment, indoor sports and recreation, kennels, limited warehousing and distribution, maintenance and service facilities, medical offices exceeding 5,000 sq/ft of gross floor area, private primary educational facilities, private secondary educational facilities, public primary educational facilities, public secondary educational facilities, research services, residential treatment, transportation

terminal and vehicle storage. The following uses are conditional: club or lodge, exterminating services, group home class II, laundry services, off-site accessory parking, plant nursery, service station, and transitional housing

The third reading to make Tract 50, 1110 W. 22 1/2 Street, MF-3-CO-NP (limit height to 30' and prohibit group residential) was approved on Council Member Dunkerley's motion, Mayor Wynn's second on a 7-0 vote.

The following tracts were postponed to September 2, 2004 on Council Member Slusher's motion, Council Member Thomas' second on a 7-0 vote. The tracts are: Tract 30, Tract 33, 1903, 1905, and 1909 Robins Place, Tract 34 (portion), 1007 W. 22<sup>nd</sup> Street, Tract 35, 1919 Robins Place, Tract 44, 2209/2301 Shoal Creek, Tract 36, 1916-1918 Robins Place and 1103 W. 22<sup>nd</sup>, Tract 49, Tract 52, 1006 W. 22<sup>nd</sup>, Tract 80A, 2307 Rio Grande Street, Tract 81, 2300, 2306 Nueces, Tract 99A, 1112 W. 24<sup>th</sup> Street, Tract 133A, 2802, 2804, 2806 and 2808 San Pedro Street, Tract 148A, 2829 Salado, Tract 201, 711 W. 32<sup>nd</sup> Street, Tract 204, 3106 King Street and 3105 King Lane, 3102 King Street, and 3100 King Street, and Tract 1019, 2833 and 2841 San Gabriel.

There was a motion to postpone Tract 60, 912 W. 22<sup>nd</sup> ½ St. to September 2, 2004 on Council Member Slusher's motion, Council Member Dunkerley's second on a 7-0 vote.

A motion to reconsider Item 57 was approved on Council Member Slusher's' motion, Mayor Wynn's second on a 7-0 vote.

Ordinance No. 040826-57 was approved as outlined with the addition that Tract 40, 1230-1232 W. Martin Luther King Jr. Boulevard was postponed to September 2, 2004 on Council Member McCracken's motion, Council Member Slusher's second on a 7-0 vote.

Item 58 was reconsidered later in the meeting.



