



**AUSTIN CITY COUNCIL
MINUTES**

**REGULAR MEETING
THURSDAY, May 8, 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, May 8, 2003 in the Board Room at Lower Colorado River Authority Hancock Building, 3700 Lake Austin Boulevard.

Mayor Garcia called the Council Meeting to order at 12:15 p.m.

Mayor Garcia recessed the Council Meeting at 12:18 p.m. to go into the Executive Session.

EXECUTIVE SESSION

Private Consultation with Attorney - Section 551.071

1. Discuss legal issues concerning proposed legislation in the 78th Legislature, including issues relating to grandfathering, hospital districts, annexation, water rights, taxation, employment law, land use and development law, signs, and the jurisdiction of municipal courts.

Items 2 and 3 were discussed later in the meeting.

4. Discuss legal issues concerning the Liberty Lunch-Stubbs Venue, Ltd., Music Venue Relocation Program Loan Agreement.
5. Discuss legal issues related to environmental compliance by City of Austin contractors.

The Mayor announced that Council would discuss item number 15 on the regular agenda during Executive Session.

Executive Session ended at 1:30 p.m.

Mayor Garcia called the regular Council meeting back to order at 1:34 p.m.

CITIZEN COMMUNICATIONS: GENERAL

- Parc Smith - Young People In Service of Austin, An Update and Thank You!
- Tom Ibis - Avery Ranch
- Deborah Carter - Value Skypark Razor Wire
- Girard Kinney - Value Skypark
- Joaquin Fox - POWER -- **Not present when his name was called.**

- Sylvia Herrera - Improvements in East Austin: Govalle/Johnston Terrace Neighborhood Plan, Bolm Road/Airport Intersection, and Shutting Down Holly Power Plant
 - Susana Almanza - East Austin families exposed to decades of hazardous facilities and industrial traffic. No more industrial (LI) zoning. Close Holly Power Plant
 - Jennifer L. Gale - Where is the electorate that cares about Austin's integrity?
10. Approve a resolution canvassing the results of the May 3, 2003 General Municipal Election.
Resolution No. 030508-10 was approved on Council Member Slusher's motion, Mayor Pro Tem Goodman's second on a 7-0 vote.

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 Slusher's motion, Council Member Thomas' second on a 7-0 vote.

6. Approval of minutes from work session of April 23, 2003 and the regular meeting of March 20, 2003 and April 24, 2003.
The minutes from the work session of April 23, 2003, the regular meeting of April 24, 2003, and the amended minutes for the meeting of March 20, 2003 were approved.
7. Authorize the sale of a 35,476 square foot transmission easement out of Austin Energy's Webberville property to the Lower Colorado River Authority (LCRA) Transmission Services Corporation, for an amount of \$4,430. (Funding to be received from the LCRA Transmission Services Corporation.) (Recommended by the Electric Utility Commission.)
The motion authorizing the sale of a transmission easement was approved.
8. Approve an ordinance authorizing acceptance of grant funds from the Public Utility Commission of Texas in the amount of \$166,516 for the purchase and installation of 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 \$166,516. (Funding will be reimbursed by the Public Utility Commission of Texas. The grant will expire on September 30, 2003, unless extended by mutual agreement in writing by both parties.) (Recommended by the Resource Management Commission. Recommended by the Electric Utility Commission.) (Related Item 40)
Ordinance No. 030508-08 was approved.
9. Approve an ordinance authorizing acceptance of grant funds from the Public Utility Commission of Texas in the amount of \$51,594 for the replacement of old, inefficient refrigerators with new Energy Star labeled refrigerators for low-income customers, 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 \$51,594. (Funding will be reimbursed by the Public Utility Commission of Texas. The grant will expire on September 30, 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. 030508-9 was approved.

Item 10 was discussed earlier in the meeting.

11. Approve an ordinance calling a runoff election to be held in the City of Austin on June 7, 2003 to elect City Council Members for a term of three years beginning on June 15, 2003; making provision for the conduct of the election; and declaring an emergency. (Funding was included in the Fiscal Year 2002-2003 Operating Budget of the Office of the City Clerk for the General Municipal Election and Runoff Election.)

Ordinance No. 030508-11 was approved on emergency passage making it effective today.

12. Authorize execution of an artwork commission contract not to exceed \$49,500 with EDDIE DIXON, Lubbock, TX for a bronze sculpture comprised of three figures on a base mounted on a footing at the center of a reflecting pool basin for the plaza of the Carver Museum Expansion. (Funding is from the Art in Public Places allocation within the Carver Museum and Library Expansion Project.) (Recommended by Art in Public Places Panel. Recommended by Austin Arts Commission.)
The motion authorizing the execution of an artwork commission contract was approved.
13. Approve an ordinance amending the City Code to add a new article LVI, Chapter 2-4 of the code creating the Asian American Resource Center Advisory Board.
Ordinance No. 030508-13 was approved.

Items 14 and 15 were pulled for discussion.

16. Adopt an ordinance amending Sections 16-4-33 and 16-4-34 of the Code to re-establish speed limits higher than the statutory presumption of 30 mph on portions of Grove Boulevard.
Ordinance No. 030508-16 was approved.
17. Adopt an ordinance repealing Sections 16-4-32(87) and 16-4-34(61) of the Code relating to Speed Limits on West Slaughter Lane.
Ordinance No. 030508-17 was approved.
18. C14-02-0152 - Approve second/third readings of an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 7800 U.S. Highway 290 West (Williamson Creek-Barton Springs Zone) from GR-CO, Community Commercial-Conditional Overlay Combining district zoning to GR-CO, Community Commercial-Conditional Overlay Combining district zoning. First reading November 21, 2002. Vote: 6-0, Goodman absent. Conditions met as follows: Conditional Overlay and Restrictive Covenant incorporates the conditions imposed or accepted by City Council at first ordinance reading. Applicant: Buffalo Equities, LTD. Agent: Brown McCarroll (Nikelle Meade) City Staff: Annick Beaudet, 974-2975. (Continued from 1/9/03 and 3/6/03).
This item was postponed to July 17, 2003.
19. Approve an ordinance amending ordinance no. 980416-Q, to correct a legal description for a flood plain associated with Tract 16 located within the area generally known as the Village of Western Oaks, located on the west side of South Mopac Boulevard in the vicinity of Slaughter Lane West, Convict Hill Road, and Beckett Road, and further described in zoning file number C14-97-0158. City Staff: Greg Guernsey, 974-2387.
Ordinance No. 030508-19 was approved on emergency passage making it effective today.
20. Approve an ordinance amending ordinance no. 011213-44, to correct a typographical error for addresses for two properties located within the Holly Neighborhood Planning Area, further described in zoning file number C14-01-0166. City Staff: Annick Beaudet, 974-2975.
Ordinance No. 030508-20 was approved.
21. C14-02-0143 - Approve second/third readings of an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 5446 U.S. Highway 290 West (Barton Creek Watershed-Barton Springs Zone) from SF-2, single family residence standard lot district zoning to CS-CO, general commercial services-conditional overlay combining district zoning. First reading on October 24, 2002. Vote: 6-0, Dunkerley absent. Conditions met as follows: Conditional Overlay and Restrictive Covenant incorporates the conditions imposed or accepted by City Council at first ordinance reading. Applicant: C.G.H. Industrial #45, LTD. Agent: The Faust Group (William Faust) City Staff: Annick Beaudet, 974-2975.

Ordinance No. 030508-21 was approved.

22. C14-03-0041 - Approve an ordinance on second/third readings amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 7600 North Lamar Boulevard (Waller Creek Watershed) from CS, general commercial services district zoning to CS-1-CO, commercial-liquor sales-conditional overlay combining district zoning. First Reading on April 10, 2003. Vote: 6-1, R. Alvarez - nay. Conditions met as follows: The conditional overlay incorporates the conditions imposed by Council on first ordinance reading. Applicant and Agent: Cedarline Properties (Sayed Nicholas). City Staff: Glenn Rhoades, 974-2775.

Ordinance No. 030508-22 was approved. Council Member Alvarez voted nay.

