



**Austin City Council
MINUTES**

**REGULAR MEETING
THURSDAY, MARCH 27, 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, March 27, 2003 in the Board Room at Lower Colorado River Authority Hancock Building, 3700 Lake Austin Boulevard.

Invocation: Jay Cooper, Youth Minister, Westlake United Methodist Church

Mayor Garcia called the Council Meeting to order at 12:17 p.m.

Mayor Garcia recessed the meeting at 12:18 p.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.

Real Property - Section 551.072

1. Discuss acquisition of an interest in real property for Greenway and Destination Parks as authorized under Proposition 2 of the November 1998 Bond Election. (Related Item 3)

Executive Session ended at 12:40 p.m.

Mayor Garcia called the regular meeting back to order at 1:33 p.m.

CITIZEN COMMUNICATIONS: GENERAL

- Robert L. Thomas - To ask Council and City Management to enforce employment for athletes and builders at the Rosewood Park and Recreation Center.
- Scott Johnson - 2003 Central Texas Electric Lawnmower Program.

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

2. Approval of minutes from work session of March 19, 2003 and the regular meeting of March 20, 2003.
The minutes from the work session of March 19, 2003, regular meeting of March 20, 2003 were approved.
3. Consider approving a resolution authorizing the City Manager, or designee, to negotiate and execute all documents related to acquiring approximately 330 acres in Southeast Austin using Greenway and Destination Park Bond funds. (Related Item 1)
This item was withdrawn to allow staff additional time to prepare the resolution.
4. Approve a resolution to name the new City hospital located on the 5th Floor of Brackenridge Hospital.
Resolution No. 030327-04 was approved naming the new City hospital "Austin Women's Hospital."
5. Approve second reading of an ordinance renewing a non-emergency medical transfer franchise for American Medical Response of Texas, Inc. (AMR), under Chapter 6-3 of the City Code. (Recommended by the Travis County EMS Advisory Board.)
The second reading of the ordinance was approved.
6. Approve second reading of an ordinance granting to Time Warner Entertainment/Advance-Newhouse a six-year franchise extension, as provided for in the franchise granted by Ordinance Number 960613-A.
The second reading of the ordinance was approved.
7. Authorize execution of two-month contract extensions under the Ryan White CARE Act Title I HIV Emergency Relief Grant with three (3) HIV-related contractors: AIDS Services of Austin in an amount not to exceed \$142,436, for a total contract amount not to exceed \$997,049; Austin-Travis County MHMR CARE in an amount not to exceed \$98,274, for a total contract amount not to exceed \$687,919; and The Wright House Wellness Center in an amount not to exceed \$61,883, for a total contract amount not to exceed \$386,003. (Funding in the amount of \$302,593 is included in the Fiscal Year 2003 Approved Operating Budget of the Health and Human Services Department (HHSD) Special Revenue Fund, Ryan White CARE Act Title I HIV Emergency Relief Grant. Grant period is March 1, 2003 through February 28, 2004. Contract amendment period is March 1, 2003 through April 30, 2003. No match is required.)
The motion authorizing the execution of contract extensions was approved.
8. C14-02-0188 - Approve second/third readings of an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 5506 U.S. Highway 290 West (Barton Creek Watershed -Barton Springs Zone) from DR, Development Reserve district zoning to CS-CO General Commercial Services-Conditional Overlay Combining district zoning. First reading on February 13, 2003. Vote: 7-0. Conditions met as follows: Conditional Overlay and Restrictive Covenant incorporates the conditions imposed or accepted by City Council at first ordinance reading. Applicant: R & K Investments (Russel Moore) Agent: McCann & Associates (Michael McCann). City Staff: Annick Beaudet, 974-2975.
Ordinance No. 030327-8 was approved.

9. C14-02-0102 - Approve second/third readings of an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 3305-3413 Slaughter Lane (Slaughter Creek Watershed-Barton Springs Zone) from SF-2, Single Family Residence Standard Lot district zoning to LR-CO, Neighborhood Commercial-Conditional Overlay Combining district zoning on tracts 1 and 2, and I-SF-2, Interim-Single Family Residence Standard Lot district zoning and SF-2, Single Family Residence Standard Lot district zoning to LO-CO, Limited Office-Conditional Overlay Combining district zoning on tract 3. First Reading on January 30, 2003. Vote: 4-3, J. Goodman, R. Alvarez and W. Wynn - nay. Conditions met as follows: Conditional Overlay incorporates the conditions approved by Council at first ordinance reading. Applicants: George Cantu, Michael Doerr, Linda Cates, Kenneth Polk, Daniel and Lydia Acuna. Agent: Carlson, Brigrance and Doering (Lauretta Dowd). City Staff: Glenn Rhoades, 974-2775.
Ordinance No. 030327-9 was approved with the addition of the following prohibited uses: Food sales; service stations; guidance services; restaurants (limited); private primary educational facilities; public primary educational facilities; off-site accessory parking; medical offices; local utility services; general retail sales (convenience); private secondary educational facilities; and public secondary educational facilities. Council Member Alvarez voted nay.
10. C814-01-0038 - Parmer/Walnut Creek P.U.D. - Approve third reading of an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 1200 Block of Parmer Lane (Walnut Creek Watershed) from SF-6 Townhouse & Condominium Residence district zoning, RR Rural Residence district zoning, and LO Limited Office district zoning to PUD Planned Unit Development district zoning. Second reading on August 8, 2002. Vote: 7-0. First reading on November 29, 2001. Vote: 7-0. Conditions met as follows: Ordinance incorporates the conditions imposed by Council on second ordinance reading. Applicant: FSKMS Ranch Ltd. (John Scofield, Edgar and Linda Perry, Vernon Scofield, and Glen and Martha Chilek). Agent: Arbrust Brown, L.L.P. (Richard Suttle, Jr.) and Bury and Partners, Inc. (James B. Knight, P.E.). City Staff: Sherri Gager, 974-3057. (Continued from 2/13/03). (Related Item 20)
This item was postponed to April 24, 2003.

