



**Austin City Council  
MINUTES**

**REGULAR MEETING  
THURSDAY, APRIL 24, 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, April 24, 2003 in the Board Room at Lower Colorado River Authority Hancock Building, 3700 Lake Austin Boulevard.

**Invocation:** Michael Ulasewich, Master of Divinity Student, Austin Presbyterian Theological Seminary

**Mayor Pro Tem Goodman called the Council Meeting to order at 12:10 p.m.**

**Mayor Pro Tem Goodman recessed the meeting at 12:13 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.

**Private Consultation with Attorney - Section 551.071**

1. **This item was discussed later in the meeting.**
2. Discuss terms of proposed settlement, in an amount of \$684,297 to be paid by Austin Energy for outstanding claims relating to the construction of the first phase of the Sand Hill Energy Center and the subsequent use thereof. The proposed settlement, between and among Austin Energy, Enron Sandhill Limited Partnership, Enron North America Corporation, EPC Estate Services, Inc. (formerly National Energy Production Company), Turbine Air Systems, Ltd., and Hamon Research Cottrell, Inc., will dispose of all claims and subcontractor's liens relating to phase one of the Sand hill project, including two Travis District Court lawsuits styled as *Turbine Air Systems, Ltd. vs. City of Austin d/b/a Austin Energy* (Case No. GN300072) and *Hamon Research Cottrell, Inc. vs. City of Austin d/b/a Austin Energy and EPC Estate Services, Inc.*, (Case No. GN201827).
3. **Further discussion occurred later in the meeting.**
4. Discuss legal issues concerning the application of zoning regulations to the construction of a duplex at 3207 Hampton Road by the Board of Adjustment of the City of Austin and proposed amendments to Section 25-2-773.(Related Item 56)
5. **This item was discussed later in the meeting.**

**Real Property - Section 551.072**

6. Discuss acquisition of an interest in real property for the Open Space Project (November 2000 Bond Election) through City's Agreement with Hill Country Conservancy ("HCC").(Related Item 8)

**This item was postponed to May 15, 2003.**

**Executive Session ended at 1:37 p.m.**

**Mayor Pro Tem Goodman called the regular Council meeting back to order at 1:45 p.m.**

**1:30 P.M. CITIZEN COMMUNICATIONS: GENERAL**

- Jimmy Castro - ACC Bond Election
- John Thickett - Request for a Cricket Ground for Hill Country Cricket Association
- Jose Quintero - East Austin does not Recognize Representation chosen by the Environmental Lobby. **Not present when name called.**
- Thomas Ibis - Avery Ranch
- Jennifer Gale - Zoning for Affordable Housing
- Mark Gentle - Barton Springs Closure **Not present when name called.**
- Marla Schwartz - Waterloo Plumbing - Compensation for work done due to incorrect information provided by City of Austin **Not present when name called.**
- Rolando Pina - We the People Will Meet the Candidates @ the Patriotic Porch Party on Wednesday, April 30, 2003, from 4PM to 7PM. Come experience "The Porch with the Prevailing Breeze", 807 Cumberland Rd. South Austin, Texas 78704. ENJOY POTLUCK! Bring Food and Drinks to Share. Everyone is welcome to learn about ACC Bond Election and meet your neighbors and friends of Mayor and Council Candidates Places 2, 5, and 6. For Information call Roland Pina 441-2062 or Lori Renteria 478-6770.
- Derrick Norris - Problems working with APD Parade Permit Section and Transportation, Planning & Sustainability Dept. in Planning The 2003 Juneteenth Event.
- Don A. Williamson - Austin Assoc. of Professional Fire Fighters Local 975 Welcome The Belgium Fire Fighters to Austin

**CONSENT AGENDA**

**The following items were acted on by one motion. No separate discussion or action occurred on any of the items. The consent items were approved on Council Member Alvarez' motion, Council Member Dunkerley's second on a 6-0 vote. Mayor Garcia was absent.**

7. Approval of minutes from worksession of April 9, 2003 and the regular meeting of April 10, 2003.  
**The minutes from the work session of April 9, 2003 and the regular meeting of April 10, 2003 were approved.**
8. Consider approving a resolution authorizing the City Manager, or designee, to negotiate and execute all documents related to acquiring approximately 2,310 acres in Hays County in the Barton Springs Contributing Zone, through a conservation easement pursuant to the City's agreement with Hill Country Conservancy ("HCC"), to be purchased with Open Space bond funds [November 2000].(Related Item 6)  
**This item was postponed to May 15, 2003.**

9. Approve the terms of a proposed settlement, in an amount of \$684,297 to be paid by Austin Energy for outstanding claims relating to the construction of the first phase of the Sand Hill Energy Center and the subsequent use thereof. The proposed settlement, between and among Austin Energy, Enron Sandhill Limited Partnership, Enron North America Corporation, EPC Estate Services, Inc., (formerly National Energy Production Company), Turbine Air Systems, Ltd., and Hamon Research Cottrell, Inc., will dispose of all claims and subcontractor's liens relating to phase one of the Sand Hill project, including two Travis District Court lawsuits styled as *Turbine Air Systems, Ltd. vs. City of Austin d/b/a Austin Energy* (Case No. GN300072) and *Hamon Research Cottrell, Inc., vs. City of Austin d/b/a Austin Energy and EPC Estate Services, Inc.* (Case No. GN201827). (Related Item 2)  
**The motion authorizing the terms of a proposed settlement was approved.**
10. 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.  
**This item was postponed to May 8, 2003.**
11. Approve third 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 Austin-Travis County EMS Advisory Board.)  
**Ordinance No. 030424-11 was approved.**
12. Negotiate and execute an agreement with the Greater Austin Area Telecommunications Network (GAATN) Interlocal Agency for the sale by the City to GAATN of two (2) 1-1/4" conduits in the ZNET Conduit infrastructure system, including an undivided interest in the City's associated manholes, for the sum of \$409,967.85 for the purpose of installing a fiber optic pathway. (Sum to be paid to the City of Austin by the GAATN Agency.) (Recommended by the Telecommunications Infrastructure Committee.)  
**The motion to negotiate and execute an agreement for the sale of two 1-1/4" conduits was approved.**
13. Approve an Ordinance authorizing acceptance of \$11,026 in additional grant funds from the Texas Department of Health Immunization Division, Immunization Outreach; and amending Ordinance No. 020910-01, the approved Fiscal Year 2002-2003 Operating Budget, Health and Human Services Special Revenue Fund, by appropriating \$11,026 in additional grant funds for immunization services for a total grant amount of \$460,026. (Funding in the amount of \$11,026 is available from the Texas Department of Health Immunization Division, Immunization Outreach. The grant period is from September 1, 2002 through August 31, 2003. No City Match is required.)  
**Ordinance No. 030424-13 was approved.**
14. Authorize negotiation and consider execution of an amendment to the contract with Michael Sullivan & Associates, Inc., for services on behalf of the City of Austin as a consulting and/or expert witness in the matter of TNRCC Docket No. 2001-0583-WR, Application of LCRA for Permit No. 14-5434D and water permitting matters associated with these dockets for an increase of \$65,000, with a total contract amount not to exceed \$315,500. (Funding is available in the 2002-2003 Operating Budget of the Water & Wastewater Utility.)  
**The motion authorizing negotiation and consider execution of an amendment to the contract was approved.**
15. Amend the Austin Housing Finance Corporation (AHFC) 2002-2003 service agreement to reallocate the use of funds and to reprogram \$585,000 of Community Development Block Grant

