



AUSTIN CITY COUNCIL
MINUTES

REGULAR MEETING
THURSDAY, OCTOBER 7, 2004

Invocation: Pastor B.J.E. McQueen, St. Stephens Missionary Baptist Church, North Star

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, October 7, 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 Alvarez' motion, Council Member Thomas' second on a 6-0 vote. Mayor Pro Tem Goodman was off the dais.

1. Approval of minutes from the meeting of September 30, 2004.
The minutes from the regular meeting of September 30, 2004 were approved.
2. Approve a resolution authorizing funding a variety of programs in the Holly Street Neighborhood, including recreational and educational opportunities for children and neighborhood improvements in an amount not to exceed \$1,000,000 and further authorize Austin Energy to negotiate and execute such contracts with each recipient entity as are reasonable, necessary or required to accomplish the purposes of this funding. (Funding is available in the Fiscal Year 2004-2005 Operating Budget of Austin Energy.) (Recommended by the Electric Utility Commission.)
This item was postponed to October 21, 2004.
3. Authorize negotiation and execution of an artwork commission contract with Adrienne Isom, Austin, TX, for a bas-relief mural for the East Seventh Street Wall Project located in front of Huston-Tillotson College in an amount of \$60,000. (Funding in the amount of \$50,000 is available in the Fiscal Year 2003-2004 Amended Capital Budget of Public Works Department and funding in the amount of \$10,000 is available in the Fiscal Year 2003-2004 Approved Capital Budget of the Neighborhood, Planning and Zoning Department.) (Recommended by the Art in Public Places Panel and the Arts Commission.)
The motion authorizing the negotiation and execution of an artwork commission contract was approved.

4. Authorize acceptance of grant funds in the amount of \$6,856 from the Texas Department of Health, Immunization Division; and amend the Fiscal Year 2005 Health and Human Services Operating Budget Special Revenue Fund of Ordinance No. 040913-01 to appropriate \$6,856 for the Community Immunization program to provide vaccination and immunization services for the purpose of preventing and reducing the incidence of vaccine preventable diseases, bringing total grant amount to \$505,797. (Funding in the amount of \$6,856 is available from the Texas Department of Health, Immunization Division. 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. 041007-04 were approved.
5. Approve an ordinance amending Ordinance No. 040902-17, which vacated approximately 0.0854 acres of the western 10,000 block of Jean Drive at the intersection of Jean Drive and Applegate to Gilberto I. and Maria Elena Puente, 205 East Applegate (Lot 3, Block 5, Mockingbird Hill, Section 2, Travis County, Texas) and which vacated approximately 0.854 acres of the eastern 10,000 block of Jean Drive to Clarissa Anne Reburn, 301 East Applegate (Lot 1, Block 6, Mockingbird Hill, Section 2, Travis County, Texas). This amendment permits dedication of a public utility easement and a gas line easement by separate instrument.
Ordinance No. 041007-05 was approved.
6. Approve the appointment of Mike Clark-Madison to a two year term as Austin's lay representative to Central Texas Library System (CTLIS), a collaboration of member libraries, lay representatives and staff to strengthen public library services and equalize access to information throughout Central Texas. (Recommended by the Library Commission.)
The motion authorizing the appointment of Mike Clark-Madison to a two year term was approved. Council Member Slusher abstained.
7. Authorize an Interlocal Agreement between the City of Austin and the Texas Department of Public Safety to allow for reimbursement from the "Fugitive Apprehension Program" when revocation warrants are served. (Funding is available from the Texas Department of Public Safety for the period September 1, 2004 through August 31, 2005. Reimbursement will be \$200-\$400 per warrant served.)
The motion authorizing an Interlocal Agreement was approved.
8. Authorize execution of a construction contract with MCLEAN CONSTRUCTION, LTD., Killeen, TX, for the Austin Clean Water Program Project: Moss, Rountree & Pannell Water and Wastewater Project in the amount of \$3,382,654 plus a \$338,265 contingency, for a total contract amount not to exceed \$3,720,919. (Funding in the amount of \$3,720,919 is included in the Fiscal Year 2004-2005 Capital Budget of the Austin Water Utility.) Lowest bid of four received. 15.44 % MBE and 8.24 % WBE subcontractor participation.
The motion authorizing the execution of a construction contract was approved.
9. Authorize execution of an amendment to the professional services agreement with BARNES ARCHITECTS, Austin, TX, for additional services related to the explosion on November 3, 2003, during construction of the North Service Center, in the amount of \$621,769 for a total contract amount not to exceed \$3,229,584. (Funding in the amount of \$621,769 is available in the Fiscal Year 2002-2003 Amended Capital Budget of the Austin Water Utility.) Amendment to an existing professional services agreement. 24.57% MBE and 20.41% WBE subcontractor participation to date.
The motion authorizing the execution of an amendment to the professional services agreement was approved.