Items 11 & 12 were pulled for discussion.

13. Authorize the use of Town Lake for three water events associated with the Austin Park Foundation's Parkfest, the Flugtag Tug and the Capital of Texas Triathlon to be held April 26, April 27, and May 26, 2003 respectively.
The motion authorizing the use of Town Lake for three water events was approved.
14. Authorize execution of a construction contract with KIVA, INC., Buda, TX, for the Windsor Area Wastewater Improvements Project as part of the Austin Clean Water Program, in the amount of \$908,619 plus a \$90,861.90 contingency, for a total contract amount not to exceed \$999,480.90. (Funding in the amount of \$999,480.90 is included in the 2002-2003 Capital Budget of the Water & Wastewater Utility.) Lowest of two bids received. 19.32% MBE and 9.80% WBE subcontractor participation. (Recommended by Water & Wastewater Commission.)
The motion authorizing the execution of a construction contract was approved.
15. Authorize negotiation and execution of an amendment to the professional services agreement with EARTH TECH, INC., Austin, TX, for supplemental real estate and easement acquisition services for the Austin Clean Water Program, in the amount of \$1,200,000, for a total contract amount not to exceed \$8,179,266. (Funding in the amount of \$1,200,000 is available in the 2002-

2003 Amended Capital Budget of the Water & Wastewater Utility.) 19.6% MBE and 17.3% WBE overall subcontractor participation. (Recommended by Water & Wastewater Commission.) **The motion authorizing the negotiation and execution of an amendment to the professional services agreement was approved.**

16. Authorize execution of a 12 -month supply agreement with LAFARGE ROAD MARKING INC., Ennis, TEXAS, for white and yellow traffic marking paint for the Transportation, Planning and Sustainability Department in an amount not to exceed \$112,972.80, with two 12 -month extension options in an amount not to exceed \$112,972.80 per extension option, for a total contract amount not to exceed \$338,918.40. (Funding in the amount of \$56,486.40 is available in 2002-2003 Approved Operating Budget of the Transportation, Planning and Sustainability Department. Funding for the remaining six months of the original contract period and extension options is contingent upon available funding in future budgets.) Low bid of two 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 supply agreement was approved.
17. Authorize execution of a contract through the Texas Local Purchasing Cooperative (BuyBoard) with BIGON IMPLEMENT CO., INC., Taylor, TX, for the purchase of a six-wheel tractor for the Water and Wastewater Utility Department in an amount not to exceed \$78,656.51. (Funding is available in the Fiscal Year 2001-2002 Amended Capital Budget of the Water and Wastewater Utility Department.)
The motion authorizing the execution of a contract was approved.
18. Approve execution of a 12-month supply agreement with HUGHES SUPPLY, INC., Austin, TX, for the purchase of approximately 324 fire hydrants for the Water and Wastewater Utility in an amount not to exceed \$255,390.84, with two 12-month extension options in an amount not to exceed \$255,390.84 per extension option, for a total agreement amount not to exceed \$766,172.52. (Funding in the amount of \$127,694.42 is available in the 2002-2003 Operating Budget for the Water and Wastewater Utility. Funding for the remaining six months of the original contract period and extension options is contingent upon available funding in future budgets.) Low bidder of four 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 supply agreement was approved.
19. Authorize negotiation and execution of master power supply agreements for short-term power purchases and sales (one year or less) with qualified electric utilities and cooperatives, generation companies, independent power producers and power marketers in an aggregate amount for purchases not to exceed \$40,000,000 per fiscal year. (Funding will be provided through the Electric Fuel Charge revenue.) 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. (Recommended by Electric Utility Commission.)
Resolution No. 030327-19 was approved.
20. Approve a resolution authorizing negotiation and execution of a Community Facilities Contract (CFC) for an amount not to exceed \$775,000, with Edgar and Linda Perry for construction of a retaining floodwall in conjunction with the Walnut Creek Wells Branch Flood/Erosion Control Regional Pond Facility. (Funding is available in the Fiscal Year 2002-2003 Amended Capital Budget of the Watershed Protection and Development Review Department.) (Recommend by

CITY COUNCIL AGENDA

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Zoning and Platting Commission with conditions and Environmental Board with conditions.)
(Related Item 10)

This item was postponed to April 24, 2003.

21. Discuss and consider possible action on policy issues regarding Travis County and City of Austin subdivision regulations, 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.
This item was postponed to April 10, 2003.

22. Board and Commission Appointments.
The following appointments were made:

<u>Board/ Appointee</u>	<u>Consensus/ Council Nominee</u>	<u>Appointment/ Reappointment</u>
<u>Animal Advisory Commission</u>		
Jan Fulton	Mayor Pro Tem Goodman's	Appointment
<u>Austin Community Education Consortium</u>		
Rossana Barrios	Consensus	Appointment
<u>Child Care Council</u>		
Louanne Aponte	Consensus	Reappointment
Sandra Briley	Consensus	Reappointment
Joene Grissom	Consensus	Reappointment
Rhonda Paver	Consensus	Reappointment
June Smith	Consensus	Reappointment
Gale Spear	Consensus	Reappointment
James Strickland	Consensus	Reappointment
Avis Jones Wallace	Council Member Thomas'	Reappointment
<u>Commission on Immigrant Affairs</u>		
Elaine Quinn	Consensus	Appointment
<u>Mayor's Committee for People with Disabilities</u>		
Chip Howe	Mayor Garcia's	Reappointment
Ron Lucey	Mayor Garcia's	Reappointment
Kathy Kasprisin	Mayor Garcia's	Reappointment
<u>MBE/WBE Advisory Committee</u>		
Jonathan Betcher	Consensus	Reappointment
Luis Ornelas	Consensus	Reappointment
Cheryse Phillips	Consensus	Reappointment