(CDBG) funds from the Homeownership Development Program to the Homeowner Rehabilitation Program. (Community Development Block Grant (CDBG) funds are available from the Acquisition and Development Program.) (Recommendations made by the Community Development Commission (CDC) on proposed amendments.) (Related Item AHFC-2)

**The motion authorizing amendment to the service agreement was approved.**

16. Consider on third reading an ordinance amending the Austin Tomorrow Comprehensive Plan for Tracts 33 (2805 & 2811 E. 5<sup>th</sup> 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 17)  
**This item was postponed to May 8, 2003.**
17. 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 16)  
**This item was postponed to May 8, 2003.**
18. Approve an ordinance on second/third reading for amendment #1 to the North Austin Civic Association Neighborhood Plan, Ordinance No. 000629-106, part of the Austin Tomorrow Comprehensive Plan, to change the Future Land Use Map from single-family use to mixed use/office use for 1517 Kramer Lane. (There is no fiscal impact associated with setting this public hearing. The North Austin Civic Association Neighborhood Plan is advisory and does not legally obligate the Council to implement any particular recommendation.) (Recommended by the Planning Commission.)  
**Ordinance No. 030424-18 was approved.**
19. C14-02-0187 - Approve an ordinance on second/third readings amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 1517 Kramer Lane (Little Walnut Creek

Watershed) from SF-6-NP, Townhouse and Condominium Residence-Neighborhood Plan Combining district zoning to LO-MU-CO-NP, Limited Office-Mixed Use-Conditional Overlay-Neighborhood Plan Combining district zoning. First Reading on March 20, 2003; Vote: 7-0. Conditions met as follows: The conditional overlay incorporates the conditions imposed by Council on first ordinance reading. Applicant: Joseph Hood. Agent: Land Answers (Jim Whitliff). City Staff: Glenn Rhoades, 974-2775. (Related Item 18)

**Ordinance No. 030424-19 was approved.**

20. C14-03-0021 - Approve an ordinance on second/third readings 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. First Reading on March 27, 2003; Vote: 5-0, B. Dunkerley and R. Alvarez - off dais. Conditions met as follows: No conditions were imposed by Council on first ordinance reading. Applicant and Agent: Clayton Cooper. City Staff: Glenn Rhoades, 974-2775.

**Ordinance No. 030424-20 was approved.**

21. C814-95-0002.04 - Four Points Centre PUD - Approve second/third readings of an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 11404 FM 2222 (Bull Creek Watershed) from PUD, Planned Unit Development district zoning to PUD, Planned Unit Development district zoning. First reading on March 6, 2003; Vote: 6-0, Dunkerley absent. Conditions met as follows: No conditions were imposed. Applicant: TPG Four Points Land LP. Agent: Graves, Dougherty, Hearon, & Moody (David Hartman). City Staff: Sherri Gager, 974-3057.

**Ordinance No. 030424-21 was approved.**

22. C814-99-0001.02 - Avery Ranch PUD - Approve second/third readings of an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as Avery Ranch Boulevard at Parmer Lane (Brushy Creek Watershed) from PUD, Planned Unit Development district zoning to PUD, Planned Unit Development district zoning. First reading on February 27, 2003; Vote: 6-0, Goodman off the dais. Conditions met as follows: No conditions were imposed. Applicant: Developers of Avery Ranch (Robert D. Wunsch). Agent: Robert D. Wunsch Development (Teresa Canchola). City Staff: Sherri Gager, 974-3057.

**Ordinance No. 030424-22 was approved.**

23. C14-03-0004 - Approve second/third readings of an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 3210 U.S. Highway 183 South (Onion Creek Watershed) from SF-2-NP, Single Family Residence Standard Lot-Neighborhood Plan Combining district zoning to CS-NP, General Commercial Services-Neighborhood Plan Combining district zoning. First reading on March 20, 2003; Vote: 7-0. Conditions met as follows: No conditions were imposed. Applicant: City of Austin. Agent: Neighborhood Planning and Zoning Department. City Staff: Wendy Walsh, 974-7719.

**Ordinance No. 030424-23 was approved.**

24. C14-03-0005 - Approve second/third readings of an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 3304, 3308 and 3310 U.S. Highway 183 South (Onion Creek Watershed) from SF-2-NP, Single Family Residence Standard Lot-Neighborhood Plan Combining district zoning to CS-NP, General Commercial Services-Neighborhood Plan Combining district zoning. First reading on March 20, 2003; Vote: 7-0. Conditions met as follows: No conditions were imposed. Applicant: City of Austin. Agent: Neighborhood Planning and Zoning Department. City Staff: Wendy Walsh, 974-7719.