23. C14-02-0168 - Agape Christian Ministries - Approve second reading of an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 7809 Peaceful Hill Lane (South Boggy Creek Watershed) from DR, development reserve district zoning to NO-CO, Neighborhood Office-Conditional Overlay combining district zoning. First reading on April 10, 2003, Vote: 7-0. Applicant: Agape Christian Ministries (Lawrence Wilkerson). Agent: Crocker Consultants (Sarah Crocker). City Staff: Wendy Walsh, 974-7719. A valid petition has been filed in opposition to this rezoning request.

The second reading of the ordinance was approved.

24. C14-02-0169 - Agape Christian Ministries - Approve second reading of an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 7715 Byrdhill Lane (South Boggy Creek Watershed) from DR, development reserve district zoning to NO-CO, neighborhood office-conditional overlay combining district zoning. First reading on April 10, 2003. Vote: 7-0. Applicant: Agape Christian Ministries (Bernard Wong). Agent: Crocker Consulting (Sarah Crocker). City Staff: Wendy Walsh, 974-7719. A valid petition has been filed in opposition to this rezoning request.

The second reading of the ordinance was approved.

Items 25 and 26 were pulled for discussion.

27. Approve an ordinance issuing a free lifetime swim pass for Barton Springs Pool to Leoda Anderson. (Parks Board recommended awarding swim passes to citizens 80 years of age or older who are active swimmers at Barton Springs Pool on November 9, 1993.)

Ordinance No. 030508-27 was approved.

28. Approve a resolution authorizing acceptance of grant funding from the Texas Department of Transportation in the amount of \$120,000 for the Texas Selective Traffic Enforcement "Click It or Ticket" project to increase the enforcement of seatbelt laws during the 2003 Memorial Day holiday and Thanksgiving holiday; amend Ordinance No. 020910-01, the Fiscal Year 2002-2003 Operating Budget, by appropriating \$120,000 in grant funds for the Police Department Special Revenue fund. (Funding is available in a grant from TxDOT through the Selective Traffic Enforcement Project (STEP) for the grant period of May 1, 2003 through December 31, 2003. No cash match is required.)

Resolution No. 030508-28 was approved.

29. Approve a resolution authorizing the fee simple acquisition of Lot 27, Linda Vista Subdivision, locally known as 10907 Linda Vista, from Gregoria Hinojosa for the Airport Noise Mitigation Program, in the amount of \$90,000 and \$29,900 for relocation benefits, plus closing costs and moving related assistance in the amount of \$8,955, for a total amount not to exceed \$128,855. (Funding in the amount of \$128,855 is available in the Fiscal Year 2002-2003 Capital Budget of the Aviation Department using airport funds and available Federal Aviation Administration (FAA) Grants.)

Resolution No. 030508-29 was approved.

30. Approve a resolution authorizing the fee simple acquisition of Lot 23, Linda Vista Subdivision, locally known as 11000 Linda Vista Drive, from Irene Hernandez, for the Airport Noise Mitigation Program, in the amount of \$65,000 and \$14,101 relocation benefits, plus closing costs and moving related assistance in the amount of \$8,655, for a total amount not to exceed \$87,756. (Funding in the amount of \$87,756 is available in the Fiscal Year 2002-2003 Capital Budget of the Aviation Department using airport funds and available Federal Aviation Administration (FAA) Grants.)
Resolution No. 030508-30 was approved.
31. Approve an ordinance adopting Wage Rates for City of Austin Building, Heavy and Highway, and Utility Construction Projects and repealing Ordinance No. 970904-H. [Relates to Department of Labor Prevailing Wage Rates.] (Recommended by Construction Advisory Committee.)
Ordinance No. 030508-31 was approved.
32. Authorize negotiation and execution of a Community Facilities Contract with SOUTHWEST HOUSING DEVELOPMENT, INC., Austin, TX, for construction of the Pleasant Valley Bike Route Phase 2, in an amount not to exceed \$289,800. (Funding is included in the Fiscal Year 2001-2002 Amended Capital Budget of the Transportation, Planning & Sustainability Department.) MBE/WBE requirements will be followed under this Community Facilities Contract.
The motion authorizing the negotiation and execution of a Community Facilities Contract was approved.
33. Authorize execution of a construction contract with HUTCHISON CONSTRUCTION, INC., Austin, Texas, for expansion of the Henry B. Terrazas Branch Library, in the amount of \$1,426,300 plus a \$70,000 contingency, for a total contract amount not to exceed \$1,496,300. (Funding in the amount of \$1,496,300 is available in the Fiscal Year 2002-2003 Capital Budget of the Library Department.) Lowest of ten bids received. 19.58 % MBE and 13.41 % WBE subcontractor participation.
This item was postponed to May 15, 2003.
34. Authorize execution of a construction contract with JAY-REESE CONTRACTORS, INC., Austin, TX for construction of an alternative fuel dispensing facility at Austin-Bergstrom International Airport, in an amount not to exceed \$722,100. (Funding in the amount of \$522,100 is available in the Fiscal Year 2002-2003 Capital Budget of the Department of Aviation and \$200,000 is available in the Fiscal Year 2002-2003 Capital Budget of the Fleet Services Division, Financial & Administrative Services Department.) Lowest of seven bids received. 3.78% MBE and 16.53% WBE subcontractor participation.
The motion authorizing the execution of a construction contract was approved.
35. Authorize execution of a construction contract with A/P RESOURCES, INC., San Antonio, TX, for installation of thirteen railroad-style low water crossing gates and flood warning equipment at eight locations throughout Austin, in an amount not to exceed \$428,931.60. (Funding is available in the Fiscal Year 2002-2003 Approved Capital Budget of the Watershed Protection & Development Review Department.) Lowest of four bids received. There are subcontracting goals established for this contract.
The motion authorizing the execution of a construction contract was approved.
36. Approve an ordinance vacating portions of the Bowie Street right-of-way (500 Block) from West 5th Street to West 6th Street to LAMAR-SIXTH-AUSTIN, I, LIMITED PARTNERSHIP to be used for construction of a building, including sidewalks and structural supports for development of adjacent property, in the amount of \$287,668; waiving City Code Sections 15-12-71, 72 and 73 regarding notice, application, and Board and Commission review; and declaring an emergency; and authorize the execution of the contract for sale for the same. (Funding in the amount of \$287,668 will be

received to the General Fund.) (Recommended by Urban Transportation Commission & Planning Commission Recommended.)

Ordinance No. 030508-36 was approved on emergency passage making it effective today.

37. Authorize execution of a 12-month supply agreement with EMERGENCY MEDICAL PRODUCTS INC., Waukesha, WI, in an amount not to exceed \$740,270.25, with two 12-month extension options in an amount not to exceed \$740,270.25 per extension option, for a total agreement amount not to exceed \$2,220,810.75; SOUTHERN SAFETY SALES, Austin, TX, in an amount not to exceed \$140,951.80, with two 12-month extension options in an amount not to exceed \$140,951.80 per extension option, for a total agreement amount not to exceed \$422,855.40; SOUTHEASTERN EMERGENCY EQUIPMENT, Wake Forest, NC, \$96,417.20, with two 12-month extension options in an amount not to exceed \$96,417.20 per extension option, for a total agreement amount not to exceed \$289,251.60; SUNBELT MEDICAL/EMERGI-SOURCE, Hilton Head Island, SC, \$90,888, with two 12-month extension options in an amount not to exceed \$90,888 per extension option, for a total agreement amount not to exceed \$272,664; EMS USA, Shepherdsville, KY, in an amount not to exceed \$66,659, with two 12-month extension options in an amount not to exceed \$66,659 per extension option, for a total agreement amount not to exceed \$199,977; BOUND TREE MEDICAL, Tempe, AZ, in an amount not to exceed \$64,396, with two 12-month extension options in an amount not to exceed \$64,396 per extension option, for a total agreement amount not to exceed \$193,188; and with AMERICAN LAFRANCE MEDICMASTER, Sanford, FL, in an amount not to exceed \$49,380, with two 12-month extension options in an amount not to exceed \$49,380, for a total agreement amount not to exceed \$148,140 for medical supplies for the Emergency Medical Services Department. (Funding in the amount of \$416,320.73 is available in the Fiscal Year 2002-2003 Approved Operating Budget of the Emergency Medical Services Department. Funding for the remaining eight months of the original contract period and extension options is contingent upon available funding in future budgets.) Low bids meeting specification of 23 bids received. These contracts will be awarded in accordance with the 1996 MBE/WBE Ordinance, as amended. No subcontracting opportunities were identified; therefore, no goals were established.
- The motion authorizing the execution of a supply agreement was approved.**
38. Authorize execution of a 12-month service agreement with HAWK EYE PATROL, Austin, TX for security guard services for the Health & Human Services Department, Community Care Services Department and Municipal Court in an amount not to exceed \$470,205, with two 12-month extension options in an amount not to exceed \$470,205 per extension option, for a total agreement amount not to exceed \$1,410,615. (Funding in the amount of \$39,863 is available in the 2002-2003 Operating Budget of the Health & Human Services Department. Funding in the amount of \$60,054 is available in the 2002-2003 Operating Budget of the Community Care Services Department. Funding in the amount of \$56,817 is available in the 2002-2003 Operating Budget of the Municipal Court. Funding for the remaining eight months of the original contract period and extension options is contingent upon available funding in future budgets.) Low bid of nine bids received. 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 service agreement was approved.**
39. Authorize execution of a contract with HERTZ EQUIPMENT RENTAL CORPORATION, Austin, TX, for the purchase of 12 walk-behind vibratory rollers for Public Works Department in an amount not to exceed \$88,170.60. (Funding in the amount of \$66,127.95 is available in the Fiscal Year 2002-2003 Approved Operating Budget of the Public Works Department. Funding in the amount of \$22,042.65 is available in the Fiscal Year 1997-1998 Approved Capital Budget of the Public Works Department.) Low bidder of six bids received. This contract will be awarded in compliance with the 1996 MBE/WBE Ordinance, as amended. There was no opportunity for subcontracting; therefore, no goals were established for this solicitation.