Music Commission

Teresa Ferguson	Consensus	Reappointment
Charlie Jones	Consensus	Reappointment
Jay Woods	Council Member Dunkerley's	Reappointment

23. Approve an ordinance amending City Code Section 2-4-261 relating to qualifications of Board members of the Environmental Board. (Mayor Pro Tem Jackie Goodman)
Ordinance No. 030327-23 was approved with the following friendly amendment from Mayor Pro Tem Goodman. Part 1(A)(2), should read, "...one member recommended by the Barton Springs-Edwards Aquifer Conservation District, from board or staff, who has professional expertise in geology, hydrology, or ecology; and ..."
24. Set a public hearing to approve an Ordinance repealing and replacing Chapter 12-5 of the City Code relating to the local regulation of smoking in public places. (Suggested date and time: April 10, 2003 at 6:00 p.m.)
The public hearing was set for April 10, 2003 at 6:00 p.m.
25. Set a public hearing to consider a sixth amendment to the Agreement Concerning Creation and Operation of the Northtown Municipal Utility District (MUD) to revise the district land use plan by relocating the uses shown on the Land Use Plan Exhibit and by making text changes to the MUD consent agreement. (Suggested date and time for hearing: April 10, 2003 at 4:00 p.m.) (Recommended by Zoning and Platting Commission.)
The public hearing was set for April 10, 2003 at 4:00 p.m.
26. Set a public hearing to approve a Wastewater Use Agreement to allow the construction of the Walsh Tract Lift Station Interceptor through dedicated parkland known as Walsh Landing Park in accordance with Sec. 26.001 et seq. of the Texas Parks and Wildlife Code. (Suggested date: April 24, 2003 at 6:00 p.m.) (All costs associated with the line, as well as any parkland restoration, will be paid by the requestor.) (Recommended by Land and Facilities Board and Parks & Recreation Board)
The public hearing was set for April 24, 2003 at 6:00 p.m.

DISCUSSION ITEMS

12. Consider on third reading an ordinance amending the Austin Tomorrow Comprehensive Plan by adopting the Govalle/Johnston Terrace Combined Neighborhood Plan for the area bounded by Oaks Springs, Airport Blvd. and Austin & NW Railroad on the north, 183 - Ed Bluestein on the east, Colorado River on the south, and Pleasant Valley and Webberville Road on the west. (December 18, 2002 - Planning Commission voted to recommend the Govalle/Johnston Terrace Neighborhood Plan to the City Council for adoption.) (Related Item 11)
Ordinance No. 030327-12 was approved with the following changes.

The motion to approve the land use plan on third reading, as passed on second reading for the Mixed Employment District, with the exception that tracts 59N, 59O, 59P and 63J would be straight commercial, was approved on Council Member Alvarez' motion, Mayor Pro Tem Goodman's second on a 7-0 vote.

The motion to approve the balance of the Neighborhood Plan, as passed on second reading, with the exception of the following properties that will be voted on separately because they have valid petitions -- Tracts 24, 32a and 32b, 56, 106a, 111a and 111b, 112 - 740 Airport

Blvd., 112 – 750, 760, 764 Airport Blvd., 136, and 137c, and Tracts 33 and 169, which will be brought back for Council action at a later date, was approved on Mayor Pro Tem Goodman's motion, Council Member Dunkerley's second on a 6-0 vote. Council Member Alvarez abstained as these properties are near his home.

The motion to approve on third reading 1002 Springdale Road (Tract 24) as mixed use in the Govalle/Johnson Terrace Combined Neighborhood Plan was approved on Council Member Alvarez' motion, Mayor Pro Tem Goodman's second on a 7-0 vote.

The motion to approve on third reading 618 Tillery Street, Tract 32a as office and Tract 32b as mixed use in the Govalle/Johnson Terrace Combined Neighborhood Plan was approved on Council Member Alvarez' motion, Council Member Thomas' second on a 7-0 vote.

The motion to postpone the third reading on 405 Tillery Street, Tract 56, as commercial and 730 Shady Lane, Tract 106a, as industrial in the Govalle/Johnson Terrace Combined Neighborhood Plan, until April 10, 2003, was approved on Council Member Dunkerley's motion, Mayor Pro Tem Goodman's second on a 7-0 vote.

The motion to approve on third reading 777 Shady Lane (Tracts 111a and 111b) as mixed use in the Govalle/Johnson Terrace Combined Neighborhood Plan was approved on Council Member Alvarez' motion, Mayor Pro Tem Goodman's second on a 7-0 vote.

The motion to approve on third reading 740 Airport Blvd. Tract 112 as commercial use in the Govalle/Johnson Terrace Combined Neighborhood Plan was approved on Council Member Alvarez' motion, Council Member Slusher's second on a 7-0 vote.

The motion to approve on third reading 750, 760 and 764 Airport Blvd. Tract 112 as commercial use in the Govalle/Johnson Terrace Combined Neighborhood Plan was approved on Council Member Alvarez' motion, Council Member Slusher's second on a 7-0 vote.

The motion to approve on third reading 0 Bolm Road (Lots 1, 2 and 3 Synnott Glenn Subdivision) Tract 136 12 as office use in the Govalle/Johnson Terrace Combined Neighborhood Plan was approved on Council Member Alvarez' motion, Council Member Slusher's second on a 7-0 vote.

The motion to approve on third reading 1700 and 1704 Smith Road Tract 137c as industrial (with industrial park text) use in the Govalle/Johnson Terrace Combined Neighborhood Plan was approved on Council Member Alvarez' motion, Mayor Pro Tem Goodman's second on a 7-0 vote.

The motion to approve on third reading 1800 and 1808 Smith Road Tract 137c as industrial (with industrial park text) use in the Govalle/Johnson Terrace Combined Neighborhood Plan was approved on Council Member Alvarez' motion, Council Member Thomas' second on a 7-0 vote.