10. Amend the Fiscal Year 2004-2005 Public Works Department Capital Budget of Ordinance No. 040913-02 to appropriate \$2,605,500 for regional mobility, roadway improvements, sidewalk, bicycle and traffic signalization projects and to reallocate funding for previously approved regional mobility, roadway improvements, sidewalk, bicycle and traffic signalization projects. (Funding is available from an Interlocal Agreement with Capital Metropolitan Transportation Authority (1/4 cent of each cent collected within the City's jurisdiction).)
Ordinance No. 041007-10 was approved.
11. Authorize execution of a contract with TECO-WESTINGHOUSE MOTOR COMPANY, Round Rock, TX, for the replacement, installation, and testing of a force draft fan motor at the Decker Creek Power Station in an amount not to exceed \$198,414. (Funding is available in the Fiscal Year 2004-2005 Approved Capital Budget of Austin Energy) 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 contract was approved.
12. Authorize execution of a contract with MATCOR, INCORPORATED, Sugarland, TX, for consulting and inspection services for corrosion control on the fuel gas system at Decker Creek Power Station, in an amount not to exceed \$174,865. (Funding is available in the Fiscal Year 2004-2005 Approved Operating Budget of Austin Energy.) Lowest bid meeting specification of three bids received. This contract will be awarded in compliance with Chapter 2-9 of the City Code (Minority-Owned and Women-Owned Business Enterprise Procurement Program). No subcontracting opportunities were identified; therefore, no goals were established for this solicitation.
The motion authorizing the execution of a contract was approved.

Item 13 was pulled for discussion.

14. Authorize execution of 4-month contracts with C & C COLLISION CENTER, LLC, Waco, TX, MAACO AUTO PAINTING BODY WORKS, Austin, TX, MINGO'S BODY SHOP, Austin, TX, NETWORK AUTO BODY AND PAINT SHOP, Austin, TX, and TWO DAY AUTO PAINTING AND BODY, Austin, TX, for auto body repair services for Fleet Services in an estimated combined amount not to exceed \$300,000. (Funding is available in the Fiscal Year 2004-2005 Approved Operating Budget of the Financial and Administrative Services Department, Fleet Fund.) Public Health and Safety Procurement (Related Item 13)
The motion authorizing the execution of the contracts was approved.
15. Authorize execution of a contract with PROFESSIONAL TURF PRODUCTS LP, San Antonio, TX, in an amount not to exceed \$405,673; C & M GOLF AND GROUNDS EQUIPMENT, San Antonio, TX, in an amount not to exceed \$342,473; and with AUSTIN TURF & TRACTOR, Marble Falls, TX, in an amount not to exceed \$61,481, for the purchase of golf course maintenance equipment, for a total combined amount not to exceed \$809,627. (Funding in the amount of \$809,627 is available in the Fiscal Year 2004-2005 Capital Budget of the Parks and Recreation Golf Division.) Lowest bids of four 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.

16. Authorize negotiation and execution of a professional services agreement with COLETTE HOLT & ASSOCIATES, Chicago, IL for a "second generation study" consisting of a series of statistical and qualitative studies regarding minority-owned and women-owned procurement programs, in an amount not to exceed \$125,000.

