



**AUSTIN CITY COUNCIL
MINUTES**

**REGULAR MEETING
THURSDAY, SEPTEMBER 30, 2004**

Invocation: Elder Lee Clayton, McKinley Heights Church of God in Christ

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, September 30, 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 10:15 a.m.

CONSENT AGENDA

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

1. Approval of minutes from the meetings of August 26, September 2, and September 13, 2004. The minutes from the regular meeting of August 26, 2004 and the Special meeting of September 13, 2004 were approved. The minutes from the regular meeting of September 2, 2004 were postponed to October 7, 2004.
2. Approve a resolution authorizing negotiation and execution of all documents necessary to sell 14 lots owned by the City of Austin to Habitat for Humanity for \$28,000. These lots are located in the Elm Ridge Subdivision Phase 1 B which is located approximately 1.5 miles from the intersection of Pearce Lane and Wolf Lane, in Bastrop County. (Revenue will be included in the Fiscal Year 2004-2005 Austin Energy Operating Budget.) (Recommended by the Electric Utility Commission.)
Resolution No. 040930-02 was approved.
3. Approve an ordinance adopting the proposed water tariff and rate changes of Aqua Texas for water service provided to its customers residing in the eastern edge of Lake Austin on the west side of Loop 360 in the corporate limits of the City of Austin, Texas and repealing Ordinance No. 001102-9 establishing the previous rate for utility services for these customers. (Recommended by Water and Wastewater Commission)
Ordinance No. 040930-3 was approved.

4. Authorize the City Manager to negotiate and execute an agreement with Wells Branch Municipal Utility District and the Texas Turnpike Authority for pass-through wastewater service through Wells Branch Municipal Utility District in order to provide wastewater service to a Texas Turnpike Authority tollway plaza to be located near the intersection of FM 1325 and Merriltown Drive. (The Texas Turnpike Authority will construct the necessary wastewater infrastructure.) (Recommended by Water and Wastewater Commission)
The motion authorizing the City Manager to negotiate and execute an agreement was approved.
5. Approve an ordinance authorizing the negotiation and execution of all documents necessary to transfer to the Travis County Hospital District ("the District") the City's title to the land and building located at 1111 East Cesar Chavez Avenue (also known as the Medical Assistance Program Administrative building) and the execution and delivery to the District of documents necessary to transfer ownership of certain fixtures, furnishings and other personal property located at 1111 East Cesar Chavez.
Ordinance No. 040930-5 was approved.
6. Approve a resolution approving a proposed amendment to the Triangle Square Development Plan adopted on October 12, 1998 by the Special Board of Review of the State of Texas under Section 31.161 of the Texas Natural Resources Code as modified by order of the Board on June 25, 2001 (state-owned surplus property located generally at the junction of North Lamar Boulevard and Guadalupe Street north of 45th Street).
Resolution No. 040930-6 was approved.

Item 7 was pulled for discussion.

8. Approve an ordinance authorizing the extension of the Letter of Credit and Reimbursement Agreement between the City of Austin and Landesbank Hessen-Thüringen Girozentrale relating to the \$50,000,000 Combined Utility Systems Taxable Commercial Paper Notes program, and the approval of all related documents. (The estimated \$160,000 Letter of Credit fee is included in the 2004-2005 Proposed Operating Budget of the Electric Utility Department.)
Ordinance No. 040930-8 was approved.
9. Approve the City of Austin Fiscal Year 2004-2005 Investment Policy. (Approved by the Investment Committee.)
The motion authorizing the City of Austin Fiscal Year 2004-2005 Investment Policy was approved.
10. Authorize acceptance of grant funds in the amount of \$43,325 from the Texas Department of Housing and Community Affairs, Community Services Block Grant program; and amend the Fiscal Year 2003-2004 Health and Human Services Operating Budget Special Revenue Fund of Ordinance No. 030909-01 to appropriate \$43,325 for delivery of basic needs, promoting self-sufficiency, and providing case management and preventive health services to low-income City residents, bringing the total grant amount to \$839,325. (Funding in the amount of \$43,325 is available from the Texas Department of Housing and Community Affairs, Community Services Block Grant program. The grant period is January 1, 2004 through December 31, 2004. No city match is required.)
The motion authorizing the acceptance of grant funds and Ordinance No. 040930-10 was approved.

11. Authorize acceptance of grant funds in the amount of \$382,377 from the U.S. Department of Health and Human Services Technical Assistance and Capacity Development Demonstration program for HIV/AIDS-Related Services in Highly Impacted Minority Communities grant program; and amend the Fiscal Year 2004 Health and Human Services Operating Budget Special Revenue Fund of Ordinance No. 030909-01 to appropriate \$382,377 to provide technical assistance to organizations providing HIV/AIDS services to persons of color. (Funding in the amount of \$382,377 is available from the U.S. Department of Health and Human Services Technical Assistance and Capacity Development Demonstration program for HIV/AIDS-Related Services in Highly Impacted Minority Communities grant program. The grant period is August 1, 2004 through July 31, 2005. No City match is required.)
The motion authorizing the acceptance of grant funds and Ordinance No. 040930-11 was approved.
12. Authorize acceptance of grant funds in the amount of \$7,798 from the Texas Department of Health, Office of Public Health Practice, Triple 0 Local Health Support Program; and amend the Fiscal Year 2003-2004 Health and Human Services Operating Budget Special Revenue Fund of Ordinance No. 030909-01 to appropriate \$7,798 for programs that address the provision of meeting or completing essential public health services and activities addressing local public health objectives, bringing the total grant amount to \$216,798. (Funding in the amount of \$7,798 is available from the Texas Department of Health, Office of Public Health Practice, Triple 0 Local Health Support Program. The grant period is September 1, 2004 through August 31, 2005. No city match is required.)
The motion authorizing the acceptance of grant funds and Ordinance No. 040930-12 was approved.
13. Authorize acceptance of \$1,857,673 from the U.S. Department of Health and Human Services' Centers for Disease Control and Prevention Steps to a Healthier U.S. grant program; and amend the Fiscal Year 2004 Health and Human Services Operating Budget Special Revenue Fund of Ordinance No. 030909-01 to appropriate \$1,857,673 for the purpose of promoting healthy lifestyles that contribute directly to prevention, delay, and mitigation of the consequences of diabetes, asthma, obesity, nutrition, physical activity, and tobacco exposure and that increase physical activity and improve nutrition bringing the total grant amount to \$2,786,509 and to authorize an creation of two additional full-time equivalent positions. (Funding in the amount of \$1,857,673 is available from the U.S. Department of Health and Human Services' Centers for Disease Control and Prevention (CDC) Steps to a Healthier U.S. (STEPS) grant program. The grant period is September 22, 2004 through September 21, 2005. No city match is required.)
The motion authorizing the acceptance of \$1,857,673 and Ordinance No. 040930-13 was approved.
14. Approve execution of a 12-month Interlocal Agreement with the Austin Independent School District, Austin, TX, for the English as a Second Language program in an amount not to exceed \$97,419, with two 12-month renewal options in an amount not to exceed \$97,419 per renewal option, for a total agreement amount not to exceed \$292,257. (Funding in the amount of \$50,000 is available in the Neighborhood Housing and Community Development (NHCD) Department Special Revenue Fund, the Community Development Block Grant (CDBG - 30th Year), and funding in the amount of \$47,419 is available from the 2004-2005 Approved Operating Budget of the Health and Human Services Department. The initial contract period for the Interlocal Agreement will be October 1, 2004 - September 30, 2005. Funding for renewal options is contingent on performance and available funding in future budgets.) (Community Development Commission approved 2005-2009 Consolidated Plan.)
The motion authorizing the execution of an Interlocal Agreement was approved.

15. Approve execution of a 12-month Interlocal Agreement with the Austin Independent School District, Austin, TX, for teen parent childcare services in an amount not to exceed \$107,240, with two-12-month renewal options in an amount not to exceed the \$107,240 per renewal option, for a total agreement amount not to exceed \$321,720. (Funding in the amount of \$107,240 is available in the Neighborhood Housing and Community Development (NHCD) Department Special Revenue Fund, the Community Development Block Grant (CDBG - 30th Year). The initial contract period for the Interlocal Agreement will be October 1, 2004 - September 30, 2005. Funding for renewal options is contingent on performance and available funding in future budgets.) (Community Development Commission approved the 30th Year Consolidated Plan.)
The motion authorizing the execution of an Interlocal Agreement was approved.
16. Approve execution of an amendment to each of two Interlocal Agreements with Austin Community College, Austin, TX, one to provide childcare quality improvement services for an additional amount of \$18,750 for an additional 3-month period for a total agreement amount not to exceed \$93,750 in the 15-month agreement period; and, one to provide childcare training services for an additional amount of \$31,034 for an additional 3-month period for a total agreement amount not to exceed \$125,872 in the 15-month agreement period; for a combined total additional amount of \$49,784 for a total amount not to exceed \$219,622 for the two agreements in the 15 month agreement period. (Funding in the amount of \$23,710 will be available in the Fiscal Year 2004-2005 Operating Budget of the Health and Human Services Department and funding in the amount of \$26,074 will be available in the Fiscal Year 2004-2005 Operating Budget of the Health and Human Services Department Special Certification Fund. The amended agreement period is October 1, 2003 - December 31, 2004, for both agreements.)
The motion authorizing the execution of an amendment to the Interlocal Agreements was approved.
17. Approve execution of an Interlocal Cooperation Agreement between the City of Austin, Travis County and the Austin Travis County Mental Health Retardation Center in an amount not to exceed \$270,000 (City of Austin \$225,000; Travis County \$45,000) for youth assessment services including education/training, assessment/evaluation, counseling/therapy, community support and enrichment services with one 12-month renewal option in an amount not to exceed \$270,000 (City of Austin \$225,000; Travis County \$45,000) for a total City amount not to exceed \$450,000. (Funding in the amount of \$225,000 is available in the Neighborhood Housing and Community Development (NHCD) Department Special Revenue Fund, the Community Development Block Grant (CDBG 30th Year). The agreement period is October 1, 2004 through September 30, 2005. Funding for the renewal option is contingent on performance and available funding in future budgets.) (Community Development Commission approved the 2005-2009 Consolidated Plan.)
The motion authorizing the execution of an Interlocal Cooperation Agreement was approved.

