



**Austin City Council
MINUTES**

**REGULAR MEETING
THURSDAY, July 31, 2003**

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, July 31, 2003 in the Board Room at Lower Colorado River Authority Hancock Building, 3700 Lake Austin Boulevard.

Invocation: Rev. Fred Stennfeld, Christ Lutheran Church

Mayor Wynn called the Council Meeting to order at 10:01 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 Dunkerley's motion, Council Member Wynn's second on a 5-0 vote. Council Members Thomas and Alvarez were off the dais.

1. Approval of minutes from regular meeting of July 17, 2003.
The minutes from the meeting of June 17, 2003 were approved.
2. Authorize acceptance of grant funds from the Public Utility Commission of Texas in the amount of \$354,520 for the purchase and installation of an additional 3000 energy-saving devices on coin-operated beverage machines, and amend Ordinance No. 020910-01, the 2002-2003 Amended Operating Budget of the Electric Utility Department Special Revenue fund, by increasing grant funding and grant expenditures by \$354,520. (Funding will be reimbursed by the Public Utility Commission of Texas. The grant will expire on December 19, 2003, unless extended by mutual agreement in writing by both parties.) (Recommended by the Resource Management Commission. Recommended by the Electric Utility Commission.)
Ordinance No. 030731-2 was approved.
3. Authorize acceptance of grant funds from the Public Utility Commission of Texas in the amount of \$90,859 for the installation of Light Emitting Diode (LED) technology in commercial building exit signs, and amend Ordinance No. 020910-01, the 2002-2003 Amended Operating Budget of the Electric Utility Department Special Revenue fund, by increasing grant funding and grant expenditures by \$90,859. (Funding will be reimbursed by the Public Utility Commission of Texas. The grant will expire on December 19, 2003, unless extended by mutual agreement in writing by both parties.) (Recommended by the Resource Management Commission. Recommended by the Electric Utility Commission.)
The motion authorizing the acceptance of grant funds and Ordinance No. 030731-3 was approved.

4. Authorize execution of a construction contract with D.R. KIDD Co. Inc., Round Rock, Texas, for Health and Human Services Campus Re-roof project in an amount not to exceed \$63,941.00. (Funding is available in the Texas Department of Health, Public Health Preparedness and Response for Bioterrorism Division grant program. The grant period is June 1, 2002 through August 21, 2003. No City match is required.) Sole bid. This contract will be awarded in compliance with the 1996 MBE/WBE Ordinance, as amended. No subcontracting opportunities were identified; therefore, no goals were established for this solicitation.
The motion authorizing the execution of a construction contract was approved.

Item 5 was pulled for discussion.

6. Authorize and direct publication of an Official Notice of Intention to Issue \$4,450,000 City of Austin, Texas, Certificates of Obligation, Series 2003. (Approved by the Audit and Finance Committee.)
Resolution No. 030731-6 was approved.
7. Approve the negotiation and execution of a twelve month contract amendment for an amount not to exceed \$442,500 to the Urban Renewal Agency of the City of Austin (URA), for a total contract amount not to exceed \$522,500, for the purpose of providing funds for acquiring property and relocation assistance, organizational insurance, and other operational expenses of the Agency in connection with the East 11th and East 12th Street Redevelopment project. (Funding in the amount of \$442,500 is available in Fiscal Year 2003-2004 Neighborhood Housing and Community Development Office (NHCD) 29th Year Community Development Block Grant (CDBG), East 11th and 12th Streets Redevelopment Program.)
The motion authorizing the negotiation and execution of a contract amendment was approved.

Item 8 was pulled for discussion.

9. Authorize application for grant funding in the amount of \$50,000 from the U.S. Department of Justice, Office of Community Policing Services (COPS), Enhancement of Community Policing Program, to support the Austin Police Department's Volunteers in Policing Services (VIPS) program. (Funding is available from the U.S. Department of Justice, Office of Community Policing Services (COPS), with an anticipated start date of September 1, 2003. A cash match is not required.)
The motion authorizing the application for grant funding was approved.
10. Authorize application for grant funding in the amount of \$300,000 from the U.S. Department of Justice, Office of Community Policing Services (COPS), Enhancement of Community Policing Program to expand the police 3-1-1 call center to include non-emergency calls from other city departments. (Funding is available from the U.S. Department of Justice, Office of Community Policing Services (COPS), with an anticipated start date of September 1, 2003. A cash match is not required.)
The motion authorizing the application for grant funding was approved.
11. Approve a resolution authorizing the filing of eminent domain proceedings to acquire a permanent waterline easement containing 2,866 square feet of land out of Lots 1-2, Block C, Eubank Acres, Section 1, Travis County, Texas, located at 11421 North Lamar Boulevard, from Southwestern Bell Telephone Company, a Missouri Corporation, in the amount of \$4,265. (Funding is included in the 2002-2003 Amended Capital Budget of the Water and Wastewater Utility.)
Resolution No. 030731-11 was approved.

12. Approve a resolution authorizing the filing of eminent domain proceedings to acquire a temporary workspace easement containing 0.150 acre of land and a permanent wastewater line easement containing 0.138 acre of land out of the L. C. Cunningham Survey 63, Abstract No. 163, Travis County, Texas, located on the south side of FM 1825 east of IH 35, from S. Thurman Blackburn, III, in the amount of \$7,655. (Funding is included in the fiscal year 2002-2003 Amended Capital Budget of the Water and Wastewater Utility.)
Resolution No. 030731-12 was approved.
13. Approve a resolution authorizing the filing of eminent domain proceedings to acquire a permanent wastewater line easement containing 0.011 acre of land and a temporary workspace easement containing 0.079 acre of land out of L. C. Cunningham Survey No. 63, Abstract No. 163, Travis County, Texas, located at the west corner of Three Points Road and Pecan Street (FM 1825), from J. B. Marshall, Jr., also known as J. B. Marshasll, Jr., in the amount of \$1,500. (Funding is included in the fiscal year 2002-2003 Amended Capital Budget of the Water and Wastewater Utility.)
Resolution No. 030731-13 was approved.
14. Approve a resolution authorizing the filing of eminent domain proceedings to acquire a permanent wastewater easement containing 2,545 square feet of land and a temporary workspace easement containing 2,502 square feet of land out of Lot 1, Bilton Subdivision, Travis County, Texas, located at 9200 Metric Boulevard #00608, from T. Marc Knutsen in an amount not to exceed \$206. (Funding is available in the Fiscal Year 2002-2003 Amended Capital Budget of the Water & Wastewater Utility.)
Resolution No. 030731-14 was approved.
15. Approve a resolution authorizing the filing of eminent domain proceedings to acquire permanent street right-of-way containing 26,727 square feet, a permanent water quality and drainage easement containing 100,288 square feet, a permanent slope easement containing 4,053 square feet, and a temporary construction easement containing 21,088 square feet out of the William Cannon Survey No 19, Travis County, Texas, located at 1502 West Dittmar Road and a tract immediately adjacent thereto, from Edwin B. Ermis, in the amount of \$114, 740. (Funding is included in the 2001-2002 Amended Capital Budget of the Transportation, Planning, and Sustainability Dept.)
Resolution No. 030731-15 was approved.
16. Approve a resolution authorizing the fee simple acquisition of Lot 40, Linda Vista Subdivision, locally known as 10607 Linda Vista Drive, from Richard and Christina Cadena for the Airport Noise Mitigation Program, in the amount of \$68,800 for the land and improvements and \$52,885 relocation benefits, plus closing costs and moving related expenses in the amount not to exceed \$10,000, for a total amount not to exceed \$131,685. (Funding in the amount of \$131,685 is available in Fiscal Year 2002-2003 Capital Budget of the Department of Aviation using airport funds and available Federal Aviation Administration (FAA) Grants.)
Resolution No. 030731-16 was approved.
17. Approve a resolution authorizing the fee simple acquisition of Lot 31, Linda Vista Subdivision, locally known as 10809 Linda Vista Drive, from Martin & Elvira Perez for the Airport Noise Mitigation Program, in the amount of \$99,000 for the land and improvements, plus closing costs and moving related expenses in an amount not to exceed \$10,000, for a total amount not to exceed \$109,000. (Funding in the amount of \$109,000 is available in Fiscal Year 2002-2003 Capital Budget of the Department of Aviation using airport funds and available Federal Aviation Administration (FAA) Grants.)
Resolution No. 030731-17 was approved.

