



**AUSTIN CITY COUNCIL
MINUTES**

**REGULAR MEETING
THURSDAY, OCTOBER 21, 2004**

Invocation: Reverend Josue Sanchez, Templo-Bethel Pentecostes

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 21, 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 10:10 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 7-0 vote.

1. Approval of minutes from the meetings of September 2, and October 7, 2004.
The minutes from the regular meetings of September 2, and October 7, 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)
Resolution No. 041021-02 was approved.
3. Approve the issuance of a letter of intent for a rebate in an amount not to exceed \$100,000 to REBEKAH BAINES JOHNSON BUILDING for the installation of a solar photovoltaic system at their facility located at 21 Waller Street, Austin, TX. (Funding is available in the Fiscal Year 2004-2005 Approved Operating Budget of the Austin Energy Conservation Rebates and Incentives Fund.) (Recommended by the Resource Management Commission)
The motion authorizing the issuance of a letter of intent for a rebate was approved.
4. Approve the issuance of a letter of intent for a rebate in the amount of \$81,216 to HABITAT SUITES HOTEL for the installation of a solar photovoltaic system at their facility located at 500 Highland Mall Drive, Austin, TX. (Funding is available in the Fiscal Year 2004-2005 Approved Operating Budget of the Austin Energy Conservation Rebates and Incentives Fund.) (Recommended by the Resource Management Commission)
The motion authorizing the issuance of a letter of intent for a rebate was approved.

5. Authorize negotiation and execution of a cost reimbursement agreement with Walters Southwest Development, providing terms and conditions for construction of 24 and 36-inch water mains and appurtenances to provide water service to the Riddell Tract/Adams Extract Tract located along I.H. 35 South and F.M. 1626 with City cost reimbursement in an amount not to exceed \$2,977,350, for actual ("hard") construction costs and professional services costs ("soft" costs) for engineering, design and project management only in an amount not to exceed 15% of the actual "hard" construction costs or \$388,350, whichever is less; approve an Ordinance waiving the requirements of Section 25-9-63, of the City Code relating to amount of cost reimbursement, waiving the requirements of Section 25-9-67 of the City Code relating to cost reimbursement payments; waiving the requirement for payment of the construction inspection fees established in Ordinance 040913-05, in an amount not to exceed \$90,615. (Funding in the amount of \$2,977,350 is included in the Fiscal Year 2003-2004 Capital Budget of the Austin Water Utility.) (Recommended by the Water and Wastewater Commission) (Related Item 6)
The motion authorizing the negotiation and execution of a cost reimbursement agreement and Ordinance No. 041021-5 were approved.
6. Authorize negotiation and execution of a cost reimbursement agreement with Walters Southwest Development, providing terms and conditions for construction of a 15-inch gravity wastewater main and appurtenances to provide wastewater service to the Adams Extract Tract located along I.H. 35 South and F.M. 1626 with City cost participation in an amount not to exceed \$24,150.00, for actual "hard" (costs not including engineering, design, project management, financing, accounting, easement acquisition or legal services costs) construction costs. Approve an Ordinance waiving the requirements of Section 25-9-67 of the City Code relating to cost reimbursement payments. (Funding is included in the Fiscal Year 2003-2004 Capital Budget of the Austin Water Utility.) (Recommended by the Water and Wastewater Commission) (Related Item 5)
The motion authorizing the negotiation and execution of a cost reimbursement agreement and Ordinance No. 041021-6 were approved.
7. Authorize negotiation and execution of an amendment to the existing Water Cost Reimbursement Agreement with WildHorse Investments, Ltd., to add approximately 99.7 acres within the WildHorse Ranch development to the area to be served by the water improvements. The development is located generally south of U.S. Highway 290 East, west of F.M. 973 and north of Lake Walter E. Long. No additional funding is required for the water cost reimbursement improvements. (Recommended by the Water and Wastewater Commission) (Related Item 8)
The motion authorizing negotiation and execution of an amendment was approved.
8. Authorize negotiation and execution of an amendment to the existing Wastewater Cost Reimbursement Agreement with WildHorse Investments, Ltd., to add approximately 99.7 acres to the area of the WildHorse Ranch development to be served; to provide terms and conditions for construction of an additional 27-inch wastewater main, and appurtenances to provide wastewater service to the additional property, with additional City cost reimbursement for actual "hard" construction costs (costs of construction not including costs for project management, financing, accounting or legal services) for the 27-inch wastewater main in an amount not to exceed \$1,764,480; and to adjust the description of the wastewater project to accord with changes in the engineering design made subsequent to execution of the original Wastewater Cost Reimbursement Agreement. Approve an Ordinance waiving the requirements of Section 25-9-67 of the City Code relating to cost reimbursement payments for the 27-inch wastewater line added to the project. The new total actual "hard" construction costs (costs of construction not including costs for project management, financing, accounting or legal services) for all wastewater improvements in the amended Cost Reimbursement Agreement will not exceed \$9,704,480. WildHorse is located south of U.S. Highway 290 East, west of F.M. 973, and north of Lake Walter E. Long. (Funding in the amount of \$1,764,480 is included in the Fiscal Year 2004-2005

Capital Budget of the Austin Water Utility.) (Recommended by the Water and Wastewater Commission) (Related Item 7)

The motion authorizing negotiation and execution of an amendment and Ordinance No. 041021-8 were approved.

9. Approve an amendment to Retail Concession Lease Agreement for Food and Beverage Concessions at Austin-Bergstrom International Airport with Brazos Concessions Company/Salt Lick Joint Venture to extend the term for an additional five years, increase the percentage rent paid to the City, and require the concessionaire to renovate and make improvements to the existing concession facilities. 25.5% DBE (Recommended by the Austin Airport Advisory Commission.)

The motion authorizing an amendment to Retail Concession Lease Agreement for Food and Beverage Concessions was approved.

10. Approve an amendment to the Retail Concession Lease Agreement for News and Gifts Concessions at Austin-Bergstrom International Airport with CA One Services/JMP Enterprises, Inc. and The Robena Jackson Agency Joint Venture to extend the term for an additional seven years, increase the percentage rent paid to the City, and require the concessionaire to renovate and make improvements to the existing concession facilities. 35% DBE (Recommended by the Austin Airport Advisory Commission.)

The motion authorizing an amendment to the Retail Concession Lease Agreement for News and Gifts Concessions was approved.

11. Approve an amendment to the Retail Concession Lease Agreement for News and Gifts Concessions at Austin-Bergstrom International Airport with News & Gift Shops International-Austin Joint Venture to extend the term for an additional seven years, increase the percentage rent paid to the City, and require the concessionaire to renovate and make improvements to the existing concession facilities. 20% DBE (Recommended by the Austin Airport Advisory Commission.)