The motion authorizing the execution of a contract was approved.

40. Authorize execution of a 12-month supply agreement with BAYVIEW TECHNOLOGY GROUP LLC, Denver, CO., for energy conservation products in an amount not to exceed \$200,000, with two 12-month extension options in an amount not to exceed \$175,000 per extension option, for a total agreement amount not to exceed \$550,000. (Funding in the amount of \$166,516 is available in the Fiscal Year 2002-2003 Amended Operating Budget of the Energy Conservation Rebates & Incentives Fund of the Electric Utility Department. The Grant funding is provided through the Public Utility Commission of Texas. Funding for the remaining seven months of the original contract period and extension options is contingent upon available funding in future budgets.) Sole Source. 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. (Related Item 8)

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

41. Approve a resolution authorizing negotiation and execution of a contract with RAMCO SYSTEMS CORPORATION, Lisle, IL, for the purchase of a New Inventory Management System including implementation, training and maintenance support services in an amount not to exceed \$681,460, with two 12-month extension options for maintenance services in an amount not to exceed \$39,204 for the first extension option, and \$43,124 for the second extension option, for a total contract amount not to exceed \$763,788. (Funding is available in the Fiscal Year 2002-2003 Amended Capital Budget of the Electric Utility Department. Funding for the extension options is contingent upon future operating budgets.) Best Evaluated Proposal of six proposals received. This contract will be awarded in accordance with the 1996 MBE/WBE Ordinance, as amended. No subcontracting opportunities were identified; therefore, no goals were established.

Resolution No. 030508-41 was approved.

42. Authorize execution of a contract with GT DISTRIBUTORS, Austin, TX for tasers, cartridges and holsters for the Austin Police Department in an amount not to exceed \$53,505.41. (Funding in the amount of \$53,505.41 is available in the Fiscal Year 2000-2001 Special Revenue Budget of the Austin Police Department through funding from the U.S. Department of Justice, Bureau of Justice Assistance Office, Local Law Enforcement Block Grant program. The General Operating Budget of the Austin Police Department is not affected.) Low bid of four bids received. This contract will be awarded in accordance 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 contract was approved.

43. Authorize execution of a contract through the State of Texas Building and Procurement Commission with AVENTIS PASTEUR, Inc., for 1,595 vials of influenza vaccine in an amount not to exceed \$126,164.50 (Funding in the amount of \$55,370 is available in the Fiscal Year 2002-2003 Approved Operating Budget for the Community Care Services Department. Funding in the amount of \$54,974.50 is available in the Fiscal Year 2002-2003 Approved Operating Budget for the Health and Human Services Department. Funding in the amount of \$15,820 is available in the Fiscal Year 2002-2003 Approved Operating Budget for the Employee Benefits Fund.) Cooperative Purchasing

The motion authorizing the execution of a contract was approved.

44. Authorize execution of a contract through the Texas Local Government Purchasing Cooperative (BuyBoard) with COOPER EQUIPMENT, San Antonio, TX, for the purchase of a portable trommel screen for the Water and Wastewater Utility Department in an amount not to exceed \$213,092. (Funding is available in the Fiscal Year 2002-2003 Amended Capital Budget of the Water and Wastewater Utility Department.) Cooperative Purchasing

The motion authorizing the execution of a contract was approved.

45. Authorize execution of a contract through the Texas Local Government Purchasing Cooperative (BuyBoard) with LONGHORN INTERNATIONAL TRUCKS, Austin, TX to provide 17 truck cab and chassis in an amount not to exceed \$1,644,509. (Funding in the amount of \$1,456,821.35 is available in the Fiscal Year 2002-2003 Approved Capital Budget of the Finance and Administrative Services Department, Fleet Services Division. Funding in the amount of \$187,687.65 is available in the Fiscal Year 2002-2003 Approved Capital Budget of the Solid Waste Services Department.) Cooperative Purchasing (Related Items 46, 47)
The motion authorizing the execution of a contract was approved.
46. Authorize execution of a contract through the Texas Local Government Purchasing Cooperative (BuyBoard) with PAK-MOR MANUFACTURING CO., San Antonio, TX to provide and mount 10 rear-loading refuse collection bodies on City-owned truck chassis in an amount not to exceed \$392,080. (Funding in the amount of \$359,298 is available in the Fiscal Year 2002-2003 Approved Capital Budget of the Finance and Administrative Services Department, Fleet Services Division. Funding in the amount of \$32,782 is available in the Fiscal Year 2002-2003 Approved Capital Budget of the Solid Waste Services Department.) Cooperative Purchasing (Related Items 45, 47)
The motion authorizing the execution of a contract was approved.
47. Authorize execution of a contract through the Texas Local Government Purchasing Cooperative (BuyBoard) with EQUIPMENT SOUTHWEST, INC., Irving, TX, to provide and mount five recycling collection bodies and three automated refuse collection bodies on City owned truck chassis in an amount not to exceed \$501,056.90. (Funding in the amount of \$372,270.90 is available in the Fiscal Year 2002-2003 Approved Capital Budget of the Finance and Administrative Services Department, Fleet Services Division. Funding in the amount of \$128,786.00 is available in the Fiscal Year 2002-2003 Approved Capital Budget of the Solid Waste Services Department.) Cooperative Purchasing (Related Items 45, 46)
The motion authorizing the execution of a contract was approved.

Item 48 was discussed after Executive Session.

49. Approve an Ordinance to amend the Austin City Code, Section 16-4-32, & 16-4-33, Speed Limits, by establishing a maximum speed limit for the following streets: 1. Wayne Riddell Loop, from F.M. 1626 to Lord Derby Drive (maximum speed limit of 35 miles per hour); 2. Thompson Lane, from U.S. Highway 183 to the Travis County Line (2,170 feet northeast of U.S. Highway 183) [maximum speed limit of 35 miles per hour]; 3. Avery Ranch Boulevard from 1,500 feet west of Parmer Lane to Quarry Oaks Trail (maximum speed limit of 35 miles per hour); and 4. Avery Ranch Boulevard from Parmer Lane to 1,500 feet west of Parmer Lane (maximum speed limit of 40 miles per hour) (Funding in the amount of \$1,200 for installation of speed limit signs is available in the Fiscal Year 2002-2003 Operating Budget of the Transportation, Planning & Sustainability Department.)
Ordinance No. 030508-49 was approved.
50. Approve an ordinance amending Section 16-4-34 and 16-4-36, Speed Limits, of the Austin City Code by adding Slaughter Lane, from S. Congress Avenue to 1500 feet east of IH 35 East Service Road, to the list of streets having a maximum speed limit of 45 miles per hour; and Slaughter Lane, from 1500 feet east of IH 35 East Service road to Brandt Road, to the list of streets having a maximum speed limit of 55 miles per hour. (Funding in the amount of \$600 is available in the 2002-2003 Operating Budget of the Transportation, Planning & Sustainability Department for installation of speed limit signs.)
Ordinance No. 030508-50 was approved.
51. Approve execution of a construction contract with Travis Paving and Excavating Company (MBE/MH 71.20%), Bastrop, Texas, for the construction of traffic calming measures on various city streets within the Travis Heights neighborhood area, in an amount not to exceed \$309,585. (Funding

is included in the 2002-2003 Amended CIP Budget of the Transportation, Planning & Sustainability Department.) Low bid of two. 0% MBE; 14.26% WBE Subcontractor participation.