Item 11 was reconsidered later in the meeting.

BOARD OF DIRECTORS' MEETING OF AUSTIN HOUSING FINANCE CORPORATION

Mayor Garcia recessed the meeting at 3:35 p.m. to go into a meeting of the Board of Directors' of the Austin Housing Finance Corporation. See separate minutes.

AHFC adjourned at 3:47 p.m. and Council meeting called back to order at 4:36 p.m.

ZONING DISCUSSION ITEMS

- Z- 1 C14-03-0021 - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 1011 East 38 1/2 Street (Boggy Creek Watershed) from LO, Limited Office district zoning to SF-4A, Single Family Residence Small Lot district zoning. Planning Commission Recommendation: To grant SF-4A, Single Family Residence Small Lot district zoning. Applicant and Agent: Clayton D. Cooper. City Staff: Glenn Rhoades, 974-2775.

The first reading of the ordinance was approved on Council Member Thomas' motion, Council Member Wynn's second on a 5-0 vote. Council Members Alvarez and Dunkerley were off the dais.

- Z- 2 C14-03-0041 - Conduct a public hearing and approve an ordinance 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, Commercial-Liquor Sales district zoning. Planning Commission Recommendation: To deny CS-1, Commercial-Liquor Sales district zoning. Applicant: Charles and Judy Gentry. Agent: Cedarline Properties (Sayed Nicholas). City Staff: Glenn Rhoades, 974-2775.

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

The motion to approve CS-1 on the first reading was made by Council Member Slusher and seconded by Council Member Dunkerley.

The substitute motion to postpone the item to April 10, 2003 was approved on Mayor Pro Tem Goodman's motion, Council Member Slusher's second, on a 7-0 vote.

Mayor Garcia recessed the regular Council Meeting at 6:09 p.m.

LIVE MUSIC: Michael Ballew

PROCLAMATIONS

Proclamation - - Public Health Week - to be presented by Mayor Gus Garcia and to be accepted by David Lurie

Proclamation - - Keep America Beautiful Month - to be presented by Mayor Gus Garcia and to be accepted by Irene Guzman-Krill

Proclamation - - Donate Life Month - to be presented by Mayor Gus Garcia and to be accepted by Michelle Segovia

Mayor Garcia called the regular meeting back to order at 7:06 p.m.

PUBLIC HEARINGS AND POSSIBLE ACTION

27. Conduct a public hearing to receive citizen comments on proposed amendments to the City's federal annual Action Plan 2002-2003, for the transfer of \$585,000 in Community Development Block Grant funds from the Homeownership Development Program to the Homeowner Rehabilitation Program. (The Community Development Commission (CDC) made recommendations to the City Council on the Action Plan 2002-2003 on July 16, 2002. On March 18, 2003 the CDC discussed and made recommendations on the proposed amendments to the City's federal Action Plan 2002-2003.)
The public hearing was closed on Council Member Dunkerley's motion, Council Member Wynn's second on a 6-0 vote. Council Member Slusher was off the dais.
28. 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 (ROW) 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 Thomas' motion, Council Member Wynn's second on a 6-0 vote. Council Member Slusher was off the dais.
29. Conduct a Public Hearing for the full purpose annexation of: McNeil Drive right-of-way (ROW) (Approximately 4 acres located in Travis County of McNeil Drive right-of-way (ROW) 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 Parmar Lane).
The public hearing was closed on Council Member Thomas' motion, Council Member Dunkerley's second on a 6-0 vote. Council Member Slusher was off the dais.
11. C14-02-0183 - Govalle/Johnston Terrace Combined Neighborhood Planning Area - Approve third reading of an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as properties bounded by Oaks 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 change will create two Neighborhood Plan Combining Districts (NPCD) covering the entire area. Under the proposed Govalle NPCD, the proposed zoning change will: 1) add the Neighborhood Mixed Use Building special use for Tracts 4, 5, 24, 27, 32b, 41, 42, 44, 45a, 45b, 46, 47, 48, 49a, 49b, 49c, 49d, 52a, 91, 100, 139a, 139b; 2) permit Neighborhood Urban Center special use for Tracts 47, 139a, and 139b; and 3) permit small lot amnesty for the entire planning area. Under the proposed Johnston Terrace NPCD, the proposed zoning change will: 1) add the Neighborhood Mixed Use Building special use for Tracts 131 and 132b; and 2) permit small lot amnesty for the entire planning area. The proposed zoning change will also change the base zoning districts on approximately 237 tracts of land from: SF-3, Family Residence district; MF-2-CO, Multi-Family Residence Low Density-Conditional Overlay Combining district; MF-3, Multi-Family Residence Medium Density district; LO, Limited Office district; LO-CO, Limited Office-Conditional Overlay Combining district; GO, General Office district; GO-CO, General Office-Conditional Overlay Combining district; LR, Neighborhood Commercial district; GR, Community Commercial district; CS, General Commercial Services district; CS-CO, General Commercial Services-Conditional Overlay Combining district; CS-1, Commercial Liquor Sales