The motion authorizing the negotiation and execution of a professional services agreement was approved.

17. Board and Commission appointments.

The following appointments were made:

<u>Board/ Appointee</u>	<u>Consensus/ Council Nominee</u>	<u>Appointment/ Reappointment</u>
<u>Animal Advisory Commission</u> Kathy Hamilton	Council Member McCracken's	Reappointment
<u>Planning Commission</u> Cid Galindo	Mayor Wynn's	Reappointment

18. Approve an ordinance amending Ordinance No. 040624-52 to extend the interim development regulations applicable to a two family residential use and secondary apartment special use to November 20, 2004. (Council Member Betty Dunkerley and Mayor Pro Tem Jackie Goodman)
Ordinance No. 041007-18 was approved.

19. Approve a resolution to direct the City Manager to review and recommend amendments to the provisions of the City Code related to a residential use on a substandard lot. (Council Member Betty Dunkerley and Mayor Pro Tem Jackie Goodman)
Resolution No. 041007-19 was approved.

20. Set a public hearing to consider an ordinance waiving the development regulations of Ordinance 040624-52 to allow the construction of a Two-Family Residential Use at 4904 Caswell Avenue. Ordinance 040624-52 established interim development regulations prohibiting the issuance of a building permit for the construction of a high occupancy Two-Family Residential Use or Secondary Apartment Special Use. (Suggested date and time: October 21, 2004 at 6:00 p.m., Lower Colorado River Authority, Hancock Building)
This item was withdrawn.

21. Set a public hearing to consider a waiver to Ordinance 040624-52 to allow the construction of a Secondary Apartment Special Use at 5407 Evans Avenue, 5409 Evans Avenue, and 5005 Eilers Avenue. Ordinance 040624-52 established interim development regulations prohibiting the issuance of a building permit for the construction of a high occupancy Two-Family Residential Use or Secondary Apartment Special Use. (Suggested date and time: October 21, 2004 at 6:00 p.m., Lower Colorado River Authority, Hancock Building)
This item was withdrawn.

22. Set a public hearing to receive public comment regarding proposed modifications to the East 11th and 12th Streets Urban Renewal Plan. Proposed modifications include the following: designating community parking, revising certain permitted uses, changing building height limits, and establishing parking requirements along the East 11th and 12th Street corridors. (Suggested date and time: November 18, 2004 at 6:00 P.M., Lower Colorado River Authority, Hancock Building.) (October 18, 2004 Urban Renewal Board to review proposed modifications; November 9, 2004 Planning Commission to review proposed modifications.)
The public hearing was set for November 18, 2004 at 6:00 p.m., Lower Colorado River Authority, Hancock Building.
23. Set public hearings for the full purpose annexation of the following areas: **FM 620 ROW Area** (Approximately 9.78 acres located in Travis County approximately four tenths of a mile south of the intersection of FM 620 and Boulder Lane south to the current city limit); **Seton Southwest Area** (Approximately 63.75 acres in Travis County located south of U.S. Highway 290 West at the southwest corner of the intersection of US Highway 290 West and FM 1826; **Brandt Road Area** (Approximately 32.85 acres in Travis County located at the northeast corner of the intersection of I.H. 35 and Brandt Road). (Suggested dates and times: October 28, 2004 at 6:00 p.m., Lower Colorado River Authority, Hancock Building; and November 4, 2004 at 6:00 pm., Lower Colorado River Authority, Hancock Building).
The public hearings were set for October 28, and November 4, 2004 at 6:00 p.m., Lower Colorado River Authority, Hancock Building.

Items 24 through 28 and 49 were Executive Session items.

Item 29 was action on Executive Session item.

Item AHFC-1 was set for a time certain of 3:00 p.m.

Items 30 through 33 and Z-1 through Z-11 were Zoning items set for 4:00 p.m.

Items 34 through 46 were public hearings set for 6:00 p.m.

Item 47 was set for a time certain of 6:00 p.m.

Item 48 was set for a time certain of 3:30 p.m.