18. Approve a resolution authorizing the fee simple acquisition of Lot 25, Linda Vista Subdivision, locally known as 11003 Linda Vista, from Mary Lou Saldana for the Airport Noise Mitigation Program, in the amount of \$105,000 for the land and improvements, plus closing costs and moving related expenses in the amount of \$10,000, for an amount not to exceed \$115,000. (Funding in the amount of \$115,000 is available in Fiscal Year 2002-2003 Capital Budget of the Department of Aviation using airport funds and available Federal Aviation Administration (FAA) Grants.)

Resolution No. 030731-18 was approved.

19. Authorize payment to the TEXAS DEPARTMENT OF TRANSPORTATION for the City's 10% financial participation in the right-of-way acquisition of Parcel 70A for the State Highway 71 Project, from Woodward Street to FM 973, at Del Valle, Texas, in accordance with the June 27, 1986 Agreement for Right-of-Way Procurement, in the amount of \$114,864.60 (Funding is available in Fiscal Year 2000-2001 Amended Capital Budget of the Transportation Planning & Sustainability Department.)

The motion authorizing payment to the Texas Department of Transportation was approved.

Item 20 was pulled for discussion.

21. Approve an ordinance: (a) repealing City Code Section 16-4-34 (9) for portions of U.S. Highway 183 Frontage Roads having a maximum speed limit of 45 miles per hour to eliminate duplicate sections of the City Code and, (b) repealing Sections 16-4-35 (9) and 16-4-35 (25) and amending Section 16-4-35(28) for portions of U.S. Highway 183 Frontage Roads having a maximum speed limit of 50 miles per hour to eliminate duplicate sections of the City Code and to correct the incomplete street names.

Ordinance No. 030731-21 was approved.

22. Approve a resolution authorizing negotiation and execution of an Interlocal Agreement with the State of Texas Energy Conservation Office to extend the City's involvement in the Clean Cities Program from September 1, 2003 through August 31, 2004 in an amount not to exceed \$40,000. (Funding is available from a grant from the Texas State Energy Conservation Office. No City Match is required.) (Related Item 23)

Resolution No. 030731-22 was approved.

23. Approve an ordinance accepting \$40,000 in grant funds from the State of Texas, Energy Conservation Office, for a total grant amount of \$90,000, and amending Ordinance 020910-1, the 2002-03 Operating Budget of the Transportation, Planning & Sustainability Department to appropriate \$40,000 to continue the City's involvement in the Clean Cities Program to August 31, 2004. (Funding in the amount of \$40,000 is available from the State of Texas Energy Conservation Office. A City Match is not required. The grant term is September 1, 2003 to August 31, 2004.) (Related Item 22)

Ordinance No. 030731-23 was approved.

24. Authorize execution of an interlocal agreement in the amount of \$15,000 with Travis County for preliminary engineering design of Harris Branch Parkway as a six lane major divided arterial roadway from approximately .76 mile south of Gregg Lane to Gregg Lane. (Funding is available in the Fiscal Year 2002-2003 Amended CIP Budget of the Transportation, Planning & Sustainability Department.)

The motion authorizing the execution of an interlocal agreement was approved.

Item 25 was pulled for discussion.

26. Approve a resolution authorizing the execution of a Fiscal and Personnel Management Agreement and a Staff Management Agreement with the Capital Area Metropolitan Planning Organization (CAMPO) Policy Advisory Committee to continue the City's provision of administrative support services to CAMPO through September 30, 2009.
Resolution No. 030731-26 was approved.
27. Adopt an Ordinance repealing Chapter 18-2 of the City Code and adopting a new Chapter 18-2 regarding Wastewater Regulations, creating criminal offenses, and providing penalties. The repeal and adoption of the new Chapter 18-2 is part of the substantial modification of the City's Pretreatment Program that will allow the City to comply with federal and state regulations that require this modification. (Funding for the implementation and operations of the Water and Wastewater Utility's Texas Commission on Environmental Quality (TCEQ) and U.S. Environmental Protection Agency (EPA) mandated Pretreatment Program was included in the Approved FY 2002-03 Operating Budget of the Water and Wastewater Utility.) (Recommended by Water and Wastewater Commission)
Ordinance No. 030731-27 was approved.
28. Approve a resolution for the extension of the revised fee schedule for participation under the Balcones Canyonlands Conservation Plan - Shared Vision for a period of one year (until July 14, 2004). (Recommended by Water and Wastewater Commission)
Resolution No. 030731-28 was approved.
29. Board and Commission Appointments
The following appointments were made:

Board/ Appointee	Consensus/ Council Nominee	Appointment/ Reappointment
<u>Airport Advisory Commission</u>		
Amanda Cagle	Consensus	Reappointment
Phil Williams	Consensus	Reappointment
<u>Child Care Council</u>		
Sue Ann Carpenter	Consensus	Reappointment
<u>Commission for Women</u>		
Judith Lewis	Consensus	Appointment
<u>Commission on Immigrant Affairs</u>		
Luis Plascencia	Consensus	Reappointment
<u>Robert Mueller Municipal Airport Plan Implementation Advisory Commission</u>		
Rick Krivoniak (At-Large)	Consensus (At-Large)	Reappointment
Claire Morris (At-Large)	Consensus	Appointment
Jim Walker (Neighborhood Adjacent)	Consensus	Reappointment
<u>Solid Waste Advisory Commission</u>		
Lark Anthony	Consensus	Reappointment
<u>Telecommunications Commission</u>		
Wendell Ramsey	Council Member McCracken's	Reappointment

Item 30 was pulled for discussion.