18. Approve execution of 12-month contracts with: CHILD, INC., Austin, TX, for early Head Start and teen parent child care services in an amount not to exceed \$132,928, with two-12-month renewal options in an amount not to exceed \$132,928 per renewal option, for a total contract amount not to exceed \$398,784; EL BUEN PASTOR EARLY CHILDHOOD DEVELOPMENT CENTER, Austin, TX, for Direct Child Care services in an amount not to exceed \$60,000, with two-12-month renewal options in an amount not to exceed \$60,000 per renewal option, for a total contract amount not to exceed \$180,000; and GENERATIONS CHILD DEVELOPMENT CENTERS, INC., Austin, TX, for Teen Parent Child Care services in an amount not to exceed \$86,560, with two-12-month renewal options in an amount not to exceed \$86,560 per renewal option, for a total contract amount not to exceed \$259,680. (Funding in the amount of \$279,488 is available in the Neighborhood Housing and Community Development (NHCD) Department Special Revenue Fund, the Community Development Block Grant (CDBG - 30th Year). The initial contract period will be October 1, 2004 - September 30, 2005. Funding for renewal options is contingent on performance and available funding in future budgets.) (Community Development Commission approved the 2005-2009 Consolidated Plan.)
The motion authorizing the execution of the contracts was approved.
19. Approve execution of a 12-month contract with FAMILY ELDERCARE, Austin, TX, to provide services that benefit low-income elderly Austin residents, in an amount not to exceed \$120,000, with two 12-month renewal options in an amount not to exceed \$120,000 per renewal option, for a total agreement amount not to exceed \$360,000. (Funding in the amount of \$120,000 is available in the Neighborhood Housing and Community Development (NHCD) Department Special Revenue Fund, the Community Development Block Grant (CDBG - 30th Year). The initial contract period will be October 1, 2004 - September 30, 2005. Funding for renewal options is contingent on performance and available funding in future budgets.) (Community Development Commission approved the 2005-2009 Consolidated Plan.)
The motion authorizing the execution of a contract was approved.
20. Approve execution of a 12-month contract with AUSTIN HABITAT FOR HUMANITY, INC., Austin, TX, to provide services to assist disadvantaged youth in attaining construction trade skills while completing their GEDs in an amount not to exceed \$70,000 for the period of October 1, 2004 through September 30, 2005. (Funding in the amount of \$70,000 is available in the Fiscal Year 2004-2005 Health and Human Services Department Operating Budget Special Revenue Fund from the U.S. Department of Housing and Urban Development. The Grant period is October 1, 2004 through September 30, 2005. No city grant match is required.)
The motion authorizing the execution of a contract was approved.
21. Authorize negotiation and execution of an amendment to the outside counsel contract with THOMPSON & KNIGHT, L.L.P, Austin, TX, for negotiating and drafting documents related to the Redevelopment of Robert Mueller Municipal Airport Project in the amount of \$250,000, with a total contract amount not to exceed \$916,500. (The selected Master Developer, Catellus Development Corporation, is required to fund legal costs associated with the negotiation of the Master Development Agreement for the redevelopment of former Robert Mueller Municipal Airport (RMMA). This contract amendment will be encumbered in the City's RMMA Reimbursement Fund. Quarterly deposits are made by Catellus into this fund to reimburse negotiation expenses based on actual costs.) (Related Item 80)
The motion authorizing the negotiation and execution of an amendment was approved.

22. Approve an ordinance amending Section 2-10-35 of the City Code modifying the membership of the Downtown Austin Community Court (DACC) Advisory Committee. (Recommended by the DACC Advisory Committee and the Council Judicial Committee.)
Ordinance No. 040930-22 was approved.

Item 23 was pulled for discussion.

24. Authorize the negotiation and execution of a one-year service agreement with the Austin Housing Finance Corporation which provides funding to the Austin Housing Finance Corporation in an amount not to exceed \$13,574,670 to manage and operate various City housing programs in Fiscal Year 2004-2005, including: Tenant Based Rental Assistance, Rental Housing Development Assistance, Architectural Barrier Removal-Rental, Homebuyer Lending Assistance, Acquisition and Development, Architectural Barrier Removal-Homeowner, Emergency Home Repair, Homeowner Moderate Rehabilitation, and the Materials Grants Program. (Funding in the amount of \$13,574,670 from the Grant Operating Budget, including \$1,143,479 from the Housing Trust Fund; \$879,051 from the S.M.A.R.T. Housing™ Capital Improvement Project Fund; \$2,146,075 from HOME Program Income; \$737,000 from the Community Development Block Grant revolving fund; \$7,735,488 from federal grant proceeds, and \$933,577 from HOME Match income.) (Related Item AHFC-4)
The motion authorizing the negotiation and execution of a service agreement was approved.
25. Approve the issuance of a free lifetime pool pass for Barton Springs Pool to Marcella L. Grenga. (On November 9, 1993 the Parks and Recreation Advisory Board recommended awarding swim passes to 80 years of age or older who are active swimmers at Barton Springs Pool.)
The motion authorizing the issuance of a free lifetime pool pass for Barton Springs Pool was approved.
26. Approve a resolution naming the community center located at 7500 Blessing Avenue the St. John Community Center and naming the recreation center within the community center the Virginia L. Brown Recreation Center. (Recommended by the Parks and Recreation Board.)
Resolution No. 040930-26 was approved.
27. Approve negotiation and execution of a Parkland Improvement Agreement with the Town Lake Trail Foundation, Inc. (TLTF) a non-profit organization, to allow TLTF to construct and donate to the City of Austin, Town Lake Park improvements on a periodic and ongoing basis. (Funding is available from the Town Lake Trail Foundation.)
The motion authorizing the negotiation and execution of a Parkland Improvement Agreement was approved.
28. Approve a resolution authorizing the application and acceptance of \$30,425 in grant funding from the State of Texas, Governor's Office, Criminal Justice Division, Safe and Drug-Free Schools and Communities Act Fund for the Austin Faith Community Network to increase youth activities and continue hosting the annual conference. (Funding is available from the State of Texas, Governor's Office, Criminal Justice Division, for the grant period September 1, 2004 to August 31, 2005. A cash match of \$12,075 is required, and is included in the Fiscal Year 2004-2005 Operating Budget for the Austin Police Department.)
Resolution No. 040930-28 was approved.

29. Authorize an application to the U.S. Department of Justice, Office of Justice Programs in the amount of \$450,000 in grant funds for the Austin Police Department Anti-"Trafficking in Persons" Program. (Funding is available in the Law Enforcement and Service Provider Multidisciplinary Anti-Trafficking Task Force grant program for the period April 1, 2005 to March 31, 2008. The required in-kind match will be included in the Fiscal Year 2004-2005 and future fiscal year Operating Budgets of the Austin Police Department.)
The motion authorizing an application was approved.
30. Approve a resolution authorizing the filing of eminent domain proceedings for the Upper Shoal - Lower Hancock Branch project of the Austin Clean Water Program to acquire a 8,569 square foot permanent wastewater line easement, a 7,356 square foot temporary working space easement, and a 3,867 square foot temporary ingress and egress easement each in the George W. Spear Survey, City of Austin, TX, out of a 5.75 acre tract known as the Paddock Condominiums as recorded in the Condominium Declaration for the Paddock Condominiums in Volume 7973, Page 71 and Volume 8209, Page 849, et seq., of the Condominium Records of Travis County, in the amount of \$27,337. The owner of the property sought to be condemned is THE AUSTIN PADDOCK HOME OWNER'S ASSOCIATION, INC., Austin, TX, also known as THE AUSTIN PADDOCK HOME OWNER'S, INC. The property is located at 1510 North Loop Boulevard West, Austin, TX. (Funding is included in the Fiscal Year 2003-2004 Approved Capital Budget of the Austin Water Utility.)
Resolution No. 040930-30 was approved.
31. Approve a resolution to authorize the fee simple acquisition of a 0.996 acre (43,401 square feet) tract of land out of the Santiago Del Valle Ten League Grant, Abstract No. 24 in Travis County, TX, locally known as 8500 Burleson Road from JOHNEY (also known as Johnny) M. MAYNARD for Austin-Bergstrom International Airport Master Plan Update, in the amount of \$54,500, for the land and improvements, plus closing costs and moving related expenses in the amount of \$20,000, for an amount not to exceed \$74,500. (Funding in the amount of \$74,500 is available in the Fiscal Year 2003-2004 Amended Capital Budget of the Department of Aviation using airport funds and available Federal Aviation Administration (FAA) Grants.)
Resolution No. 040930-31 was approved.
32. Approve a resolution authorizing the negotiation and execution of all documents necessary to purchase a conservation easement interest in approximately 2,288 acres located in Hays County at 2501 Gatlin Creek Road off of FM 12 from the Lynn Storm Family et al through the Hill Country Conservancy (HCC) in an amount not to exceed \$1,497,283 from the November 7, 2000 Proposition 2 Open Space bond proceeds; the final closing is subject to a current appraisal. (Funding is included in the Fiscal Year 2003-2004 Amended Capital Budget of the Parks and Recreation Department.)
Resolution No. 040930-32 was approved.
33. Approve a resolution authorizing execution of an Advanced Funding Agreement with the Texas Department of Transportation for utility relocation costs to redesign the storm sewer improvement for the existing water transmission main system on RM 2244, for a total amount not to exceed \$60,000. (Funding in the amount of \$60,000 is available in the Fiscal Year 2003-2004 Capital Budget of the Austin Water Utility.) (Recommended by the Water and Wastewater Commission.)
Resolution No. 040930-33 was approved.