DISCUSSION ITEM

13. Ratify execution of contracts with C & C COLLISION CENTER, LLC, Waco, TX, MAACO AUTO PAINTING BODY WORKS, Austin, TX, MINGO'S BODY SHOP, Austin, TX, NETWORK AUTO BODY AND PAINT SHOP, Austin, TX, and TWO DAY AUTO PAINTING AND BODY, Austin, TX, for auto body repair services for Fleet Services in estimated amounts not to exceed \$68,965.41, \$4,455.64, \$4,399.21, \$30,695.17, \$15,170.65 respectively. (Funding in the amount of \$123,686.08 is available in the Fiscal Year 2004-2005 Approved Operating Budget of the Financial and Administrative Services Department, Fleet Fund.) Public Health and Safety Procurement. (Related Item 14)
The motion authorizing the execution of contracts was approved on Council Member Dunkerley's motion, Mayor Wynn's second on a 7-0 vote.

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

EXECUTIVE SESSION

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

Private Consultation with Attorney - Section 551.071

- 24. Discuss legal issues concerning possible settlement with SpawGlass Contractors, Inc. in connection with termination of North Service Center construction contract. (Related Item 29)
- 25. Discuss legal issues related to implementation of the Travis County Hospital District.
This item was withdrawn.
- 26. Discuss legal issues related to Collective Bargaining negotiations with the Austin Association of Professional Fire Fighters.
This item was withdrawn.
- 27. 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 withdrawn.
- 49. Discuss legal issues regarding 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).

Real Property - Section 551.072

- 28. 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.
This item was withdrawn.

Executive Session ended and Mayor Wynn called the Council Meeting back to order at 12:22 p.m.

CITIZEN COMMUNICATIONS: GENERAL

Pat Johnson - Austin Energy - (George Martinez) Why it is taking so long after being notified of the pole numbers that the towing companies use to post their red and white towing signs have not been removed as of October 7, 2004. The Bandit Sign Ordinance that Council approved has no teeth.

Michael Austin - Electrical Service. He was not present when his name was called.

Mike Damal - City Assistance for Water Tap for Cherrywood Green Park

Girard Kinney - City Assistance for Water Tap for Cherrywood Green Park

Lottie Hancock - My Neighborhood. She was not present when her name was called.

Paul Reyes - After School Programs

Daniel Llanes - Festival De Las Plantas

Erika Gonzalez - Keepers of the Colorado River Park

Susana Almanza - Commuter Rail and Gentrification

Jennifer L. Gale - CMTA - Capital Metro is a State Agency that has been trying since the last Light Rail Election to sell us a bill of goods that is Billions not 60 Million of Taxpayer Dollars that should be used on our Children's Education.

Action on Executive Session

29. Authorize negotiation and execution of a settlement with SpawGlass Contractors, Inc. in connection with termination of North Service Center construction contract.(Related Item 24)
The motion to authorize the negotiation and execution of a settlement with SpawGlass Contractors, Inc. in the amount of \$1,712,762.14 was approved on Mayor Pro Tem Goodman's motion, Council Member Slusher's second on a 7-0 vote.

Mayor Wynn recessed the Council Meeting a 12:53 p.m.

BOARD OF DIRECTORS MEETING OF AUSTIN HOUSING FINANCE CORPORATION.

See separate minutes.

AHFC adjourned and the regular Council meeting was called back to order at 3:56 p.m.

48. Direct the City Manager to facilitate public input regarding the establishment of a community development program for the area of East Austin bounded by I-35 from Manor Road to Riverside Drive, Riverside Drive from I-35 to SH 71, SH 71 from Riverside Drive to US 183, US 183 from SH71 to Manor Road, and Manor Road from US 183 to I-35; and based on this input make recommendations to City Council on the implementation of the program. (Council Member Raul Alvarez and Council Member Danny Thomas)
Resolution No. 041007-48 was approved on Council Member Alvarez' motion, Council Member Thomas' 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 public hearings were closed and consent items were approved on Council Member Thomas' motion, Council Member Dunkerley's second on a 7-0 vote.