31. Approve an ordinance waiving certain park use fees under Ordinance No. 020910-04, the 2002-2003 fee ordinance, for the American Heart Association's 9th Annual Hispanic Health Festival to be held at Fiesta Gardens on September 20, 2003. (Council Member Danny Thomas, Mayor Will Wynn and Mayor Pro Tem Jackie Goodman)
Ordinance No. 030731-31 was approved.
32. Set a public hearing to approve the use of 2.903 acres for a wastewater line and 3.790 acres for a temporary construction working space use through dedicated parkland known as Greenway & Destination Parkland located along Little Walnut Creek in accordance with Sec. 26.001 et seq. of the Texas Parks and Wildlife code. (Suggested date and time: August 28, 2003 at 6:00 p.m., Lower Colorado River Authority, Hancock Building.) (All costs associated with the line, as well as any parkland restoration will be paid by the Water & Wastewater Utility through a previously approved CIP.) (Recommended by Parks & Recreation Board.)
The public hearing was set for August 28, 2003 at 6:00 p.m., Lower Colorado River Authority Hancock Building.
33. Set a public hearing to consider a variance request to waive dedication of the 100-year floodplain of Lake Austin as drainage easement in the Gros Subdivision at 4106 Sandy Acre Lane. (Suggested date and time: August 7, 2003 at 6:00 p.m., Lower Colorado River Authority, Hancock Building)
The public hearing was set for August 7, 2003 at 6:00 p.m., Lower Colorado River Authority, Hancock Building.
34. Set a public hearing to receive public comment on the proposed rate and fee changes for the Water and Wastewater Utility and Solid Waste Services Department as part of the Fiscal Year 2003-2004 Proposed Budget. (Suggested date and time: August 14, 2003 at 6:00 p.m., Lower Colorado River Authority, Hancock Building.)
The public hearing was set for August 14, 2003 at 6:00 p.m., Lower Colorado River Authority, Hancock Building.

DISCUSSION ITEMS

5. Approve an ordinance authorizing the issuance of approximately \$60,000,000 City of Austin, Texas, Airport System Prior Lien Revenue Refunding Bonds Series 2003, including approval and authorization of all related documents pertaining thereto. The refunding will be executed provided that at the time of the execution of the bond purchase agreement, the bonds that are refunded produce a present value savings of at least 4.25%. In addition, the bond purchase agreement must be executed no later than October 31, 2003. (No fiscal impact during fiscal year 2002-2003. \$2,383,682 estimated debt service requirement and \$600 estimated annual paying agent/registrar fee will be included in the fiscal year 2003-2004 Proposed Budget of the Airport Revenue Bond Redemption Fund.) (Approved by the Audit and Finance Committee.)
Ordinance No. 030731-5 was approved on Council Member Dunkerley's motion, Mayor Pro Tem Goodman's second on a 6-0 vote. Council Member Thomas was off the dais.
25. Approve an Ordinance amending Section 8-13-212 of the Austin City Code relating to Airport Shuttle Service requirements. (Reviewed by Urban Transportation Commission.)
Ordinance No. 030731-25 was approved with the following friendly amendment on Council Member McCracken's motion, Mayor Wynn's second on a 6-1 vote. Mayor Pro Tem Goodman voted nay. Council Member Alvarez' friendly amendment was to examine the number of permits and penalties before the contract expires to strengthen the relationship between the City and the contractor and the contractor and the drivers.

8. Approve a resolution to name the new recreation center to be built in Colony Park, located in the 8200 block of Loyola Lane as the Turner/ Roberts Recreation Center. (Recommended by the Parks Board)
Resolution No. 030731-8 was approved on Council Member Thomas' motion, Council Member Dunkerley's second on a 6-0 vote. Council Member Slusher abstained.
20. Authorize negotiation and execution of change order #4 to the existing construction contract with JOURNEYMAN CONSTRUCTION L.P. (MBE/MA 23.52%), Austin, TX, for the Austin Resource Center for the Homeless, in an estimated amount not to exceed \$196,000, for a total contract amount not to exceed \$4,977,198.22. (Funding in the amount of \$131,000 is available in the Fiscal Year 2002-2003 Capital Budget of the Transportation Planning & Sustainability Department; \$20,000 is available in Fiscal Year 2002-2003 Capital Budget of the Austin Travis County Health & Human Services Department; \$45,000 is available in Fiscal Year 2002-2003 Capital Budget of the Austin Travis County Health & Human Services Department.) 13.95% MBE and 7.63% WBE overall subcontractor participation prior to this action.
The motion authorizing the negotiation and execution of change order #4 to the existing construction contract was approved on Council Member Alvarez' motion, Council Member Thomas' second on a 7-0 vote.
30. Approve an ordinance amending Chapter 2-2 of the Code relating to council actions, meeting procedures, public hearings and appeals. (Council approved first reading on July 17, 2003.) (Mayor Will Wynn, Mayor Pro Tem Jackie Goodman and Council Member Betty Dunkerley)
The second reading of the ordinance was approved with the following amendments on Council Member Slusher's motion, Council Member Alvarez' second on a 7-0 vote.

Section 2-2-29 (D)(2) should read, "The presiding officer exercises the officer's authority under section 2-2-27(C) (Rules of Order) to limit or reduce the speaker's time."

Section 2-2-29 (H) should read, "A person may not register to speak on an item posted as a briefing"

Section 2-2-42 (C)(3) should read, "Presentation by interested parties supporting the application or proposal subject to the time limitations prescribed in section 2-2-29 (Speaker Registration and Speaking Time);" and (C)(4) should read, "Presentation by interested parties opposing the application or proposal subject to the time limitations prescribed in section 2-2-29 (Speaker Registration and Speaking Time);" and

Section 2-2-65 (B)(2) through (5) (B)(2) should read, "A presentation by the appellant, limited to five minutes; (3) Comment by persons supporting the appeal subject to the time limitations prescribed in section 2-2-29 (Speaker Registration and Speaking Time); (4) Comment by persons opposing the appeal subject to the time limitations prescribed in section 2-2-29 (Speaker Registration and Speaking Time); and (5) A rebuttal by the appellant, limited to three minutes."

Mayor Wynn recessed the Council Meeting at 11:36 a.m. to go into Executive Session

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

35. Discuss legal issues related to *Hyde Park Baptist Church v. The City of Austin, Defendant, and Hyde Park Neighborhood Association, Defendant Intervenor*, Cause Number GN202015, in the 98th Judicial District Court of Travis County, Texas. (Concerns the church's construction of a parking garage near 39th Street and Avenue D).
This item was postponed to August 14, 2003.

Items 36 and 37 were discussed later in Executive Session.