**Ordinance No. 030424-24 was approved.**

25. C14-03-0003 - Approve second/third readings of an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 2505 and 2507 Hoeke Lane (Carson Creek Watershed) from W/LO-NP, Warehouse Limited Office-Neighborhood Plan Combining district zoning to CS-CO-NP, General Commercial Services-Conditional Overlay-Neighborhood Plan Combining district zoning. First reading March 20, 2003; Vote: 7-0. Conditions met as follows: Conditional Overlay incorporates the conditions imposed by Council on first ordinance reading. Applicant: City of Austin. Agent: Neighborhood Planning and Zoning Department. City Staff: Wendy Walsh, 974-7719. (Related Item 26)  
**Ordinance No. 030424-25 was approved.**
26. Approve second/third readings of an ordinance to amend the Southeast Combined Neighborhood Plan, Ordinance No. 021010-11, part of the Austin Tomorrow Comprehensive Plan, to change the Future Land Use Map from undesignated use to commercial use at 2505 and 2507 Hoeke Lane and from commercial use to mixed-use at 4300, 4304, 4308, 4400, 4406, 4408, 4410, 4500, 4506, 4504, 4512, 4600, 4608, 4610, 0 (LOT 3A \* RESUB OF LOT 3 BLUE BONNET GARDENS), 4403, 4407, 4411, 4503, 4505, 4507, 4509, 4511, 0 (SW90FT OF LOT 24 BLUE BONNET GARDENS), 4601, 4605, 4611 NORWOOD LANE, 8016, 8014 BURLESON RD. (There is no fiscal impact associated with setting this public hearing. The Southeast Combined Neighborhood Plan is advisory and does not legally obligate the Council to implement any particular recommendation.) (March 12, 2003 - Recommended by Planning Commission.)  
**Ordinance No. 030424-26 was approved.**
27. C14-03-0012 - Approve second/third readings of an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 4216 U.S. Highway 183 South; 4300-4622 Norwood Lane; 8008-8016 Burleson Road (Onion Creek Watershed) from SF-2-NP, Single Family Residence Standard Lot-Neighborhood Plan Combining district zoning to CS-MU-CO-NP, General Commercial Services-Mixed Use-Conditional Overlay-Neighborhood Plan Combining district zoning. First reading on March 20, 2003; Vote: 7-0. Conditions met as follows: Conditional Overlay incorporates the conditions imposed by Council on first ordinance reading. Applicant: City of Austin. Agent: Neighborhood Planning and Zoning Department. City Staff: Wendy Walsh, 974-7719 (Related Item 26)  
**Ordinance No. 030424-27 was approved.**
28. C14-03-0013 - Approve second/third readings of an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 4301 - 4621 Norwood Lane and 4300 - 4508 U.S. Highway 183 South (Onion Creek Watershed) from SF-2-NP, Single Family Residence Standard Lot Neighborhood Plan Combining district zoning to CS-MU-CO-NP, General Commercial Services-Mixed Use-Conditional Overlay-Neighborhood Plan Combining district zoning for Tracts 1 and 2; and CS-NP, General Commercial Services-Neighborhood Plan Combining district zoning for Tract 3. First reading on March 20, 2003. Vote: 7-0. Conditions met as follows: Conditional Overlay incorporates the conditions imposed by Council on first ordinance reading. Applicant: City of Austin. Agent: Neighborhood Planning and Zoning Department. City Staff: Wendy Walsh, 974-7719; (Related Item 26)  
**Ordinance No. 030424-28 was approved.**
29. C14-02-0164 - Approve second reading of an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as Southwest Parkway at Travis Cook Road, and Old Bee Caves Road at Bell Drive (Barton Creek and Williamson Creek Watersheds-Barton Springs Zone) from DR, Development Reserve district zoning and RR, Rural Residence district zoning to MF-1-CO, Multi-Family Residence Limited Density-Conditional Overlay Combining

district zoning. First reading March 20, 2003; Vote: 5-1, Garcia off the dais. Applicant: Lamar Mathis, Esther B Martinez, and Earl Tipton. Agent: Urban Design Group (Laura Toups). City Staff: Annick Beaudet, 974-2975.

**The second reading of the ordinance for MF-1-CO, Multi-Family Residence Limited Density-Conditional Overlay Combining district zoning was approved. Mayor Pro Tem Goodman and Council Member Slusher voted nay.**

30. 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: Armbrust 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 65 and 68)

**Ordinance No. 030424-30 was approved.**

**Item 31 was pulled for discussion.**

32. Approve an ordinance amending Section 2-8-6 (B) of the City Code relating to follow-up on audits.

**Ordinance No. 030424-32 was approved.**

33. Approve execution of a contract with Prism Development, Inc. (MBE/MH 38.65%), Austin TX for construction of the Hancock Recreation Center Playscape Renovation, in the amount not to exceed \$89,938.00 (Funding is available in the Fiscal Year 2003-2004 Capital Budget of the Parks and Recreation Department.) 0% MBE; 0.47% WBE Subcontracting Participation

**The motion authorizing execution of a contract was approved.**

34. Approve an ordinance authorizing the City Manager to administratively waive the entry fee for Barton Springs Pool for thirty days. (The amount of \$80,000.00 will be sponsored by Austin Energy.)

**Ordinance No. 030424-34 was approved.**

35. Approve a resolution authorizing the application of renewal grant funding from the Texas Department of Transportation, Texas Automobile Theft Prevention Authority in the amount of \$402,904 in grant funds for the continuation of the Auto Theft Interdiction Project in the Austin Police Department. (Funding is available in grant funding from the Texas Department of Transportation, Texas Automobile Theft Prevention Authority for the grant period September 1, 2003 - August 31, 2004. An in-kind match is required. Funding for the continued operation of this program is contingent upon available funding in the future budgets.)

**Resolution No. 030424-35 was approved.**

36. Approve a resolution authorizing the filing of eminent domain proceedings to acquire a permanent wastewater lift station site, access road, gas & water easement containing 2,027 square feet of land and a temporary construction easement containing 2,490 square feet of land out of Lot 2, Block C, Bluffington, Section 2, Travis County, Texas, located at 3002 Stratford Drive,

from Todd Martin, in the amount of \$46,345.00. (Funding is included in the Fiscal Year 2002-2003 Amended Capital Budget of the Water and Wastewater Utility.)

**Resolution No. 030424-36 was approved.**

37. Approve a resolution authorizing the filing of eminent domain proceedings to acquire a permanent waterline easement containing 3,611 square feet of land out of Lot 2, Amended Plat of Walnut Oaks, Travis County, Texas, located at 1410 East Anderson Lane, from Luby's Restaurants Limited Partnership, in the amount of \$10,550. (Funding is included in the Fiscal Year 2002-2003 Amended Capital Budget of the Water and Wastewater Utility.)