- Z-1 C14-04-0078 - Rainey Street Neighborhood Rezoning (Tract A) - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property bounded by Cesar Chavez and Davis Street to the South, River Street to the North, and Red River and Rainey Streets to the West (Town Lake Watershed) from general commercial services (CS) district zoning, central business district-conditional overlay (CBD-CO) combining district zoning, multifamily residence medium density (MF-3) district zoning and family residence (SF-3) district zoning to central business district (CBD) district zoning. Zoning and Platting Commission Recommendation: To be considered by the Commission on October 5, 2004. Applicant: City of

Austin. Agent: Neighborhood Planning and Zoning Department (Glenn Rhoades). City Staff: Glenn Rhoades, 974-2775.

This item was postponed to October 21, 2004 at staff's request.

- Z-2 C14-04-0079 - Rainey Street Neighborhood Rezoning (Tract B) - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code rezoning property bounded by Red River Street to the East, Davis Street to the North, Rainey Street to the West, and Driskill Street to the South (Town Lake Watershed) from general commercial services (CS) district zoning and family residence (SF-3) district zoning to central business district (CBD) district zoning. Zoning and Platting Commission Recommendation: To be considered by the Commission of October 5, 2004. Applicant: City of Austin. Agent: Neighborhood Planning and Zoning Department (Glenn Rhoades). City Staff: Glenn Rhoades, 974-2775.

This item was postponed to October 21, 2004 at staff's request.

- Z-3 C14-04-0080 - Rainey Street Neighborhood Rezoning (Tract C) - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property bounded by Cesar Chavez to the North, Driskill Street to the South, Red River to the West and East Ave. (I.H. 35) to the East (Town Lake Watershed) from community commercial-conditional overlay (GR-CO) combining district zoning and central business district-conditional overlay (CBD-CO) combining district zoning to central business district (CBD) district zoning. Zoning and Platting Commission Recommendation: To be considered by the Commission on October 5, 2004. Applicant: City of Austin. Agent: Neighborhood Planning and Zoning Department (Glenn Rhoades). City Staff: Glenn Rhoades, 974-2775.

This item was postponed to October 21, 2004 at staff's request.

- Z-4 C14-04-0081 - Rainey Street Neighborhood Rezoning (Tract D) - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property bounded by Driskill Street to the South, Rainey Street to the East, River Street to the North, and East Avenue to the West (Town Lake Watershed) from commercial liquor sales (CS-1) district zoning, general commercial services (CS) district zoning, community commercial (GR) district zoning and family residence (SF-3) district zoning to central business district (CBD) district zoning. Zoning and Platting Commission Recommendation: To be considered by the Commission on October 5, 2004. Applicant: City of Austin. Agent: Neighborhood Planning and Zoning Department (Glenn Rhoades). City Staff: Glenn Rhoades, 974-2775.

This item was postponed to October 21, 2004 at staff's request.

- Z-5 C14-04-0082 - Rainey Street Neighborhood Rezoning (Tract E) - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property bounded by River Street to the South, Cummings Street to the North, Rainey Street to the East, and East Avenue to the West (Town Lake Watershed) from general commercial services (CS) district zoning, limited office (LO) district zoning and family residence (SF-3) district zoning to central business district (CBD) district zoning. Zoning and platting Commission Recommendation: Pending the October 5, 2004 Commission hearing. Applicant: City of Austin. Agent: Neighborhood Planning and Zoning Department (Glenn Rhoades). City Staff: Glenn Rhoades, 974-2775.

This item was postponed to October 21, 2004 at staff's request.