34. Authorize negotiation and execution of a Pipeline Modification and Reimbursement Agreement with LONGHORN PARTNERS PIPELINE, L. P., Dallas, TX, for the installation of approximately 122 feet of road crossing pipeline casing under East William Cannon Drive in the amount of \$180,000. (Funding is available in the Fiscal Year 2003-2004 Approved Operating Budget of the Transportation, Planning and Sustainability Department.)
The motion authorizing the negotiation and execution of a Pipeline Modification and Reimbursement Agreement was approved.
35. Authorize negotiation and execution of a professional services agreement with URS CORPORATION, Austin, TX, for engineering services for Seaholm Power Plant Remediation Engineering in an amount not to exceed \$1,300,000. (Funding is available in the Fiscal Year 2004-2005 Approved Capital Budget of the Austin Energy Department.) Best qualification statement of six received. 18%MBE and 20%WBE subconsultant participation.
The motion authorizing the negotiation and execution of a professional services agreement was approved.
36. Authorize negotiation and execution of a professional services agreement with the following ten firms: MARTINEZ, WRIGHT & MENDEZ, INC., Austin, TX, (MBE/MH, 65%); URS CORPORATION, Austin, TX; HALFF ASSOCIATES, INC., Austin, TX; ALAN PLUMMER ASSOCIATES, INC., Austin, TX; EARTH TECH, INC., Austin, TX; KURKJIAN ENGINEERING CORPORATION, Austin, TX, (MBE/FH, 70.0%); RAYMOND CHAN & ASSOCIATES, INC., Austin, TX, (MBE/MA, 62.3%); HUNTER ASSOCIATES TEXAS LTD, Austin, TX; KLOTZ ASSOCIATES, INC., Austin, TX; and CLAUNCH & MILLER, INC., Austin, TX, for engineering services for the Americans with Disabilities Act (ADA) Sidewalk, Ramp and Bikeway Improvements Rotation List for a period of three years (3) or until financial authorization is expended, in an amount not to exceed \$5,000,000, with the total of the ten (10) agreements not to exceed \$5,000,000. (Funding in the amount of \$5,000,000 is available in the Fiscal Year 2004-2005 Capital Budget of the Public Works Department.) Best ten qualification statements of thirty-five received. Participation goals stated in the solicitation were 15.9% MBE and 14.2% WBE.
The motion authorizing the negotiation and execution of a professional services agreement was approved.

Item 37 was pulled for discussion.

38. Authorize execution of a construction contract with JAY-REESE CONTRACTORS, INC., Austin, TX, for Austin Clean Water Program: Upper Shoal - Spicewood Branch at Foster Lane Wastewater Improvements Project in the amount of \$1,369,215.50 plus a \$136,921.55 contingency, for a total contract amount not to exceed \$1,506,137.05 (Funding in the amount of \$1,506,137.05 is included in the Fiscal Year 2003-2004 Capital Budget of the Austin Water Utility.) Lowest bid of two received. 15.88% MBE and 2.78% WBE subcontractor participation.
The motion authorizing the execution of a construction contract was approved.
39. Authorize execution of change order # 4 to the construction contract with RODRIGUEZ-BARR, INC. dba THE BARR COMPANY AIA, Austin, TX, (MBE/FH 55.77%) for Austin-Bergstrom International Airport (ABIA) Terminal Improvements Phase 2 in the amount of \$163,829.60, for a total contract amount not to exceed \$1,637,483.06.(Funding in the amount of \$163,829.60 is available in the Fiscal Year 2003-2004 Amended Capital Budget of the Aviation Department.) 0% MBE and 8.68% WBE subcontractor participation to date.
The motion authorizing the execution of change order #4 to the construction contract was approved.

40. Authorize execution of a 12-month service agreement with ALLIED FENCE CO., Round Rock, TX, for fencing services in an amount not to exceed \$185,000, with two 12-month extension options in an amount not to exceed \$185,000 per extension option, for a total agreement amount not to exceed \$555,000. (Funding in the amount of \$75,000 is available in the Fiscal Year 2004-2005 Approved Operating Budget of the Finance and Administrative Services Department. Funding in the amount of \$100,000 is available in the Fiscal Year 2004-2005 Approved Capital Budget of Austin Energy and \$10,000 is available in the Fiscal Year 2004-2005 Approved Operating Budget of Austin Energy. Funding for the extension options is contingent upon available funding in future budgets.) Lowest bid of five bids received. This contract will be awarded in compliance with Chapter 2-9 of the City Code (Minority-Owned and Women-Owned Business Enterprise Procurement Program). No subcontracting opportunities were identified; therefore, no goals were established for this solicitation.
The motion authorizing the execution of a service agreement was approved.
41. Authorize negotiation and execution of an Interlocal agreement with TEXAS ENGINEERING EXPERIMENT STATION, College Station, TX, for energy management services, in an amount not to exceed \$200,000 per year. This contract will remain in effect until terminated by either party. (Funding is available in the Fiscal Year 2004-2005 Approved Operating Budget for Austin Energy.) Purchasing Cooperative.
The motion authorizing the negotiation and execution of an interlocal agreement was approved.
42. Authorize execution of a 12-month supply agreement with TECHLINE, INC., Austin, TX, in an amount not to exceed \$74,359.10, with three 12-month extension options not exceed \$74,359.10 per extension option, for a total agreement amount not to exceed \$297,436.40; and with POWER SUPPLY, Austin, TX, in an amount not to exceed \$88,790.25, with three 12-month extension options in an amount not to exceed 88,790.25 per extension option, for a total agreement amount not to exceed \$355,161.00, for substation and transmission items. (Funding in the amount of \$163,149.35 is available in Fiscal Year 2004-2005 Approved Operating Budget of Austin Energy. Funding for the extension options is contingent upon available funding in future budgets.) Low bids of seven bids received. This contract will be awarded in compliance with Chapter 2-9 of the City Code (Minority-Owned and Women-Owned Business Enterprise Procurement Program.) No subcontracting opportunities were identified; therefore, no goals were established for this solicitation.
The motion authorizing the execution of a supply agreement was approved.
43. Authorize negotiation and execution of a 12-month service agreement with JOHN L. WORTHAM & SON, L.P., Houston, TX, through LLOYD'S OF LONDON for all risk property and boiler and machinery insurance and loss prevention services for Austin Energy in an amount not to exceed \$2,588,893, with three 12-month extension options in an amount not to exceed \$2,681,115 for the first extension option, \$3,052,237 for the second extension option, and \$3,443,214 for the third extension option, for a total agreement amount not to exceed \$11,765,459. (Funding in the amount of \$2,588,893 is available in the Fiscal Year 2004-2005 Approved Operating Budget of Austin Energy. Funding for the 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.
The motion authorizing the negotiation and execution of a service agreement was approved.

44. Ratify execution of an amendment No. 5 to the contract with THIELSCH ENGINEERING, INCORPORATED, Cranston, RI, for the dismantling and disposal of a temporary chiller located at the Austin Convention Center, in an amount not to exceed \$58,355.12, for a total agreement amount not to exceed \$7,500,000. (Funding in the amount of \$58,355.12 is available in the Fiscal Year 2003-2004 Amended Operating Budget of the Austin Energy Department.) Original contract - 14.1% MBE; 15% WBE subcontracting participation.
The motion authorizing the execution of amendment No. 5 to the contract was approved.
45. Authorize execution of a 12-month supply agreement with AUSTIN RECLAIMED MATERIALS L. P. (MH-100%) for the purchase of 3/4" washed river gravel for the Austin Water Utility in an amount not to exceed \$52,350, with two 12-month extension options in an amount not to exceed \$52,350 per extension option, for a total agreement amount not to exceed \$157,050. (Funding in the amount of \$52,350 is available in the Fiscal Year 2004-2005 Approved Operating Budget of the Austin Water Utility. Funding for the extension options is contingent upon available funding in future budgets.) Lowest bid of two bids received. This contract will be awarded in compliance with Chapter 2-9 of the City Code (Minority-Owned and Women-Owned Business Enterprise Procurement Program). No subcontracting opportunities were identified; therefore, no goals were established for this solicitation.
The motion authorizing the execution of a supply agreement was approved.
46. Authorize execution of a 36-month revenue contract with L. A. FAYKUS, Bastrop, TX., for the lease of farm land at the Hornsby Bend Biosolids Management Plant with an estimated revenue of \$78,750 for the initial contract period, with two 12-month extension options with an estimated annual revenue of \$26,250 per extension option, for a total revenue amount of \$131,250. (Net estimated revenue of \$78,750 over the duration of the initial 36-month period and \$26,250 over the duration of each 12-month extension option will be included in the Austin Water Utility Operating Budget.) Best price of two bids received. This contract will be awarded in compliance with Chapter 2-9 of the City Code (Minority-Owned and Women-Owned Business Enterprise Procurement Program). No subcontracting opportunities were identified; therefore, no goals were established for this solicitation.
The motion authorizing the execution of a 36 month revenue contract was approved.
47. Authorize execution of a 12-month supply agreement with HUGHES SUPPLY INC., Austin, TX, for the purchase of ductile iron pipe and PVC water pipe in an amount not to exceed \$101,085.20, with two 12-month extension options in the amount not to exceed \$101,085.20 per extension option, for a total agreement amount not to exceed \$303,255.60. (Funding in the amount of \$101,085.20 is available in the Fiscal Year 2004-2005 Approved Operating Budget of the Austin Water Utility. Funding for the extension options is contingent upon available funding in future budgets.) One bid received. This contract will be awarded in compliance with Chapter 2-9 of the City Code (Minority-Owned and Women-Owned Business Enterprise Procurement Program). No subcontracting opportunities were identified; therefore, no goals were established for this solicitation.
The motion authorizing the execution of a supply agreement was approved.