**Resolution No. 030424-37 was approved.**

38. Authorize execution of an Interlocal Agreement with the TEXAS DEPARTMENT OF TRANSPORTATION for the replacement of two existing bridges across the Colorado River on Red Bud Trail, in an amount not to exceed \$343,447.50. (Project participation cost is 90% TxDOT and 10% City of Austin. Funding is included in the Fiscal Year 2002-2003 Capital Budget of the Public Works Department.)

**The motion authorizing the execution of an Interlocal Agreement was approved.**

39. Authorize execution of a construction contract with CASH CONSTRUCTION COMPANY, Pflugerville, TX, for the Dittmar Road Street & Drainage Improvements Project, from Manchaca Road to South First Street, in the amount of \$6,382,137 plus a \$319,000 contingency, for a total contract amount not to exceed \$6,701,137. (Funding in the amount of \$6,701,137 is available in the following budgets: \$6,200,518.38 in the Fiscal Year 2002-2003 Capital Budget of the Transportation Planning & Sustainability Department; \$500,618.62 in the Fiscal Year 2002-2003 Amended Capital Budget of the Water & Wastewater Utility.) Lowest of three bids received. 22.52% MBE and 10.30% WBE subcontractor participation.

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

40. Authorize execution of a construction contract with SMITH CONTRACTING COMPANY, Austin, TX, for the Austin-Bergstrom International Airport Landside Pavement Rehabilitation Project, in the amount of \$592,809.50 plus a \$59,300 contingency, for a total contract amount not to exceed \$652,109.50. (Funding in the amount of \$652,109.50 is included in the 2002-2003 Fiscal Year Capital Budget of the Department of Aviation.) Lowest of four bids received. 9.58% MBE and 9.6% WBE subcontractor participation.

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

41. Authorize execution of a construction contract with SALAS CONSTRUCTORS, Buda, TX, (90% MBE/MH PRIME) for wastewater improvements to the Taylor Slough Lift Station Force Main, in the amount of \$617,408 plus a \$61,741 contingency, for a total contract amount not to exceed \$679,149. (Funding in the amount of \$679,149 is included in the Fiscal Year 2002-2003 Amended Capital Budget of the Water & Wastewater Utility.) Lowest of six bids received. 4.56% MBE and 5.14% WBE subcontractor participation.

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

**Item 42 was pulled for discussion.**

43. Authorize negotiation and execution of a professional services agreement with JACOBS CIVIL, INC., Dallas, TX, for engineering design, bid and construction phase services for the Davenport Horizontal Directional Drilling Water & Wastewater Improvements, in an amount not to exceed \$750,000. (Funding is included in the Fiscal Year 2002-2003 Amended Capital Budget of the



- Water & Wastewater Utility.) Best of five qualification statements received. 10.0% MBE and 19.0% WBE subconsultant participation. (Recommended by Water & Wastewater Commission)  
**The motion authorizing the negotiation and execution of a professional services agreement was approved.**
44. Authorize negotiation and execution of a professional services agreement with LOCKWOOD, ANDREWS & NEWNAM, INC., Austin, TX, for engineering design, bid and construction phase services for the Davenport Lift Station and decommissioning of the Davenport Ranch Wastewater Treatment Plant, in an amount not to exceed \$750,000. (Funding is included in the Fiscal Year 2002-2003 Amended Capital Budget of the Water & Wastewater Utility.) Best of six qualification statements received. 10.0% MBE and 17.0% WBE subconsultant participation. (Recommended by Water & Wastewater Commission)  
**The motion authorizing negotiation and execution of a professional services agreement was approved.**
45. Authorize execution of a 12-month service agreement with CENETRON DIAGNOSTICS, Cedar Creek, TX for specialized HIV laboratory tests in an amount not to exceed \$657,840, with three 12-month extension options in an amount not to exceed \$657,840, for a total agreement amount not to exceed \$2,631,360. (Funding in the amount of \$274,100 is available in Fiscal Year 2002-2003 Approved Budget from the Special Revenue Fund for the Ryan White Title 1 of the Community Care Services Department. Funding for the remaining seven months of the original contract period and extension option is contingent upon available funding in future budgets.) Low bid of three 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 execution of a service agreement was approved.**
46. Authorize execution of a 12-month service agreement with SONITROL OF AUSTIN, Austin, TX, for the continued lease of existing and additional electronic security equipment and the provision of monitoring services for the Health and Human Services and Community Care Services Departments in an amount not to exceed \$80,871 with four 12-month extension options in an amount not to exceed \$58,847 for the second year, \$61,790 for the third year, \$64,880 for the fourth year and \$68,124 for the final year, for a total contract amount not to exceed \$334,512. (Funding in the amount of \$38,950 is available in the Fiscal Year 2002-2003 Approved Operating Budget of the Health and Human Services Department; \$8,224 is available in the Fiscal Year 2002-2003 Approved Operating Budget of the Community Care Services Department. Funding for the remaining five 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 accordance with the 1996 MBE/WBE Ordinance, as amended. No subcontracting opportunities were identified, therefore, no goals were established.  
**The motion authorizing execution of a service agreement was approved.**
47. Authorize execution of a contract with HERMAN MILLER WORKPLACE RESOURCE, Austin, TX, for the purchase and installation of library furniture for the new Daniel E. Ruiz Public Library in an amount not to exceed \$81,582. (Funding is available in Fiscal Year 2002-2003 Capital Budget of the Library Department.) 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.  
**The motion authorizing execution of a contract was approved.**