- Z-6 C14-04-0083 - Rainey Street Neighborhood Rezoning (Tract F) - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property bounded by River Street between Rainey Street and Red River Street to the South (Town Lake Watershed) from family residence (SF-3) district zoning and downtown mixed use-conditional overlay (DMU-CO) combining district zoning to central business district (CBD) district zoning. Zoning and Platting Commission Recommendation: To be considered by the Commission on October 5, 2004. Applicant: City of Austin. Agent: Neighborhood Planning and Zoning Department (Glenn Rhoades). City Staff: Glenn Rhoades, 974-2775.
This item was postponed to October 21, 2004 at staff's request.
- Z-7 C14-04-0096 - Rainey Street Neighborhood Rezoning (Tract G) - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property bounded by IH-35 to the West , South of its intersection with San Marcos Street (Town Lake Watershed) from general commercial services (CS) district zoning, downtown mixed use-conditional overlay (DMU-CO) combining district zoning, community commercial (GR) district zoning and family residence (SF-3) district zoning to central business district (CBD) district zoning. Zoning and Platting Commission Recommendation: To be considered by the Commission on October 5, 2004 . Applicant: City of Austin. Agent: Neighborhood Planning and Zoning Department (Glenn Rhoades). City Staff: Glenn Rhoades, 974-2775.
This item was postponed to October 21, 2004 at staff's request.
- Z-8 C14-04-0097 - Rainey Street Neighborhood Rezoning (Tract H) - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property bounded by the Southwest corner of Lambie Street and IH-35 North (southbound frontage road) (Town Lake Watershed) from general commercial services (GR) district zoning to central business district (CBD) district zoning. Zoning and Platting Commission Recommendation: To be considered by the Commission on October 5, 2004. Applicant: City of Austin. Agent: Neighborhood Planning and Zoning Department (Glenn Rhodes). City Staff: Glenn Rhoades, 974-2775.
This item was postponed to October 21, 2004 at staff's request.
- Z-9 C14-04-0108 - East 14th Street - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 807-809 E. 14th Street (Waller Creek Watershed) from multifamily residence moderate high density-neighborhood plan (MF-4-NP) district zoning to multifamily residence highest density-neighborhood plan (MF-6-NP) district zoning. Planning Commission Recommendation: To grant multifamily highest density-neighborhood plan (MF-6-NP) district zoning. Applicant: Robert Hagaman. Agent: Michael Casias. City Staff: Tom Bolt, 974-2755.
Ordinance No. 041007-Z-9 for multifamily highest density-neighborhood plan (MF-6-NP) district zoning was approved.
- Z-10 C14-04-0128 - 7501 Conn - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by zoning property locally known as 7501 South IH-35 Service Road Northbound (South Boggy Creek Watershed) from interim-rural residence (I-RR) district zoning to community commercial (GR) district zoning. Zoning and Platting Commission Recommendation: To grant community commercial-conditional overlay (GR-CO) combining district zoning. Applicant: George D. Conn. Agent: Jim Bennett Consulting (Jim Bennett). City Staff: Wendy Walsh, 974-7719.
Ordinance No. 041007-Z-10 for community commercial-conditional overlay (GR-CO) combining district zoning was approved.

- Z-11 C14-04-0111 - UTOTEM Rockbay - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by zoning property locally known as 2105 and 2107 Boca Raton Drive (Onion Creek Watershed) from interim-rural residence (I-RR) district zoning to community commercial (GR) district zoning. Zoning and Platting Commission Recommendation: To grant community commercial-conditional overlay (GR-CO) combining district zoning. Applicant: UTOTEM and Rockbay Properties (Jimmy Nassour). Agent: Jim Bennett Consulting (Jim Bennett). City Staff: Wendy Walsh, 974-7719.
Ordinance No. 041007-Z-11 for community commercial-conditional overlay (GR-CO) combining district zoning was approved.

ZONING DISCUSSION ITEMS

30. 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 in the West University Neighborhood Plan area: 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 Rio Grande St.; 2209, 2301 Shoal Creek Blvd.; 2305, 2307 Longview Street. (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.) Applicant: City of Austin. Agent: Neighborhood Planning & Zoning Department. City Staff: Mark Walters, 974-7695. (Related Item 32)

The third reading to approve Office Mixed-Use for Tract 40, 0 MLK and 1230-1232 W. Martin Luther King Jr. Blvd. as the future land use was approved on Council Member Dunkerley's motion, Council Member Alvarez' second on a 7-0 vote.