The motion authorizing an amendment to the Retail Concession Lease Agreement for News and Gifts Concessions was approved.

Item 12 was pulled for discussion.

13. Authorize execution of a construction contract with SMITH CONTRACTING COMPANY, INC., Austin, TX, for the Davenport West Annexation - Wastewater Improvements project in an amount not to exceed \$536,292. (Funding is included in the Fiscal Year 2003-2004 Capital Budget of the Austin Water Utility.) Lowest bid of five received. 18.19% MBE and 8.11% WBE subcontractor participation. (Recommended by the Water and Wastewater Commission.)

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

14. Authorize execution of a construction contract with MCLEAN CONSTRUCTION, LTD. KILLEEN, TX, for the Austin Clean Water Program: Little Walnut/Buttermilk at Colony Creek North and Fort Branch/Westminster projects in the amount of \$1,348,477 plus a \$134,847.70 contingency, for a total contract amount not to exceed \$1,483,324.70 (Funding in the amount of \$1,483,324.70 is available in the Fiscal Year 2004-2005 Capital Budget of the Austin Water Utility.) Lowest bid of five received. 19.854 % MBE and 10.17 % WBE subcontractor participation.

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

Item 15 was pulled for discussion.

16. Authorize execution of change order #12 to the construction contract with HAEGELIN CONSTRUCTION COMPANY, INC., Austin, TX, for the Eubank Acres Service to Annexed Area #2000 Water and Wastewater Improvements Project B, for the addition of french drains, change in pavement repair strategy, and contingency for latent defects, in the amount of \$160,877.75, for a total contract amount not to exceed \$1,208,521.55. (Funding in the amount of \$160,877.75 is available in the Fiscal Year 2004-2005 Capital Budget of the Austin Water Utility.) (No recommendation by Water and Wastewater Commission.)
The motion authorizing the execution of change order #12 to the construction contract was approved.
17. Authorize negotiation and execution of a professional services agreement with AGUIRRE CORPORATION, Austin, TX, for architectural and engineering services for the Austin-Bergstrom International Airport (ABIA) Barbara Jordan Passenger Terminal Escalator and Elevator Improvements in an amount not to exceed \$500,000. (Funding is available in the Fiscal Year 2004-2005 Approved Capital Budget of the Aviation Department.) Best qualification statement of nine received. 14% DBE subconsultant participation.
The motion authorizing the negotiation and execution of a professional services agreement was approved.
18. Authorize execution of an amendment to the professional services agreement with TURNER COLLIE & BRADEN, INC., Austin, TX for construction phase services and professional engineering services for the South Austin Regional Wastewater Treatment Plant Expansion and Improvements Project in the amount of \$73,118, for a total contract amount not to exceed \$30,050,193. (Funding in the amount of \$73,118 is available in the Fiscal Year 2000-2001 Amended Capital Budget of the Austin Water Utility.) 9.1% MBE and 26.74% WBE subcontractor participation to date. (Recommended by the Water & Wastewater Commission.)
The motion authorizing the execution of an amendment to the professional services agreement was approved.
19. Authorize negotiation and execution of a professional services agreement with LOCKWOOD, ANDREWS & NEWNAM, INC., Austin, TX, for providing engineering services relative to the design of improvements to City-maintained water transmission mains for the 2004 Valve Replacement Program, in an amount not to exceed \$186,000. (Funding is available in the Fiscal Year 2003-2004 Capital Budget of the Austin Water Utility.) Best qualification statement of sixteen received. 16.5% MBE and 14.2% WBE subconsultant participation. (Recommended by the Water & Wastewater Commission.)
The motion authorizing negotiation and execution of a professional services agreement was approved.
20. Authorize negotiation and execution of an agreement with LONE STAR INFRASTRUCTURE, Joint Venture of Pflugerville, TX for the relocation of existing City water and wastewater facilities as part of the Texas Department of Transportation's Central Texas Turnpike Project known as State Highway 130.
The motion authorizing negotiation and execution of an agreement was approved.
21. Authorize execution of a 12-month supply agreement with TECHLINE, INC, Austin, TX, in an amount not to exceed \$136,556, with three 12-month extension options in an amount not to exceed \$136,556 per extension option, for a total agreement amount not to exceed \$546,224; and with KBS ELECTRICAL DISTRIBUTORS, Austin, TX, in an amount not to exceed \$48,335, with three 12-month extension options in an amount not to exceed \$48,335 per extension option, for a total agreement amount not to exceed \$193,340 for 3 phase switchgear. (Funding in the amount of \$169,483 is available in the Fiscal Year 2004-2005 Approved Operating Budget of Austin Energy. Funding for the remaining one month of the original contract period and extension options is contingent upon available funding in future budgets.) Low bidders meeting

specifications of six bids received. This contract will be awarded in compliance with Chapter 2-9 of the City Code (Minority-Owned and Women-Owned Business Enterprise Procurement Program). No subcontracting opportunities were identified; therefore, no goals were established for this solicitation.

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

22. Authorize execution of a 12-month supply agreement with KBS ELECTRICAL DISTRIBUTORS, Austin, TX, in an amount not to exceed \$606,580, with four 12-month extension options in an amount not to exceed \$606,580 per extension option, for a total agreement amount not to exceed \$3,032,900; and with HUGHES SUPPLY, San Antonio, TX, in an amount not to exceed \$235,720, with four 12-month extension options in an amount not to exceed \$235,720 per extension option for a total agreement amount not to exceed \$1,178,60 for SF6 insulated switchgear. (Funding in the amount of \$772,108 is available in the Fiscal Year 2004-2005 Approved Capital Budget of Austin Energy. Funding for the remaining one month of the original contract period and extension options is contingent upon available funding in future budgets.) Low bidders meeting specifications of five bids received. This contract will be awarded in compliance with Chapter 2-9 of the City Code (Minority-Owned and Women-Owned Business Enterprise Procurement Program). No subcontracting opportunities were identified; therefore, no goals were established for this solicitation.

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

23. Authorize execution of three 12-month price agreements with TECHLINE, INC., Austin, TX, POWER SUPPLY, Austin, TX, and PRIESTER SUPPLY, Austin, TX, for underground electrical supplies in amounts not to exceed \$167,120.40, \$77,493.75 and \$56,932.91 respectively, with two 12-month extension options in amounts not to exceed \$167,120.40, \$77,493.75 and \$56,932.91 respectively per extension option, for total agreement amounts not to exceed \$501,361.20, \$232,481.25 and 170,798.73 respectively. (Funding in the amount of \$276,418.14 is available in the Fiscal Year 2004-2005 Approved Operating Budget of Austin Energy. Funding for the remaining month of the original contract period and extension options is contingent upon available funding in future budgets.) Low bids 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 three price agreements was approved.