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

52. Approve an ordinance waiving the requirements of Section 15-11-22 of the Austin City Code (public safety), and waiving the application fee, permit fee, and the security deposit under Ordinance 990914-4 for the temporary closure of the intersection at 6th Street and Trinity, for the Austin Fire Department Apartment Teaching Trailer Public Education Program's live fire demonstration on May 10, 2003. (\$200 in fees to be waived.)
Ordinance No. 030508-52 was approved.
53. Approve a resolution for execution of an Advanced Funding Agreement with Texas Department of Transportation for roadway improvements to FM 734 East of McNeil Drive, in the amount of \$44,757. (Funding is available from an escrow account collected from the developer to pay for this work.)
Resolution No. 030508-53 was approved.
54. Approve a resolution authorizing negotiation and execution of an amendment to the Agreement on Subdivision Platting in the Extraterritorial Jurisdiction Between the City of Austin and Travis County, addressing policy issues including Transportation Plan, Preliminary Plan expiration, Variances and Waivers, Fiscal Policy, Sidewalks, Gated Communities/Private Streets, Consolidation of Fees, Reviews and Inspections, Maintenance of Drainage Infrastructure in the ETJ, and County participation in Regional Stormwater Management Program.(Council Member Daryl Slusher)
This item is postponed to May 15, 2003.
55. Board and Commission Appointments
The following appointments were made:
- | <u>Board/
Appointee</u> | <u>Consensus/
Council Nominee</u> | <u>Appointment/
Reappointment</u> |
|---|---------------------------------------|---------------------------------------|
| <u>Bond Oversight Committee</u> | | |
| Mimi McKay (Library Commission Representative) | Consensus | Appointment |
| <u>Child Care Council</u> | | |
| Carol Marie Haynes | Consensus | Appointment |
| <u>Commission on Immigrant Affairs</u> | | |
| Firoj B. Vahora | Consensus | Appointment |
| <u>Federally Qualified Health Center Board</u> | | |
| John Mayo (Northeast Clinic Representative) | Consensus | Reappointment |
| <u>Historic Landmark Commission</u> | | |
| Julie M. Hooper | Consensus | Appointment |
| <u>Urban Transportation Commission</u> | | |
| Andrew W. Clements | Council Member Dunkerley's | Appointment |

Item 56 was set for a time certain of 3:00 p.m.

57. Approve an ordinance waiving the signature requirement and authorizing payment of Austin Police Department fees, and Watershed Protection and Development Review Department and Austin

Energy banner-hanging fees associated with the June 17, 2003 Springdale Road, the June 18, 2003 Colony Park, the June 18, 2003 Loyola Lane, and the June 18, 2003 St. Johns Avenue Pre-Juneteenth Parades. (Council Member Danny Thomas, Mayor Pro Tem Jackie Goodman, Council Member Dunkerley)

Ordinance No. 030508-57 was approved.

58. Approve an ordinance authorizing the waiver of the signature requirement contained in Section 15-11-18 of the City Code, and authorizing waiver of certain fees under Chapter 15-11 of the City Code in connection with the Austin Farmer's Market to be held on Saturdays from May 10, 2003 to November 22, 2003 at Republic Square Park, 422 Guadalupe, Street. (Council Member Will Wynn, Council Member Betty Dunkerley and Mayor Pro Tem Jackie Goodman)

Ordinance No. 030508-58 was approved.

59. Set a public hearing for the full purpose annexation of Dessau Road East Area (Approximately 16 acres located in Travis County east of Dessau Road and east of the intersection of Childress Drive and Dessau Road). (Suggested dates and times: May 15, 2003 at 6:00 p.m., Lower Colorado River Authority - Hancock Building May 22, 2003 at 6:00 p.m., Lower Colorado River Authority - Hancock Building.)

The public hearings were set for May 15, 2003 and May 22, 2003 at 6:00 p.m., Lower Colorado River Authority - Hancock Building.

Mayor Garcia recessed the Council meeting at 2:46 p.m.

Mayor Garcia called the meeting back to order at 3:00 p.m.

DISCUSSION ITEM

56. Consider amendments to Ordinance Number 030320-23 relating to the Neighborhood Plan Amendment Process. (Council Member Betty Dunkerley and Mayor Gus Garcia)

Ordinance No. 030508-56, incorporating staff recommendations, with direction to staff to be sure the requirement of three signatures was removed, was made by Council Member Dunkerley and seconded by Mayor Garcia.

Mayor Pro Tem Goodman offered the friendly amendment to add to the ordinance that any change to a neighborhood area plan where a 20% petition of the property owners in the area oppose the change would require three fourths of the City Council to approve. This was not accepted by the maker of the motion.

The following substitute motion failed on Mayor Pro Tem Goodman's motion, Council Member Alvarez' second on a 2-5 vote. Those voting aye were Mayor Pro Tem Goodman and Council Member Alvarez. Those voting nay were: Mayor Garcia and Council Members Dunkerley, Slusher, Thomas and Wynn. The amendment was to add to the ordinance that any change to a neighborhood area plan where a 20% petition of the property owners in the area oppose the change would require three fourths of the City Council to approve.

The motion to postpone action was approved on Council Member Slusher's motion, Mayor Garcia's second on a 7-0 vote.

THE FOLLOWING AMENDMENTS WERE MADE:

The motion to approve the first reading of the ordinance, incorporating staff recommendations, with direction to staff to be sure the requirement of three signatures was removed, was made by Council Member Dunkerley and seconded by Mayor Garcia.

Mayor Pro Tem Goodman offered the friendly amendment to add to the ordinance that any change to a neighborhood area plan where a 20% petition of the property owners in the area oppose the change would require three fourths of the City Council to approve. This was not accepted by the maker of the motion.

The following substitute motion failed on Mayor Pro Tem Goodman's motion, Council Member Alvarez' second on a 2-5 vote. Those voting aye were Mayor Pro Tem Goodman and Council Member Alvarez. Those voting nay were: Mayor Garcia and Council Members Dunkerley, Slusher, Thomas and Wynn. The amendment was to add to the ordinance that any change to a neighborhood area plan where a 20% petition of the property owners in the area oppose the change would require three fourths of the City Council to approve.

The motion to postpone action was approved on Council Member Slusher's motion, Mayor Garcia's second on a 7-0 vote.

Mayor Garcia recessed the Council meeting at 3:54 p.m.

Mayor Garcia called the Council meeting back to order at 4:06 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 Wynn's motion, Council Member Dunkerley's second on a 7-0 vote.