The third reading to approve Office Mixed-Use for Tract 44, 2209 Shoal Creek and Single Family for the remainder of Tract 44, 2301 Shoal Creek as the future land was approved on Council Member Alvarez' motion, Council Member Thomas' second on a 7-0 vote.

The third reading to approve Single-Family for Tract 49, 2307 Longview St. as the future land use was approved on Council Member Alvarez' motion, Council Member Thomas' second on a 7-0 vote.

The motion to reconsider the above stated action on Tract 49, 2307 Longview St., and postpone action to October 28, 2004 was approved on Council Member Thomas' motion, Council Member Slusher's second on a 6-0 vote. Council member McCracken was off the dais.

The motion to approve Single-Family for Tract 49, 2305 Longview St as the future land use was made by Council Member Alvarez but failed for lack of a second.

The third reading to approve Multi-Family for Tract 49, 2305 Longview St. as the future land use was approved on Council Member Dunkerley's motion, Council Member McCracken's second on a 7-0 vote.

The third reading on tract 80A, 2307 Rio Grande and 2309 Rio Grande St was postponed to October 21, 2004 on Mayor Pro Tem Goodman's motion, Council Member Alvarez' second on a 6-0 vote. Council Member Thomas was off the dais.

31. 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 2829 Salado Street. (The Central Austin Combined Neighborhood Plan was recommended by the Planning Commission.)

The third reading on tract 148A, 2829 Salado, was postponed to October 21, 2004 on Council Member Slusher's motion, Mayor Pro Tem Goodman's second on a 7-0 vote.

32. 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 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 Rio Grande Street (Tract 80A). 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 medium density (MF-3) 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, general office-neighborhood plan (GO-NP) district zoning, and commercial services-mixed use-neighborhood plan (CS-MU-NP) 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: Mark Walters, 974-7695, and Glenn Rhoades, 974-2775. Note: Valid petitions have been filed in opposition to this zoning request. (Related Item 30)

The motion to approve the third reading as follows was approved on Council Member Dunkerley's motion, Council Member Alvarez' second on a 7-0 vote. The motion was to zone Tract 40, 0 Martin Luther King and 1230-1232 W. Martin Luther King Jr. Blvd., GO-MU-CO-NP, add a 42.25 foot height restriction, limit to one residential unit, and include group residence, club or lodge, and community recreation (private) as prohibited uses.

The motion to approve the third reading as follows was approved on Council Member Alvarez' motion, Council Member Thomas' second on a 7-0 vote. The motion was to zone Tract 44, 2209 Shoal Creek, GO-MU-CO-NP, with a height limitation of 30', impervious cover shall not exceed 80%, no more than 24,000 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, 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 and no structure located elsewhere on the tract may exceed a height of 578' above mean sea level and prohibited uses will include: group residence, club or lodge and community recreation (private). Tract 44, 2301 Shoal Creek will be zoned SF-3-CO-NP, with a height limitation of 30'.

The motion to approve the third reading as follows was approved on Council Member Alvarez' motion, Council Member Thomas' second on a 7-0 vote. The motion was to zone Tract 49, 2307 Longview St. as SF-3-CO-NP with a height limitation of 30 feet.

The motion to reconsider the above stated action on Tract 49, 2307 Longview St and postpone action to October 28, 2004 was approved on Council Member Thomas' motion,

Council Member Slusher's second on a 6-0 vote. Council Member McCracken was off the dais.

The motion to zone Tract 49, 2305 Longview as SF-3-CO-NP, as moved by Council Member Alvarez, failed due to the lack of second.

The motion to approve the third reading as follows was approved on Council Member Dunkerley's motion, Council Member McCracken's second on a 7-0 vote. The motion was to zone Tract 49, 2305 Longview, as MF-1-CO-NP with a height limit of 30 feet, limit of 3,000 square feet of residential use, and prohibit club or lodge and community recreation (private).

The motion to postpone action on Tract 80A, 2307 Rio Grande and 2309 Rio Grande St, to October 21, 2004 was approved on Mayor Pro Tem Goodman's motion, Council Member Alvarez' second on a 6-0 vote. Council Member Thomas was off the dais.