38. Discuss possible settlement between the City of Austin and Public Utility Commission staff concerning certain wind scheduling activities by the City of Austin. (Related Item 40)

Item 39 was discussed later in Executive Session.

Executive Session ended at 11:57 a.m.

Mayor Wynn called the Council meeting back to order at 12:00 p.m.

CITIZEN COMMUNICATIONS: GENERAL

Erika Gonzalez - Don't Leave Our Youth Behind - Preserve Parks and Recreation Budget!
PODER's Young Scholars for Justice

Librado Almanzor - Don't Leave Our Youth Behind - Preserve Parks and Recreation Budget!
PODER's Young Scholars for Justice

Ana Luz Villalobos - Save our Youth - Keep Summer Recreation Projects! Don't Cut Parks and Rec. Budget! PODER's Young Scholars for Justice

Theresa Marquez - Save our Youth - Keep Summer Recreation Projects! Don't Cut Parks and Rec. Budget! PODER's Young Scholars for Justice

Leslie Serrano - Don't Leave Our Youth Behind - Preserve Parks and Recreation Budget!
PODER's Young Scholars for Justice

Melodi Serrano - Save our Youth - Keep Summer Recreation Projects! Don't Cut Parks and Rec. Budget! PODER's Young Scholars for Justice

Robert L. Thomas - To discuss the park director and building and sports at the Rosewood Recreation Center **He was not present when his name was called.**

Paul Hernandez - Holly Power Plant - Close it now - Other East Austin & Chicano Issues. **He was not present when name his was called.**

Thomas Alexander - Too Much for Garbage

Jennifer L. Gale - A more representative Austin City Council **She was not present when her name was called.**

DISCUSSION ITEM

40. Consider possible settlement between the City of Austin and Public Utility Commission staff concerning certain wind scheduling activities by the City of Austin. (Related Item 38)
The motion to approve the settlement between the City of Austin and the Public Utility Commission Staff concerning certain wind scheduling activities of Austin Energy to provide for the return by Austin Energy of \$1.9 million in payments made to it as a result of its scheduling practices was approved on Council Member Slusher's motion, Council Member McCracken's second on a 7-0 vote.

Mayor Wynn recessed the Council Meeting at 12:17 p.m. to go into Executive Session

EXECUTIVE SESSION CONTINUED

36. Discuss legal issues concerning the First Called Special Session of the 78th Legislature, including issues relating to redistricting, development law, hospital districts, annexation and taxation.
37. Discuss legal issues related to Austin Women's Hospital administration and medical staff bylaws, including the practice of midwifery.
39. Discuss legal issues related to the proposed Garza Brodie Subdivision (also known as the Lowe's tract), approximately 31 acres in the Barton Springs Zone located at the Northwest corner of Brodie Lane and Allegro Lugar, and the cases *Lowe's Home Centers, Inc. v. City of Austin*, Cause No. GN300629, in the 98th Judicial District Court of Travis County, Texas (concerning development of the Lowe's tract) and *Gordon Dunaway and Eli J. Garza v. City of Austin*, Cause No. 97-12434, in the 261st Judicial District Court of Travis County, Texas (concerning development of land in the Barton Springs Zone near the intersection of William Cannon Drive and MoPac).

Executive Session ended at 1:59 p.m.

Mayor Wynn called the Council meeting back to order at 2:00 p.m.

BUDGET BRIEFING

41. Presentation of Proposed Budget for Fiscal Year 2003-2004.
The presentation was made by Toby Hammett Futrell, City Manager and Rudy Garza, Budget Director.

42. Approve a resolution adopting the Fiscal Year 2003-2004 budget schedule and set public hearings to receive public comment on the City of Austin proposed budget for FY 2003-2004.
Resolution No. 030731-42 was approved as follows on Council Member Slusher's motion, Council Member McCracken's second on a 7-0 vote.

August 7, 2003, 2:00 p.m. Staff briefing on Public Safety, and 6:00 p.m. public hearing.

August 14, 2003, 2:00 p.m. Staff briefing on PARD, Library and Health/Community Care system and 6:00 p.m. public hearing.

August 28, 2003, 2:00 p.m. on Development, Zoning, Environmental, and Administrative and 6:00 p.m. public hearing.

The budget readings will be at 10:00 a.m. on September 8, September 9 and September 10, 2003 at One Texas Center, 505 Barton Springs Road, 3rd Floor Training Room.

Mayor Wynn recessed the Council Meeting at 3:29 p.m.

Mayor Wynn called the Council Meeting back to order at 4:05 p.m.

ZONING CONSENT ITEMS

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

Item 43 was pulled for discussion.

44. C14-03-0075 - Velocity Credit Union - Approve second/third readings of an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 1201-1209 West Braker Lane and 11208 Plains Trail (Little Walnut Creek Watershed) from neighborhood commercial-conditional overlay (LR-CO) combining district zoning to neighborhood commercial conditional overlay (LR-CO) combining district zoning in order to change a condition of zoning. First reading on July 17, 2003. Vote: 7-0. Conditions met as follows: Conditional Overlay incorporates the conditions imposed by Council on first ordinance reading. Applicant: Velocity Credit (Larry Strong). Agent: Brown McCarroll L.L.P. (Jerry Harris). City Staff: Glenn Rhoades, 974-2775.

Ordinance No. 030731-44 was approved.

45. C14-03-0081 - Spicewood Springs Shopping Center - Approve second/third readings of an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 3808 Spicewood Springs Road (Shoal Creek Watershed) from neighborhood commercial (LR) district zoning to community commercial-conditional overlay (GR-CO) combining district zoning. First reading on July 17, 2003. Vote: 7-0. Conditions met as follows: Conditional Overlay incorporates the conditions imposed by Council on first ordinance reading. Applicant: Nancy Bui. Agent: Truc Nguyen. City Staff: Glenn Rhoades, 974-2775.

Ordinance No. 030731-45 was approved.

Item 46 was pulled for discussion.

47. C14-01-0166.005b - Holly Neighborhood Plan Rezoning - Approve second/third readings of an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 507 Calles Street (Tract 21), 622 Pleasant Valley Road (Tract 22) (South Boggy Creek and Town Lake Watersheds) from limited industrial services-neighborhood plan (LI-NP) combining district zoning to limited industrial services-conditional overlay-neighborhood plan (LI-CO-NP) combining district zoning. First reading June 12, 2003. Vote: 4-2; Alvarez and Goodman nay, Garcia off the dais. Conditions met as follows: Conditional Overlay incorporates the conditions imposed by Council on first ordinance reading. Applicant: City of Austin. Agent: Neighborhood Planning and Zoning Department. City Staff: Annick Beaudet, 974-2975, Sonya Lopez 974-7394. A valid petition has been filed in opposition to this rezoning request. (Related Item 43)
Ordinance No. 030731-47 was approved on a vote of 5-2. Mayor Pro Tem Goodman and Council Member Alvarez voted nay.

Item 48 was pulled for discussion.