59. C14-04-0023 - Central Austin Combined Neighborhood Plan (Hancock Neighborhood) rezoning - Approve third reading of an ordinance amending Chapter 25-2 of the Austin City Code by zoning and rezoning property locally known as the Hancock Neighborhood, generally bounded on the north by 45th Street, on the south by Dean Keeton Street, on the west by Duval Street and on the east by IH-35. The proposed zoning changes will create a Neighborhood Plan (NP) combining district covering the entire area. Under the proposed Hancock NP, "Small Lot Amnesty," "Garage Placement," "Impervious Cover and Parking Placement Restrictions" and "Front or Side Yard Parking Restrictions" apply as set forth in Section 25-2-1406 of the City Code are proposed for the entire area. The Neighborhood Mixed Use Building special use is proposed for Tracts 501, 504, 507, 507A, 509, 510, 512, 513, 514, 515, 516, 517, 518, 519, 520, 522, 523, 524, 525, 526, 527, 536, 536A, 536B, 541, 541A, 543, 543A, 546-548, 557, 559, 561, 562A and 563. The Neighborhood Urban Center special use is proposed for Tracts 543 and 543A. The Planning Commission may recommend and the City Council may approve a zoning change to any of the following: Rural Residence (RR) district zoning; Single-Family Residence - Large Lot (SF-1) district zoning; Single-Family Residence-Standard Lot (SF-2) district zoning; Family Residence (SF-3) district zoning; Single-Family - Small Lot & Condominium Site (SF-4A/B) district zoning; Urban Family Residence (SF-5) district zoning; Townhouse & Condominium Residence (SF-6) district zoning; Multi-Family Residence - Limited Density (MF-1) district zoning; Multi-family Residence - Low Density (MF-2) district zoning; Multi-family Residence - Medium Density (MF-3) district zoning; Multi-family Residence - Moderate-High Density (MF-4) district zoning; Multi-family Residence - High Density (MF-5) district zoning; Multi-family Residence - Highest Density (MF-6) district zoning; Mobile Home Residence (MH) district zoning; Neighborhood Office (NO) district zoning; Limited Office (LO) district zoning; General Office (GO) district zoning; Commercial Recreation (CR) district zoning; Neighborhood Commercial (LR) district zoning; Community Commercial (GR) district zoning; Warehouse / Limited Office (W/LO) district zoning; Commercial Services (CS) district zoning; Commercial-Liquor Sales (CS-1) district zoning; Commercial Highway (CH) district zoning; Industrial Park (IP) district zoning; Major Industrial (MI) district zoning; Limited Industrial Services (LI) district zoning; Research and Development (R&D) district zoning; Development Reserve (DR) district zoning; Agricultural (AG) district zoning; Planned Unit Development (PUD) district zoning; Historic (H) district zoning; and Public (P) district zoning. A Conditional Overlay (CO) combining district, Planned Development Area (PDA) combining district, Mixed Use (MU) combining district; Neighborhood Conservation (NC) combining district; or special uses for a Neighborhood Plan (NP) combining district may also be added to these zoning base districts. First reading on June 10, 2004. Vote: 7-0. Second reading August 5, 2004. Applicant: City of Austin. Agent: Neighborhood Planning and Zoning Department. City Staff: Tom Bolt, 974-2755, Glenn Rhoades, 974-2775. Note: A valid petition has been filed in opposition to this zoning request. (Related Items 56, 57, 58, 60)

**Ordinance No. 040826-59** approving the Neighborhood Plan Combining District for the Hancock Neighborhood Planning Area, except the following tracts, was approved on Council Member Alvarez' motion, Mayor Pro Tem Goodman's second on a 7-0 vote.

The third reading to make Tract 515-516, 924-926 E. Dean Keeton Street, GR-MU-CO/MF-6-CO-NP with the following conditions was approved on Council Member McCracken's motion, Council Member Thomas' second on a 7-0 vote. The conditions were: Allow Mixed-Use Building. Allow GR-MU-CO-NP zoning on the lowest 15' of the building. Allow MF-6-CO-NP zoning from 15' to 60'. Allow maximum height of 60'. Allow maximum building coverage of 70%. Allow maximum impervious coverage of 80%. No direct vehicular access to Dean Keeton or Red River.

The third reading to make Tract 551, 506 East 40<sup>th</sup> Street, MF-2-CO-NP (30' height restriction) with the following conditions was approved on Council Member McCracken's motion, Council Member Thomas' second on a 7-0 vote. The conditions were: Allow maximum building coverage of 40%. Prohibited uses include: bed and breakfast group 2, condominium residential, congregate living, multifamily residential, residential treatment, retirement housing-large site, and townhouse residential. Conditional uses include: day care services-general.

Action on Tract 2104, 3403, 3405, 3407 Hampton Road and 3406 Red River Street was postponed to September 2, 2004 on Council Member Thomas' motion, Mayor Pro Tem Goodman's second on a 7-0 vote.

The third reading to make Tracts 503 and 503 A, 505-605 Rathervue Place, MF-4-CO-NP, 35' maximum height, 50% maximum coverage and 60% maximum impervious cover with the following conditional use: day care services (general). Prohibited uses include: congregate living, convalescent services, group residential, hospital services (general), multifamily residential and residential treatment was approved on Council Member Slusher's motion, Council Member Dunkerley's second on a 7-0 vote.

The third reading to make Tract 503B, 607-609 Rathervue Place, GO-MU-CO-NP, 35' maximum height, 50% maximum building coverage and 60% maximum impervious cover with the following conditions was approved on Council Member Slusher's motion, Council Member Dunkerley's second on a 7-0 vote. The conditions were: conditional uses are day care services – general and commercial, local utility services, private primary educational facilities, private secondary educational facilities, and safety services. Prohibited uses include: business or trade school, medical offices > 5000 sq. ft. gross floor area, business support services, communication services, multifamily residential, congregate living, off-site accessory parking, convalescent services, personal services, counseling services, professional office, group residential, residential treatment, guidance services, restaurant - limited, hospital services – general and limited, medical offices not > 5000 sq. ft. gross floor area and software development.