district; LI, Limited Industrial Services district zoning to: RR-NP, Rural Residence-Neighborhood Plan Combining district; SF-2-NP, Single Family Residence Standard Lot district; SF-3-NP, Family Residence-Neighborhood Plan Combining district; SF-4A-NP, Single Family Residence Small Lot-Neighborhood Plan Combining district; MF-2-NP, Multi-Family Residence Low Density-Neighborhood Plan Combining district; MF-3-NP, Multi-Family Residence Medium Density-Neighborhood Plan Combining district; NO-MU-NP, Neighborhood Office-Mixed Use-Neighborhood Plan Combining district; LO-CO-NP, Limited Office-Conditional Overlay-Neighborhood Plan Combining district; LO-MU-NP, Limited Office-Mixed Use-Neighborhood Plan Combining district; LO-MU-CO-NP, Limited Office-Mixed Use-Conditional Overlay-Neighborhood Plan Combining district; GO-NP, General Office-Neighborhood Plan Combining district; LR-MU-NP, Neighborhood Commercial-Mixed Use-Neighborhood Plan Combining district; LR-MU-CO-NP, Neighborhood Commercial-Mixed Use-Conditional Overlay-Neighborhood Plan Combining district; GR-NP, Community Commercial-Neighborhood Plan Combining district; GR-CO-NP, Community Commercial-Conditional Overlay-Neighborhood Plan Combining district; GR-MU-NP, Community Commercial-Mixed Use-Neighborhood Plan Combining district; GR-MU-CO-NP, Community Commercial-Mixed Use-Conditional Overlay-Neighborhood Plan Combining district; W/LO-NP, Warehouse, Limited Office-Neighborhood Plan Combining district; CS-NP, General Commercial Services-Neighborhood Plan Combining district; CS-CO-NP, General Commercial Services-Conditional Overlay-Neighborhood Plan Combining district; CS-MU-CO-NP, General Commercial Services-Mixed Use-Conditional Overlay-Neighborhood Plan Combining district; CS-1-CO-NP, Commercial Liquor Sales-Conditional Overlay-Neighborhood Plan Combining district; CS-1-MU-CO-NP, Commercial Liquor Sales-Mixed Use-Conditional Overlay-Neighborhood Plan Combining district; IP, Industrial Park district, LI-CO-NP, Limited Industrial Services-Conditional Overlay-Neighborhood Plan Combining district; and P-NP, Public-Neighborhood Plan Combining district zoning. First Reading: February 13, 2003; Votes: 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 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 Overlay and Restrictive Covenant incorporates the conditions imposed or accepted by City Council at second ordinance reading. Applicant: City of Austin. Agent: Neighborhood Planning & Zoning Department. City Staff: Steve Rossiter, 974-2598. Note: Valid petitions have been filed by ten property owners in opposition to this rezoning request. (Related Item 12)

Ordinance No. 030327-11A for the Govalle Neighborhood Plan and No. 030327-11B for the Johnston Terrace Neighborhood Planning Area were approved with all of the following included.

The motion to approve the NPCD rezonings on third reading, as passed on the second reading, for the Mixed Employment District, with the following changes, was approved on Council Member Alvarez' motion, Mayor Pro Tem Goodman's second on a 7-0 vote. Tracts 59N, 59O, 59P and 63J would be zoned CS CO NP and the following list of individual properties would become legal nonconforming uses: 59b, 59c, 59m, 60a, 60b, 60c, 60d, 60e, 63a, 63b, 63c, 63d, 63i, 140a, 140b, 140c, 143b, 143f, 143i and 143j. (All tracts in Govalle)

The motion to approve the NPCD for the balance of the Neighborhood Plan (see below for listing of tracks), as passed on second reading, with the exception of the following properties Tracts 24, 32a and 32b, 56, 106a, 111a and 111b, 112 – 740 Airport Blvd., 112 – 750, 760, 764 Airport Blvd., 136, and 137c, which have valid petitions, and Tracts 33 and 169, which will be brought back for Council action at a later date, was approved on Mayor Pro Tem Goodman's motion, Council Member Dunkerley's second on a 6-0 vote. Council Member

Alvarez abstained as these properties are near his home. Govalle tracts for balance of the Neighborhood Plan: 1, 2a, 2b, 3-11, 12a, 12b, 12c, 13-23, 25a, 25b, 26-31, 34-44, 45a, 45b, 46-48, 49a-d, 50, 51, 52a, 52b, 53-55, 62, 64a, 64b, 65, 66a, 66b, 67-75, 76a, 76b, 77-85, 86a, 86b, 87, 88, 89a, 89b, 90-105, 106b, 107, 108b, 109, 110, 113-118, 119a, 119b, 138, 139a, 139b, 145, 146, 153, 154, 156a, 156b, 157, 158, 161-168, 171. Johnston Terrace tracts for balance of the Neighborhood Plan: 120-131, 132a, 132b, 133-135, 137a, 137b, 141, 142, 147-152, 155, 160, 170.

The motion to approve the third reading to zone 1002 Springdale Road (Tract 24) to CS-MU-CO-NP was approved on Council Member Alvarez' motion, Council Member Thomas' second on a 7-0 motion. (Govalle Neighborhood Plan)

The motion to approve the third reading to zone 618 Tillery Street Tract 32a to LO-CO-NP and Tract 32b to LO-MU-CO-NP was approved on Council Member Alvarez' motion, Council Member Thomas' second on a 7-0 motion. (Govalle Neighborhood Plan)

The motion to postpone the zoning on third reading on 405 Tillery (Tract 56) and 730 Shady Lane (Tract 106a), until April 10, 2003, was approved on Council Member Dunkerley's motion, Mayor Pro Tem Goodman's second on a 7-0 vote. (Govalle Neighborhood Plan)

There was a motion to approve the third reading to zone 777 Shady Lane to LR-MU-CO-NP for the first 25 feet of Tract 111a and CS-MU-CO-NP for the remainder of Tract 111b but removing limited warehousing and distribution from the prohibited uses and adding the following to the list of prohibited uses that was made by Council Member Dunkerley. It died for a lack of a second. The additional prohibited uses were: exterminating services, indoor entertainment, outdoor entertainment, and service stations.