24. Authorize execution of a 12-month price agreement with KBS ELECTRICAL DISTRIBUTORS, Austin, TX, for PVC conduit in an amount not to exceed \$92,180.07, with two 12-month extension options in an amount not to exceed \$92,180.07 per extension option, for a total agreement amount not to exceed \$276,540.21. (Funding in the amount of \$84,498.48 is available in Fiscal Year 2004-2005 Approved Operating Budget of Austin Energy. Funding for the remaining one month of the original contract period and extension options is contingent upon available funding in future budgets.) Lowest bid of six bids received. This contract will be awarded in compliance with Charter 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 price agreement was approved.

25. Authorize execution of a 12-month supply agreement with POLYDYNE, INC, Riceboro, GA, for liquid emulsion polymer for the Austin Water Utility in an amount not to exceed \$383,718.85, with two 12-month extension options in an amount not to exceed \$422,089.58 for the first extension option and \$464,290.47 for the second extension option, for a total agreement amount not to exceed \$1,270,098.90. (Funding in the amount of \$351,742.27 is available in the Fiscal Year 2004-2005 Approved Operating Budget of the Austin Water Utility. Funding for the remaining month of the original contract period and extension options is contingent upon

- available funding in future budgets.) Lowest bid of three bids received. This contract will be awarded in compliance with Chapter 2-9 of the City Code (Minority-Owned and Women-Owned Business Enterprise Procurement Program). No subcontracting opportunities were identified; therefore, no goals were established for this solicitation.
The motion authorizing the execution of a supply agreement was approved.
26. Authorize negotiation and execution of a 12-month professional services agreement with BARRY CLARK & ASSOCIATES, Roanoke, TX, and CAMPBELL-HILL AVIATION GROUP, INC. Alexandria, VA, for air service market evaluation and development at Austin-Bergstrom International Airport in a combined amount not to exceed \$100,000, with two 12-month extension options for each agreement in a combined amount not to exceed \$100,000, for a combined total agreement amount not to exceed \$300,000. (Funding in the amount of \$100,000 is available in the Fiscal Year 2004-2005 Approved Operating Budget of the Aviation Department. Funding for the extension options is contingent upon available funding in future budgets.) Best proposals of four 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 Board)
The motion authorizing the negotiation and execution of a professional services agreement was approved.
27. Authorize negotiation and execution of a four month service agreement with NEW SOLUTIONS, INC., New Brunswick, NJ, for the production of a 2005-2008 Comprehensive HIV Needs Assessment in an amount not to exceed \$60,000, with one six month extension option in an amount not to exceed \$70,000, for a total contract amount not to exceed \$130,000. (Funding in the amount of \$60,000 is available in the Fiscal Year 2004-2005 Approved Operating Budget of the Health and Human Services Department Special Revenue Fund, Ryan White Title I HIV Emergency Relief Grant. Funding for the extension option is contingent upon available funding in future grant awards.) 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.
28. Authorize negotiation and execution of a professional consulting agreement with THE PAR GROUP, Lake Bluff, IL, for executive search services for the Human Resources Department in an amount not to exceed \$79,000. (Funding in the amount of \$19,750 is available in the Fiscal Year 2004-2005 Approved Operating Budget of Management Services, \$19,750 is available in the Fiscal Year 2004-2005 Approved Operating Budget of Neighborhood Planning and Zoning and \$39,500 is available in the Fiscal Year 2004-2005 Approved Operating Budget of the Financial and Administrative Services Department.) Best proposal of six proposals received. This contract will be awarded in compliance with Chapter 2-9 of the City Code (Minority-Owned and Women-Owned Business Enterprise Procurement Program). No subcontracting opportunities were identified; therefore, no goals were established for this solicitation.
The motion authorizing the negotiation and execution of a professional consulting agreement was approved.
29. Authorize execution of a 12-month supply agreement with HILL COUNTRY ELECTRIC SUPPLY, Austin, TX, for the purchase of street lighting and traffic signal poles for the downtown area, in an amount not to exceed \$1,313,031.30, with five 12-month extension options in an amount not to exceed \$418,093.20 for the first extension option and \$109,815.30 for each of the four remaining extension options, for a total agreement amount not to exceed \$2,170,385.70 (Funding in the amount of \$1,313,031.30 is available in the Fiscal Year 2002-2003 Amended Capital Budget of the Neighborhood Planning & Zoning 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. Mayor Pro Tem Goodman abstained.

30. Authorize execution of a 12-month supply agreement with MILLER UNIFORMS & EMBLEMS, INC., Austin, TX, for blue denim work jeans in an amount not to exceed \$58,592, with two 12-month extension options in an amount not to exceed \$58,592 per extension option, for a total agreement amount not to exceed \$175,776. (Funding in the amount of \$58,592 is available 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 meeting specification of five bids received. This contract will be awarded in compliance with Chapter 2-9 of the City Code (Minority-Owned and Women-Owned Business Enterprise Procurement Program). No subcontracting opportunities were identified; therefore, no goals were established for this solicitation.

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

31. Approve a resolution authorizing negotiation and execution of the Third Amendment to the Agreement on Subdivision Platting in the Extraterritorial Jurisdiction Between the City of Austin and Travis County, addressing policy issues including integrating City and County review comments, division of review duties between City and County, inspection duties, consolidation of fees, processing of fiscal security, meetings of a Process Review Board, and further amendments to Title 30 (House Bill 1445).

Resolution No. 041021-31 was approved.

32. Approve the issuance of a street event permit to the Mexic-Arte Museum to close the 100 block of East 5th Street for a fee-paid fundraising event. The event is scheduled for October 30, 2004 from 9:00 a.m. to 11:00 p.m.

The motion authorizing the issuance of a street event permit was approved.

33. 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> Michael Voticky	Consensus	Reappointment
<u>Arts Commission</u> Jason Neulander	Council Member Dunkerley's	Appointment
<u>Construction Advisory Committee</u> Eddie Hurst Chris Wagner	Council Member McCracken's Council Member Dunkerley's	Appointment Reappointment
<u>Design Commission</u> Girard Kinney Phillip Reed Richard Weiss	Consensus Council Member McCracken's Mayor Wynn's	Reappointment Reappointment Reappointment
<u>Ethics Review Commission</u>		

Timothy Sulak

Mayor Wynn's

Nomination

Music Commission

Rodger Brown

Council Member Thomas'

Reappointment

34. Approve the waiver of the subdivision application fee associated with an application that includes the following property: 3403, 3405, and 3604 Hampton Road and 3406 Red River. (Council Member Betty Dunkerley)
The motion authorizing the waiver of the subdivision application fee was approved.
35. Approve an ordinance waiving certain fees and requirements, and authorizing payment of certain costs related to the Austin Military Service Coalition's Veteran's Day Parade to be held on November 11, 2004. (Mayor Pro Tem Jackie Goodman and Council Member Daryl Slusher)
Ordinance No. 041021-35 was approved.