48. Authorize execution of a contract with ELXSI dba CUES INC, Orlando, FL, for the purchase of a steerable large line wheeled transporter in an amount not to exceed \$60,040. (Funding is available in the Fiscal Year 2003-2004 Approved Operating Budget of the Austin Water Utility.) Lowest responsive bid of three 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.
49. Authorize Amendment No. 3 to the contract with VIEUX & ASSOCIATES, INC., Norman, OK, to increase the current contract period (extension option 1) for the expansion of real-time radar rainfall services for the Watershed Protection and Development Review Department, in the amount not to exceed \$17,400; and to increase the two remaining 12-month extension options in an amount not to exceed \$34,800 per extension option, for a total revised contract amount not to exceed \$250,600. (Funding in the amount of \$17,400 is included in the Amended Fiscal Year 2003-2004 Capital Budget of the Watershed Protection & Development Review Department. Funding for the extension options is contingent upon available funding 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 amendment No. 3 to the contract was approved.
50. Authorize negotiation and execution of a 12-month service agreement with TMA SYSTEMS, Tulsa, OK, for the purchase of a Computerized Maintenance Management System in an amount not to exceed \$112,500, with two 12-month extension options to expand the program for additional licenses and maintenance in an amount not to exceed \$15,800 for the first extension option, and \$30,800 for the second extension option, for a total agreement amount not to exceed \$159,100. (Funding in the amount of \$80,000 is available in the Fiscal Year 2003-2004 Operating Budget of the Department of Aviation. Funding in the amount of \$42,500 is included in the Fiscal Year 2004-2005 Approved Operating Budget for Department of Aviation. Funding for the extension options is contingent upon available funding in future budgets.) Best proposal of ten 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. (Approved by the Airport Advisory Commission)
The motion authorizing the negotiation and execution of a service agreement was approved.
51. Authorize execution of a contract with INFORMATION STATION SPECIALISTS, Zeeland, MI, for the purchase of two portable highway advisory systems for the Transportation, Planning and Sustainability Department in the amount of \$63,160. (Funding is available in Fiscal Year 2003-2004 Approved Operating Budget of the Transportation, Planning and Sustainability Department.) Lowest bid of two bids received. This contract will be awarded in compliance with Chapter 2-9 of the City Code (Minority-Owned and Women-Owned Business Enterprise Procurement Program). No subcontracting opportunities were identified; therefore, no goals were established for this solicitation. (Related Item 52)
The motion authorizing the execution of a contract was approved.

52. Authorize execution of a contract with FENDER ENTERPRISES, Highland Village, TX, for the purchase of four portable changeable message signs including a microwave detection option for traffic control in an amount not to exceed \$58,336. (Funding in the amount of \$23,000 is available in the Fiscal Year 2001-2002 Amended Capital Budget of the Transportation, Planning and Sustainability Department and \$35,336 is available in the Fiscal Year 2003-2004 Operating Budget of the Transportation, Planning and Sustainability Department.) Lowest bid of 3 bids received. This contract will be awarded in compliance with Chapter 2-9 of the City Code (Minority-Owned and Women-Owned Business Enterprise Procurement Program). No subcontracting opportunities were identified; therefore, no goals were established for this solicitation. (Related Item 51)
The motion authorizing the execution of a contract was approved.
53. Authorize execution of a 12-month supply agreement with D.F. SALES, Channelview, TX, for the purchase of bench stock, automotive hardware items and small hydraulic parts needed for the repair and maintenance for the City's fleet of vehicles and equipment in an amount not to exceed \$52,000, with two 12-month extension options in an amount not to exceed \$52,000 per extension option, for a total agreement amount not to exceed \$156,000. (Funding in the amount of \$52,000 is included in the Fiscal Year 2004-2005 Approved Operating Budget of the Fleet Maintenance Fund of the Finance and Administrative Services Department. Funding for the extension options is contingent upon available funding in future budgets.) Lowest bid of two bids received. This contract will be awarded in compliance with Chapter 2-9 of the City Code (Minority-Owned and Women-Owned Business Enterprise Procurement Program). No subcontracting opportunities were identified; therefore, no goals were established for this solicitation.
The motion authorizing the execution of a supply agreement was approved.
54. Authorize execution of a contract through the Texas Local Government Purchasing Cooperative (BuyBoard) with FREIGHTLINER OF AUSTIN, Austin, TX, for the purchase of a delivery step van for the Emergency Medical Services Department in an amount not to exceed \$49,250. (Funding is available in the Fiscal Year 2003-2004 Operating Budget of the Emergency Medical Services Department.) Purchasing Cooperative.
The motion authorizing the execution of a contract was approved.
55. Authorize negotiation and execution of a contract with HUMMINGBIRD LTD, Toronto, Ontario, Canada, for the purchase of an enterprise document imaging and management system for the Office of the City Clerk and the Office of Vital Records-Health and Human Services Department in an amount not to exceed \$1,259,000. (Funding in the amount of \$355,000 is available in the Fiscal Year 2003-2004 Approved Capital Budget of the Health and Human Services Department; \$904,000 is included in the Fiscal Year 2004-2005 Proposed Capital Budget of Communications and Technology Management Office of the Financial and Administrative Services Department.) Best proposal of five 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.

56. 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.) **The motion authorizing the negotiation and execution of a professional services agreement was approved.**
57. Authorize negotiation and execution of a contract with CITI ARTS, Charlotte, NC, to create a Civic Arts/Public Art Downtown Master Plan in an amount not to exceed \$75,000; and in the event negotiations are unsuccessful with Citi Arts, authorize negotiation and execution of a contract with BARNEY & WORTH, INC., Portland, OR, in an amount not to exceed \$75,000. (Funding in the amount of \$75,000 is available in the Fiscal Year 2003-2004 Approved Operating Budget of the Economic Growth and Redevelopment Services Office.) Best proposal of ten 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 Art In Public Places Panel, the Austin Arts Commission, and the Austin Design Commission.) **The motion authorizing the negotiation and execution of a contract was approved.**
58. Authorize execution of a 12-month supply agreement with GULF COAST PAPER CO., INC., Austin, TX, for janitorial supplies in an amount not to exceed \$297,208, with two 12-month extension options in an amount not to exceed \$297,208 per extension option, for a total agreement amount not to exceed \$891,624. (Funding in the amount of \$297,208 is included in the Fiscal Year 2004-2005 Approved Operating Budget of various City departments. Funding for the extension options is contingent upon available funding in future budgets.) Lowest bid of six bids received. This contract will be awarded in compliance with Chapter 2-9 of the City Code (Minority-Owned and Women-Owned Business Enterprise Procurement Program). No subcontracting opportunities were identified; therefore, no goals were established for this solicitation. **The motion authorizing the execution of a supply agreement was approved.**
59. Approve an ordinance amending Section 12-4-93 of the City Code to add Martin Luther King Jr. Boulevard (East) (F.M. 969) from 448 feet east of the east frontage road of U.S. Highway 183 (Ed Bluestein Boulevard) to 95 feet east of Decker Lane (F.M. 3177) to the list of streets having a maximum construction speed limit of 40 m.p.h. in a construction zone. **Ordinance No. 040930-59 was approved.**
60. Approve an ordinance to annex for full purposes the Anderson Mill Road ROW Area (approximately 7.93 acres of Anderson Mill Rd. right-of-way located east of the intersection of Anderson Mill Road and Parmer Ln.). (Funding necessary to provide general governmental services to this tract is available in the budgets of the departments which will provide the services.) **Ordinance No. 040930-60 was approved.**

61. Approve an ordinance waiving the time limit requirement in Section 14-8-3 of the City Code for closure of Sixth Street after 8:00 p.m. on October 5, 2004 for a street event sponsored by Maggie Mae's. The street will reopen at 11:59 p.m.
Ordinance No. 040930-61 was approved.
62. Approve the issuance of a street event permit to the Italian Cultural Association to close the 400 block of W. 4th Street and 400 block of San Antonio for a fee-paid event on October 3, 2004, beginning at 6:00 a.m. and extending through 11:59 p.m.
The motion authorizing the issuance of a street event permit was approved.
63. Approve negotiation and execution of an Amendment with the Federal Emergency Management Agency Cooperating Technical Community Memorandum of Agreement for the production of floodplain data and maps for several watersheds located in the City of Austin for an amount not to exceed \$702,500. (Funding in the amount of \$702,500 is included in the Fiscal Year 2003-2004 Amended Capital Budget of the Watershed Protection and Development Review Department.)
The motion authorizing the negotiation and execution of an amendment was approved.
64. Board and Commission appointments.
The following appointments were made.

<u>Board/ Appointee</u>	<u>Consensus/ Council Nominee</u>	<u>Appointment/ Reappointment</u>
<u>Airport Advisory Commission</u>		
Hannah Riddering	Consensus	Reappointment
<u>Animal Advisory Commission</u>		
Jan Fulton	Mayor Pro Tem Goodman's	Reappointment
Amy Ann Kasprisin	Mayor Wynn's	Appointment
Cathy Olive (Travis County Commissioner's Rep.)	Consensus	Reappointment
<u>Commission on Immigrant Affairs</u>		
Leo Anchondo	Consensus	Reappointment
<u>Downtown Commission</u>		
Andrew Clements (Urban Transportation Commission Rep.)	Consensus	Reappointment
Chris Riley (Planning Commission Rep.)	Consensus	Reappointment
<u>Electrical Board</u>		
Steven Pomikahl	Council Member McCracken's	Reappointment
<u>Mechanical, Plumbing and Solar Board</u>		
Gerardo Garza	Consensus	Reappointment
<u>Mental Health-Mental Retardation Center Board of Trustees</u>		
Robert Chapa, Jr.	Consensus	Appointment
Toni Inglis	Consensus	Reappointment