Tract 563A, 4427-4429 Duval Street was postponed to September 2, 2004 on Council Member Dunkerley's motion, Council Member Alvarez' second on 7-0 vote.

58. C14-04-0022 - Central Austin Combined Neighborhood Planning Area (North University Neighborhood) rezoning - Approve third reading of an ordinance amending Chapter 25-2 of the Austin City Code by zoning and rezoning property locally known as the North University Neighborhood Plan Area generally bounded on the north by 38th Street, on the south by 27th Street, on the west by Guadalupe Street and on the east by Duval Street. The proposed zoning changes will create a Neighborhood Plan (NP) combining district covering the entire. Under the proposed North University NP, "Small Lot Amnesty" is proposed for the entire area. Mixed Use is proposed for Tracts APD-843-849, APD-862-865, GDC-709-714A, GDN 701-705, GDN-707, GDS-715-717, GDS-719-720, SD-881, SD-883-883A, SJD-886-892, TD-721-723A, TD-726. The North University Neighborhood Conservation (NC) combining district proposes modified site design and development standards, including but not limited to the following: Land Use, Floor Area Ratios (FAR), Building Heights, Mixed Use Developments, Garages, Parking, Outdoor Café seating, Impervious and Building Coverage allowances, Setbacks, and Driveway and Parking Access. The Planning Commission may recommend and the City Council may approve a zoning change to any of the following: Rural Residence (RR) district zoning; Single-Family Residence - Large Lot (SF-1) district zoning; Single-Family Residence-Standard Lot (SF-2) district zoning; Family Residence (SF-3) district zoning; Single-Family - Small Lot & Condominium Site (SF-4A/B) district zoning; Urban Family Residence (SF-5) district zoning; Townhouse & Condominium Residence (SF-6) district zoning; Multi-Family Residence - Limited Density (MF-1) district zoning; Multi-family Residence - Low Density (MF-2) district zoning; Multi-family Residence - Medium Density (MF-3) district zoning; Multi-family Residence - Moderate-High Density (MF-4) district zoning; Multi-family Residence - High Density (MF-5) district zoning; Multi-family Residence - Highest Density (MF-6) district zoning; Mobile Home Residence (MH) district zoning; Neighborhood Office (NO) district zoning; Limited Office (LO) district zoning; General Office (GO) district zoning; Commercial Recreation (CR) district zoning; Neighborhood Commercial (LR) district zoning; Community Commercial (GR) district zoning; Warehouse / Limited Office (W/LO) district zoning; Commercial Services (CS) district zoning; Commercial-Liquor Sales (CS-1) district zoning; Commercial Highway (CH) district zoning; Industrial Park (IP) district zoning; Major Industrial (MI) district zoning; Limited Industrial Services (LI) district zoning; Research and Development (R&D) district zoning; Development Reserve (DR) district zoning; Agricultural (AG) district zoning; Planned Unit Development (PUD) district zoning; Historic (H) district zoning; and Public (P) district zoning. A Conditional Overlay (CO) combining district, Planned Development Area (PDA) combining district, Mixed Use (MU) combining district; Neighborhood Conservation (NC) combining district; or special uses for a Neighborhood Plan (NP) combining district may also be added to these zoning base districts. First reading on June 10, 2004. Vote: 7-0. Second reading August 5, 2004. Applicant: City of Austin. Agent: Neighborhood Planning and Zoning Department. City Staff: Tom Bolt, 974-2755 and Glenn Rhoades, 974-2775. Note: Valid petitions have been filed in opposition to this rezoning request. (Related Items 56, 57, 59, 60)
- Ordinance No. 040826-58 adopting the Neighborhood Conservation Combining District (NCCD-NP) for the North University Neighborhood Planning Area, except for the following tracts, was approved on Council Member Alvarez' motion, Council Member Thomas' second on a 7-0 vote.**

The third reading to make the zoning for Tract SD-880A, 3108 Helms St., NO-NCCD-NP with the following changes was approved on Council Member McCracken's motion, Council Member Thomas' second on a 7-0 vote. The changes were: add to Part 8.8, "On Tract SD-880A the minimum front setback is 5', the minimum side yard setbacks are 0' and the maximum building, and total impervious cover is 95%.