48. Authorize execution of a 12-month supply agreement with STM EQUIPMENT, Arlington, TX for the purchase of Cues repair parts for Cues TV inspection vans in an amount not to exceed \$60,000, with two 12-month options in an amount not to exceed \$60,000, for a total contract amount not to exceed \$180,000. (Funding in the amount of \$25,000 is available in Fiscal Year 2002-2003 Operating Budget of the Water and Wastewater Utility. Funding for the remaining seven months of the original contract period and extension option 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.**
49. Ratify the execution of a contract with PATHMARK TRAFFIC PRODUCTS OF TEXAS, INC., San Marcos, TX for the purchase of three variable message centers in an amount not to exceed \$72,585. (Funding is available in the Fiscal Year 2002-2003 Approved Capital Budget of the Aviation Department.) Low bid of three bids received.  
**The motion ratifying the execution of a contract was approved.**
50. Authorize execution of a contract with THE STATE OF TEXAS and JONES EQUIPMENT & TURF, INC., Fort Worth, TX for the purchase of 10 propane powered 27 hp riding mowers in an amount not to exceed \$111,080. (Funding is available in the Fiscal Year 2002-2003 Approved Operating Budget of the Aviation Department, Special Revenue Fund. The grant funding for this purchase was awarded by the Propane Education & Research Council (PERC).)  
**The motion authorizing the execution of a contract was approved.**
51. Authorize negotiation and execution of a contract with ARMSTRONG TRACE, INC., Houston, TX for an electrical heat tracing system for Sand Hill Energy Center Combined Cycle Units 5A and 5C in an amount not to exceed \$120,783. (Funding is available in the Fiscal Year 2002-2003 Amended Capital Budget of the Electric Utility Department.) Best proposal of three proposals 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.  
**This item was removed from the agenda due to a bid protest.**
52. Authorize execution of a contract with WAGNER-SMITH EQUIPMENT COMPANY, Burleson, TX, for refurbishment services relating to an existing conductor puller/tensioner machine for the Electric Utility Department in an amount not to exceed \$55,750. (Funding in the amount of \$55,750 is available in the Fiscal Year 2002-2003 Amended Operating Budget of the Electric Utility Department.) Only bidder. This contract will be awarded in compliance with the 1996 MBE/WBE Ordinance, as amended. There is no opportunity for subcontracting; therefore, no goals were established for this solicitation.  
**The motion authorizing the execution of a contract was approved.**
53. Authorize negotiation and execution of a 5-month service agreement with U.S. ENERGY CAPITAL CORPORATION, INC., Conyers, GA for third party financing of commercial energy conservation improvements in an amount not to exceed \$125,000, with three 12-month extension options in an amount not to exceed \$300,000 per extension option, for a total agreement amount not to exceed \$1,025,000. (Funding is available in the Fiscal Year 2002-2003 Amended Operating Budget of the Electric Utility Department. Funding for the extension options is contingent upon available funding in future budgets.) Best evaluated proposal of two proposals received. This contract will be awarded in compliance with the 1996 MBE/WBE ordinance, as amended. There were no subcontracting opportunities identified; therefore, no goals were

established. All services will be provided by the contractor's own workforce. (Recommended by the Resource Management Commission)

**The motion authorizing the negotiation and execution of a service agreement was approved.**

54. Authorize execution of a contract with LONGHORN INTERNATIONAL TRUCKS LTD, Austin, TX, for the purchase of two hot asphalt patch trucks in an amount not to exceed \$190,014. (Funding is available in the Fiscal Year 2002-2003 Approved Budget of the Public Works Department, Transportation Fund.) Low bidder of two bids received. This contract will be awarded in compliance with the 1996 MBE/WBE Ordinance, as amended. There is no opportunity for subcontracting; therefore, no goals were established for this solicitation.  
**The motion authorizing the execution of a contract was approved.**
55. Authorize execution of amendment No. 7 to the Interlocal Agreement with the LOWER COLORADO RIVER AUTHORITY (LCRA), Austin, TX, for an additional 12-month agreement to provide the maintenance, repair, refurbishment, remounting and testing services for the City's fleet of truck-mounted aerial devices in an amount not to exceed \$350,000, with four 12-month extension options in an amount not to exceed \$350,000 per extension, for a total revised agreement amount not to exceed \$2,868,000. (Funding in the amount of \$83,333 is available in Fiscal Year 2002-2003 Approved Operating Budget of the Financial and Administrative Services Department, Fleet Fund. Funding in the amount of \$62,500 is available in the Fiscal Year 2002-2003 Amended Operating Budget of the Electric Utility Department. Funding for the remaining seven months of the original contract period and extension options is contingent upon available funding in future budgets.)  
**The motion authorizing the execution of amendment No. 7 to the Interlocal Agreement was approved.**
56. 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 4)  
**This item was postponed to May 8, 2003.**
57. Approve an ordinance amending Subchapter D of 25-2 of the City Code related to Neighborhood Planning Combining District infill and redevelopment options. (Recommended by Planning Commission with additional amendment.)  
**Ordinance No. 030424-57 was approved.**
58. Approve an ordinance amending Chapter 8-13 of the City Code relating to Non-motorized Passenger Transportation Services. (Recommended by Urban Transportation Commission and Animal Advisory Commission.)  
**Ordinance No. 030424-58 was approved.**
59. Approve an Ordinance amending Section 16-4-32, Speed Limits, of the City Code by adding Spicewood Springs Road from Heathrow Drive/Four Iron Drive to Scotland Well Drive to the list of streets having a maximum speed limit of 35 miles per hour.  
**Ordinance No. 030424-59 was approved.**
60. Approve an Ordinance amending the Austin City Code, Section 16-4-15, Speed Limits, by adding Farmhaven Road, from 350 feet west of Harris Branch Parkway to 894 feet west of Harris Branch Parkway, to the list of streets having a maximum speed limit of 20 mph during certain times for students attending Bluebonnet Trails Elementary School. (Funding in the amount of \$300 for the

installation of speed limit signs is available in Fiscal Year 2002-2003 Operating Budget of the Transportation, Planning & Sustainability Department.)