33. C14-04-0021 - Central Austin Combined Neighborhood Plan (West University) rezoning - Approve third reading of an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 2829 Salado Street (Tract 148A) from general commercial services (CS) district zoning to limited office-mixed use-conditional overlay-neighborhood plan (LO-MU-CO-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: Mark Walters, 974-7695 and Glenn Rhoades, 974-2775. Note: a valid petition has been filed in opposition to this zoning request. Action on Tract 148A, 2829 Salado was postponed to October 21, 2004 on Council Member Slusher's motion, Mayor Pro Tem Goodman's second on a 7-0 vote.

Mayor Wynn recessed the Council Meeting at 5:20 p.m.

LIVE MUSIC

Seth Walker

PROCLAMATIONS

Proclamation - Champions for Children Day - to be presented by Mayor Will Wynn and to be accepted by Mary Campana

Certificates of Appreciation - PARD Arts & Humanities Award Winners - to be presented by Mayor Will Wynn and to be accepted by the honorees

Proclamation - Financial Planning Week - to be presented by Mayor Will Wynn and to be accepted by Dale Shores

Proclamation - Lights on After School Week - to be presented by Mayor Will Wynn and to be accepted by Alvin Pruitt

Mayor Wynn reconvened the Council Meeting at 6:09 p.m.

46. Conduct a public hearing and consider action 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. (Approved by the Planning Commission.)

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

The motion to deny the appeal was approved on Council Member Thomas' motion, Council Member Slusher's second on a 7-0 vote. Direction was given to staff to work with the neighborhood and ACC regarding on street parking signs once the parking lot has been completed and on traffic flow on Fiesta St.

47. Consider action on an appeal by Melton West of the Planning Commission's decision to deny a compatibility height waiver for property located at 1106 West 6th Street, Unit 301. (Public hearing conducted and closed on June 17, 2004.) (Denied by the Planning Commission.)
This item was postponed to November 4, 2004 on Council Member Slusher's motion, Mayor Wynn's second on a 7-0 vote.
45. Conduct a public hearing and consider action 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. (Denied by the Zoning and Platting Commission.)
This item was postponed to October 21, 2004 on Council Member Slusher's motion, Council Member McCracken's second on a 6-0 vote. Mayor Pro Tem Goodman was off the dais.

PUBLIC HEARINGS AND POSSIBLE ACTION

34. 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.
35. 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).
The public hearing was closed on Mayor Pro Tem Goodman's motion, Mayor Wynn's second on a 7-0 vote.
36. 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).
The public hearing was closed on Mayor Pro Tem Goodman's motion, Mayor Wynn's second on a 7-0 vote.
37. 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).
The public hearing was closed on Mayor Pro Tem Goodman's motion, Mayor Wynn's second on a 7-0 vote.

38. 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).
The public hearing was closed on Mayor Pro Tem Goodman's motion, Mayor Wynn's second on a 7-0 vote.
39. 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).
The public hearing was closed on Mayor Pro Tem Goodman's motion, Mayor Wynn's second on a 7-0 vote.
40. 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).
The public hearing was closed on Mayor Pro Tem Goodman's motion, Mayor Wynn's second on a 7-0 vote.
41. 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).
The public hearing was closed on Mayor Pro Tem Goodman's motion, Mayor Wynn's second on a 7-0 vote.
42. 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).
The public hearing was closed on Mayor Pro Tem Goodman's motion, Mayor Wynn's second on a 7-0 vote.
43. 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).
The public hearing was closed on Mayor Pro Tem Goodman's motion, Mayor Wynn's second on a 7-0 vote.
44. 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.)
The public hearing was closed on Mayor Pro Tem Goodman's motion, Mayor Wynn's second on a 7-0 vote.

The motion to adjourn the meeting at 7:42 p.m. was approved on Council Member Thomas' motion, Council Member Slusher's second on a 7-0 vote.

The minutes for the Regular Meeting of October 7, 2004 were approved on this the 21st day of October, 2004 on Council Member Alvarez' motion, Council Member Thomas' second on a 7-0 vote.