The third reading to make the zoning for Tract WCD894A, MF-5-NCCD-NP with the following amendments was approved on Mayor Pro Tem Goodman's motion, Council Member Slusher's second on a 7-0 vote. The amendments were: Add to Part 5, on the use chart for Waller Creek/Seminary 7 P(2) "administrative and business offices, communications services, consumer convenience services, food preparation, food sales, and hotel-motel." Add to Part 5, on the use chart for Waller Creek/Seminary 7 C(2) "financial services." Add to Part 5, (2) "total commercial uses for Waller Creek/Seminary Tract 7 shall not exceed 10,000 square feet; no display windows or signs for commercial uses are permitted visible from 30<sup>th</sup> St., hotel/motel use be limited to the temporary use of residential facilities that are established to house the seminary faculty, students and staff; and no commercial building entrances or signs may be present on or visible from 30<sup>th</sup> St." In Part 6 add, "6.1 will apply to District 7, a pedestrian-oriented use, civic use or habitable space shall be located at the front of a building on the ground floor

The third reading to make the zoning for Tract WCD896, MF-4-NCCD-NP with all of the amendments listed above amendments was approved on Mayor Pro Tem Goodman's motion, Council Member Slusher's second on a 7-0 vote.

The third reading to make the zoning for Tract WCD897, MF-4-NCCD-NP with all of the amendments listed above amendments was approved on Mayor Pro Tem Goodman's motion, Council Member Slusher's second on a 7-0 vote.

The third reading to make Tract APD-843, 3004 Fruth Street, GR-NCCD-NP with the following conditions was approved on Council Member McCracken's motion, Council Member Dunkerley's second on a 7-0 vote. The conditions were: Limit the building height to 40'; Make the building orientation toward the park (north); Support mixed-use development; Prohibited the following uses: drive thru services, duplex residential, small lot single family residential, townhouse residential, single-family attached residential, mobil home residential, agricultural sales and services, automotive rentals, automotive repair services, automotive sales, automotive washing, building maintenance services, campground, carriage stable, cocktail lounge, commercial blood plasma center, commercial off street parking, construction sales and services, convenience storage, drop off recycling collection facility, electronic prototype assembly, equipment repair services, equipment sales, exterminating services, financial services, funeral services, indoor entertainment, kennels, laundry services, liquor sales, marina, outdoor entertainment, monument retail sales, pawn shop services, recreational equipment maintenance and storage; recreational equipment sales; research assembly services, research services, research testing services, research warehousing services, scrap and salvage, service station, stables, vehicle storage, veterinary services, basic industry, general warehousing and distribution, light manufacturing, limited warehousing, recycling center, resource extraction, all other agricultural uses, aviation services, camp, cemetery, club or lodge, college and university, convalescent services, convention center, counseling services, detention facilities, employee recreation, guidance services, hospital services-general, hospital services-limited, maintenance and service facilities, major public facilities, major utility services, military installations, park and recreation services-general, park and recreation services-special, postal facilities, railroad facilities, transportation terminal, and all other civic uses. The conditional uses include: retirement housing-large site, business or trade school, indoor sports or recreation, medical offices-greater than 5000 square feet, off site accessory parking, outdoor sports and recreation, plant nursery, special use historic, communication service facility, community recreation-private, community recreation-public, day care services-general, day care services – commercial, local utility services, private primary

educational facility, and safety services. Any use not permitted within the text of the North University NCCD shall be considered prohibited.