Resource Management Commission

Carole Barron

Council Member McCracken's

Reappointment

65. Authorize payment of certain costs associated with the Mexican Independence Day Parade held on September 18, 2004. (Council Member Raul Alvarez, Mayor Will Wynn, and Council Member Betty Dunkerley)
The motion authorizing the payment of certain costs associated with the Mexican Independence Day was approved.
66. Authorize payment of certain costs associated with the Marathon Kids Run held September 18, 2004. (Mayor Will Wynn, Mayor Pro Tem Jackie Goodman, and Council Member Raul Alvarez)
The motion authorizing the payment of certain costs associated with the Marathon Kids Run was approved.
67. Set public hearings for the full purpose annexation of the following areas: **Coldwater Areas** (Approximately 110.6 acres located in Travis County southwest of FM 2222 at the intersection of FM 2222 and City Park Road); **Ferguson Cutoff Area** (Approximately 98.7 acres located in Travis County south of US Highway 290 East at the intersection of US Highway 290 East and Springdale and at the intersection of US Highway 290 East and Ferguson Cutoff); and **Avery Ranch Areas**: **Tract One:** Avery Ranch East Phase Two, Section One (Approximately 32.902 acres in Williamson County north of the intersection of Avery Ranch Blvd and Lisi Anne Drive); **Tract Two:** Round Rock ISD School Tract Avery Ranch East (Approximately 14.097 acres in Williamson County north of Avery Ranch Blvd between Lisi Anne Drive and Indina Hills Drive). **Tract Three:** Avery South Section Two Phase Two (Approximately 19.518 acres in Williamson County south of the intersection of Castle Pines Drive and Fernhill Drive); **Tract Four:** Resubdivision Plat of Lot 1 Block "B" of the Amended Plat of the Golf Club at Avery Ranch (Approximately 5.215 acres in Williamson County west of Indina Hills Drive and north of the intersection of Indina Hills Drive and Avery Ranch Blvd); **Tract Five:** Avery South Section Two Block H Lots 1 and 2, Block M Lots 18, 29, 30 and 31 (Approximately 0.693 acres in Williamson County south of the intersection of Pasatiempo Drive and Edenderry Drive). (Suggested dates and times: October 21, 2004 at 6:00 p.m., Lower Colorado River Authority Hancock Building; and October 28, 2004 at 6:00 p.m., Lower Colorado River Authority Hancock Building).
The public hearings were set for October 21, and 28, 2004 at 6:00 p.m., Lower Colorado River Authority Hancock Building.
68. Set public hearings for the full purpose annexation of Pearce Lane/Ross Road Municipal Annexation Plan Area (Approximately 277 acres located southeast Travis County, approximately one and one quarter miles east of the intersection of FM 973 and Pearce Lane). (Suggested dates and times: October 18, 2004 at 6:30 p.m. at the Del Valle Independent School District Junior High School, 5500 Ross Road. October 21, 2004 at 6:00 p.m., Lower Colorado River Authority Hancock Building; and October 28, 2004 at 6:00 p.m., Lower Colorado River Authority Hancock Building).
The public hearings were set for October 18, 2004 at 6:30 p.m. at the Del Valle Independent School District Junior High School, 5500 Ross Road and October 21, and 28, 2004 at 6:00 p.m., Lower Colorado River Authority Hancock Building.

69. Set public hearings for the limited purpose annexation of the Goodnight Ranch Area (Approximately 760.515 acres located in Travis County east of Old Lockhart Highway approximately one tenth of a mile east of the intersection of Slaughter Lane and Old Lockhart Highway). (Suggested dates and times: October 21, 2004 at 6.p.m., Lower Colorado River Authority Hancock Building; and October 28, 2004 at 6.p.m., Lower Colorado River Authority Hancock Building).
The public hearings were set for October 21, and 28, 2004 at 6:00 p.m., Lower Colorado River Authority Hancock Building.
70. Set a public hearing on recommendations regarding redevelopment in the Rainey Street Subdistrict of the Waterfront Overlay District, including initiation of appropriate amendments to City development regulations. (Suggested date and time: October 21, 2004, 6:00 p.m. Lower Colorado River Authority, Hancock Building) (Recommended by Downtown Commission, Parks Board and Planning Commission; To be reviewed by Historic Landmark Commission on September 27, 2004 and by Zoning and Platting Commission on October 5, 2004.)
The public hearing was set for October 21, 2004, 6:00 p.m., Lower Colorado River Authority, Hancock Building.
71. Set a public hearing on an appeal by Susana Almanza and Sylvia Herrera of the Planning Commission's decision to approve a conditional use permit for on-site parking for the Austin Community College Eastview Campus, located at 3401 Webberville Road. (Suggested date and time: October 7, 2004, at 6:00 p.m., Lower Colorado River Authority, Hancock Building) (Approved by the Planning Commission.)
The public hearing was set for October 7, 2004, at 6:00 p.m., Lower Colorado River Authority, Hancock Building.
72. Set a public hearing on an appeal by Irma Arrieta of the Zoning and Platting Commission's decision to deny a conditional use permit for day care services (General Use) at 308 West William Cannon (Suggested date and time: October 7, 2004, at 6:00 p.m., Lower Colorado River Authority, Hancock Building) (Denied by the Zoning and Platting Commission on August 3, 2004 (8-0))
The public hearing was set for October 7, 2004, at 6:00 p.m., Lower Colorado River Authority, Hancock Building.

Items 73 through 80 were Executive Session items.

Items 81 through 82 were action on Executive Session items.

Item 83 was bond sales 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 84 through 93 and Z-1 through Z-8 were Zoning items.

Items 94 through 105 were public hearings set for 6:00 p.m.

Mayor Wynn recessed the Council Meeting to go into Executive Session at 10:58 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

73. Discuss legal issues regarding amendments to Chapters 25, 2 and 11 of the City Code and the repeal of certain provisions of Chapter 2 of the City Code relating to the Historic Landmark Commission, ad valorem tax exemptions and abatements, historic landmarks, historic area combining districts and historic sign districts, and building demolition and relocation permits. (Related Item 94)
This item was postponed to October 28, 2004.
74. Discuss legal issues related to implementation of the Travis County Hospital District.
This item was withdrawn.
77. Discuss legal issues relating to *City of Sunset Valley, et al. v. City of Austin, et. al.*, Cause No. GV400101, in the 53rd Judicial District Court of Travis County, Texas (concerns a challenge to the Garza Brodie agreement by which the Lowe's litigation was resolved.)
This item was withdrawn.
78. Discuss legal issues regarding the terms of a lease, irrigation, and maintenance agreement between Northwest Travis County Municipal Utility District No. 2, Balcones Country Club Membership Association, Inc., and Technology Hydraulics, Inc.
This item was postponed to October 7, 2004.

Real Property - Section 551.072

80. Discuss terms of sale for the Mueller site (former Robert Mueller Municipal Airport) to Catellus Austin, L.L.C. and the legal services agreement with Thompson & Knight, L.L.P. (Related Item 21)
This item was withdrawn.

The Mayor announced that Council would discuss item number 7 on the regular agenda during Executive Session.

Executive Session ended and Mayor Wynn called the Council Meeting back to order at 12:02 p.m.

CITIZEN COMMUNICATIONS: GENERAL

Megan Meisenbach - Tract 40 - Zoning - 1230 W. MLK

Jake Billingsley - Civil Right Violation - Loss of Low Income Housing in Clarksville - Stolen Election

Beau Harris - ACTV Operations

Paul Bond - American Youthworks Art Corps Students taking care of public art

Pat Johnson - Channel 6 & The Police Department

Jennifer L. Gale - A brand new City Hall, Civic Center, Performing Arts, A.I.S.D. Performing Arts, Robin Hood, 42 Thousand APD starting salary, Hospital District, Centra Library and Commuter/Light Rail - If a Taxpayer screamed in Austin would anyone listen?

Richard Troxell - Homeless Issues

Don Toner - The Arts Funding

Latifah Taormina - The Arts Funding

Joe Quintero - Restore the Land Owners Voice in The City of Austin Neighborhood Planning Teams Process. Council Must Approve Programs/Grants for People who live in Neighborhoods where Gentrification is Occuring to Offset Imbalance Which is Being Felt Today! **He was not present when his name was called.**

Mayor Wynn recessed the Council Meeting to go into Executive Session at 12:30 p.m.

EXECUTIVE SESSION CONTINUED

The Mayor announced that Council would discuss item number 37 on the regular agenda during Executive Session.

75. Discuss legal issues in Cause No. GN3-00901; *Ryan-O Excavating, Inc, v. City of Austin v. Bankers Insurance Company, et al.*, in the 53rd Judicial District Court of Travis County, Texas. (concerns the Barton Springs Road utility construction project)

79. Discuss legal issues related to Collective Bargaining negotiations with the Austin Association of Professional Fire Fighters. (Related Item 82)

Executive Session ended and Mayor Wynn called the Council Meeting back to order at 2:17 p.m.

DISCUSSION ITEMS

7. Authorize negotiation and execution of a contract with Austin Music Partners, Inc. to manage, program, and operate, as the City's designee, a full-time channel for the exhibition of programming concerning Austin music. (Reviewed September 23, 2004, by the Telecommunications Infrastructure Committee.)
The motion authorizing the negotiation and execution of a contract was approved on Council Member Dunkerley's motion, Council Member Alvarez' second on a 7-0 vote. Staff was directed to provide any changes to the Telecommunications Commission and provide a copy of the signed contract to the City Council.

Bond Sales

83. Approve an ordinance authorizing the issuance of City of Austin, Texas, Water and Wastewater System Revenue Refunding Bonds, Series 2004, in the amount of \$180,000,000 and all related documents. (\$7,697,406 estimated in the first year debt service requirement and \$600 annual fee for the paying agent/registrar will be included in the 2004-2005 Proposed Budget of the Utility Revenue Bond Redemption Fund.)
Ordinance No. 040930-83, Water and Wastewater System Revenue Refunding Bonds Series 2004A in the amount of \$165,145,000 was approved on Council Member Alvarez' motion, Council Member Slusher's second on a 7-0 vote.