Item 36 was pulled for discussion.

37. Set a public hearing to receive comment regarding the proposed amendment to Ordinance No. 040913-05, the Fiscal Year 2004-2005 Approved Fees, Fines and Other Charges, that establishes Austin Energy's Electric Rate Schedule, to allow customers in the Customer Assistance Program to receive a charge equal to the Batch-1 Green Power Charge on all their monthly electric consumption rather than receive a flat monthly credit. (Suggested date and time: October 28, 2004 at 6:00 p.m., Lower Colorado River Authority, Hancock Building.)
The public hearing was set for October 28, 2004 at 6:00 p.m., Lower Colorado River Authority, Hancock Building.
38. Set a public hearing for the limited purpose annexation of Goodnight Ranch (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 date and time: November 4, 2004 at 6:00 p.m., Lower Colorado River Authority, Hancock Building.)
The public hearing was set for November 4, 2004 at 6:00 p.m., Lower Colorado River Authority, Hancock Building.

Items 39 through 43 were Executive Session items.

Item 44 was action on an Executive Session item.

Item 45 was a briefing set for a time certain of 2:00 p.m.

Items 46 through 48 and Z-1 through Z-24 were zoning items set for 4:00 p.m.

Items 49 through 55 were public hearings set for 6:00 p.m.

Mayor Wynn recessed the Council Meeting to go into Executive Session at 10:29 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

39. Discuss legal issues in *S.R. Ridge Limited Partnership v. City of Austin and Stratus Properties, Inc.*, Cause No. A03CA-832SS in the U.S. District Court for the Western District of Texas. (concerns an alleged breach of a 1996 settlement agreement affecting development rights on property at Slaughter and MoPac, where a Wal-Mart had been proposed)
40. 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).
41. Discuss legal issues concerning residential development in the Austin Lake Hills Estates, Section One Subdivision, which is generally located north of the intersection of Cuernavaca Drive and FM 2244, in the extraterritorial jurisdiction of the City of Austin.

Real Property - Section 551.072

Item 42 was discussed later in Executive Session.

43. Discuss acquisition of an interest in real property for the Open Space Project (November 2000 Bond Election). (Related Items 12, 44)

Item 56 was discussed later in Executive Session.

Executive Session ended and Mayor Wynn called the Council Meeting back to order at 12:16 p.m.

CITIZEN COMMUNICATIONS: GENERAL

Steve Ross - Alcohol Outlet Density.

Jake Billingsley - Neighborhood and Civil Rights Issues.

Jeanie Ramirez - Inaccessibility to Austin Community.

Crystal Ramirez - Inaccessibility to Austin Community. Time was donated to Jeanie Ramirez.

Mark Weaver - Public Health Threat - Sexual Activity at Peep Shows in Pornography Shops.

DISCUSSION ITEM

12. Amend the Fiscal Year 2004-2005 Parks and Recreation Department Capital Budget of Ordinance No. 040913-02 to appropriate \$1,529,023 in grant funding from the United States of America Commodity Credit Corporation Farm and Ranch Lands Protection Program and to appropriate a private gift to the City in the amount of \$300,000 for the purpose of purchasing conservation easements. (Funding is available in grant funds from the United States of America Commodity Credit Corporation and a private gift to the City from a private citizen.) (Related Items 43, 44)
Ordinance No. 041021-12 was approved on Council Member Slusher's motion, Council Member Dunkerley's second on a 7-0 vote.

Action on Executive Session

44. That the city manager be authorized to negotiate and execute all documents related to acquiring an interest in land in Hays County, in the Barton Springs Contributing Zone near FM 967,

through two Conservation Easements from (1) Anne Scwheppe Ashmun over approximately 245 acres and (2) Robert Scott Nester and Virginia S. Nester over approximately 510 acres, using Open Space Bond funds (November 2000) \$1,049, 838, a \$300,000 gift from an anonymous donor, and \$1,529, 023 in grant funding from the United States of America Commodity Credit Corporation Farm and Ranch Lands Protection Program, for a total amount not to exceed \$2,878,861.

Resolution No. 041021-44 was approved on Council Member Slusher's motion, Council Member Dunkerley's second on a 7-0 vote.

Mayor Wynn recessed the Council Meeting to go into Executive Session at 12:40 p.m.

EXECUTIVE SESSION CONTINUED

42. 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.
56. Discuss legal issues relating to City of Sunset Valley, et. al. v. City of Austin, et. al., Cause No. GV400101, in the 201st Judicial District Court of Travis County, Texas (concerns a challenge to the Garza Brodie agreement by which the Lowe's litigation was resolved).

Executive Session ended and Mayor Wynn called the Council Meeting back to order at 2:16 p.m.

BRIEFINGS

45. Presentation by Capital Metro on the All Systems Go Long-Range Transit Plan.
The presentation was made by Rick L'Amie, Vice President of Communications, Capital Metro Transportation Authority and Lee Walker, General Manager, Capital Metro Transportation Authority.

DISCUSSION ITEMS CONTINUED

36. Approve a resolution to show Council's support for an urban commuter rail system for Austin and the Central Texas region. (Mayor Will Wynn, Mayor Pro Tem Jackie Goodman and Council Member Raul Alvarez)
This item was withdrawn from the agenda.
15. Authorize execution of a construction contract with JAY-REESE CONTRACTORS, INC., Austin, TX, for the Slaughter Lane Pump Station Expansion Project in the amount of \$3,769,000 plus a \$376,900 contingency, for a total contract amount not to exceed \$4,145,900. (Funding in the amount of \$4,145,900 is available in the Fiscal Year 2002-2003 Amended Capital Budget of the Austin Water Utility.) Lowest bid of three responsive bids received. 2.63 % MBE and 0.08 % WBE subcontractor participation.
The motion authorizing the execution of a construction contract was approved on Council Member Alvarez' motion, Mayor Wynn's second on a 7-0 vote.

Mayor Wynn recessed the Council Meeting at 2:49 p.m.

Mayor Wynn called the Council Meeting back to order at 4:06 p.m.

ZONING CONSENT ITEMS

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

Items Z-1 through Z-8 were pulled for discussion.

- Z-9 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.

The first reading of this ordinance for community commercial-mixed use-conditional overlay (GR-MU-CO) combining district zoning was approved.