The motion to approve the third reading to zone 777 Shady Lane LR-MU-CO-NP for the first 25 feet (Tract 111a), adding service stations as conditional use, and CS-MU-CO-NP for the remainder of tract 111b, adding exterminating services, indoor entertainment, service station and outdoor entertainment as prohibited uses, was approved on Council Member Alvarez' motion, Mayor Pro Tem Goodman's second on a 7-0 vote. (Govalle Neighborhood Plan)

The motion to approve the third reading to zone 740 Airport Blvd (Tract 112) as CS-CO-NP was approved on Council Member Alvarez' motion, Council Member Slusher's second on a 7-0 vote. (Govalle Neighborhood Plan)

The motion to approve the third reading to zone 750, 760 and 764 Airport Blvd (Tract 112) as CS-CO-NP was approved on Council Member Alvarez' motion, Mayor Garcia's second on a 7-0 vote. (Govalle Neighborhood Plan)

The motion to approve the third reading to zone 0 Bolm Road (Lots 1, 2, and 3 Synnott Glenn Subdivision) Tract 136 as GO-NP was approved on Council Member Alvarez' motion, Mayor Garcia's second on a 7-0 vote. (Johnston Terrace Neighborhood Plan)

The motion to approve the third reading to zone 1700 and 1704 Smith Road (Tract 137c) as SF-3, IP-NP was approved on Council Member Alvarez' motion, Council Member Thomas' second on a 7-0 vote. (Johnston Terrace Neighborhood Plan)

The motion to approve the third reading to zone 1800 and 1808 Smith Road (Tract 137c) as SF-3, IP-NP was approved on Council Member Alvarez' motion, Council Member Thomas' second on a 7-0 vote. (Johnston Terrace Neighborhood Plan)

The motion to reconsider the action on 777 Shady Lane (Tracts 111a and 111b) was approved on Council Member Wynn's motion, Council Member Dunkerley seconded, on a 5-1-0 vote. Council Member Alvarez voted nay. Council Member Slusher was off the dais. (Govalle Neighborhood Plan)

The motion to postpone action on 777 Shady Lane (Tracts 111a and 111b) to give the applicant and agent time to work with staff, was approved on Council Member Wynn's motion Council Member Dunkerley seconded, on a 5-1-0 vote. Council Member Alvarez voted nay. Council Member Slusher was off the dais (Govalle Neighborhood Plan)

30. Conduct a public hearing and 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.)

The public hearing was closed on Council Member Dunkerley's motion, Mayor Pro Tem Goodman's second on a 6-0 vote. Council Member Slusher was off the dais.

The motion to adjourn the meeting at 9:15 p.m. was approved on Council Member Wynn's motion, Council Member Dunkerley's second on a 6-0 vote. Council Member Slusher was off the dais.

The minutes for the regular meeting of March 27, 2003 were approved on April 3, 2003 on Mayor Pro Tem Goodman's motion, Council Member Dunkerley's second on a 7-0 vote.

The minutes for the regular meeting of March 27, 2003 were amended and approved on June 5, 2003 on Council Member Dunkerley's motion, Council Member Wynn's second on a 6-0 vote. Council Member Thomas was off the dais. The following amendments were made:

11. C14-02-0183 - Govalle/Johnston Terrace Combined Neighborhood Planning Area - Approve third reading of an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as properties bounded by Oaks 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 change will create two Neighborhood Plan Combining Districts (NPCD) covering the entire area. Under the proposed Govalle NPCD, the proposed zoning change will: 1) add the Neighborhood Mixed Use Building special use for Tracts 4, 5, 24, 27, 32b, 41, 42, 44, 45a, 45b, 46, 47, 48, 49a, 49b, 49c, 49d, 52a, 91, 100, 139a, 139b; 2) permit Neighborhood Urban Center special use for Tracts 47, 139a, and 139b; and 3) permit small lot amnesty for the entire planning area. Under the proposed Johnston Terrace NPCD, the proposed zoning change will: 1) add the Neighborhood Mixed Use Building special use for Tracts 131 and 132b; and 2) permit small lot amnesty for the entire planning area. The proposed zoning change will also change the base zoning districts on approximately 237 tracts of land from: SF-3, Family Residence district; MF-2-CO, Multi-Family Residence Low Density-Conditional Overlay Combining district; MF-3, Multi-Family Residence Medium Density district; LO, Limited Office district; LO-CO, Limited Office-

Conditional Overlay Combining district; GO, General Office district; GO-CO, General Office-Conditional Overlay Combining district; LR, Neighborhood Commercial district; GR, Community Commercial district; CS, General Commercial Services district; CS-CO, General Commercial Services-Conditional Overlay Combining district; CS-1, Commercial Liquor Sales district; LI, Limited Industrial Services district zoning to: RR-NP, Rural Residence-Neighborhood Plan Combining district; SF-2-NP, Single Family Residence Standard Lot district; SF-3-NP, Family Residence-Neighborhood Plan Combining district; SF-4A-NP, Single Family Residence Small Lot-Neighborhood Plan Combining district; MF-2-NP, Multi-Family Residence Low Density-Neighborhood Plan Combining district; MF-3-NP, Multi-Family Residence Medium Density-Neighborhood Plan Combining district; NO-MU-NP, Neighborhood Office-Mixed Use-Neighborhood Plan Combining district; LO-CO-NP, Limited Office-Conditional Overlay-Neighborhood Plan Combining district; LO-MU-NP, Limited Office-Mixed Use-Neighborhood Plan Combining district; LO-MU-CO-NP, Limited Office-Mixed Use-Conditional Overlay-Neighborhood Plan Combining district; GO-NP, General Office-Neighborhood Plan Combining district; LR-MU-NP, Neighborhood Commercial-Mixed Use-Neighborhood Plan Combining district; LR-MU-CO-NP, Neighborhood Commercial-Mixed Use-Conditional Overlay-Neighborhood Plan Combining district; GR-NP, Community Commercial-Neighborhood Plan Combining district; GR-CO-NP, Community Commercial-Conditional Overlay-Neighborhood Plan Combining district; GR-MU-NP, Community Commercial-Mixed Use-Neighborhood Plan Combining district; GR-MU-CO-NP, Community Commercial-Mixed Use-Conditional Overlay-Neighborhood Plan Combining district; W/LO-NP, Warehouse, Limited Office-Neighborhood Plan Combining district; CS-NP, General Commercial Services-Neighborhood Plan Combining district; CS-CO-NP, General Commercial Services-Conditional Overlay-Neighborhood Plan Combining district; CS-MU-CO-NP, General Commercial Services-Mixed Use-Conditional Overlay-Neighborhood Plan Combining district; CS-1-CO-NP, Commercial Liquor Sales-Conditional Overlay-Neighborhood Plan Combining district; CS-1-MU-CO-NP, Commercial Liquor Sales-Mixed Use-Conditional Overlay-Neighborhood Plan Combining district; IP, Industrial Park district, LI-CO-NP, Limited Industrial Services-Conditional Overlay-Neighborhood Plan Combining district; and P-NP, Public-Neighborhood Plan Combining district zoning. First Reading: February 13, 2003; Votes: 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 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 Overlay and Restrictive Covenant incorporates the conditions imposed or accepted by City Council at second ordinance reading. Applicant: City of Austin. Agent: Neighborhood Planning & Zoning Department. City Staff: Steve Rossiter, 974-2598. Note: Valid petitions have been filed by ten property owners in opposition to this rezoning request. (Related Item 12)