ZONING CONSENT ITEMS CONTINUED

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

Item Z-1 was pulled for discussion

- Z- 2 C14-03-0089.SH - Springfield Phase B, Section 6 - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by zoning property locally known as 8000 Block of Thaxton Road (Onion Creek Watershed) from interim-rural residence (I-RR) district zoning to family residence (SF-3) district zoning. Zoning and Platting Commission Recommendation: To grant family residence (SF-3) district zoning. Applicant: KB Home Lone Star LP (John Zinsmeyer). Agent: Longaro and Clarke, Inc. (Alex Clarke). City Staff: Wendy Walsh, 974-7719.
Ordinance No. 030731-Z-2 for family residence (SF-3) district zoning was approved.
- Z- 3 C14-03-0017 - The Domain (200.286 Acres) - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 11400 Burnet Road (Walnut Creek Watershed) from major industrial-planned development area (MI-PDA) combining district zoning to major industrial-planned development area (MI-PDA) combining district zoning in order to change a condition of zoning. Zoning and Platting Commission Recommendation: To grant major industrial-planned development area (MI-PDA) combining district zoning. Applicant: JER/BRE Austin Tech, L.P. (Craig Smith). Agent: Drenner Stuart Wolff Metcalfe von Kreisler, LLP (Michele Haussmann). City Staff: Sherri Gager, 974-3057.
Ordinance No. 030731-Z-3 for major industrial planned development area (MI-PDA) combining district zoning was approved.

- Z- 4 C14-03-0015 - The Domain (.783 acres) - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 11400 Burnet Road (Walnut Creek Watershed) from major industrial (MI) district zoning to general commercial services (CS) district zoning. Zoning and Platting Commission Recommendation: To grant general commercial services-conditional overlay (CS-CO) combining district zoning. Applicant: JER/BRE Austin Tech, LP (Craig Smith). Agent: Drenner Stuart Wolff Metcalfe von Kreisler, LLP (Michele Haussmann). City Staff: Sherri Gager, 974-3057.
Ordinance No. 030731-Z-4 for general commercial services conditional overlay (CS-CO) combining district zoning was approved.
- Z- 5 C14-03-0016 - Multek - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 3300 West Braker Lane (Shoal Creek Watershed) from major industrial (MI) district zoning to major industrial-planned development area (MI-PDA) combining district zoning. Zoning and Platting Commission Recommendation: To grant major industrial-planned development area (MI-PDA) combining district zoning. Applicant: Multilayer Tek, L.P. (Eric Rebich). Agent: Bury & Partners, Inc. (James B. Knight). City Staff: Sherri Gager, 974-3057.
Ordinance No. 030731-Z-5 for major industrial planned development area (MI-PDA) combining district zoning was approved.
- Z- 6 C14-03-0056 - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 5510 South Congress Avenue (Williamson Creek Watershed) from family residence (SF-3) district zoning to general commercial services-conditional overlay (CS-CO) combining district zoning. Zoning and Platting Commission Recommendation: To grant general commercial services-conditional overlay (CS-CO) combining district zoning. Applicant: Michael G. Doss. Agent: Richard H. Crank, ASLA (Richard Crank). City Staff: Wendy Walsh, 974-7719.
The first reading of the ordinance for general commercial services conditional overlay (CS-CO) was approved.
- Z- 7 C14H-02-0157 - HORTON-DUVAL HOUSE - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 6706 Bluff Springs Road (Williamson Creek Watershed) from family residence-historic (SF-3-H) combining district zoning to commercial-liquor sales (CS-1) district zoning. Zoning and Platting Commission Recommendation: To grant community commercial-mixed use-conditional overlay-historic (GR-MU-H-CO) combining district zoning for Tract 1; neighborhood commercial-conditional overlay (LR-CO) combining district zoning for Tract 2; and community commercial-conditional overlay (GR-CO) combining district zoning for Tract 3, with conditions. Historic Landmark Commission Recommendation: To grant community commercial-mixed use-conditional overlay (GR-MU-H-CO) combining district zoning for Tract 1; neighborhood commercial-conditional overlay (LR-CO) combining district zoning for Tract 2; and community commercial-conditional overlay (GR-CO) combining district zoning for Tract 3, with conditions. Applicant: Majid Hemmasi (Martha Thompson). City Staff: Wendy Walsh, 974-7719.
The first reading of the ordinance for community commercial-mixed use conditional overlay (GR-MU-H-CO) combining district zoning for Tract 1 and community commercial-conditional overlay (GR-CO) combining district zoning for Tract 3 was approved.

- Z- 8 C14H-03-0002 - HAMPTON ROAD CALCASIEU HOUSES - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 3403 and 3407 Hampton Road (Waller Creek Watershed) from family residence (SF-3) district, to family residence (SF-3-H) historic combining district. Planning Commission recommendation: Forwarded without a recommendation. Historic Landmark Commission recommendation: To grant family residence (SF-3-H) historic combining district. Applicant: Historic Landmark Commission. Property Owner: Nick Cochrane. Agent: Chris Pezold. City Staff: Steve Sadowsky, Transportation, Planning and Sustainability Department, 974-6454. (First reading only)
This item was postponed to August 14, 2003 at staff's request.
- Z- 9 C14H-03-0003 - PHILQUIST-WOOD HOUSE - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 4007 Avenue G (Waller Creek Watershed) from SF-3-NCCD, family residence, neighborhood conservation combining district zoning, to SF-3-H-NCCD, family residence - historic - neighborhood conservation combining district. Planning Commission recommendation: To grant SF-3-H-NCCD, family residence - historic - neighborhood conservation combining district. Historic Landmark Commission recommendation: To grant SF-3-H-NCCD, family residence - historic - neighborhood conservation combining district. Applicant and Property Owner: John and Cindy Beall. City Staff: Steve Sadowsky, Transportation, Planning and Sustainability Department, 974-6454.
Ordinance No. 030731-Z-9 for SF-3-H-NCCD, family residence historic-neighborhood conservation combining district was approved.
- Z- 10 C14H-03-0004 - PENN AND NELLIE WOOLDRIDGE HOUSE - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 3124 Wheeler Street (Waller Creek Watershed) from family residence (SF-3) zoning, to family residence (SF-3-H) historic combining district. Planning Commission recommendation: To grant family residence (SF-3-H) historic combining district. Historic Landmark Commission recommendation: To grant family residence (SF-3-H) historic combining district. Applicant and Property Owner: Dr. Kenneth and Dianna Dorman. City Staff: Steve Sadowsky, Transportation, Planning and Sustainability Department, 974-6454.
Ordinance No. 030731-Z-10 for family residence (SF-3-H) historic combining district was approved.
- Z- 11 C14H-03-0005 - I.Q. HURDLE HOUSE - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 1416 E. 12th Street (Boggy Creek Watershed) from general commercial services-neighborhood plan (CS-NP) combining district to general commercial services-historic-neighborhood plan (CS-H-NP) combining district. Planning Commission recommendation: To grant general commercial services-historic- neighborhood plan (CS-H-NP) combining district. Historic Landmark Commission recommendation: To grant general commercial-services-historic-neighborhood plan (CS-H-NP) combining district. Applicant and Property Owner: Dr. Irving H. Allen, Sr. City Staff: Steve Sadowsky, Transportation, Planning and Sustainability Department, 974-6454.
Ordinance No. 030731-Z-11 for general commercial services-historic-neighborhood plan (CS-H-NP) combining district was approved.