- Z-10 C14-04-0117 - 509 Radam Lane - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 509 Radam Lane (Williamson Creek Watershed) from family residence (SF-3) district zoning to community commercial-conditional overlay (GR-CO) combining district zoning. Planning Commission Recommendation: To grant community commercial-conditional overlay (GR-CO) combining district zoning. Applicant: Mark A. Macaulay. Agent: Lenworth Consulting (Nash Gonzales). City Staff: Wendy Walsh, 974-7719.

The first reading of this ordinance for community commercial-conditional overlay (GR-CO) combining district zoning was approved.

- Z-11 C14-04-0075 - South Park Meadows - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 9600 South IH-35 Service Road Southbound (Onion Creek and Slaughter Creek Watersheds) from limited office-conditional overlay (LO-CO) combining district zoning and commercial-liquor sales-conditional overlay (CS-1-CO) combining district zoning to community commercial-conditional overlay (GR-CO) combining district zoning. Zoning and Platting Commission Recommendation: To grant community commercial-conditional overlay (GR-CO) combining district zoning with conditions. Applicant: Abel J. and Mary Ann Theriot Family, LP (Suzanne Sanders). Agent: Cunningham-Allen, Inc. (Jana Rice). City Staff: Wendy Walsh, 974-7719.

Ordinance No. 041021-Z-11 for community commercial-conditional overlay (GR-CO) combining district zoning with conditions was approved.

- Z-12 C14-99-0129 (RCT) - South Park Meadows - Conduct a public hearing and approve a Restrictive Covenant Termination for the property locally known as 9600 South IH-35 Service Road Southbound (Onion Creek / Slaughter Creek Watersheds). Zoning and Platting Commission Recommendation: To grant the Restrictive Covenant Termination. Applicant: Abel J. and Mary Ann Theriot Family, LP (Suzanne Sanders). Applicant: Cunningham-Allen, Inc. (Jana Rice). City Staff: Wendy Walsh, 974-7719.

The motion authorizing the termination of a restrictive covenant was approved.

- Z-13 C14-04-0094 - Janssen Tract - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 9808 South IH-35 Service Road Southbound (Slaughter Creek Watershed) from general commercial services-conditional overlay (CS-CO) combining district zoning to general commercial services-conditional overlay (CS-CO) combining district zoning in order to change a condition of zoning. Zoning and Platting Commission Recommendation: To grant general commercial services-conditional overlay (CS-CO) combining district zoning with conditions. Applicant: Eldon Wayne Janssen and Dawn Janssen. Agent: Cunningham-Allen, Inc. (Jana Rice). City Staff: Wendy Walsh, 974-7719.

Ordinance No. 041021-Z-13 for general commercial services-conditional overlay (CS-CO) combining district zoning with conditions was approved.

- Z-14 C14-04-0030 - Time Insurance, Inc. - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 1405 and 1415 East Riverside Drive (Town Lake Watershed) from limited office (LO) district zoning and family residence (SF-3) district zoning to community commercial-mixed use (GR-MU) combining district zoning. Zoning and Platting Commission Recommendation: To deny community commercial-mixed use (GR-MU) combining district zoning. Applicant: John Suhuler. Agent: Thrower Design (Ron Thrower). City Staff: Robert Heil, 974-2330.
This item was postponed to November 4, 2004 at the applicant's request.
- Z-15 C14-04-0119 - Ivarra Zoning Change - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 2303 West Parmer Lane (Walnut Creek Watershed) from neighborhood office (NO) district zoning to neighborhood commercial (LR) district zoning. Zoning and Platting Commission Recommendation: To grant neighborhood commercial (LR) district zoning. Applicant: Thomas and Virginia Ivarra. City Staff Glenn Rhoades, 974-2775.
Ordinance No. 041021-Z-15 for neighborhood commercial (LR) district zoning was approved.
- Z-16 C14-04-0122 - Tuttle - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 1111 West 7th Street (Town Lake Watershed) from multifamily residence moderate high density-neighborhood plan (MF-4-NP) combining district zoning to family residence-neighborhood plan (SF-3-NP) combining district zoning for Tract 1 and urban family residence-neighborhood plan (SF-5-NP) combining district zoning for Tract 2. Planning Commission Recommendation: To grant family residence-neighborhood plan (SF-3-NP) district zoning for Tract 1 and urban family residence-neighborhood plan (SF-5-NP) combining district zoning for tract 2. Applicant: Tyson Tuttle. Agent: Crocker Consultants (Sarah Crocker). City Staff: Glenn Rhoades, 974-2775.
The first reading of this ordinance for family residence-neighborhood plan (SF-3-NP) district zoning for Tract 1 and urban family residence-neighborhood plan (SF-5-NP) combining district zoning for Tract 2 was approved.
- Z-17 C14-04-0135 - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 300 North Lamar Blvd. (Town Lake Watershed) from limited industrial services-conditional overlay-neighborhood plan (LI-CO-NP) combining district zoning to limited industrial services-planned development area-neighborhood plan (LI-PDA-NP) district zoning. Planning Commission Recommendation: To grant limited industrial services-planned development area-neighborhood plan (LI-PDA-NP) district zoning. Applicant: Goodwill Industries of Central Texas (Cathy Rudzinski). Agent: Drenner Stuart Wolff Metcalf von Kriesler (Michele Allen). City Staff: Glenn Rhoades, 974-2775.
The first reading of this ordinance for limited industrial services-planned development area-neighborhood plan (LI-PDA-NP) district zoning was approved.
- Z-18 C14-04-0112 - Williamson Square - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by zoning property locally known as 10700 Anderson Mill Road (Lake 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: Williamson Center I, Ltd. (Paul Hudson). Agent: Hudson Properties, Inc. (Joan Trayhan). City Staff: Sherri Gager, 974-3057.
Ordinance No. 041021-Z-18 for community commercial-conditional overlay (GR-CO) combining district zoning was approved.