PREVIOUS WORDING

Ordinance No. 030327-11 was approved with all of the following included.

The motion to approve the NPCD rezonings on third reading, as passed on the second reading, for the Mixed Employment District, with the following changes, was approved on Council Member Alvarez' motion, Mayor Pro Tem Goodman's second on a 7-0 vote. Tracts 59N, 59O, 59P and 63J would be zoned CS CO NP and the following list of individual

properties would become legal nonconforming uses: 59bB, 59cC, 59mM, 60a A, 60bB, 60cC, 60dD, 60eE, 63aA, 63bB, 63cC, 63dD, 63iI, 140aA, 140bB, 140cC, 143bB, 143fF, 143iI and 143jJ.

The motion to approve the NPCD for the balance of the Neighborhood Plan, as passed on second reading, with the exception of the following properties -- Tracts 24, 32a and 32b, 56, 106a, 111a and 111b, 112 - 740 Airport Blvd., 112 - 750, 760, 764 Airport Blvd., 136, and 137c, which have valid petitions, filed on them and Tracts 33 and 169, which will be brought back for Council action at a later date, was approved on Mayor Pro Tem Goodman's motion, Council Member Dunkerley's second on a 6-0 vote. Council Member Alvarez abstained as these is properties arey is near his home.

The motion to approve the third reading to zone 1002 Springdale Road (Tract 24) to CS-MU-CO-NP was approved on Council Member Alvarez' motion, Council Member Thomas' second on a 7-0 motion.

The motion to approve the third reading to zone 618 Tillery Street Tract 32a to LO-CO-NP and Tract 32b to LO-MU-CO-NP was approved on Council Member Alvarez' motion, Council Member Thomas' second on a 7-0 motion.

The motion to postpone the zoning on third reading on 405 Tillery (Tract 56) and 730 Shady Lane (Tract 106a), until April 10, 2003, was approved on Council Member Dunkerley's motion, Mayor Pro Tem Goodman's second on a 7-0 vote.

There was a motion to approve the third reading to zone 777 Shady Lane to LR-MU-CO-NP for the first 25 feet of Tract 111a and CS-MU-CO-NP for the remainder of Tract 111b but removing limited warehousing and distribution from the prohibited uses and adding the following to the list of prohibited uses that was made by Council Member Dunkerley. It died for a lack of a second. The additional prohibited uses were: exterminating services, indoor entertainment, outdoor entertainment, and service stations.

The motion to approve the third reading to zone 777 Shady Lane LR-MU-CO-NP for the first 25 feet (Tract 111a), adding service stations as conditional use, and CS-MU-CO-NP for the remainder of tract 111b, adding exterminating services, indoor entertainment, service station and outdoor entertainment as prohibited uses, was approved on Council Member Alvarez' second, motion, Mayor Pro Tem Goodman's second on a 7-0 vote.

The motion to approve the third reading to zone 740 Airport Blvd (Tract 112) as CS-CO-NP was approved on Council Member Alvarez' motion, Council Member Slusher's second on a 7-0 vote.

The motion to approve the third reading to zone 750, 760 and 764 Airport Blvd (Tract 112) as CS-CO-NP was approved on Council Member Alvarez' motion, Mayor Garcia's second on a 7-0 vote.

The motion to approve the third reading to zone 0 Bolm Road (Lots 1, 2, and 3 Synnott Glenn Subdivision) Tract 136 as GO-NP was approved on Council Member Alvarez' motion, Mayor Garcia's second on a 7-0 vote.

The motion to approve the third reading to zone 1700 and 1704 Smith Road (Tract 137c) as SF-3, IP-NP was approved on Council Member Alvarez' motion, Council Member Thomas' second on a 7-0 vote.

The motion to approve the third reading to zone 1800 and 1808 Smith Road (Tract 137c) as SF-3, IP-NP was approved on Council Member Alvarez' motion, Council Member Thomas' second on a 7-0 vote.

The motion to reconsider the action on 777 Shady Lane (Tracts 111a and 111b) was approved on Council Member Wynn's made the motion, to reconsider the action on 777 Shady Lane (Tracts 111a and 111b) Council Member Dunkerley seconded, on a 5-1-0 vote. Council Member Alvarez voted nay. Council Member Slusher was off the dais.

The motion to postpone action on 777 Shady Lane (Tracts 111a and 111b) to give the applicant and agent time to work with staff, was approved on Council Member Wynn's made the motion Cto postpone action on 777 Shady Lane (Tracts 111a and 111b) to April 10, 2003 to give applicant and agent time to visit with staff, Council Member Dunkerley seconded, on a 5-1-0 vote. Council Member Alvarez voted nay. Council Member Slusher was off the dais

NEW WORDING

Ordinance No. 030327-11A for the Govalle Neighborhood Plan and No. 030327-11B for the Johnston Terrace Neighborhood Planning Area were approved with all of the following included.