- Z- 1 C14-03-0052- Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 7506 and 7701 Shelton Road (East Boggy Creek Watershed) from SF-2, single family residence standard lot district zoning to P, public district zoning. Zoning and Platting Commission Recommendation: To grant P, public district zoning. Applicant: Douglas Downing and Barbara Jones, Executor Agent: Armbrust and Brown, LLP (Richard Suttle, Jr.). City Staff: Annick Beaudet, 974-2975.
Ordinance No. 030508-Z1 was approved.
- Z- 2 C14-03-0048 - Highland Resources, Inc.- Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as U.S. Highway 183 North and FM 620 Road North (Lake Creek Watershed) from DR, development reserve district zoning to GR, community commercial district zoning. Zoning and Platting Commission Recommendation: To grant GR, community commercial district zoning. Applicant: Highland Resources, Inc. (David Bodeman). Agent: Turner Collie and Braden (Tom Burson). City Staff: Sherri Gager, 974-3057.
Ordinance No. 030508-Z2 was approved.
- Z- 3 C14-03-0055 - 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 IH-35 (Williamson Creek Watershed) from GR, community commercial district zoning to CS-1-CO, commercial-liquor sales district zoning. Zoning and Platting Commission Recommendation: To grant CS-1-CO, commercial-liquor sales-conditional overlay combining district zoning. Applicant: Watch Omega Holdings, LP - Stassney Heights (Rheta Williams). Agent: Crocker Consulting (Sarah Crocker). City Staff: Wendy Walsh, 974-7719.
Ordinance No. 030508-Z3 was approved.
- Z- 4 C14-03-0047 - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by zoning property locally known as 3208 East State Highway 71 (Colorado River Watershed) from I-RR, interim-rural residence district zoning to GR, community commercial district

zoning. Zoning and Platting Commission Recommendation: To grant GR-CO, community commercial-conditional overlay combining district zoning. Applicant: Speedy Stop Food Stores, LTD. (Carlton LaBeff). Agent: Crocker Consulting (Sarah Crocker). City Staff: Wendy Walsh, 974-7719

The first reading of the ordinance was approved.

- Z-5 C14-03-0009 – Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 11201 Plains Trail (Little Walnut Creek Watershed) from NO, neighborhood office district zoning to LR, neighborhood commercial district zoning for Tract 1, NO-MU, neighborhood office-mixed use combining district zoning for Tract 2, and SF-3, family residence district zoning for Tract 3. Zoning and Platting Recommendation: To grant LR, neighborhood commercial district zoning for Tract 1 and NO, neighborhood office district zoning for Tracts 2 and 3. Applicant: Efrain and Maria Moreno. Agent Altius Design Group (Ramon Duran). City Staff: Glenn Rhoades, 974-2775.

The first reading was approved.

Items Z-6 and Z-7 were pulled for discussion

- Z-8 C14-01-0166.001 (PART) - Holly Rezoning - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 411 Chicon Street (Town Lake Watershed) from P-NP, Public-Neighborhood plan Combining district zoning to CS-MU-CO-NP, general commercial services-mixed use-conditional overlay-neighborhood plan combining district zoning. Planning Commission Recommendation: To grant CS-MU-CO-NP, general commercial services-mixed use-conditional overlay-neighborhood plan combining district zoning for Tract 14. Applicant: City of Austin. Agent: Neighborhood Planning & Zoning Department. City Staff: Annick Beaudet, 974-2975, Sonya Lopez, 974-7694. (Related Item Z-7)

This item was withdrawn by staff.

Items Z-9 through Z-11 were pulled for discussion.

- Z-12 C14-01-0166.005 (Part) - Holly Rezoning - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 507 Calles Street, 622 and 624 Pleasant Valley Road (East Boggy Creek, Town Lake) from LI-NP, limited industrial services-neighborhood plan combining district zoning to CS-MU-CO-NP, general commercial services-mixed use-conditional overlay-neighborhood plan combining district zoning. Planning Commission Recommendation: To grant LI-CO-NP, limited industrial services-conditional overlay-neighborhood plan combining district zoning for Tracts 21 and 22, and CS-MU-CO-NP, general commercial services-mixed use-conditional overlay-neighborhood plan combining district zoning for Tract 23. Applicant: City of Austin. Agent: Neighborhood Planning & Zoning Department. City Staff: Annick Beaudet, 974-2975, Sonya Lopez, 974-7694. (Related Item Z-7)

This item was postponed to June 12, 2003.

ZONING DISCUSSION ITEMS

- Z-6 C14-02-0063.SH - Colton-Bluff - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by zoning property locally known as Colton Bluff Springs at Alum Rock Road (Cottonmouth Creek Watershed) from I-RR, interim-rural residence district zoning to SF-4A, single family residence small lot district zoning for Tract 1; GR, community commercial district zoning for Tract 2; LR, neighborhood commercial district zoning for Tract 3 and MF-3, multifamily residence medium density district zoning for Tract 4. Zoning and Platting Recommendation: To grant SF-4A-CO, single-family residence small lot-conditional overlay combining district zoning for Tract 1; MF-3-CO, multifamily residence medium density-conditional overlay combining district zoning for Tract 2; GR-CO, general commercial-conditional overlay

combining district zoning for Tract 3, LR-CO neighborhood commercial-conditional overlay combining district zoning for Tract 4; RR-CO, rural residence-conditional overlay combining district zoning for Tract 5 and P-CO, public-conditional overlay combining district zoning for Tract 6. Applicant: American Realty Trust (Javier Oliver-Olivarez). Agent: Henry Gilmore. City Staff: Glenn Rhoades, 974-2775.

The public hearing was closed and the first reading of the ordinance, adopting the Zoning and Planning Commission's recommendations, except changing Tract 6 to RR-CO, was approved on Mayor Pro Tem Goodman's motion, Council Member Alvarez' second on a 7-0 vote.

- Z- 7 Conduct a public hearing on and consider action on an amendment to the Holly Neighborhood Plan, an element of the Austin Tomorrow Comprehensive Plan, to change the Future Land Use Map at 613 Chicon St. from industrial to mixed use; at 1914 E. 6th St. from civic to mixed-use; at 2000 E. 6th St. from industrial to mixed-use; at 2201 Hidalgo St. from industrial to commercial; at 2406 Hidalgo St. (Lot 2-3 Blk 14 Olt 23 Div A Lincoln Place) from mixed-use to industrial; at 2200 E. 6th St. from industrial to commercial; at 0 E. 6th St. (Acr .236 Blk 1 Olt 9 Blk 2 Olt 10 Division A) from transportation to commercial; at 411 Chicon St. from multi-family to mixed-use; at 505 Robert Martinez Jr. from mixed-use to industrial; at 2235 E. 6th St. from mixed-use to industrial; at 0 E. 5th St. (Acr 2.244* of Blk 3 Olt 10 Blk 4 Olt 9 H & TC Addition) from transportation to commercial; at 607 Pedernales St. from single-family residential to mixed-use; at 501 Pedernales St. from industrial to mixed-use; at 2615 E. 6th St. from industrial to mixed-use; at 507 Calles St. from industrial to mixed-use; at 622 N. Pleasant Valley Rd. from industrial to mixed-use; at 624 N. Pleasant Valley Rd. from office to mixed-use; at 2415 E. 5th St. from industrial to mixed-use; at 0 E. 5th St. (20 ft. ROW Olt 10 Div 0 Industrial Addn) from industrial to mixed-use; at 2419 E. 5th St. from industrial to mixed-use; at 2421 E. 5th St. from industrial to mixed-use; at 2614 E. 5th St. from industrial to mixed-use; at 2716 E. 5th St. from industrial to mixed-use; at 2726 E. 5th St. from industrial to mixed-use; at 2701 E. 7th St. (southern portion of Lot 1 Blk A HEB/Austin No 1 Subd) from industrial to commercial. The following addresses have an industrial future land use designation on the current Holly future land use map adopted in December of 2001: 1902 E. 6th St., 2010 E. 6th St., 2100 E. 6th St., 2118 E. 6th St., 2406 Hidalgo St., 2422 Hidalgo St., and 2416 E. 6th St. These properties would not require a plan amendment if staff recommendation were adopted. They are included in The Holly Plan Amendment Case# NPA-03-0010.01 since they are part of the Holly rezoning cases (C14-01-0166.001-.005) and adoption of a designation other than staff's could necessitate a plan amendment. (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.)

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

The motion to approve the first reading to amend the future land use map for Tracts 20 and 24 as Industrial and all other Tracts as Mixed Use was approved on Council Member Alvarez' motion, Council Member Thomas' second on a 7-0 vote.

The motion to approve the first reading to amend the future land use map for Tract 10, 2422 Hidalgo Street, as Commercial Mixed Land Use was approved on Council Member Alvarez' motion, Council Member Thomas' second on a 7-0 vote.

No plan amendment was needed for Tract 13, 2416 E. 6th Street.

The motion to approve the first reading to amend the future land use map for Tracts 8 and 9, 2406 Hidalgo Street, as Commercial Mixed Land Use was approved on Council Member Alvarez' motion, Council Member Thomas' second on a 7-0 vote.