- Z-19 C14-04-0120 - Tech Ridge - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by zoning property locally known as 710, 810, and 820 West Howard Lane (Harris Branch Creek and Walnut Creek Watersheds) from interim-limited industrial services (I-LI) district zoning to limited industrial services (LI) district zoning. Zoning and Platting Commission Recommendation: To grant limited industrial services-conditional overlay (LI-CO) combining district zoning. Applicant: Centerstate 99, Ltd./T.R. Section Four, Ltd. (Bob Liverman). Agent: Armbrust & Brown, L.L.P. (Richard Suttle, Jr.). City Staff: Sherri Gager, 974-3057.
Ordinance No. 041021-Z-19 for limited industrial services-conditional overlay (LI-CO) combining district zoning was approved.
- Z-20 C14-04-0137 - Estates at Canyon Creek - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by zoning property locally known as 9501 R.M. 620 North (Bull Creek Watershed) from interim-rural residence (I-RR) district zoning to multi-family residence limited density (MF-1) district zoning. Zoning and Platting Commission Recommendation: To grant multi-family residence limited density (MF-1) district zoning. Applicant: Quality Close-Outs (Blake Robinson). Agent: Bury & Partners, Inc. (James B. Knight). City Staff: Sherri Gager, 974-3057.
The first reading of this ordinance for multi-family residence limited density (MF-1) district zoning was approved.
- Z-21 C814-99-0001(RCA) - Avery Ranch PUD Restrictive Covenant Amendment - Conduct a public hearing and approve a restrictive covenant amendment for the property locally known as Avery Ranch at Parmer Lane (Brushy Creek Watershed). Zoning and Platting Commission Recommendation: To grant the restrictive covenant amendment. Applicant: Pebble Creek Joint Venture (Edward R. Rathgeber, President), Continental Homes of Texas, L.P. (Richard Maier), Rathgeber Investment Company, Ltd. (Edward R. Rathgeber, Jr.), Developers of Avery Ranch (Robert D. Wunsch, President). Agent: Waterstone Development (Theresa Canchola). City Staff: Sherri Gager, 974-3057.
This item was postponed to November 18, 2004 at staff's request.

Items Z-22 and Z-23 were pulled for discussion.

- Z-24 C14-04-0101 - South Lamar Boulevard-Evergreen Avenue-West Mary Street Rezoning (City Initiated)- Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as area bounded by South Lamar Boulevard on the northwest, Evergreen Drive on the east, and West Mary Street on the south (West Bouldin Creek Watershed) from family residence (SF-3) district zoning, general commercial services (CS) district zoning, general commercial services-conditional overlay (CS-CO) combining district zoning, general commercial services-mixed use-conditional overlay (CS-MU-CO) combining district zoning to general commercial services-mixed use-conditional overlay (CS-MU-CO) combining district zoning. Zoning and Platting Commission Recommendation: To grant general commercial services-mixed use-conditional overlay (CS-MU-CO) combining district zoning with conditions. Applicant: City of Austin. Agent: Neighborhood Planning & Zoning Department (Sherri Gager). City Staff: Sherri Gager, 974-3057.
This item was postponed to November 18, 2004 at the Neighborhood Association's request.

ZONING DISCUSSION ITEMS

46. 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 2307 (S. 23.3 Ft. of Lot 3 Olt. 37 Div. D Louis Horst Subdivision) and 2309 Rio Grande St. (Tract 80A) and 2829 Salado Street

(Tract 148A) in the West University Neighborhood Planning Area and for 3403 (Tract 2104A), 3405 (part of Tract 2104C), and 3407 (Tract 2104B) Hampton Rd. and 3406 Red River St. (part of Tract 2104C) in the Hancock Neighborhood Planning Area. (The Central Austin Combined Neighborhood Plan was recommended by the Planning Commission.)

This section of ordinance No. 041021-46 approving Single-Family for Tract 2104A, 3403 Hampton Road, Tract 2104B, 3407 Hampton Road, and Tract 2104C, 3405 Hampton Road and 3406 Red River St as the future land use was approved on Council Member Dunkerley's motion, Mayor Pro Tem Goodman's second on a 7-0 vote.

The motion to postpone Tract 80A, 2307 Rio Grande and 2309 Rio Grande St to December 2, 2004 was approved on Council Member Thomas' motion, Mayor Pro Tem Goodman's second on a 7-0 vote.

This section of ordinance No. 041021-46 approving Commercial Mixed Use for the rear 50 feet of the tract and Single Family use for the remainder of Tract 148A, 2829 Salado, as the future land use was approved on Council Member Slusher's motion, Council Member McCracken's second on a 7-0 vote.

47. 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 Road and 3406 Red River Street (Tract 2104A, 2104B and 2104C). 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. "Impervious Cover and Parking Placement," "Garage Placement," and "Parking in a Front or Side Yard" restrictions may apply. Council on second 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: Jackie Chuter, 974-2613, and Glenn Rhoades, 974-2775. Note: A petition has been filed in opposition to this zoning request, but its validity has not yet been determined.

This section of Ordinance No. 041021-47 was approved on Council Member Dunkerley's motion, Mayor Pro Tem Goodman's second on a 7-0 vote. The motion was to zone Tract 2104A, 3403 Hampton Rd, SF-2-CO-NP with a height limit of 16 feet or one story and to 10 feet at the eave; prohibit access from any other lot through this lot to Hampton Road; maximum gross floor area of 1,250 square feet; driveway width and garage setback restrictions as in rest of Beau Site (maximum width of front drive equal to 12 feet; maximum width of street side drive equal to 18 feet; parking structure front setback equal to 60 feet; circular driveway prohibited on lots less than 100 feet front street width); Impervious Cover and Parking Placement, Garage Placement, and Front and Side Yard Parking Restrictions as in rest of the neighborhood plan; and small lot amnesty.

This section of Ordinance No. 041021-47 was approved on Council Member Dunkerley's motion, Mayor Pro Tem Goodman's second on a 7-0 vote. The motion was to zone Tract 2104B, 3407 Hampton Rd, SF-2-CO-NP with a height limit of 16 feet or one story and to 10 feet at the eave; prohibit access from any other lot through this lot to Hampton Road; maximum gross floor area equal to 1,250 square feet; driveway width and garage setback restrictions as in rest of Beau Site (maximum width of front drive equal to 12 feet; maximum width of street side drive equal to 18 feet; parking structure front setback equal to 60 feet; circular driveway prohibited on lots less than 100 feet front street width); Impervious Cover and Parking Placement, Garage Placement, and Front and Side Yard Parking Restrictions as in rest of neighborhood plan; and small lot amnesty.

This section of Ordinance No. 041021-47 was approved on Council Member Dunkerley's motion, Mayor Pro Tem Goodman's second on a 7-0 vote. The motion was to zone Tract 2104C, 3405 Hampton Rd and 3406 Red River Street, MF-6-CO-NP, with the maximum impervious cover of 76%, restricting the building cover, setbacks, and uses to the same as SF-2; limit height to 30 feet or 2 stories; prohibit vehicular access to Hampton Road; prohibit circular driveways on lots less than 100 feet of front street yard width; the front yard setback for a parking structure is 60 feet; Impervious Cover and Parking Placement, Garage Placement, and Front and Side Yard Parking Restrictions as in the rest of the neighborhood plan; and small lot amnesty.

Direction was given to staff to initiate plan change (if necessary) and zoning change for lots on Harris Avenue starting at the wall at Red River, to allow for garage apartment.