**Ordinance No. 030424-60 was approved.**

61. Amend Ordinance No. 020909-02, Fiscal Year 2002-2003 Capital Budget of the Transportation, Planning & Sustainability Department by re-allocating \$1,500,000 from the IH 35/Parmer Interchange (R-O-W) project to the Dittmar Road Improvements project. (Funding is available in the Capital Metropolitan Transportation Authority (CMTA) 1/4 cent fund for Fiscal Year 2001, to be reallocated from the IH 35/Parmer Interchange (R-O-W) project in the Right-of-Way Projects category.) (Related Item 39)

**Ordinance No. 030424-61 was approved.**

62. Approve issuance by Travis County Municipal Utility District No. 10 (TCMUD 10); formerly known as Point Venture II MUD, of its Unlimited Tax and Revenue Bonds in an amount not to exceed \$1,920,000; approve substantial draft of the District Bond Resolution and Preliminary Official Statement. (No fiscal impact to the City. The City has no responsibility for payment on District bonds unless the District is annexed by the City.) (Recommended by the Water and Wastewater Commission)

**Resolution No. 030424-62 was approved.**

63. Authorize negotiation and execution of an amendment to the professional services agreement with THONHOFF CONSULTING ENGINEERS, Austin, TX, for additional Design Phase Services in association with the Wastewater Lift Station Relief and Rehabilitation Project, in the amount of \$335,869.00 for a total contract amount not to exceed \$1,581,144.00. (Funding in the amount of \$335,869.00 is included in the 2002-2003 Amended Capital Budget of the Water and Wastewater Utility.) Overall subconsultant participation, including this amendment is: 14.68% MBE and 7.00% WBE (Recommended by Water and Wastewater Commission)

**The motion authorizing the negotiation and execution of an amendment to the professional services agreement was approved.**

64. Authorize the City Manager to negotiate and execute a contract with First Tee of Greater Austin in a total amount not to exceed \$80,000 for research on impacts to soils and turfs that may result from the use of reclaimed water to irrigate a new golf course and recreational fields that are located at 5413 Ed Bluestein Boulevard. (A total amount not to exceed \$80,000. Payment by the City to First Tee for this research project will be in the form of monthly billing credit over approximately two years for reclaimed water service provided to the new golf course and recreational fields by the City. There is no impact on the current operating budget of the Water and Wastewater Utility.)

**The motion authorizing the City Manager to negotiate and execute a contract was approved.**

65. 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.) (Recommended by Zoning and Platting Commission with conditions and Environmental Board with conditions.) (Related Item 30 and 68)

**Resolution No. 030424-65 was approved.**

66. Approve an ordinance repealing Section 25-12-3, Appendix Chapter 3 of the City Code (the One and Two Family Dwelling Code 1995 Edition), adopting the International Residential Code, 2000 Edition, and adopting certain local amendments to the 2000 International Residential Code. (Recommended by the Mechanical, Plumbing and Solar Board 2-20-02 and the Building and Fire Code Board with one exception on 6-12-02. Reconsidered and Recommended by the Mechanical, Plumbing and Solar Board with conditions on 03-07-03.)  
**Ordinance No. 030424-66 was approved.**
67. Approve an ordinance authorizing acceptance of \$399,375 in grant funds from the Texas Water Development Board (TWDB); and amend Ordinance No. 020909-02, the 2002-2003 Capital Budget of the Watershed Protection and Development Review Department by appropriating \$399,375 in grant funds from the Texas Water Development Board to fund a portion of the U.S. Army Corps of Engineers Onion and Williamson Creeks-Flood Control and Environmental Restoration Study. (\$399,375 will be funded by TWDB grant proceeds. Matching funds of \$199,688 are included in the 2002-2003 Capital Budget of the Watershed Protection and Development Review Department and \$199,687 is available from Travis County.)  
**Ordinance No. 030424-67 was approved.**
68. Authorize the City Manager or designee to negotiate and execute a Real Estate Sales Contract with Linda and Edgar Perry, which includes a potential extension of a Temporary Construction easement in an amount not to exceed \$78,000. (Funding is available in the Fiscal Year 2002-2003 Amended Capital Budget of the Watershed Protection and Development Review Department. ) (Recommended by Zoning and Platting Commission with conditions and Environmental Board with conditions.) (Related Item 30 and 67)  
**The motion authorizing the City Manager or designee to negotiate and execute a contract was approved.**

**Item 69 was pulled for discussion.**

70. Board and Commission Appointments  
**The following appointments were made:**

<u>Board/ Appointee</u>	<u>Consensus/ Council Nominee</u>	<u>Appointment/ Reappointment</u>
<u>Child Care Council</u>		
Aletha Huston	Consensus	Reappointment
Cynthia Sproul	Consensus	Reappointment
<u>Community Development Commission</u>		
Cynthia Ann Riley (South Austin Neighborhood Rep)	Consensus	Appointment
<u>Music Commission</u>		
David Glassco	Council Member Wynn's	Reappointment
Kevin Connor	Mayor Garcia's	Reappointment

71. Approve an ordinance waiving the signature requirement under Chapter 15-11 of the City Code for the Capital of Texas Triathlon to be held May 26, 2003. (Council Member Will Wynn and Council Member Danny Thomas)

**Ordinance No. 030424-71 was approved.**

72. Approve an ordinance waiving or authorizing reimbursement and payment of certain fees and requirements under Chapter 15-11 of the City Code for the Greater East Austin Youth Association Parade to be held on June 19, 2003. (Council Member Danny Thomas)

**Ordinance No. 030424-72 was approved.**

73. Set a public hearing for the full purpose annexation of the following annexation areas: 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) McNeil Drive Right of Way: Approximately 4 acres in Travis County of McNeil Drive 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 Parmer Lane) Dittmar Tract: (Approximately 1 acre in Travis County, approximately 1,488 feet south and 333 feet east of the intersection of Thaxton Road and Salt Springs Drive) Avery Ranch Far West Areas: Tract 1: Avery Brookside Phase One (approximately 24.8 acres in Williamson County at the intersection of Loxley Lane and Avery Ranch Boulevard); Tract 2: Avery Ranch Far West Phase One, Section Two; Avery Ranch Far West Phase One, Section Three; 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) (Suggested dates and times: May 8, 2003 and May 15, 2003).

**The public hearings were set for May 8, 2003 and May 15, 2003.**

74. Set 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. (Suggested date and time: May 8, 2003 at 6:00 p.m.) (Recommended by Environmental Board, Codes and Ordinances Subcommittee and Planning Commission.)

**The public was set for May 8, 2003 at 6:00 p.m.**

### **DISCUSSION ITEMS**

31. C14-02-0105 - Approve third reading of an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 1502 West Koenig Lane (Shoal Creek Watershed) from SF-3, Family Residence district zoning to LO-MU, Limited Office-Mixed Use Combining district zoning as originally requested by the applicant. City Council approved NO, Neighborhood Office district zoning at second reading. Second Reading on January 30, 2003; Vote: 6-1, G. Garcia - nay. First Reading on September 26, 2002; Vote: 7-0. Conditions met as follows: No conditions were imposed at second ordinance reading. Applicant: Charles Demel. Agent: Brad Greenblum. City Staff: Glenn Rhoades, 974-2775. Note: A valid petition has been filed in opposition to this rezoning request.