- Z- 12 C14H-03-0006 - ROBERTSON-TRICE HOUSE - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 110 W. 33rd Street (Waller Creek Watershed) from family residence (SF-3) district, to family residence-historic (SF-3-H) combining district. Planning Commission recommendation: To grant family residence-historic (SF-3-H) combining district. Historic Landmark Commission recommendation: To grant family residence (SF-3-H) historic combining district. Applicant and Property Owner: Alegria Arce Hibbetts. City Staff: Steve Sadowsky, Transportation, Planning and Sustainability Department, 974-6454.
Ordinance No. 030731-Z-12 family residence (SF-3-H) historic combining district was approved.

Items Z-13 through Z-21 were pulled for discussion.

- Z- 22 C14-03-0083 - Iron Mountain Office Warehouse - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by zoning property locally known as 15300 F.M. 1825 Road (Walnut Creek Watershed) from interim-rural residence (I-RR) district zoning to general commercial services (CS) district zoning. Zoning and Platting Commission Recommendation: To grant general commercial services-conditional overlay (CS-CO) combining district zoning. Applicant: Iron Mountain Incorporated (James B. Leffel). Agent: Conley Enginecring (Robert Thompson). City Staff: Sherri Gager, 974-3057.
Ordinance No. 030731-Z-22 for general commercial services-conditional overlay (CS-CO) combining district zoning was approved.

ZONING DISCUSSION ITEMS

48. C14-03-0058 - Lake Austin Montessori - Approve first reading of an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 701 Norwalk lane and 2502 West 7th Street (Johnson Creek Watershed) from family residence (SF-3) district zoning to neighborhood office-mixed use-conditional overlay (NO-MU-CO) combining district zoning. Zoning and Platting Commission Recommendation: To deny neighborhood office-mixed use-conditional overlay (NO-MU-CO) combining district zoning. Applicant: Joseph Draker. Agent: Central Austin Real Estate (Richard Glasheen). City Staff: Glenn Rhoades, 974-2775. Note: A valid petition has been filed in opposition to this rezoning request. (continued from 7/17/03)
This item was postponed to October 23, 2003 on Mayor Pro Tem Goodman's motion, Council Member Thomas' second on a 7-0 vote.
43. Consider an ordinance amending the Holly Neighborhood Plan to amend the future land use map on third reading for 2406 Hidalgo St. (Tracts 8 and 9 - Lots 1-3 Blk 14 Olt 23 Div A Lincoln Place), 2422 Hidalgo St. (Tract 10), 2235 E. 6th St. (Tract 16), 507 Calles St. (Tract 21), 622 N. Pleasant Valley Rd. (Tract 22), 2415 and 2419 E. 5th St. (Tracts 24 and 26), 0 E. 5th St. (20 ft ROW Olt 10 Div 0 Industrial Addn - Tract 25), and 2421 E. 5th St. (Tract 27). (November 28, 2001 - The Planning Commission unanimously recommended the Holly Neighborhood Plan for adoption at City Council. March 26, 2003 - Postponed to April 9, 2003. April 9, 2003 - Hearing canceled April 23, 2003 - Planning Commission recommended the neighborhood planning team option. Vote: 8-0 (CM-1st, DS-2nd), NS- on leave) (Related Items 46, 47)
The motion to approve third reading to amend the future land use map for Tracts 8-9 as Industrial was approved on Council Member Dunkerley's motion, Council Member Thomas' second on a 5-2 vote. Those voting aye were: Mayor Wynn, Council Members Dunkerley, McCracken, Slusher and Thomas. Those voting nay were: Mayor Pro Tem Goodman and Council Member Alvarez.

The motion to approve third reading to amend the future land use map for Tract 10 as Industrial was approved on Council Member Dunkerley's motion, Mayor Wynn's second on a 6-1 vote. Council Member Alvarez voted nay.

The motion to approve third reading to amend the future land use map for Tracts 24-27 with the addition of Arts and Crafts and Industrial Light Manufacturing to conditional uses was approved on Council Member Alvarez' motion, Mayor Pro Tem Goodman's second on a 7-0 vote.

Ordinance No. 030731-43 was approved including all readings as shown above.

Tract 16 was postponed to August 28, 2003.

46. C14-01-0166.002b - Holly Neighborhood Plan Rezoning - Approve third reading of an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 2406 Hidalgo St. (Lot 1 Blk 14 Olt 23 Div A Lincoln Place) (Tract 8); 2406 Hidalgo St. (Lot 2-3 Blk 14 OLT 23 Div A Lincoln Place) (Tract 9), 2422 Hidalgo St. (Tract 10); 2235 East 6th St. (Tract 16); 2415 East 5th St. (Tract 24); 0 East 5th St., 20 feet from 5th St. r.o.w. Olt 10 Div O Industrial Addn (Tract 25); 2419 East 5th St (Tract 26) 2421 East 5th St. (Tract 27) (Town Lake Watershed) from limited industrial services (LI) district zoning to limited industrial services-conditional overlay-neighborhood plan (LI-CO-NP) combining district for Tracts 8-10, 24-27 and general commercial services-mixed use-conditional overlay-neighborhood plan (CS-MU-CO-NP) combining district zoning for Tract 16. First reading: May 8, 2003. Vote: 7-0. Second reading: June 12, 2003. Tracts 8 and 9: Vote: 4-2, Alvarez and Goodman nay; Tract 10: Vote 5-1, Alvarez nay; Tracts 24, 25, 26 and 27: Vote 6-0, Garcia off the dais; and Tract 16: Vote 6-0, Garcia off the dais. Conditional Overlay incorporates the conditions imposed by Council on second ordinance reading. Applicant: City of Austin. City Staff: Annick Beaudet, 974-2975, Sonya Lopez 974-7694. A valid petition has been filed in opposition to these rezoning. (Related Item 43)

The motion to approve third reading to rezone 2406 Hidalgo St. (Tracts 8-9) to LI-CO-NP with the Holly Neighborhood Planning Team (NPT) Conditional Overlay was approved on Council Member Dunkerley's motion, Council Member Thomas' second on a 5-2 vote. Those voting aye were: Mayor Wynn, Council Members Dunkerley, McCracken, Slusher and Thomas. Those voting nay were: Mayor Pro Tem Goodman and Council Member Alvarez.