48. C14-04-0021 - Central Austin Combined Neighborhood Plan (West University) - Approve third reading of an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 2307 (S. 23.3 Ft. of Lot 3 Olt. 37 Div. D Louis Horst Subdivision) and 2309 Rio Grande St. (Tract 80A) and 2829 Salado Street (Tract 148A) in the West University Neighborhood Planning Area. 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. The Neighborhood Mixed-Use Building special use is proposed for Tracts 80A and 148A. City Council may approve a zoning change from general office (GO) district zoning and general commercial services (CS) district zoning to limited office-mixed use-conditional overlay-neighborhood plan (LO-MU-CO-NP) 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. The motion to postpone Tract 80A, 2307 Rio Grande and 2309 Rio Grande St to December 2, 2004 was approved on Council Member Thomas' motion, Mayor Pro Tem Goodman's second on a 7-0 vote.

Ordinance No. 041021-48 was approved on Council Member Slusher's motion, Council Member McCracken's second on a 7-0 vote. The motion was to zone Tract 148A, 2829 Salado, LR-MU-CO-NP, for the rear 50 feet of the tract with a height limit of 30 feet and SF-3-CO-NP on the remainder of the tract with a height limit of 30 feet.

- Z-22 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 and this item was postponed to November 4, 2004 on Council Member Slusher's motion, Council Member Thomas' second on a 7-0 vote.

Mayor Wynn recessed the Council Meeting at 5:30 p.m.

LIVE MUSIC

Sam Shepherd

PROCLAMATIONS

Proclamation - Archives Week - to be presented by Mayor Will Wynn and to be accepted by April Norris, Sue Soy and Brenda Branch

Certificates of Appreciation - Contributors to the St. John's Food Pantry - to be presented by Mayor Will Wynn and to be accepted by representatives of Round Rock Sertoma, Episcopal Church of the Resurrection and New Zion Missionary Baptist Church

Proclamation - Destination Dignity Month - to be presented by Mayor Will Wynn and to be accepted by Beverly Scarborough

Certificates of Congratulations - Volunteers of the Month for September and October - to be presented by Council Member Brewster McCracken and to be accepted by Lois Bilborough and Linda Hardy

Certificate of Congratulations - PARD Gold Medal Award - to be presented by Mayor Will Wynn and to be accepted by Warren Struss on behalf of the Parks and Recreation Department

Proclamation - Proclamation - Arbor Day - to be presented by Mayor Will Wynn and to be accepted by Warren Struss

Mayor Wynn called the Council Meeting back to order at 6:15 p.m.

ZONING DISCUSSION ITEMS CONTINUED

- Z-23 C14-04-0133 - Lamar Zoning - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 11800 North Lamar Boulevard (Walnut Creek Watershed) from development reserve (DR) district zoning and limited office (LO) district zoning to community commercial (GR) district zoning. Zoning and Platting Commission Recommendation: To grant community commercial-conditional overlay (GR-CO) combining district zoning for Tract 1 and limited office-conditional overlay (LO-CO) combining district zoning for Tract 2. Applicant: North Lamar Ventures Partnership, Ltd. Agent: Crocker Consultants (Sarah Crocker). City Staff: Sherri Gager, 974-3057.

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

The first reading of the ordinance for community commercial-conditional overlay (GR-CO) combining district zoning for Tract 1 and limited office-conditional overlay (LO-CO) combining district zoning for Tract 2 was approved with the following conditions on Council Member Dunkerley's motion, Council Member McCracken's second on a 7-0 vote. The conditional overlay for Tracts 1 and 2 will limit development on the site to less than 2,000 vehicle trips per day. The conditional overlay for Tract 1 will also prohibit the following uses: automotive rentals, automotive sales, business or trade school, commercial off-street parking, exterminating services, food sales, general retail sales (general), indoor entertainment, off-site accessory parking, pawn-shop services, research services, theater, community recreation (public), college and university facilities, hospital services (limited), residential treatment, automotive repair services, automotive washing (of any type), business support services, consumer repair services, financial services, funeral services, hotel-motel, indoor sports and recreation, outdoor sports and recreation, pet services,

service station, community recreation (private), congregate living, guidance services, and private secondary educational facilities. Drive-in service will be an accessory use to restaurant general and limited. Additional condition for Tract 1 is LR development standards.

PUBLIC HEARINGS AND POSSIBLE ACTION

55. 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.)
The public hearing was closed and this item was postponed to October 28, 2004 on Mayor Pro Tem Goodman's motion, Council Member Slusher's second on a 7-0 vote.

54. Conduct a public hearing and consider recommendations regarding redevelopment in the Rainey Street Subdistrict of the Waterfront Overlay District, including initiation of appropriate amendments to City development regulations. (Reviewed by Design Commission, Downtown Commission, Historic Landmark Commission, Parks Board and Planning Commission; and Zoning and Platting Commission.) (Related Items Z-1, Z-2, Z-3, Z-4, Z-5, Z-6, Z-7, Z-8)
The public hearing was closed on Council Member Alvarez' motion, Council Member Dunkerley's second on a 5-0 vote. Mayor Pro Tem was off the dais. Council Member Slusher abstained.

This item was postponed to November 4, 2004 on Council Member Alvarez' motion, Council Member Dunkerley's second on a 5-0 vote. Mayor Pro Tem was off the dais. Council Member Slusher abstained.

- 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 grant central business district-conditional overlay (CBD-CO) combining district zoning and community commercial-mix use (GR-MU) combining district zoning with conditions. Applicant: City of Austin. Agent: Neighborhood Planning and Zoning Department (Glenn Rhoades). City Staff: Glenn Rhoades, 974-2775. (Related Items 54, Z-2, Z-3, Z-4, Z-5, Z-6, Z-7, Z-8)

The public hearing was closed on Council Member Alvarez' motion, Council Member Dunkerley's second on a 5-0 vote. Mayor Pro Tem was off the dais. Council Member Slusher abstained.

This item was postponed to November 4, 2004 on Council Member Alvarez' motion, Council Member Dunkerley's second on a 5-0 vote. Mayor Pro Tem was off the dais. Council Member Slusher abstained.

- 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 grant central business district-conditional overlay (CBD-CO) combining district zoning and community commercial-mixed use (GR-MU) combining district zoning. Applicant: City of Austin. Agent: Neighborhood Planning and Zoning Department (Glenn Rhoades). City Staff: Glenn Rhoades, 974-2775. (Related Items 54, Z-1, Z-3, Z-4, Z-5, Z-6, Z-7, Z-8)

The public hearing was closed on Council Member Alvarez' motion, Council Member Dunkerley's second on a 5-0 vote. Mayor Pro Tem was off the dais. Council Member Slusher abstained.