The third reading to make Tract APD-862A, 2815 Fruth Street, CS-NCCD-NP with the following conditions was approved on Council Member McCracken's motion, Mayor Wynn's second on a 7-0 vote. The conditions were Limit the building height to 40'. Make building orientation toward the park (north). Support mixed-use development. The prohibited uses include: drive thru services, small lot single family residential, single-family attached residential, mobile home residential, agricultural sales and service, automotive rentals, automotive repair services, automotive sales, automotive washing, building maintenance services, business or trade school, business support services, campground, carriage stable, commercial blood plasma center, commercial off street parking, construction sales and services, consumer convenience services, consumer repair services, convenience storage, drop off recycling collection facility, electronic prototype assembly, equipment repair services, equipment sales, extermination services, financial services, food preparation, food sales, funeral services, general retail sales-general and convenience, hotel-motel, indoor entertainment, indoor sports or recreation, kennels, laundry services, liquor sales, marina, medical offices-of any size, monument retail sales, outdoor entertainment, outdoor sports and recreation, pawn shop services, personal improvement services, personal services, pet services, plant nursery, printing and publishing, recreational equipment maintenance and storage, recreational equipment sales, research assembly services, research services, research testing services, research warehousing services, restaurant-general and limited, scrap and salvage, service station, special use-historic, stables, theater, vehicle storage, veterinary services, basic industry, custom manufacturing, general warehousing and distribution, light manufacturing, limited warehousing and distribution, recycling center, resource extraction, all other agricultural uses except urban farm, aviation services, camp, cemetery, club or lodge, college and university, communication service facilities, community events, community recreation-private or public, convalescent services, convention center, counseling services, cultural services, detention facilities, employee recreation, guidance services, hospital services-general, hospital services-limited, maintenance and service facilities, major public facilities, major utility services, military installations, park and recreation services-general and special, postal facilities, railroad facilities, residential treatment, safety services, transitional housing and transportation terminal. Conditional uses include: retirement housing-large site, congregate living, day care services-commercial, local utility services and residential treatment. Any use not permitted within the text of the North University NCCD shall be considered prohibited.

The third reading to make Tract GDS-716, 2815 Fruth Street, CS-NCCD-NP with the following conditions was approved on Council Member McCracken's motion, Mayor Pro Tem Goodman's second on a 7-0 vote. The conditions were: Limit the building height to 70'. Support mixed-use development. The prohibited uses include: drive thru services, duplex residential, mobile home residential, single-family attached residential, single-family residential, small lot single family residential, townhouse residential, two family residential, agricultural sales and services, building maintenance services, campground, carriage stable, cocktail lounge, commercial blood plasma center, commercial off-street parking, construction sales and services, convenience storage, drop-off recycling collection facility, electronic prototype assembly, equipment repair services, equipment sales, exterminating services, food sales-over 10,000 square feet, funeral services, indoor entertainment, kennels, marina, monument retail sales, outdoor entertainment, pawn shop services, recreational equipment maintenance and storage, recreational equipment sales, research assembly

services, research services, research testing services, research warehousing services, scrap and salvage, stables, vehicle storage, basic industry, custom manufacturing-over 2500 gross square feet, general warehousing and distribution, light manufacturing, limited warehousing and distribution, recycling center, resource extraction, all agricultural uses, aviation facilities, camp, cemetery, club and lodge, community events, congregate living, convalescent services, convention center, detention facilities, employee recreation, hospital services-general, maintenance and service facilities, major public facilities, military installations, park and recreation services-general, and special, railroad facilities, residential treatment and transportation terminal. Conditional uses include: condominium residential, business or trade school, indoor sports and recreation, off site accessory parking, outdoor sports and recreation, plant nursery, college and university facilities, communication service facilities, community recreation-private and public, day care services-commercial, guidance service, hospital services-limited, local utility service, postal facility, private primary educational facilities, private secondary educational facilities, safety services and transitional housing.

The third reading to make Tract RDE-797, 307 E. 35<sup>th</sup> Street, SF-3-NCCD-NP and include in the NCCD was approved on Council Member Alvarez' motion, Mayor Pro Tem Goodman's second on a 7-0 vote.

The third reading to make Tract RDW-739A (part of), 405 W. 35<sup>th</sup> Street, SF-3-NCCD-NP and include in the NCCD was approved on Council Member Alvarez' motion, Council Member Dunkerley's second on a 7-0 vote.