The motion to approve third reading to rezone 2422 Hidalgo St. (Tract 10) to LI-CO-NP with the Govalle/Johnston Terrace conditional overlay was approved on Council Member Dunkerley's motion, Mayor Wynn's second on a 6-1 vote. Council Member Alvarez voted nay.

The motion to approve third reading to rezone 2415, 2419, 2421, & 0 E. 5th St. (Tracts 24-27) to LI-CO-NP with the Govalle/Johnston Terrace conditional overlay with the addition of Arts and Crafts and Industrial Light Manufacturing to conditional uses was approved on Council Member Alvarez' motion, Mayor Pro Tem Goodman's second on a 7-0 vote.

Ordinance No. 030731-46 was approved including all readings as shown above.

Tract 16 was postponed to August 28, 2003.

Z- 13 C14H-03-0008 - HERBERT STUDER HOUSE - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 303 E. 38th Street (Waller Creek Watershed) from SF-3 family residence, zoning, to family residence (SF-3-H) historic combining district. Planning Commission recommendation: Forwarded without a recommendation. Historic Landmark Commission recommendation: To grant family residence (SF-3-H) historic combining district. Applicant: Historic Landmark Commission. Property Owner: Paul and Susan Glover. City Staff: Steve Sadowsky, Transportation, Planning and Sustainability Department, 974-6454. (First reading only)
This item was postponed to August 14, 2003 at the Neighborhood Associations request.

Z- 14 C14H-03-0009 - EDNA REED HOUSE - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 305 E. 38th Street (Waller Creek Watershed) from family residence (SF-3) zoning, to family residence (SF-3-H) - historic combining district. Planning Commission recommendation: Forwarded without a recommendation. Historic Landmark Commission recommendation: To grant family residence (SF-3-H) historic combining district. Applicant: Historic Landmark Commission. Property Owner: David Rodewald. City Staff: Steve Sadowsky, Transportation, Planning and Sustainability Department, 974-6454. (First reading only)
The public hearing was closed on Council Member Slusher's motion, Mayor Wynn's second on a 7-0 vote.

The motion to approve staff recommendation to deny historical zoning was approved on Council Member Slusher's motion, Council Member McCracken's second on a 7-0 vote.

Z- 15 C14-02-0118 - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 9701 Brodie Lane (Slaughter Creek Watershed-Barton Springs Zone) from limited office-conditional overlay (LO-CO) combining district zoning to community commercial-conditional overlay (GR-CO) combining district zoning. Zoning and Platting Commission Recommendation: To grant community commercial-conditional overlay (GR-CO) combining district zoning. Applicant: Goodwill Industries of Central Texas (Gerald Davis). Agent: Armbrust & Brown, LLP. (Richard Suttle). City Staff: Wendy Walsh, 974-7719.
The public hearing was closed and Ordinance No. 030731-Z-15 approving staff and Zoning and Platting Commission recommendation for commercial conditional overlay (GR-CO) combining district zoning was approved on Council Member Dunkerley's motion, Council Member Thomas' second on a 7-0 vote.

Mayor Wynn recessed the Council Meeting at 5:36 p.m.

LIVE MUSIC

Ben Bell

PROCLAMATIONS

Proclamation - Americans With Disabilities Act Commemoration Month - to be presented by Mayor Will Wynn and to be accepted by Kathy Kasprisin

Certificates of Congratulations - PODER's Young Scholars for Justice - to be presented by Council Member Raul Alvarez and to be accepted by the honorees

Community Service Award - Prism Development - to be presented by Mayor Will Wynn and to be accepted by Michael von Ohlen and Distinguished Service Award - Charles Nolan - to be accepted by the honoree

Mayor Wynn called the Council Meeting back to order at 6:19 p.m.

ZONING DISCUSSION ITEMS (CONTINUED)

- Z- 16 C14-02-0122 - Anton Equipment - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by zoning property locally known as 829 Bastrop Highway (Carson Creek Watershed) from interim-rural residence (I-RR) district zoning to industrial park (IP) district zoning. Zoning and Platting Commission Recommendation: To grant industrial park-conditional overlay (IP-CO) combining district zoning. Applicant: Anton Equipment (Bruce Anton). Agent: Land Strategies, Inc. (Paul W. Linehan). City Staff: Wendy Walsh, 974-7719.
The public hearing was closed on Council Member Dunkerley's motion, Mayor Pro Tem Goodman's second on a 6-0 vote. Council Member Thomas was off the dais.

Ordinance No. 030731-Z-16 to approve staff recommendation for industrial park-conditional overlay (IP-CO) combining district zoning was approved on Council Member McCracken's motion, Mayor Wynn's second on a 6-0 vote. Council Member Thomas was off the dais.

- Z- 17 C14-02-0145a - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by zoning property locally known as 1000 Dalton Lane (Carson Creek Watershed) from interim-rural residence district (I-RR) zoning to limited industrial services (LI) district zoning. Zoning and Platting Commission Recommendation: To grant community commercial-conditional overlay (GR-CO) combining district zoning. Applicant: Jenkins & Gilchrist, PC, Brown McCarrol, LLP. Agent: Nikelle Meade. City Staff: Annick Beaudet, 974-2975.
The public hearing was closed on Mayor Pro Tem Goodman's motion, Council Member Alvarez' second on a 6-0 vote. Council Member Thomas was off the dais.

The first reading of the ordinance approving staff recommendation for LI-CO, Limited Industrial-Conditional Overlay district zoning was approved on Council Member Dunkerley's motion, Council Member Slusher's second on a 6-0 vote. Council Member Thomas was off the dais.

- Z- 18 C14-02-0165 - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by zoning property locally known as 701 Bastrop Highway (Carson Creek Watershed) from interim-rural residence (I-RR) 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: Capitol City Construction Company. Agent: Carlson, Brigance & Doering. City Staff: Annick Beaudet, 974-2975.
The public hearing was closed on Council Member McCracken's motion, Mayor Pro Tem Goodman's second on a 7-0 vote.

Ordinance No. 030731-Z-18 approving staff recommendation for LI-CO, Limited Industrial-Conditional Overlay district zoning was approved on Council Member Dunkerley's motion, Council Member Slusher's second on a 7-0 vote.

- Z- 19 C14-03-0078 - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 2500-2504 South Lamar Boulevard (West Bouldin Creek) from limited office (LO) district zoning to neighborhood commercial-mixed use (LR-MU) combining district zoning. Zoning and Platting Commission Recommendation: To grant neighborhood commercial-mixed use-conditional overlay (LR-MU-CO) combining district zoning with conditions. Applicant: David & Diana Debalko. Agent: David & Diana Debalko. City Staff: Annick Beaudet, 974-2975.
The public hearing was closed on Council Member Thomas' motion, Council Member Slusher's second on a 7-0 vote.

Ordinance No. 030731-Z-19 was approved with the removal of the restrictive conveyance conditional overlay on Council Member Slusher's motion, Council Member Thomas' second on a 7-0 vote.