Z-9 C14-01-0166.002 (PART) - Holly Rezoning - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 613 Chicon St., 1914 E. 6th St.; 2000 E. 6th St.; 2201 Hidalgo St.; 2406 Hidalgo St.; 2200 E. 6th St.; 0 E. 6th ST. (Acr .236 Blk 1 Olt 9 Blk 2 Olt 10 Division A); 505 Robert Martinez Jr.; 2235 E. 6th St.; 0 E. 5th St. (Acr 2.244* of Blk 3 Olt 10 Blk 4 Olt 9 H & TC Addition); 501 Pedernales St.; 2615 E. 6th St.; 2415 E. 5th St.; 2419 E. 5th St.; 2421 E. 5 St.; 2701 E. 7 St.; 1902 E. 6th St.; 2010 E. 6 St.; 2100 E. 6 St.; 2118 E. 6 St.; 2406 Hidalgo St., 2422 Hidalgo St., and 2416 E. 6th St. (Town Lake Watershed) from CS-1, commercial-liquor sales district zoning and LI, limited industrial services district zoning to CS-1-MU-CO-NP, commercial liquor sales-mixed use-conditional overlay-neighborhood plan combining district zoning; CS-CO-NP, general commercial services-conditional overlay-neighborhood plan combining district zoning; CS-MU-CO-NP, general commercial services-mixed use-conditional overlay-neighborhood plan combining district zoning; and LI-CO-NP, limited industrial services-conditional overlay-neighborhood plan combining district zoning. Planning Commission Recommendation: To grant CS-1-MU-CO-NP, commercial liquor sales-mixed use-conditional overlay-neighborhood plan combining district zoning for Tract 0; CS-MU-CO-NP, general commercial services-mixed use-conditional overlay-neighborhood plan combining district zoning for Tracts 2, 7, 11 and 19; and LI-CO-NP, limited industrial services-conditional overlay-neighborhood plan combining district zoning for Tracts 1, 3, 4, 5, 6, 8, 9, 10, 12, 13, 15, 16, 17, 20, 24, 25, 26, and 27. Applicant: City of Austin. Agent: Neighborhood Planning & Zoning Department. City Staff: Annick Beaudet, 974-2975, Sonya Lopez 974-7694. A valid petition has been filed by a property owner in opposition to this rezoning request. (Related Item Z-7)

The motion to approve the first reading for rezonings for Tracts 20 and 24 as LI CO NP with the Govalle/Johnston Terrace conditional overlay and to downzone the remaining property (except those with valid petitions) to CS-MU-CO-NP with staff's conditional overlay was approved on Council Member Alvarez' motion, Council Member Thomas' second on a 7-0 vote. The conditional overlay for LI-CO-NP would prohibit the following uses: basic industry; liquor sales; residential treatment; scrap and salvage; general warehousing and distribution; recycling center; and resource extraction. The permitted industrial uses would be light manufacturing and art and craft studio industrial.

The motion to approve the first reading for rezoning 2422 Hidalgo Street (Tract 10) to CS CO MU NP, with staff's recommendation for the following conditional overlay, was approved on Council Member Alvarez' motion, Council Member Thomas' second on a 7-0 vote. The prohibited uses are: adult oriented business, basic industry (industrial use), campground, convenience storage, exterminating services, general warehousing and distribution (industrial use), hotel-motel, kennels, pawn shop services, recycling center (industrial use), resource extraction (industrial use), scrap and salvage, service station, telecommunications tower, and vehicle storage. The conditional uses are: automotive washing of any type, commercial off street parking, indoor entertainment and indoor sports and recreation.

The motion to approve the first reading for rezoning 2416 East Sixth Street (Tract 13) to LI CO NP, with the CO allowing only art and craft studio industrial and light manufacturing for industrial uses, was approved on Council Member Alvarez' motion, Council Member Thomas' second on a 6-1 vote. Council Member voted nay.

The motion to approve the first reading for rezoning 2406 Hidalgo Street (Tracts 8 and 9) to CS CO MU NP with staff recommendation for the following conditional overlay was approved on Council Member Alvarez' motion, Council Member Thomas' second on a 7-0 vote. The prohibited uses are: adult oriented business, basic industry (industrial use), campground, convenience storage, exterminating services, general warehousing and distribution (industrial use), hotel-motel, kennels, pawn shop services, recycling center (industrial use), resource extraction (industrial use), scrap and salvage, service station, telecommunications tower, and

vehicle storage. The conditional uses are: automotive washing of any type, commercial off street parking, indoor entertainment and indoor sports and recreation.

- Z- 10 C14-01-0166.003 (PART) - Holly Rezoning - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 607 Pedernales St. (Town Lake Watershed) from SF-3-NP, family residence district zoning to LR-MU-NP, neighborhood commercial-mixed use-neighborhood plan combining district zoning. Planning Commission Recommendation: To grant SF-3-NP, family residence-neighborhood plan combining district zoning for Tract 18. Applicant: City of Austin. Agent: Neighborhood Planning & Zoning Department. City Staff: Annick Beaudet, 974-2975, Sonya Lopez, 974-7694. (Related Item Z-7)
No action was taken on this item.

- Z- 11 C14-01-0166.004 (PART) - Holly Rezoning - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 2614, 2716 and 2726 E. 5th Street (Town Lake Watershed) from LI-NP, limited industrial services-neighborhood plan district combining zoning to CS-MU-CO-NP, general commercial services-mixed use-conditional overlay-neighborhood plan combining district zoning. Planning Commission Recommendation: To grant CS-MU-CO-NP, general commercial services-mixed use-conditional overlay-neighborhood plan combining district zoning for Tracts 28, 29 and 30. Applicant: City of Austin. Agent: Neighborhood Planning & Zoning Department. City Staff: Annick Beaudet, 974-2975, Sonya Lopez, 974-7694. (Related Item Z-7)

The motion to approve the first reading for rezonings for Tracts 20 and 24 as LI CO NP with the Govalle/Johnston Terrace conditional overlay and to downzone the remaining property (except those with valid petitions) to CS-MU-CO-NP with staff's conditional overlay was approved on Council Member Alvarez' motion, Council Member Thomas' second on a 7-0 vote. The conditional overlay for LI-CO-NP would prohibit the following uses: basic industry; liquor sales; residential treatment; scrap and salvage; general warehousing and distribution; recycling center; and resource extraction. The permitted industrial uses would be light manufacturing and art and craft studio industrial.

LIVE MUSIC

Dana Davis

PROCLAMATIONS

Proclamation - Historic Preservation Week - to be presented by Mayor Gus Garcia and to be accepted by Lisa Laky

Distinguished Service Award - Ellison Search Emergency Personnel - to be presented by Mayor Gus Garcia and to be accepted by the honorees

Proclamation - National Women's Health Week - to be presented by Mayor Gus Garcia

Proclamation - VICTORY Tutorial Program 10th Anniversary - to be presented by Mayor Gus Garcia and to be accepted by Carolyn Shelley

Mayor Garcia recessed the Council Meeting at 5:52 p.m. to go into the Executive Session.

EXECUTIVE SESSION

2. Discuss legal issues related to *Michael Little, et al. v. the City of Austin, Texas, et al.*, Cause Number 270084 in County Court at Law Number One of Travis County, Texas, concerning the application of

zoning regulations by the Board of Adjustment of the City of Austin to the construction of a duplex at 3207 Hampton Road, and legal issues related to proposed amendments to Section 25-2-773 of the Austin City Code. (Related Item 48)

3. Discuss legal issues related to *American Veterans, Department of Texas, and the Veterans of Foreign Wars, Department of Texas v. City of Austin, City of Dallas, and the Honorable Gregg Abbott, Office of the Attorney General of Texas*, Cause Number GN301204 in the 250th Judicial District Court of Travis County, Texas. (Concerns the City's no-smoking ordinance).

Executive Session ended at 7:30 p.m.

Mayor Garcia called the regular Council meeting back to order at 7:31 p.m.

PUBLIC HEARINGS

60. Conduct a public hearing to consider an ordinance amending Section 25-8-41 of the City Code relating to water quality variance determinations by the Land Use Commission. (Recommended by Environmental Board - March 5, 2003. Codes and Ordinances Subcommittee - April 9, 2003. Planning Commission - April 23, 2003.)

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

Ordinance No. 030508-60 was approved on Council Member Wynn's motion, Council Member Dunkerley's second on a 7-0 vote.