**Ordinance No. 030424-31 for NO MU district zoning was approved on Council Member Wynn's motion, Council Member Dunkerley's second on a 6-0 vote. Mayor Garcia was absent.**

### **BOARD OF DIRECTORS MEETING OF AUSTIN HOUSING FINANCE CORPORATION.**

Mayor Pro Tem Goodman recessed the Council Meeting at 3:01 p.m. to go into the Board of Director's Meeting of the Austin Housing Finance. See separate minutes.

**AHFC adjourned at 3:07 p.m. and the regular Council meeting was called back to order at 3:08 p.m.**

**DISCUSSION ITEMS CONTINUED**

42. Authorize negotiation and execution of a professional services agreement with COPLEY WOLFF DESIGN GROUP, Boston, MA, for design of the Second Street District Streetscape Improvement Project, in an amount not to exceed \$650,000. (Funding is available in the Fiscal Year 2001-2002 Amended Capital Budget of the Transportation, Planning & Sustainability Department.) Best of six qualification statements received. 10.0% MBE and 30.0% WBE subconsultant participation.

**The motion authorizing negotiation and execution of a professional services agreement was approved on Council Member Wynn's motion, Council Member Slusher's second on a 6-0 vote. Mayor Garcia was absent.**

**Mayor Pro Tem Goodman recessed the Council meeting at 3:22 p.m. to go into Executive Session.**

**EXECUTIVE SESSION**

1. Discuss legal issues concerning proposed legislation in the 78th Legislature, including issues relating to grandfathering, hospital districts, annexation, water rights, taxation, employment law, and land use and development law.
5. Discuss legal issues related to environmental compliance by City of Austin contractors.

**Mayor Pro Tem Goodman announced that Council would discuss item number 69 on the regular agenda during Executive Session.**

**Executive Session ended at 4:48 p.m.**

**Mayor Pro Tem Goodman called the regular Council meeting back to order at 4:49 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 Dunkerley's motion, Mayor Pro Tem Goodman's second on a 6-0 vote. Mayor Garcia was absent.**

- Z- 1 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 6 ST E from civic to mixed-use; at 2000 6 ST E from industrial to mixed-use; at 2201 HIDALGO ST from industrial to commercial; at 2406 HIDALGO ST from mixed-use to industrial; at 2200 6 ST E from industrial to commercial; at 0 6 ST E (Acr .236 Blk 1 Olt 9 Blk 2 Olt 10 Division A) from transportation to JR from mixed-use to industrial; at 2235 6 ST E from mixed-use to industrial; at 0 5 ST E (Acre 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 6 ST E from industrial to mixed-use; at 507 CALLES ST from industrial to mixed-use; at 622 PLEASANT VALLEY RD N from industrial to mixed-use; at 624 PLEASANT VALLEY RD N from office to mixed-use; at 2415 5 ST E from industrial to mixed-use; at 2419 5 ST E from industrial to mixed-use; at 2421 5 ST E from industrial to mixed-use; at 2614 5 ST E from industrial to mixed-use; at 2716 5 ST E from industrial to mixed-use; at 2726 5

ST E from industrial to mixed-use; at 2701 7 ST E 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 6 ST E, 2010 6 ST E, 2100 6 ST E, 2118 6 ST E, 2406 HIDALGO ST, 2422 HIDALGO ST, and 2416 6 ST E. 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 staffs could necessitate a plan amendment.(November 28, 2001 - The Planning Commission unanimously recommended the Holly Neighborhood Plan for adoption at City Council; April 9, 2003 - Planning Commission hearing postponed to April 23, 2003 by TPSD. April 23, 2003 - The plan amendment is scheduled to go before Planning Commission on this date.)

**This item was postponed to May 8, 2003 at staff's request.**

- Z- 2 C14-01-0166.001 (PART) - Holly Rezonings- 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 be considered by the Commission on April 23, 2003. Applicant: City of Austin. Agent: Neighborhood Planning & Zoning Department. City Staff: Annick Beaudet, 974-2975, Sonya Lopez, 974-7694. (Related Item Z-1)

**This item was postponed to May 8, 2003 at staff's request.**

- Z- 3 C14-01-0166.002 (PART) - Holly Rezonings - 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. 6<sup>th</sup> 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. 6<sup>th</sup> 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 be considered by the Commission on April 23, 2003. 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 in opposition to 2422 Hildalgo St. (Tract 10) of this rezoning request.(Related Item Z-1)

**This item was postponed to May 8, 2003 at staff's request.**

- Z- 4 C14-01-0166.003 (PART) - Holly Rezonings - 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 be considered by the Commission on April 23, 2003. Applicant: City of Austin. Agent: Neighborhood Planning & Zoning Department. City Staff: Annick Beaudet, 974-2975, Sonya Lopez, 974-7694. (Related Item Z-1)

**This item was postponed to May 8, 2003 at staff's request.**



- Z- 5 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 St. (Town Lake Watershed) from LI-NP, Limited Industrial Services-Neighborhood Plan District, zoning to CS-MU-CO-NP, General Commercial Services-Mixed Use-Conditional Overlay-Neighborhood Plan combining district zoning. Planning Commission Recommendation: To be considered by the Commission on April 23, 2003. Applicant: City of Austin. Agent: Neighborhood Planning & Zoning Department. City Staff: Annick Beaudet, 974-2975, Sonya Lopez, 974-7694. (Related Item Z-1)  
**This item was postponed to May 8, 2003 at staff's request.**
- Z- 6 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 be considered by the Commission on April 23, 2003. Applicant: City of Austin. Agent: Neighborhood Planning & Zoning Department. City Staff: Annick Beaudet, 974-2975, Sonya Lopez, 974-7694. (Related Item Z-1)  
**This item was postponed to May 8, 2003 at staff's request.**
- Z- 7 C14-03-0002 - 9325 Burnet Road - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 9325 Burnet Road (Little Walnut Creek Watershed) from LI, Limited Industrial Services district zoning to CS, General Commercial Services district zoning. Planning Commission Recommendation: To grant CS-CO, General Commercial Services-Conditional Overlay Combining district zoning. Applicant: 9325, Inc. (Elliott Silverstone). Agent: Law Offices of Glenn K. Weichert (Glenn Weichert). City Staff: Sherri Gager, 974-3057.  
**This item was postponed to May 22, 2003 at applicant's request.**
- Z- 8 C14-03-0046 - Northfork Plaza - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 13945 U.S. Highway 183 North (Lake Creek Watershed) from DR, Development Reserve district zoning to GR, Community Commercial district zoning. Planning Commission Recommendation: To grant GR, Community Commercial district zoning. Applicant: Max Kuykendall. Agent: Holford Group (Duane Hutson). City Staff: Sherri Gager, 974-3057.  
**Ordinance No. 030424-Z8 was approved.**