- Z- 20 C14-03-0084 - Altus - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 4801 South Congress Avenue (Williamson Creek Watershed) from general commercial services (CS) district zoning and family residence (SF-3) district zoning to multi-family residence medium density-conditional overlay (MF-3-CO) combining district zoning. Zoning and Platting Commission Recommendation: To grant multi-family residence medium density-conditional overlay (MF-3-CO) combining district zoning. Applicant: Sam Mikhail. Agent: Jim Bennett Consulting (Jim Bennett). City Staff: Wendy Walsh, 974-7719.
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 approving Zoning and Platting Commission recommendation for multi-family residence medium density-conditional overlay (MF-3-CO) combining district zoning was approved on Council Member Slusher's motion, Mayor Wynn's second on a 7-0 vote.

- Z-1 Conduct a public hearing to consider an ordinance amending the Central East Austin Neighborhood Plan, part of the Austin Tomorrow Comprehensive Plan, to change the Future Land Use Map designation from multi-family to commercial-mixed use for property located at 807-809 E. 14th Street. (There is no fiscal impact associated with setting this public hearing. This plan is advisory and does not legally obligate the Council to implement any particular recommendation.) (Not recommended by Planning Commission on April 23, 2003. The case was heard by Planning Commission initially on March 12, 2003 where the case was recommended for mediation. Mediation was not successful and the case went back to the Planning Commission on April 23, 2003.)
The public hearing was closed on Mayor Pro Tem Goodman's motion, Mayor Wynn's second on a 7-0 vote.

The motion to deny the ordinance was approved on Mayor Pro Tem Goodman's motion, Council Member Thomas' second on a 7-0 vote.

- Z- 21 C14-02-0194 - 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 East 14th Street (Waller Creek Watershed) from multi-family residence high density-neighborhood plan (MF-4-NP) combining district zoning to community commercial-mixed use-conditional overlay-neighborhood plan (GR-MU-CO-NP) combining district zoning. Planning Commission Recommendation: To deny community commercial-mixed use-conditional overlay-neighborhood plan (GR-MU-CO-NP) combining district zoning. Applicant and Agent: Robert Hageman. City Staff: Annick Beaudet, 974-2975.

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

The motion to deny the ordinance was approved on Mayor Pro Tem Goodman's motion, Council Member Thomas' second on a 7-0 vote.

PUBLIC HEARINGS AND POSSIBLE ACTION

54. Conduct the public hearing and approve an Ordinance to amend Section 25-4-196(A) which applies to subdivisions that receive retail water or wastewater service from an entity other than the City of Austin; amend Section 25-4-196(B) which requires the subdivider to provide a copy of a contract between the subdivider and the utility service provider; amend Section 25-9-325 regarding the collection of the impact fees to mirror language of the state law and current practice; repeal Section 25-9-351 that provide a 25% discount for Water and Wastewater impact fees collected for connections made inside the City limits. (Recommended by Water and Wastewater Commission and Planning Commission)

The public hearing was closed and Ordinance No. 030731-54 was approved on Council Member Thomas' motion, Council Member Dunkerley's second on a 7-0 vote.

55. Conduct a public hearing and take action on an amendment to Ordinance No. 020627-115 which establishes an administrative variance process for variances from certain land development codes for certain wastewater collection system construction projects needed to eliminate sanitary sewer overflows. This amendment adds sections 25-7-61(A)(5)(c) and (B), 25-8-211, 25-8-261, 25-8-301, 25-8-392, 25-8-393, 25-8-422, 25-8-423, 25-8-452 and 25-8-453 for administrative variances to the current ordinance. (Recommended by Water and Wastewater Commission, Planning Commission and Environmental Board)

The public hearing was closed and Ordinance No. 030731-55 was approved on Council Member McCracken's motion, Mayor Wynn's second on a 7-0 vote.

51. Conduct a public hearing for the full purpose annexation of the Motorola PDA Area (Approximately 245 acres located in Travis County and Williamson County on the east side of Parmer Lane extending south from the intersection of Parmer Lane and Anderson Mill Road to the intersection of Parmer Lane and McNeil Drive, including Parmer Lane right-of-way).

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

52. Conduct a public hearing for the full purpose annexation of the Lexington Parke area, (approximately 216 acres) located in Travis County north of Pearce Lane, approximately three-quarters of a mile east of the intersection of Pearce Lane and FM 973.
The public hearing was closed on Mayor Pro Tem Goodman's motion, Council Member Slusher's second on a 7-0 vote.
53. Conduct a public hearing and approve an ordinance to amend the City Code regarding site development standards in a single-family residence small lot (SF-4A) zoning district. (Recommended by Planning Commission.)
The public hearing was closed and Ordinance No. 030731-53 was approved on Council Member McCracken's motion, Council Member Slusher's second on a 7-0 vote.
49. Conduct a public hearing and approve an ordinance adopting the second plan modifications to the East 11th and 12th Streets Urban Renewal Plan. (Recommended by the Urban Renewal Agency and the Planning Commission.)
The public hearing was closed on Council Member Thomas' motion, Council Member Slusher second on a 7-0 vote.

Ordinance No. 030731-49 was approved on Council Member Thomas' motion, Mayor Wynn's second on a 7-0 vote.
50. Conduct a public hearing and approve an ordinance amending the 2025 Austin Metropolitan Area Transportation Plan (AMATP), an element of the City of Austin Comprehensive Plan, to:(1) Delete 38 ½ St. from IH 35 to Manor Rd. (Case No. C2-03-01);(2) Delete Manor Rd., from IH 35 to Airport Blvd. (Case No. C2-03-02);(3) Downgrade Dessau Rd. from MAD 8 to MAD 6, between Parmer Ln. and Rundberg Rd. (Case No. C2-03-03);(4) Downgrade Riverplace Blvd. from MAD 4 to MAU 4, between RM 2222 and Bonaventure Dr. and from MAD 4 to MAU 2 between Bonaventure Dr. and Lovebird Ln. (Case No. C2-03-04); and (5) Update 2025 right-of-way on Koenig Ln. from 114-feet to 80-feet between Airport Blvd. and Lamar Blvd. (Case No. C2-03-05). (Recommended by Urban Transportation Commission, Environmental Board and Planning Commission.)
The public hearing was closed on Council Member Slusher's motion, Council Member Thomas' second on a 7-0 vote.

Ordinance No. 030731-50 was approved on Council Member Thomas' motion, Mayor Pro Tem Goodman's second on a 7-0 vote.

The motion to adjourn the meeting at 9:23 p.m. was approved on Council Member Slusher's motion, Council Member Thomas' second on a 7-0 vote.

The minutes for the meeting of July 31, 2003 were approved on this the 7 day of August, 2003 on Council Member Dunkerley's motion, Council Member McCracken's second on a 5-0 vote. Mayor Pro Tem Goodman and Council Member Slusher were off the dais.