61. Conduct a public hearing for the full purpose annexation of Pioneer Hill (Approximately 277 acres located in Travis County east of Dessau Road and east of the intersection of Applegate Drive and Dessau Road, including Dessau Road right-of-way from the intersection of Dessau Road and Braker Lane south to approximately three-tenths of a mile north of the intersection of Dessau Road and Rundberg Lane).

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

62. Conduct a public hearing for the full purpose annexation of McNeil Drive Right-of-Way (ROW), approximately 4 acres in Travis County from approximately one-tenth of a mile east of the intersection of Corpus Christi Drive and McNeil Drive east to the intersection of McNeil Drive and Parmer Lane.

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

63. Conduct a public hearing on the full purpose annexation of the Dittmar Tract (approximately 1 acre) located in Travis County approximately 1,488 feet south and 333 feet east of the intersection of Thaxton Road and Salt Springs Drive.

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

64. Conduct a public hearing for the full purpose annexation of Avery Ranch Far West Areas: Tract 1: Avery Brookside Phase One (Approximately 24.8 acres located in Williamson County at the intersection of Loxley Lane and Avery Ranch Boulevard) Tract 2: Avery Ranch Far West Phase One, Section 2; Avery Ranch Far West Phase One, Section 3; and Avery Ranch Far West Phase One, Section 4, (approximately 76.8 acres in Williamson County approximately 750 feet north of the intersection of Staked Plains Drive and Avery Ranch Boulevard).

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

65. Conduct a public hearing to receive citizen comments on amendments to the Consolidated Plan 2000-2005 goals and priorities.
The public hearing was closed on Council Member Thomas' motion, Council Member Slusher's second on a 7-0 vote.
66. Conduct a public hearing to receive citizen comments on proposed amendments to the City's federal annual Action Plan 2002-2003, including the transfer of \$240,141 in Community Development Block Grant (CDBG) funds from Homeownership Development to Public Facilities and Commercial Revitalization programs. (Funding is available from the Homeownership Development program.)
The public hearing was closed on Council Member Slusher's motion, Council Member Wynn's second on a 7-0 vote.
67. Conduct a public hearing to receive citizen comments on (1) the annual Action Plan 2003-2004, required by the U.S. Department of Housing and Urban Development (HUD); (2) Texas Local Government Code Chapter 373 Community Development Program that includes proposed funding allocations for Fiscal Year 2003-2004. (The Community Development Commission (CDC) has received citizen input.)
The public hearing was closed on Council Member Dunkerley's motion, Council Member Slusher's second on a 7-0 vote.
14. Approve a resolution authorizing negotiation and execution of an Economic Development Agreement with the ENDEAVOR REAL ESTATE GROUP, Austin, TX for the development of "The Domain" project to be located on a 42-acre site generally bounded on the north by Duval Road, on the west by Loop 1, on the south by Braker Lane, and on the east by Burnet Road, and providing for the sharing of tax revenue generated by the property in an amount not to exceed \$25,000,000, over a period of 20 years. (Funding is not to exceed \$25,000,000 based on the project's performance in generating new incremental sales and property taxes.)
This item was postponed to May 15, 2003 on Council Member Wynn's motion, Council Member Slusher's second on a 7-0 vote.

The motion to waive the rules and allow Council to meet after 10 p.m. was approved on Council Member Wynn's motion, Council Member Slusher's second on a 7-0 vote.

15. Approve an Ordinance repealing and replacing Chapter 12-5 of the City Code relating to the local regulation of smoking in public places. (Related Item 3) (This item will be taken up after Executive Session)
The first reading was approved with the following friendly amendments on Mayor Garcia's motion, Council Member Slusher's second on a 4 to 3 vote. Those voting aye were: Mayor Garcia, and Council Members Dunkerley, Slusher and Thomas. Mayor Pro Tem Goodman and Council Members Alvarez and Wynn voted nay. The friendly amendment from Council Member Dunkerley was to add the following three exemptions: Bingo parlors with enclosed rooms and ventilation systems for smoking patrons; fraternal organizations; and those buildings that are primarily billiard parlors that do not serve food and do not allow people under 21 to enter the establishment.
26. C14-02-0183 (PART) - Govalle/Johnston Terrace Combined Neighborhood Planning Area Rezoning - Approve third reading of an ordinance amending Chapter 25-2 of the Austin City Code by rezoning properties locally known as Tract 33 (2805 & 2811 E. 5th St.), Tract 56 (405 Tillery St.), Tract 106a (730 Shady Ln.), Tract 111a (777 Shady Ln.), Tract 111b (777 Shady Ln.), and Tract 169 (821 Gunter St.). The Govalle/Johnston Terrace Combined Neighborhood Planning Area

boundaries are Oak Springs Road, Airport Boulevard and Austin & N.W. Railroad on the north, U.S. Highway 183 - Ed Bluestein Boulevard on the east, Colorado River on the south, and Pleasant Valley Road and Webberville Road on the west (Boggy Creek, Colorado River, Fort Branch and Tannehill Creek Watersheds). The proposed zoning changes will include these properties in the Govalle Neighborhood Plan Combining District. The proposed zoning will change the base zoning on six (6) tracts of land from: LI, Limited Industrial Services district and CS, General Commercial Services district zoning to GR-MU-NP, Community Commercial-Mixed Use-Neighborhood Plan Combining district, CS-MU-CO-NP, General Commercial Services-Mixed Use-Conditional Overlay-Neighborhood Plan Combining district, LI-CO-NP, Limited Industrial Services-Conditional Overlay-Neighborhood Plan Combining district, and LR-MU-CO-NP, Neighborhood Commercial-Mixed Use-Conditional Overlay-Neighborhood Plan Combining district zoning. First Reading on February 13, 2003; Vote: 7-0 on a portion, 6-0-1 on a portion with Alvarez abstaining and 6-0 on a portion with Garcia off the Dais. Second reading on March 6, 2003; Vote: 6-0 on a portion with Dunkerley off the dais, and 5-0-1 on a portion with Alvarez abstaining and Dunkerley off the dais. Conditions met as follows: Conditional Overlays and Restrictive Covenants incorporates the conditions imposed or accepted by City Council at second ordinance reading. Applicant: City of Austin. Agent: Neighborhood Planning and Zoning Department. City Staff: Steve Rossiter. 974, 2598. Note: Valid petitions have been filed by property owners in opposition to this rezoning request. (Related Item 25)

Ordinance No. 030508-26 was approved with the following amendments:

The motion to approve the third reading to amend the Govalle Neighborhood Plan for Tracts 111a and 111b, 777 Shady Lane, to designate Mixed Used was approved on Council Member Alvarez' motion, Council Member Wynn's second on a 7-0 vote.

The motion to approve the third reading to amend the Govalle Neighborhood Plan for Tracts 169, 821 Gunter Street, to designate Single Family was approved on Council Member Alvarez' motion, Council Member Thomas' second on a 7-0 vote.

The motion to approve the third reading to amend the Govalle Neighborhood Plan for Tract 33, 2805 East 5th Street, to designate Commercial Mixed Used was approved on Council Member Alvarez' motion, Mayor Pro Tem Goodman's second on a 7-0 vote.

The motion to approve the third reading to amend the Govalle Neighborhood Plan for Tract 56, 405 Tillery Street, to designate Commercial was approved on Council Member Alvarez' motion, Council Member Wynn's second on a 7-0 vote.