DISCUSSION ITEMS CONTINUED

23. Authorize the negotiation and execution of a new 12-month contract with the AUSTIN REVITALIZATION AUTHORITY (ARA), Austin, TX, for ARA's operational expenses to continue implementation of the East 11th and East 12th Street Redevelopment Program in an amount not to exceed \$275,000, contingent upon receipt of a final and approved audit for ARA's previous fiscal year, including four one-year contract extensions in amounts not to exceed: \$275,000 for year two, \$250,000 for year three, \$225,000 for year four, and \$125,000 for year five for a total contract amount not to exceed \$1,150,000. (Funding is available in Fiscal Year 2003-2004 Neighborhood Housing and Community Development Office 29th Year Community Development Block Grant, East 11th and 12th Streets Redevelopment Program. Funding is subject to Environmental Review and Fund Release and future funds are based on funding availability. There is no unanticipated fiscal impact.)
The motion authorizing the negotiation and execution of a new contract was approved on Council Member Thomas' motion, Council Member Slusher's second on a 7-0 vote.

BOARD OF DIRECTORS MEETING OF AUSTIN HOUSING FINANCE CORPORATION.

Mayor Wynn recessed the Council Meeting at 3:00 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 3:10 p.m.

DISCUSSION ITEMS CONTINUED

37. Authorize negotiation and execution of a professional services agreement with CONSTRUCTION TECHNOLOGY LABORATORIES, INC., Skokie, IL, for forensic engineering services for the evaluation of the Austin Bergstrom International Airport Parking Garage in an amount not to exceed \$300,000. (Funding is available in the Fiscal Year 2003-2004 Amended Capital Budget of the Aviation Department.) Best qualification statement of two received. No subcontracting opportunities were identified; therefore no MBE/WBE goals were established pursuant to Chapter 2-9 of the City Code (Minority-Owned and Women-Owned Business Enterprise Procurement Program.)
The motion authorizing the negotiation and execution of a professional services agreement was approved on Council Member Alvarez' motion, Council Member Dunkerley's second on a 6-0 vote. Mayor Pro Tem Goodman was off the dais.
82. Approve a resolution recognizing the Austin Association of Professional Fire Fighters, Local 975 of the International Association of Fire Fighters, as the exclusive bargaining agent for Austin Fire Department Firefighters for collective bargaining, and declaring that collective bargaining is in effect for the Austin Fire Department firefighters.(Related Item 79)
Resolution No. 040930-82 was approved on Council Member Thomas' motion, Council Member McCracken's second on a 6-0 vote. Mayor Pro Tem Goodman was off the dais.

Mayor Wynn recessed the Council Meeting to go into Executive Session at 3:27 p.m.

EXECUTIVE SESSION CONTINUED

76. Discuss legal issues in Cause No. A-04-CA-016-LY, *I.F.B. and Jane Doe v. Freddie Urias and the City of Austin*, in the United States District Court, Western District, Austin Division (concerns the City's liability for alleged employee misconduct) (Related Item 81)

Executive Session ended and Mayor Wynn called the Council Meeting back to order at 4:20 p.m.

Action on Executive Session

81. Approve a settlement in Cause No. A-04-CA-016-LY, *I.F.B. and Jane Doe v. Freddie Urias and the City of Austin*, in the United States District Court, Western District, Austin Division (concerns the City's liability for alleged employee misconduct)(Related Item 76)
The motion authorizing a settlement in the amount of \$650,000 was approved on Council Member McCracken's motion, Mayor Pro Tem Goodman's second on a 7-0 vote.

ZONING CONSENT ITEMS

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

88. C14-04-0098 - Burnet Crossing - Approve second/third readings of an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 5320 Burnet Road (Shoal Creek Watershed) from general commercial services (CS) district zoning to commercial liquor sales (CS-1) district zoning. First reading on August 26, 2004. Vote: 7-0. Conditions met as follows: No conditions were imposed by Council on first ordinance reading. Applicant: W-D Enterprises (Milford Desenberg). Thrower Design (Ron Thrower). City Staff: Glenn Rhoades, 974-2775.
Ordinance No. 040930-88 was approved.

89. C14-03-0125 - Wagner Tract - Approve second/third readings of an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 13801-14409 North IH-35 Service Road North Bound (Walnut Creek Watershed) from single family residence standard lot (SF-2) district zoning to general commercial services (CS-CO) combining district zoning. First reading on June 17, 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: Karl B. Wagner, Jr., Mary Ella Wagner Jones, and JP Morgan Chase Bank (Terry Anderson, Trust Officer). Agent: Doucet & Associates, Inc. (Carol M. Stewart). City Staff: Sherri Gager, 974-3057.
This item was postponed to December 2, 2004.

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 Thomas' motion, Mayor Pro Tem Goodman's second on a 7-0 vote.

- Z-1 C14-04-0105 - 8708 Congress Avenue - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 8706 and 8708 South Congress Avenue (Onion Creek Watershed) from development reserve (DR) district zoning to general commercial services (CS) district zoning. Zoning and Platting Commission Recommendation: To grant general commercial services-conditional overlay (CS-CO) combining district zoning. Applicant: Pennington Limited Partnership (Donald Ward Pennington). Agent: Pennington Limited Partnership (Kay Batson). City Staff: Wendy Walsh, 974-7719.
Ordinance No. 040930-Z-1 for general commercial services-conditional overlay (CS-CO) combining district zoning was approved.
- Z-2 C14-04-0110 - South First Mixed Use - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 2906 and 2908 South First Street (West Bouldin Creek Watershed) from neighborhood commercial (LR) district zoning and community commercial (GR) district zoning to community commercial-mixed use (GR-MU) combining district zoning. Zoning and Platting Commission Recommendation: To grant community commercial-mixed use-conditional overlay (GR-MU-CO) combining district zoning. Applicant: Tranquility Base, L.P. by Szeto Brothers Ventures, LLC (Nam and Gong Szeto). Agent: MJ Neal Architect (Viviane Vives). City Staff: Robert Heil, 974-2330.
Ordinance No. 040930-Z-2 for community commercial-mixed use-conditional overlay (GR-MU-CO) combining district zoning was approved.

- Z-3 C14-04-0074 - Onion Creek Commercial Park - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by zoning property locally known as 11301 South IH-35 (Onion Creek Watershed) from interim-rural residence (I-RR) district zoning to community commercial (GR) district zoning for Tract 1; commercial-liquor sales (CS-1) district zoning for Tract 2; and townhouse & condominium residence (SF-6) district zoning for Tract 3. Zoning and Platting Commission Recommendation: To grant community commercial-conditional overlay (GR-CO) combining district zoning for Tract 1; commercial-liquor sales-conditional overlay (CS-1-CO) combining district zoning for Tract 2; and townhouse & condominium residence (SF-6) district zoning for Tract 3, with conditions. Applicant: Lumbermen's Investment Corp. (Robert M. Mann). Agent: Vaughn & Associates, Inc. (Rick Vaughn). City Staff: Wendy Walsh, 974-7719.
Ordinance No. 040930-Z-3 for community commercial-conditional overlay (GR-CO) combining district zoning for Tract 1; commercial-liquor sales-conditional overlay (CS-1-CO) combining district zoning for Tract 2; and townhouse & condominium residence (SF-6) district zoning for Tract 3, with conditions was approved.
- Z-5 C14-04-0121 - North Fork Plaza - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 13945 U.S. Highway 183 North (Lake Creek Watershed) from community commercial (GR) district zoning and development reserve (DR) district zoning to community commercial (GR) district zoning. Zoning and Platting Commission Recommendation: To grant community commercial (GR) district zoning. Applicant: Capital Area Management (Max Kuykendall). Agent: Holford Group (Duane Hutson). City Staff: Sherri Gager, 974-3057.
Ordinance No. 040930-Z-5 for community commercial (GR) district zoning was approved.
- Z-6 C14-04-0102 - Eskew Place Commercial - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 3512-3610 South Lamar Boulevard (West Bouldin Creek and Barton Creek Watersheds-Barton Springs Zone) from single family residence standard lot (SF-2) district zoning to general commercial services-mixed use (CS-MU) combining district zoning. Zoning and Platting Commission Recommendation: To grant community commercial-mixed use-conditional overlay (GR-MU-CO) combining district zoning. Applicant and Agent: Eskew Place Ltd. (Marcus Whitfield). City Staff: Wendy Walsh, 974-7719.
This item was postponed to October 21, 2004.

ZONING DISCUSSION ITEMS

84. Approve an ordinance amending Ordinance No. 040826-56, which adopted the Central Austin Combined Neighborhood Plan as an element of the Austin Tomorrow Comprehensive Plan, to establish a land use designation on the future land use map for the following properties: 1007 W 22nd Street; 1919 Robbins Place; 0 (LOT 5 OLT 13 DIV E LAMAR AT 19TH), 1230-1232 W. Martin Luther King Jr. Blvd.; 2307 (S 23.3 FT LOT 3 OLT 37 DIV D LOUIS HORST SUBD), 2309 (N 46.7 FT LOT 3 OLT 37 DIV D LOUIS HORST SUBD) Rio Grande St.; 2209, 2301 Shoal Creek Blvd.; 2305, 2307 Longview Street; 3100, 3102, 3106 King Street and 3105 Kings Lane; and 3403, 3405, 3407 Hampton Rd. and 3406 Red River St. (There is no fiscal impact associated with amending the Central Austin Combined Neighborhood Plan. 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 85, 86)

A portion of tract 34, 1007 W. 22nd St. and tract 35, 1919 Robins Pl, were postponed to December 2, 2004 on Mayor Pro Tem Goodman's motion, Mayor Wynn's second on a 7-0 vote.

Tract 40, 0 MLK and 1230-1232 W Martin Luther King Jr. Blvd., was postponed to October 7, 2004 on Council Member Dunkerley's motion, Council Member McCracken's second on a 7-0 vote.

Tract 44, 2209 and 2301 Shoal Creek, was postponed to October 7, 2004 on Mayor Pro Tem Goodman's motion, Council Member Thomas' second on a 7-0 vote.