This item was postponed to November 4, 2004 on Council Member Alvarez' motion, Council Member Dunkerley's second on a 5-0 vote. Mayor Pro Tem was off the dais. Council Member Slusher abstained.

- 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 grant central business district-conditional overlay (CBD-CO) combining district zoning with conditions. Applicant: City of Austin. Agent: Neighborhood Planning and Zoning Department (Glenn Rhoades). City Staff: Glenn Rhoades, 974-2775. (Related Items 54, Z-1, Z-2, Z-4, Z-5, Z-6, Z-7, Z-8)

The public hearing was closed on Council Member Alvarez' motion, Council Member Dunkerley's second on a 5-0 vote. Mayor Pro Tem was off the dais. Council Member Slusher abstained.

This item was postponed to November 4, 2004 on Council Member Alvarez' motion, Council Member Dunkerley's second on a 5-0 vote. Mayor Pro Tem was off the dais. Council Member Slusher abstained.

- 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 grant central business district-conditional overlay (CBD-CO) combining district zoning and community commercial-mixed use (GR-MU) combining district zoning with conditions. Applicant: City of Austin. Agent: Neighborhood Planning and Zoning Department (Glenn Rhoades). City Staff: Glenn Rhoades, 974-2775. (Related Items 54, Z-1, Z-2, Z-3, Z-5, Z-6, Z-7, Z-8)

The public hearing was closed on Council Member Alvarez' motion, Council Member Dunkerley's second on a 5-0 vote. Mayor Pro Tem was off the dais. Council Member Slusher abstained.

This item was postponed to November 4, 2004 on Council Member Alvarez' motion, Council Member Dunkerley's second on a 5-0 vote. Mayor Pro Tem was off the dais. Council Member Slusher abstained.

- 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: To grant central business district (CBD) district zoning. Applicant: City of Austin. Agent: Neighborhood Planning and Zoning Department (Glenn Rhoades). City Staff: Glenn Rhoades, 974-2775. (Related Items 54, Z-1, Z-2, Z-3, Z-4, Z-6, Z-7, Z-8)
The public hearing was closed on Council Member Alvarez' motion, Council Member Dunkerley's second on a 5-0 vote. Mayor Pro Tem was off the dais. Council Member Slusher abstained.

This item was postponed to November 4, 2004 on Council Member Alvarez' motion, Council Member Dunkerley's second on a 5-0 vote. Mayor Pro Tem was off the dais. Council Member Slusher abstained.

- 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 grant central business district (CBD) district zoning. Applicant: City of Austin. Agent: Neighborhood Planning and Zoning Department (Glenn Rhoades). City Staff: Glenn Rhoades, 974-2775. (Related Items 54, Z-1, Z-2, Z-3, Z-4, Z-5, Z-7, Z-8)
The public hearing was closed on Council Member Alvarez' motion, Council Member Dunkerley's second on a 5-0 vote. Mayor Pro Tem was off the dais. Council Member Slusher abstained.

This item was postponed to November 4, 2004 on Council Member Alvarez' motion, Council Member Dunkerley's second on a 5-0 vote. Mayor Pro Tem was off the dais. Council Member Slusher abstained.

- 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 grant central business district (CBD) district zoning with conditions. Applicant: City of Austin. Agent: Neighborhood Planning and Zoning Department (Glenn Rhoades). City Staff: Glenn Rhoades, 974-2775. (Related Items 54, Z-1, Z-2, Z-3, Z-4, Z-5, Z-6, Z-8)
The public hearing was closed on Council Member Alvarez' motion, Council Member Dunkerley's second on a 5-0 vote. Mayor Pro Tem was off the dais. Council Member Slusher abstained.

This item was postponed to November 4, 2004 on Council Member Alvarez' motion, Council Member Dunkerley's second on a 5-0 vote. Mayor Pro Tem was off the dais. Council Member Slusher abstained.

- 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 grant central business district (CBD) district zoning with conditions. Applicant: City of Austin. Agent: Neighborhood Planning and Zoning Department (Glenn Rhodes). City Staff: Glenn Rhoades, 974-2775. (Related Items 54, Z-1, Z-2, Z-3, Z-4, Z-5, Z-6, Z-7)
The public hearing was closed on Council Member Alvarez' motion, Council Member Dunkerley's second on a 5-0 vote. Mayor Pro Tem was off the dais. Council Member Slusher abstained.

This item was postponed to November 4, 2004 on Council Member Alvarez' motion, Council Member Dunkerley's second on a 5-0 vote. Mayor Pro Tem was off the dais. Council Member Slusher abstained.

The motion to waive the rules and allow Council to meet after 10 p.m. was approved on Council Member Thomas' motion, Council Member Alvarez' second on a 5-0 vote. Mayor Pro Tem Goodman and Council Member Slusher were off the dais.

53. Conduct a public hearing for the full purpose annexation of the Ferguson Cutoff Area (Approximately 98.7 acres 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).
The public hearing was closed on Council Member Thomas' motion, Mayor Wynn's second on a 5-0 vote. Mayor Pro Tem Goodman and Council Member Slusher were off the dais.
50. Conduct a public hearing for the full purpose annexation of the 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).
The public hearing was closed on Council Member Alvarez' motion, Council Member Dunkerley's second on a 5-0 vote. Mayor Pro Tem Goodman and Council Member Slusher were off the dais.
49. Conduct a public hearing for the limited purpose annexation of the Goodnight Ranch Area (Approximately 760.515 acres 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).
This item was withdrawn from the agenda.
51. Conduct a public hearing for the full purpose annexation of the Pearce Lane/Ross Road Municipal Annexation Plan Area (approximately 277 acres in southeast Travis County located approximately one and one quarter miles east of the intersection of FM 973 and Pearce Lane).
The public hearing was closed on Council Member Thomas' motion, Mayor Wynn's second on a 5-0 vote. Mayor Pro Tem Goodman and Council Member Slusher were off the dais.

52. Conduct a public hearing for the full purpose annexation of the Coldwater Area (approximately 110.6 acres in Travis County southwest of FM 2222 at the intersection of FM 2222 and City Park Road).

The public hearing was closed on Council Member Alvarez' motion, Mayor Wynn's second on a 5-0 vote. Mayor Pro Tem Goodman and Council Member Slusher were off the dais.

The motion to adjourn the meeting at 10:45 p.m. was approved on Council Member Thomas' motion, Council Member Dunkerley's second on a 5-0 vote. Mayor Pro Tem Goodman and Council Member Slusher were off the dais.

The minutes for the Regular Meeting of October 21, 2004 were approved on this the 28th day of October, 2004 on Council Member Alvarez' motion, Council Member Thomas' second on a 7-0 vote.