The motion to approve the third reading to amend the Govalle Neighborhood Plan for Tracts 106a, 730 Shady Lane, to designate Industrial was approved on Council Member Alvarez' motion, Council Member Wynn's second on a 7-0 vote

25. Consider on third reading an ordinance amending the Austin Tomorrow Comprehensive Plan for Tracts 33 (2805 & 2811 E. 5th Street), 56 (405 Tillery Street), 106a (730 Shady Lane), 111a (777 Shady Lane), 111b (777 Shady Lane), and 169 (821 Gunter Street) as part of the Govalle/Johnston Terrace Combined Neighborhood Plan. (December 18, 2002, Planning Commission voted to recommend the Govalle/Johnston Terrace Neighborhood Plan to the City Council for adoption.) (Related Item 26)

Ordinance No. 030508-25 was approved with the following amendments:

The motion to rezone 777 Shady Lane on third reading to LR-MU-CO-NP for the first 25 feet (Tract 111a) and CS-MU-CO-NP (Tract 111b) for the remainder of the property with the following as the conditional overlays was approved on Council Member Alvarez' motion, Council Member Thomas' second on a 7-0 vote. Tract 111a prohibited uses are: adult

oriented businesses, campground, kennels, laundry services, pawnshop services, residential treatment and vehicle storage. Conditional uses are: a use with a drive-in service, agricultural sales and services, automotive rentals, repairs, sales or washing (of any type), building maintenance services, commercial off-street parking, construction sales and services, equipment sales and repair, and limited warehousing and distribution and service stations. Tract 111b prohibited uses are: adult oriented businesses, automotive sales, campground, exterminating services, indoor entertainment, kennels, laundry services, outdoor entertainment, pawnshop services, residential treatment, service station and vehicle storage. Conditional uses are: a use with a drive-in service, agricultural sales and services, automotive rentals, repairs, or washing (of any type), building maintenance services, commercial off-street parking, construction sales and services, equipment sales and repair.

The motion to rezone Tract 169, 821 Gunter to GO-MU-NP with a restrictive covenant to roll back to SF-3 if the current usage ceases for 90 days or more was approved on Council Member Alvarez' motion, Council Member Dunkerley's second on a 7-0 vote.

The motion to rezone Tract 33, 2805 East 5th Street, to CS-CO-MU-NP with the following as the conditional overlay was approved on Council Member Alvarez' motion, Council Member Thomas's second on a 7-0 vote. The prohibited uses are: a use with a drive-in service, adult oriented businesses, agricultural sales and services, automotive rental and sales, campground, commercial off-street parking, construction sales and services, drop-off recycling collection facilities, equipment sales and repair, exterminating services, kennels, laundry services, pawnshop services, residential treatment, service station and vehicle storage. Conditional uses are: automotive washing (of any type), and building maintenance services.

The motion to rezone Tract 56, 405 Tillery Street, to CS-CO-NP with the following as the conditional overlay was approved on Council Member Alvarez' motion, Council Member Wynn's second on a 7-0 vote. The prohibited uses are: a use with a drive-in service, adult oriented businesses, agricultural sales and services, automotive rental and sales, campground, commercial off-street parking, construction sales and services, drop-off recycling collection facilities, equipment sales and repair, exterminating services, kennels, laundry services, pawnshop services, residential treatment, service station and vehicle storage. Conditional uses are: automotive washing (of any type), and building maintenance services. The conditional overlay also requires construction of a solid wall within 8 feet of the western property line and all vehicular access to Tillery Street is prohibited.

The motion to rezone Tract 106a, 730 Shady Lane, to LI-CO-NP with the following conditional overlay and restrictive covenant was approved on Council Member Alvarez' motion, Council Member Slusher's second on a 7-0 vote. The conditional overlays has the following prohibited uses: basic industry, general warehousing and distribution, liquor sales, recycling center, residential treatment, resource extraction, scrap and salvage, adult oriented businesses, campground, kennels, pawn shop services, residential treatment and vehicle storage. The conditional uses are agricultural sales and services, construction sales and services, building maintenance services, laundry services, equipment sales and repair, and auto rental, repairs and washing. The overlay requires vehicle access from Tract 106 to Gonzales Street is restricted to right turns only on Gonzales Street. The public restrictive covenant prohibits dangerous or objectionable elements including dangerous, injurious, noxious, or objectionable noise, smoke, dust, odor, air pollution, heat, humidity, liquid or solid refuse or waste, light or glare, or other substances, condition, radiation, or elements that adversely affect property or the use of the property in the vicinity.

48. Approve an ordinance to amend Section 25-2-773 of the City Code related to duplex residential use and repealing Ordinance No. 030227-28 related to the duplex residential use moratorium.

(Reviewed by Planning Commission.) (Related Item 2) This item will be taken up after Executive Session)

The first reading of the ordinance was approved with the following amendments on Council Member Dunkerley's motion, Council Member Wynn's second on a 7-0 vote. The amendment from Council Member Dunkerley was to change the square footage allowed from 3,400 square feet to 4,000. Mayor Pro Tem Goodman clarified that the provision limiting the structures to two stories does not allow two stories on top of a story for parking. There was an amendment to delete the repealer clause until final reading of the ordinance. Mayor Pro Tem Goodman directed staff to make sure there were provisions in the ordinance that would not preclude a single family use just because it is on a large lot.

The motion to adjourn the meeting at 12:51 p.m. was approved on Council Member Slusher's motion, Council Member Wynn's second on a 7-0 vote.

The minutes for the regular meeting of May 8, 2003 were approved on May 15, 2003 on Council Member Wynn's motion, Council Member Thomas' second on a 7-0 vote.

The minutes for the regular meeting of May 8, 2003 were amended and approved on May 22, 2003 on Mayor Pro Tem Goodman's motion, Council Member Thomas' second on a 7-0 vote. The following amendments were made:

56. Consider amendments to Ordinance Number 030320-23 relating to the Neighborhood Plan Amendment Process. (Council Member Betty Dunkerley and Mayor Gus Garcia)

PREVIOUS WORDING

Ordinance No. 030508-56, incorporating staff recommendations, with direction to staff to be sure the requirement of three signatures was removed, was made by Council Member Dunkerley and seconded by Mayor Garcia.

Mayor Pro Tem Goodman offered the friendly amendment to add to the ordinance that any change to a neighborhood area plan where a 20% petition of the property owners in the area oppose the change would require three fourths of the City Council to approve. This was not accepted by the maker of the motion.

The following substitute motion failed on Mayor Pro Tem Goodman's motion, Council Member Alvarez' second on a 2-5 vote. Those voting aye were Mayor Pro Tem Goodman and Council Member Alvarez. Those voting nay were: Mayor Garcia and Council Members Dunkerley, Slusher, Thomas and Wynn. The amendment was to add to the ordinance that any change to a neighborhood area plan where a 20% petition of the property owners in the area oppose the change would require three fourths of the City Council to approve.

The motion to postpone action was approved on Council Member Slusher's motion, Mayor Garcia's second on a 7-0 vote.

NEW WORDING

The motion to approve the first reading of the ordinance, incorporating staff recommendations, with direction to staff to be sure the requirement of three signatures was removed, was made by Council Member Dunkerley and seconded by Mayor Garcia.

Mayor Pro Tem Goodman offered the friendly amendment to add to the ordinance that any change to a neighborhood area plan where a 20% petition of the property owners in the area oppose the change would require three fourths of the City Council to approve. This was not accepted by the maker of the motion.

The following substitute motion failed on Mayor Pro Tem Goodman's motion, Council Member Alvarez' second on a 2-5 vote. Those voting aye were Mayor Pro Tem Goodman and Council Member Alvarez. Those voting nay were: Mayor Garcia and Council Members Dunkerley, Slusher, Thomas and Wynn. The amendment was to add to the ordinance that any change to a neighborhood area plan where a 20% petition of the property owners in the area oppose the change would require three fourths of the City Council to approve.

The motion to postpone action was approved on Council Member Slusher's motion, Mayor Garcia's second on a 7-0 vote.

The minutes for the regular meeting of May 8, 2003 were approved on May 15, 2003 on Council Member Wynn's motion, Council Member Thomas' second on a 7-0 vote.

The minutes for the regular meeting of May 8, 2003 were amended and approved on June 12, 2003 on Council Member Thomas' motion, Mayor Garcia's second on a 7-0 vote. The following amendments were made:

28. Approve a resolution authorizing acceptance of grant funding from the Texas Department of Transportation in the amount of \$120,000 for the Texas Selective Traffic Enforcement "Click It or Ticket" project to increase the enforcement of seatbelt laws during the 2003 Memorial Day holiday and Thanksgiving holiday; amend Ordinance No. 020910-01, the Fiscal Year 2002-2003 Operating Budget, by appropriating \$120,000 in grant funds for the Police Department Special Revenue fund. (Funding is available in a grant from TxDOT through the Selective Traffic Enforcement Project (STEP) for the grant period of May 1, 2003 through December 31, 2003. No cash match is required.)

PREVIOUS WORDING

Resolution No. 030508-28 was approved.

NEW WORDING

Ordinance No. 030508-28 was approved.