Tract 49, 2307 Longview St. and 2305 Longview, was postponed to October 7, 2004 on Mayor Pro Tem Goodman's motion, Council Member Thomas' second on a 6-0 vote. Council Member Slusher was off the dais.

Tract 80A, 2307 Rio Grande and 2309 Rio Grande St, was postponed to October 7, 2004 on Mayor Pro Tem Goodman's motion, Council Member Thomas second on a 6-0 vote. Council Member Slusher was off the dais.

The third reading to declare Tract 204, 3106 King St and 3105 King Ln., 3102 King St and 3100 King St, High-Density Single-Family land use was approved on Mayor Pro Tem Goodman's motion, Mayor Wynn's second on a 7-0 vote.

Tract 2104 A, 3403 Hampton Rd, Tract 2104B, 3407 Hampton Rd. and Tract 2104C, 3405 Hampton Rd. and 3406 Red River St. were postponed to October 21, 2004 on Council Member McCracken's motion, Mayor Pro Tem Goodman's second on a 7-0 vote.

85. C14-04-0021 (Part)- 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 rezoning property locally known as 1007 West 22nd Street (Tract 34), 1919 Robbins Place (Tract 35), 0 (Lot 5 Olt. 13 Div. E, Lamar Blvd. at W. 19th St.) and 1230-1232 West Martin Luther King Jr. Blvd. (Tract 40), 2209 and 2301 Shoal Creek Blvd. (Tract 44), 2305 and 2307 Longview St. (Tract 49), 2307 (S. 23.3 Ft. of Lot 3 Olt. 37 Div. D Louis Horst Subdivision) and 2309 (N.46.7 Ft. Lot 3 Olt. 37 Div. D Louis Horst Subdivision) Rio Grande Street (Tract 80A) and 3100, 3102, 3106 King St. and 3105 Kings Lane (Tract 204). The proposed change will create a Neighborhood Plan (NP) combining district. Under the proposed West University NP. "Small Lot Amnesty", "Garage Placement", "Front Porch Setback", "Impervious Cover and Parking Placement Restrictions" and "Front or Side Yard Restrictions" may apply. City Council may approve a zoning change from family residence (SF-3) district zoning, multifamily residence low density (MF-2) district zoning, multifamily residence medium density (MF-3) district zoning, multifamily residence moderate high density (MF-4) district zoning and general office (GO) district zoning to family residence-conditional overlay-neighborhood plan (SF-3-CO-NP) combining district zoning, multifamily residence moderate high density-conditional overlay-neighborhood plan (MF-4-CO-NP) combining district zoning, general office-mixed use-conditional overlay-neighborhood plan (GO-MU-CO-NP) combining district zoning, and general office-neighborhood plan (GO-NP) district zoning. First reading on June 10, 2004. Vote: 7-0. Second Reading on August 5, 2004. Vote: 7-0. 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 zoning request. (Related Items 84, 86)

A portion of tract 34, 1007 W. 22nd St. and tract 35 1919 Robins Pl, were postponed to December 2, 2004 on Mayor Pro Tem Goodman's motion, Mayor Wynn's second on a 7-0 vote.

Tract 40, 0 MLK and 1230-1232 W Martin Luther King Jr. Blvd., was postponed to October 7, 2004 on Council Member Dunkerley's motion, Council Member McCracken's second on a 7-0 vote.

Tract 44, 2209 and 2301 Shoal Creek, was postponed to October 7, 2004 on Mayor Pro Tem Goodman's motion, Council Member Thomas' second on a 7-0 vote.

Tract 49, 2307 Longview St. and 2305 Longview, was postponed to October 7, 2004 on Mayor Pro Tem Goodman's motion, Council Member Thomas' second on a 6-0 vote. Council Member Slusher was off the dais.

Tract 80A, 2307 Rio Grande and 2309 Rio Grande St., was postponed to October 7, 2004 on Mayor Pro Tem Goodman's motion, Council Member Thomas second on a 6-0 vote. Council Member Slusher was off the dais.

The third reading to declare a portion of Tract 204, 3106 King St and 3105 King Ln., 3102 King St and 3100 King St, as SF-5-CO-NP with a height limit of 30' and a maximum of 8 units, was approved on Mayor Pro Tem Goodman's motion, Mayor Wynn's second on a 7-0 vote. Staff was directed to research historic zoning for the cottages on 3100, 3102, 3104 and 3106 King Street. Instigate a rezoning and plan amendment for 3104 King Street to Single-Family High-Density and SF-5-CO-NP (30' height limit).

86. C14-04-0023 (Part) - Central Austin Combined Neighborhood Plan (Hancock Neighborhood) rezoning - Approve third reading of an ordinance amending Chapter 25-2 of the Austin City Code by rezoning 3403, 3405, 3407 Hampton Avenue and 3406 Red River Street (Tract 2104A). The proposed change will create a Neighborhood Plan (NP) combining district. City Council may approve a zoning change from single family residence standard lot-conditional overlay (SF-2-CO) combining district zoning and family residence (SF-3) district zoning to multifamily residence highest density-conditional overlay (MF-6-CO) combining district zoning. Council on second ordinance reading approved single family standard lot-conditional overlay (SF-2-CO) combining district zoning. First reading on June 10, 2004. Vote: 7-0. Second reading on August 5, 2004. Vote: 7-0. Applicant: City of Austin. Agent: Neighborhood Planning and Zoning Department. City Staff: Tom Bolt, 974-2755 and Glenn Rhoades, 974-2775. Note: A valid petition has been filed in opposition to this zoning request. (Related Items 84, 85)
Tract 2104 A, 3403 Hampton Rd, Tract 2104B, 3407 Hampton Rd. and Tract 2104C, 3405 Hampton Rd. and 3406 Red River St. were postponed to October 21, 2004 on Council Member McCracken's motion, Mayor Pro Tem Goodman's second on a 7-0 vote.
- Z-4 C14-04-0123 - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 5524 U.S. Highway 290 West (Barton Creek Watershed -Barton Springs Zone) from development reserve (DR) district zoning to general commercial services (CS) district zoning. Zoning and Platting Commission Recommendation: To grant general commercial services-conditional overlay (CS-CO) combining district zoning. Applicant: 5524 Investors, L.P. (Keith Pool). Agent: Jim Bennett Consulting (Jim Bennett). City Staff: Robert Heil, 974-2330.
The public hearing was closed and first reading of the ordinance for general commercial services-conditional overlay (CS-CO) combining district zoning was approved on Mayor Pro Tem Goodman's motion, Mayor Wynn's second on a 6-0 vote. Council Member Thomas was off the dais.

Mayor Wynn recessed the Council Meeting at 5:28 p.m.

LIVE MUSIC

Pauline Reese

PROCLAMATIONS

Proclamation - City of Austin Combined Charities Campaign Kick-Off - to be presented by Mayor Will Wynn and to be accepted by Juan Garza and Sondra Creighton

Proclamation - Herb Awareness Month - to be presented by Mayor Will Wynn and to be accepted by Cindy Boyle

Proclamation - Visual Arts Month - to be presented by Mayor Will Wynn and to be accepted by Kay Martin

Proclamation - 15th Annual National Alcohol and Drug Recovery Month - to be presented by Council Member Danny Thomas and to be accepted by Ben Ogbodiegwu

Proclamation - National Immunization Awareness Week - to be presented by Mayor Pro Tem Jackie Goodman and to be accepted by David Lurie

Distinguished Service Award In Memoriam Lance Corporal Nicholas Perez - to be presented by Mayor Will Wynn and to be accepted by Yolanda Valdez-Perez and Samuel Valdez

Mayor Wynn called the Council Meeting back to order at 6:30 p.m.

ZONING DISCUSSION ITEMS CONTINUED

- Z-8 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 November 18, 2004 on Mayor Pro Tem Goodman's motion, Council Member Dunkerley's second on a 5-0 motion. Council Members Alvarez and Thomas were off the dais.

87. C14-03-0049 - House of Tutors - Approve second/third readings of an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 2400 Pearl Street (Shoal Creek Watershed) from general-office-mixed use (GO-MU) district zoning to general commercial services-mixed use-conditional overlay (CS-MU-CO) combining district zoning and multifamily residence highest density-conditional overlay (MF-6-CO) combining district zoning. First reading on June 20, 2004. Vote: 4-3, Mayor Wynn, Mayor Pro Tem Goodman and Alvarez - nay. Conditions met as follows: Conditional Overlay incorporates the conditions imposed by Council on first ordinance reading with conditions. Applicant: House of Tutors Inc. (Hussain Malik). Agent: Holland Architecture (Jimmy Holland). City Staff: Glenn Rhoades, 974-2775. Note: A valid petition has been filed in opposition to this rezoning request.

The motion to deny the request was approved on Council Member McCracken's motion, Council Member Alvarez' second on a 7-0 vote.

90. C14-04-0072 - Powerhouse Lounge - Approve second reading of an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 515 Pedernales Street and 2507 E. 6th Street (Town Lake Watershed) from commercial liquor sales-mixed use-conditional overlay-neighborhood plan (CS-1-MU-CO-NP) combining district zoning to general commercial services-mixed use-conditional overlay-neighborhood plan (CS-MU-CO-NP) combining district zoning. First reading on July 29, 2004. Vote: 7-0. Conditions met as follows: No conditions were imposed by Council on first ordinance reading. Applicant: City of Austin. Agent: Neighborhood Planning and Zoning Department (Glenn Rhoades). City Staff: Glenn Rhoades, 974-2775. Note: The property owner has filed a valid petition in opposition to this rezoning request. **There was a motion to postpone action until December 2, 2004 and direct staff to conduct a land use study of the area. This motion was made by Council Member Alvarez and seconded by Council Member Slusher.**

There was a substitute motion to deny the zoning request and direct staff to conduct a land use study of the area and to check with the Police Department to determine the number of calls to this establishment. This was approved on Council Member McCracken's motion, Council Member Thomas' second on a 7-0 vote.