The motion to approve the NPCD rezonings on third reading, as passed on the second reading, for the Mixed Employment District, with the following changes, was approved on Council Member Alvarez' motion, Mayor Pro Tem Goodman's second on a 7-0 vote. Tracts 59N, 59O, 59P and 63J would be zoned CS CO NP and the following list of individual properties would become legal nonconforming uses: 59b, 59c, 59m, 60a, 60b, 60c, 60d, 60e, 63a, 63b, 63c, 63d, 63i, 140a, 140b, 140c, 143b, 143f, 143i and 143j. (All tracts in Govalle)

The motion to approve the NPCD for the balance of the Neighborhood Plan (see below for listing of tracks), as passed on second reading, with the exception of the following properties Tracts 24, 32a and 32b, 56, 106a, 111a and 111b, 112 – 740 Airport Blvd., 112 – 750, 760, 764 Airport Blvd., 136, and 137c, which have valid petitions, and Tracts 33 and 169, which will be brought back for Council action at a later date, was approved on Mayor Pro Tem Goodman's motion, Council Member Dunkerley's second on a 6-0 vote. Council Member Alvarez abstained as these properties are near his home. Govalle tracts for balance of the Neighborhood Plan: 1, 2a, 2b, 3-11, 12a, 12b, 12c, 13-23, 25a, 25b, 26-31, 34-44, 45a, 45b, 46-48, 49a-d, 50, 51, 52a, 52b, 53-55, 62, 64a, 64b, 65, 66a, 66b, 67-75, 76a, 76b, 77-85, 86a, 86b, 87, 88, 89a, 89b, 90-105, 106b, 107, 108b, 109, 110, 113-118, 119a, 119b, 138, 139a, 139b, 145, 146, 153, 154, 156a, 156b, 157, 158, 161-168, 171. Johnston Terrace tracts for balance of the

Neighborhood Plan: 120-131, 132a, 132b, 133-135, 137a, 137b, 141, 142, 147-152, 155, 160, 170.

The motion to approve the third reading to zone 1002 Springdale Road (Tract 24) to CS-MU-CO-NP was approved on Council Member Alvarez' motion, Council Member Thomas' second on a 7-0 motion. (Govalle Neighborhood Plan)

The motion to approve the third reading to zone 618 Tillery Street Tract 32a to LO-CO-NP and Tract 32b to LO-MU-CO-NP was approved on Council Member Alvarez' motion, Council Member Thomas' second on a 7-0 motion. (Govalle Neighborhood Plan)

The motion to postpone the zoning on third reading on 405 Tillery (Tract 56) and 730 Shady Lane (Tract 106a), until April 10, 2003, was approved on Council Member Dunkerley's motion, Mayor Pro Tem Goodman's second on a 7-0 vote. (Govalle Neighborhood Plan)

There was a motion to approve the third reading to zone 777 Shady Lane to LR-MU-CO-NP for the first 25 feet of Tract 111a and CS-MU-CO-NP for the remainder of Tract 111b but removing limited warehousing and distribution from the prohibited uses and adding the following to the list of prohibited uses that was made by Council Member Dunkerley. It died for a lack of a second. The additional prohibited uses were: exterminating services, indoor entertainment, outdoor entertainment, and service stations.

The motion to approve the third reading to zone 777 Shady Lane LR-MU-CO-NP for the first 25 feet (Tract 111a), adding service stations as conditional use, and CS-MU-CO-NP for the remainder of tract 111b, adding exterminating services, indoor entertainment, service station and outdoor entertainment as prohibited uses, was approved on Council Member Alvarez' motion, Mayor Pro Tem Goodman's second on a 7-0 vote. (Govalle Neighborhood Plan)

The motion to approve the third reading to zone 740 Airport Blvd (Tract 112) as CS-CO-NP was approved on Council Member Alvarez' motion, Council Member Slusher's second on a 7-0 vote. (Govalle Neighborhood Plan)

The motion to approve the third reading to zone 750, 760 and 764 Airport Blvd (Tract 112) as CS-CO-NP was approved on Council Member Alvarez' motion, Mayor Garcia's second on a 7-0 vote. (Govalle Neighborhood Plan)

The motion to approve the third reading to zone 0 Bolm Road (Lots 1, 2, and 3 Synnott Glenn Subdivision) Tract 136 as GO-NP was approved on Council Member Alvarez' motion, Mayor Garcia's second on a 7-0 vote. (Johnston Terrace Neighborhood Plan)

The motion to approve the third reading to zone 1700 and 1704 Smith Road (Tract 137c) as SF-3, IP-NP was approved on Council Member Alvarez' motion, Council Member Thomas' second on a 7-0 vote. (Johnston Terrace Neighborhood Plan)

The motion to approve the third reading to zone 1800 and 1808 Smith Road (Tract 137c) as SF-3, IP-NP was approved on Council Member Alvarez' motion, Council Member Thomas' second on a 7-0 vote. (Johnston Terrace Neighborhood Plan)

CITY COUNCIL AGENDA

THURSDAY, MARCH 27, 2003

The motion to reconsider the action on 777 Shady Lane (Tracts 111a and 111b) was approved on Council Member Wynn's motion, Council Member Dunkerley seconded, on a 5-1-0 vote. Council Member Alvarez voted nay. Council Member Slusher was off the dais. (Govalle Neighborhood Plan)

The motion to postpone action on 777 Shady Lane (Tracts 111a and 111b) to give the applicant and agent time to work with staff, was approved on Council Member Wynn's motion Council Member Dunkerley seconded, on a 5-1-0 vote. Council Member Alvarez voted nay. Council Member Slusher was off the dais (Govalle Neighborhood Plan)