The third reading to make Tract RDW-748A, 3405 Cedar Street, SF-3-NCCD-NP and include in the NCCD was approved on Council Member McCracken's motion, Mayor Pro Tem Goodman's second on a 7-0 vote.

The third reading to make Tract SD-874, 3410 and 3412 Speedway, MF-1-NCCD-NP was approved on Mayor Pro Tem Goodman's motion, Council Member Alvarez' second on a 7-0 vote.

The third reading to make Tract SD-884D, 3002 Speedway and 206 E. 30<sup>th</sup> Street, MF-4-NCCD-NP was approved on Council Member Dunkerley's motion, Mayor Wynn's second on a 7-0 vote.

The third reading to make Tract RDW-745, 3709 Cedar Street, MF-2-NCCD-NP was approved on Council Member Thomas' motion, Council Member Slusher's second on a 7-0 vote.

The third reading to make Tract SJD885A, 3007-3011 Speedway, MF-4-NCCD-NP with an increase in floor area ratio to 1:1.17 for this tract was approved on Council Member McCracken's motion, Council Member Alvarez' second on a 7-0- vote.

The third reading to make SD882, SD882A, SD883 and SD883A, 3000-3012 University and 103 W. 31<sup>st</sup> Street, CS-NCCD-NP and MF-4-NCCD-NP and change part 8.7.A to read "58,652 square feet" was approved on Council Member Dunkerley's motion, Mayor Wynn's second on a 7-0 vote.

A motion to reconsider Item 58 was approved on Council Member Alvarez' motion, Mayor Pro Tem Goodman's second on a 6-0 vote. Council Member Slusher was off the dais.

Ordinance No. 040826-58 was approved as stated above with the addition to Part 11, a new provision 6 to read "These tracts are exempt from Part 5.3.C" on Council Member Alvarez' motion, Mayor Pro Tem Goodman's second on a 6-0 vote. Council Member Slusher was off the dais.

#### PUBLIC HEARINGS AND POSSIBLE ACTION

66. Conduct a public hearing for the full purpose annexation of Anderson Mill Road Right-of-Way (ROW), approximately 7.93 acres located along the northern edge of the Motorola campus on the east side of Parmer Lane.  
The public hearing was closed on Council Member McCracken's motion, Council Member Thomas' second on a 6-0 vote. Mayor Pro Tem Goodman was off the dais.

#### ZONING DISCUSSION ITEMS CONTINUED

63. C14-03-0157 - Harris Ranch - Approve second/third readings of an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as the south side of Davis Lane, between Brodie Lane and Westgate Boulevard (Slaughter Creek Watershed-Barton Springs Zone) from development reserve (DR) district zoning and rural residence (RR) district zoning to community commercial-conditional overlay (GR-CO) combining district zoning for Tract 1, and townhouse & condominium residence-conditional overlay (SF-6-CO) combining district zoning for Tract 2 (the remainder of the property). The property owner has requested community commercial-conditional overlay (GR-CO) combining district zoning for Tract 1; multi-family residence low density (MF-2) district zoning for Tract 2; and townhouse & condominium residence-conditional overlay (SF-6-CO) combining district zoning for Tract 3. First ordinance reading on June 24, 2004. Vote: (7-0). Conditions met as follows: Conditional Overlay and Restrictive Covenant incorporates the conditions imposed or accepted by City Council at first ordinance reading. Applicant: Robert Brent Harris, John Weldon Harris and Darrow Dean Harris. Agent: Weynand Development, Ltd. (Mike Weynand). City Staff: Wendy Walsh, 974-7719.  
The second reading on the ordinance was approved with the following additional wording on Council Member Alvarez' motion, Mayor Pro Tem Goodman's second on a 7-0 vote. The additional condition of a building setback that allows for paths or sidewalks between the building and the most southern property line in Tract 2, with no buildings within 50 feet of Tract 2.
64. C814-04-0024 - Brodie 31 c/o Walters Southwest - Approve second/third readings of an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 9000-9600 Block of Brodie Lane (Williamson Creek Watershed-Barton Springs Zone) from development reserve (DR) district zoning to planned unit development (PUD) district zoning. First reading on August 12, 2004. Vote: 6-0. Goodman off the dais. Conditions met as follows: Restrictive covenant incorporates the conditions accepted by City Council at first ordinance reading. Applicant: 31 Deerfield Ltd. c/o William S. Walters, III (William S. Walters, III). Agent: Land Strategies, Inc. (Paul W. Linehan). City Staff: Wendy Walsh, 974-7719.  
The second reading of the ordinance was approved on Council Member McCracken's motion, Mayor Pro Tem Goodman'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 Slusher's motion, Council Member Thomas' second on a 7-0 vote.