91. C14-04-0012.001 (PART) - Brentwood/Highland Neighborhood Plan - Approve third reading of an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as part of Tract 15b, 5602 Clay Avenue (Shoal Creek Watershed) from general commercial services-neighborhood plan combining district (CS-NP) to neighborhood commercial-mixed use-conditional overlay-neighborhood plan (LR-MU-CO-NP) combining district zoning. First reading on March 25, 2004. Vote: 7-0. Second reading on May 13, 2004. Vote: 7-0. Conditions met as follows: Conditional Overlay incorporates the conditions imposed by Council on second ordinance reading. Applicant: City of Austin. Agent: Neighborhood Planning & Zoning Department. Property Owner: Mark Cashman. City Staff: Annick Beaudet, 974-2975. Note: A valid petition has been filed by the property owner in opposition to this rezoning request. **Ordinance No. 040930-91 for LO-NP was approved on Council Member Dunkerley's motion, Council Member McCracken's second on a 7-0 vote.**
92. C14-03-0157 - Harris Ranch - Approve third reading 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. First reading on June 24, 2004. Vote: 7-0. Second reading on August 26, 2004. Vote: 7-0. Conditions met as follows: Conditional Overlay and Restrictive Covenant incorporates the conditions imposed or accepted by City Council at second 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. **Ordinance No. 040930-92 for 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 was approved on Council Member Slusher's motion, Council Member Alvarez' second on a 7-0 vote.**

93. C14-04-0060 - Walgreens - Approve second/third readings of an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 2409 South Lamar Boulevard and 0 Bluebonnet Lane (2.18 acres out of the Isaac Decker League and also being a portion of Lots 4 and 6, Theodore Low Heights, a subdivision of record in Travis County, Texas) (West Bouldin Creek Watershed) from family residence (SF-3) district zoning and general commercial services (CS) district zoning to neighborhood commercial-conditional overlay (LR-CO) combining district zoning for Tract 1 and limited office (LO) district zoning for Tract 2, with conditions. First reading on September 2, 2004. Vote: 6-1, McCracken - Nay. Conditions met as follows: Conditional Overlay and Restrictive Covenant incorporates the conditions imposed or accepted by City Council at first ordinance reading. Applicant: Gene Charlesworth Payne. Agent: Drenner Stuart Wolff Metcalfe von Kreisler, L.L.P. (Michele Haussmann). City Staff: Wendy Walsh, 974-7719.
Ordinance No. 040930-93 for neighborhood commercial-conditional overlay (LR-CO) combining district zoning for Tract 1 and limited office (LO) district zoning for Tract 2, with conditions was approved on Council Member Thomas' motion, Council Member Alvarez' second on a 7-0 vote.
94. Conduct a public hearing and approve an ordinance amending Chapters 2-1, 11-1, 25-2, 25-3, 25-6, 25-10, and 25-11 of the City Code relating to the Historic Landmark Commission, ad valorem tax exemptions and abatements, historic landmarks, historic area combining districts and historic sign districts, and building demolition and relocation permits; and repealing Sections 2-1-292 and 2-1-295 of the City Code. (Reviewed by Historic Landmark Commission; to be reviewed by Planning Commission on July 27, 2004.) (Related Item 73)
This item was postponed to October 28, 2004 on Council Member Dunkerley's motion, Mayor Pro Tem Goodman's second on a 7-0 vote.

DISCUSSION ITEM

106. Approve the waiver of the subdivision application fee associated with an application that includes the following property: 3403, 3405, and 3407 Hampton Road and 3406 Red River. (Council Member Betty Dunkerley and Mayor Will Wynn)
This item was postponed to October 21, 2004 on Council Member Dunkerley's motion, Mayor Wynn's second on a 7-0 vote.

ZONING DISCUSSION ITEM CONTINUED

- Z-7 C14-04-0012.003 - Brentwood/Highland Combined Neighborhood Plan rezoning (PART) - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 6208 Burns Street (Waller Creek Watershed) from multi-family residence medium density-neighborhood plan (MF-3-NP) combining district zoning to community commercial-mixed use-conditional overlay-neighborhood plan (GR-MU-CO-NP) combining district zoning. Planning Commission Recommendation: To grant community commercial-mixed use-conditional overlay-neighborhood plan (GR-MU-CO-NP) combining district zoning. Applicant: City of Austin. Agent: Neighborhood Planning & Zoning Department. City Staff: Annick Beaudet, 974-2975. Note: A valid petition has been filed in opposition to this rezoning request. (continued from 8/12/04)
The public hearing was closed on Council Member Alvarez' motion, Mayor Wynn's second on a 7-0 vote.

The motion to deny the zoning and direct staff to bring forward a change to the Future Land Use Map to match the zoning that exists today was made by Council Member Slusher and seconded by Mayor Pro Tem Goodman.

The substitute motion to postpone action on this item to October 21, 2004 was approved on Council Member Slusher's motion, Mayor Pro Tem Goodman's second on a 7-0.

PUBLIC HEARINGS AND POSSIBLE ACTION

95. Conduct a public hearing for the full purpose annexation of the U.S. 290 / Ed Bluestein ROW Area (Approximately 16 acres in Travis County at the southeast corner of the intersection of US Highway 290 East and Ed Bluestein).
The public hearing was closed on Mayor Pro Tem Goodman's motion, Mayor Wynn's second on a 7-0 vote.
96. Conduct a public hearing for the full purpose annexation of the Alum Rock ROW Area (Approximately 1.3 acres of Alum Rock right-of-way in Travis County approximately 655 feet south of the intersection of Colton Bluff Springs and Alum Rock and 175 feet north of the intersection of Thaxton and Alum Rock). (Related Items 97, 98, 99, 100, 101, 102, 103, 104, 105)
The public hearing was closed on Mayor Pro Tem Goodman's motion, Mayor Wynn's second on a 7-0 vote.
97. Conduct a public hearing on the full purpose annexation of the Burleson Road ROW Area (Approximately 6 acres of Burleson Road right-of-way in Travis County east of the intersection of Burleson Road and US Highway 183). (Related Items 96, 98, 99, 100, 101, 102, 103, 104, 105)
The public hearing was closed on Mayor Pro Tem Goodman's motion, Mayor Wynn's second on a 7-0 vote.
98. Conduct a public hearing for the full purpose annexation of the Canyon Creek West 50 foot strip Area (Approximately 1 acre in Travis County east of FM 620 approximately 1,400 feet south of the intersection of Boulder Lane and FM 620). (Related Items 96, 97, 99, 100, 101, 102, 103, 104, 105)
The public hearing was closed on Mayor Pro Tem Goodman's motion, Mayor Wynn's second on a 7-0 vote.
99. Conduct a public hearing for the full purpose annexation of the Dessau Road ROW Area (Approximately 5.3 acres of Dessau Road right-of-way in Travis County north of the intersection of Dessau Road and Parmer Lane and south of the intersection of Dessau Road and Bradbury). (Related Items 96, 97, 98, 100, 101, 102, 103, 104, 105)
The public hearing was closed on Mayor Pro Tem Goodman's motion, Mayor Wynn's second on a 7-0 vote.
100. Conduct a public hearing for the full purpose annexation of the Market at Wells Branch Area (Approximately 0.5 acres in Travis County south of Wells Branch Parkway and west of Howard Lane at the intersection of Wells Branch Parkway and Howard Lane). (Related Items 96, 97, 98, 99, 101, 102, 103, 104, 105)
The public hearing was closed on Mayor Pro Tem Goodman's motion, Mayor Wynn's second on a 7-0 vote.

101. Conduct a public hearing for full purpose annexation of the Nelson Area (approximately 164.9 acres in Travis County north of FM 969 and east of Decker Lane approximately 460 feet north of the intersection of FM 969 and Decker Lane). (Related Items 96, 97, 98, 99, 100, 102, 103, 104, 105)
The public hearing was closed on Mayor Pro Tem Goodman's motion, Mayor Wynn's second on a 7-0 vote.
102. Conduct a public hearing for the full purpose annexation of the Overcash Area (Approximately 6 acres in Travis County east of Dessau Road approximately 1,900 feet east of the intersection of Dessau Road and Collinwood West Drive). (Related Items 96, 97, 98, 99, 100, 101, 103, 104, 105)
The public hearing was closed on Mayor Pro Tem Goodman's motion, Mayor Wynn's second on a 7-0 vote.
103. Conduct a public hearing for the full purpose annexation of the Parmer / US 290 East ROW Area (approximately 17.6 acres of Parmer Lane ROW in Travis County north of the intersection of Parmer Lane and US Highway 290 East). (Related Items 96, 97, 98, 99, 100, 101, 102, 104, 105)
The public hearing was closed on Mayor Pro Tem Goodman's motion, Mayor Wynn's second on a 7-0 vote.
104. Conduct a public hearing for the full purpose annexation of the Southwest Parkway ROW Area (approximately 8.8 acres of Southwest Parkway right-of-way in Travis County west of the intersection of Southwest Parkway and Foster Ranch Road and east of the intersection of Southwest Parkway and Mirador Drive). (Related Items 96, 97, 98, 99, 100, 101, 102, 103, 105)
The public hearing was closed on Mayor Pro Tem Goodman's motion, Mayor Wynn's second on a 7-0 vote.
105. Conduct a public hearing for the full purpose annexation of the Greenshores Area (approximately 176.8 acres located in Travis County approximately one mile east of the intersection of City Park Road and Pearce Road. (Related Items 96, 97, 98, 99, 100, 101, 102, 103, 104)
The public hearing was closed on Mayor Pro Tem Goodman's motion, Council Member Dunkerley's second on a 7-0 vote.

The motion to adjourn the meeting at 9:32 p.m. was approved on Mayor Pro Tem Goodman's motion, Council Member Thomas' second on a 7-0 vote.

The minutes for the Regular Meeting of September 30, 2004 were approved on this the 7th day of October, 2004 on Council Member Alvarez' motion, Council Member Thomas' second on a 6-0 vote. Mayor Pro Tem Goodman was off the dais.