- Z-11 C814-98-0001.01 - Southwest Marketplace (an amendment to The Forum P.U.D.) - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 4201-4515 West William Cannon Drive and 6900-7238 South MoPac Expressway (Williamson Creek Watershed-Barton Springs Zone) from planned unit development (PUD) district zoning to planned unit development (PUD) district zoning with conditions. This property is located in the Barton Springs Zone, has been proposed for a zoning change that will: 1) modify the original conditions of zoning, and 2) modify the application of Chapter 25-8, Article 12 (Saves Our Springs Initiative. Zoning and Platting Commission Recommendation: To grant planned unit development (PUD) district zoning. Applicant: Hay Barn Ltd. (Carey P. Brownlee). Agent: Drenner Stuart Wolff Metcalfe von Kreisler, LLP (Michele Haussmann). City Staff: Wendy Walsh, 974-7719. (Related Item 48)

The public hearing was closed on Council Member Slusher's motion, Mayor Pro Tem Goodman's second on a 7-0 vote.

The first reading of the ordinance for grant planned unit development (PUD) district zoning was approved on Council Member Slusher's motion, Council Member Thomas' second on a 6-1 vote. Council Member McCracken voted nay.

65. Conduct a public hearing and approve a resolution authorizing the establishment of an East Sixth Street Public Improvement District (PID), (generally covering properties along E. 6<sup>th</sup> Street between Congress Avenue and IH-35). (Funding of PID Assessments not to exceed \$0.10 per \$100 evaluation, and City of Austin annual contributions not to exceed \$43,500 for a period not to exceed three years.) (Related Item 47)

The public hearing was closed on Council Member Alvarez' motion, Mayor Pro Tem Goodman's second on a 6-0 vote. Mayor Wynn was off the dais.

Resolution No. 040826-65 with the exclusion of the welding shop on I-35 was approved on Council Member Dunkerley's motion, Mayor Pro Tem Goodman's second on a 6-0 vote. Mayor Wynn recused himself from this item due to a conflict of interest and was off the dais.

67. Conduct a public hearing and approve an ordinance amending section 25-2-513 of the Code regarding structures allowed in a setback and section 25-2-531 of the Code regarding height limit exceptions. (Recommended with additional amendments by the Planning Commission.)

The public hearing was closed on Mayor Pro Tem Goodman's motion, Mayor Wynn's second on a 7-0 vote.

Ordinance No. 040826-67 was approved on Mayor Pro Tem Goodman's motion, Mayor Wynn's second on a 7-0 vote.

69. Consider action on an appeal by Mike McHone of the Planning Commission's decision to deny a conditional use permit for transitional housing at 5117 North Lamar. (Public hearing conducted and closed on June 24, 2004.) (Not Recommended by the Planning Commission.)

The motion to deny appeal of the Planning Commission's decision was approved on Council Member McCracken's motion, Mayor Pro Tem Goodman's second on a 5-2 vote. Those voting aye were: Mayor Wynn, Mayor Pro Tem Goodman, Council Members Alvarez, McCracken and Slusher. Those voting nay were: Council Members Dunkerley and Thomas.



The motion to adjourn the meeting at 1:30 a.m. was approved on Council Member Slusher's motion, Mayor Wynn's second on a 7-0 vote.

The minutes for the Regular Meeting of August 26, 2004 were approved on this the 30th day of September, 2004 on Council Member Thomas' motion, Mayor Pro Tem Goodman's second on a 7-0 vote.