**Item Z-9 was pulled for discussion.**

- Z- 10 C14-03-0022 - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 4525 Interstate Highway 35 South (Williamson Creek Watershed) from GR-NP, Community Commercial-Neighborhood Plan Combining district zoning to GR-CO-NP, Community Commercial-Conditional Overlay-Neighborhood Plan Combining district zoning. Planning Commission Recommendation: To grant GR-CO-NP, Community Commercial-Conditional Overlay-Neighborhood Plan Combining district zoning. Applicant: City of Austin. Agent: Neighborhood Planning and Zoning Department. City Staff: Wendy Walsh, 974-7719.  
**The first reading of the ordinance was approved.**

- Z- 11 C14-03-0026 - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 2501, 4401 and 4417 East St. Elmo Road (Williamson Creek Watershed) from LI-CO-NP, Limited Industrial Services-Conditional Overlay-Neighborhood Plan Combining district zoning; SF-2-NP, Single Family Residence Standard Lot-Neighborhood Plan Combining district zoning; LI-NP, Limited Industrial Services-Neighborhood Plan Combining district zoning and GO-CO-NP, General Office-Conditional Overlay-Neighborhood Plan Combining district zoning to LI-CO-NP, Limited Industrial Services-Conditional Overlay-Neighborhood Plan Combining district zoning; SF-2-CO-NP, Single Family Residence Standard Lot-Conditional Overlay-Neighborhood Plan Combining district zoning and GO-CO-NP, General Office-Conditional Overlay-Neighborhood Plan Combining district zoning. Planning Commission Recommendation: To be considered by the Commission on March 26, 2003. Applicant: City of Austin. Agent: Neighborhood Planning and Zoning Department. City Staff: Wendy Walsh, 974-7719.  
**The first reading of the ordinance was approved.**
- Z- 12 C14-03-0027 - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 4601 and 4611 East St. Elmo Road (Williamson Creek Watershed) from SF-2-NP, Single Family Residence Standard Lot-Neighborhood Plan Combining district zoning; SF-2-CO-NP, Single Family Residence Standard Lot-Conditional Overlay-Neighborhood Plan Combining district zoning; RR-NP, Rural Residence-Neighborhood Plan Combining district zoning; SF-6-NP, Townhouse & Condominium-Neighborhood Plan Combining district zoning and LO-NP, Limited Office-Neighborhood Plan Combining district zoning to SF-2-CO-NP, Single Family Residence Standard Lot-Conditional Overlay-Neighborhood Plan Combining district zoning; RR-CO-NP, Rural Residence-Conditional Overlay-Neighborhood Plan Combining district zoning; SF-6-CO-NP, Townhouse & Condominium-Conditional Overlay-Neighborhood Plan Combining district zoning and LO-CO-NP, Limited Office-Conditional Overlay-Neighborhood Plan Combining district zoning. Planning Commission Recommendation: To grant SF-2-CO-NP, Single Family Residence Standard Lot-Conditional Overlay-Neighborhood Plan Combining district zoning; RR-CO-NP, Rural Residence-Conditional Overlay-Neighborhood Plan Combining district zoning; SF-6-CO-NP, Townhouse & Condominium-Conditional Overlay-Neighborhood Plan Combining district zoning and LO-CO-NP, Limited Office-Conditional Overlay-Neighborhood Plan Combining district zoning. Applicant: City of Austin. Agent: Neighborhood Planning and Zoning Department. City Staff: Wendy Walsh, 974-7719.  
**The first reading of the ordinance was approved.**
- Z- 13 C14-03-0028- Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 5001 Nuckols Crossing Road (Williamson Creek Watershed) from LR-NP, Neighborhood Commercial-Neighborhood Plan Combining district zoning to LR-CO-NP, Neighborhood Commercial-Conditional Overlay-Neighborhood Plan Combining district zoning. Planning Commission Recommendation: To grant LR-CO-NP, Neighborhood Commercial-Conditional Overlay-Neighborhood Plan Combining district zoning. Applicant: City of Austin. Agent: Neighborhood Planning and Zoning Department. City Staff: Wendy Walsh, 974-7719.  
**The first reading of the ordinance was approved.**
- Z- 14 C14-03-0035 - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as south of East Ben White and east of Montopolis Drive (Carson Creek Watershed) from CH-NP, Commercial Highway-Neighborhood Plan Combining district zoning; P-NP, Public-Neighborhood Plan Combining district zoning; CS-MU-NP, General Commercial Services-Mixed Use-Neighborhood Plan

Industrial Services-Neighborhood Plan Combining district zoning; IP-NP, Industrial Park-Neighborhood Plan Combining district zoning; RR-NP, Rural Residence-Neighborhood Plan Combining district zoning; and LI-CO-NP, Limited Industrial Services-Conditional Overlay-Neighborhood Plan Combining district zoning to CS-CO-NP, General Commercial Services-Conditional Overlay-Neighborhood Plan Combining district zoning; LI-CO-NP, Limited Industrial Services-Conditional Overlay-Neighborhood Plan Combining district zoning; IP-CO-NP, Industrial Park-Conditional Overlay-Neighborhood Plan Combining district zoning; and RR-CO-NP, Rural Residence-Conditional Overlay-Neighborhood Plan Combining district zoning. Planning Commission Recommendation: To be considered by the Commission on March 26, 2003. Applicant: City of Austin. Agent: Neighborhood Planning and Zoning Department. City Staff: Wendy Walsh, 974-7719.

**The first reading of the ordinance was approved.**

- Z- 22 C14-02-0173 - Tristan - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 10003 Rocking Horse Road (Slaughter Creek Watershed - Barton Springs Zone) from DR, Development Reserve district zoning to GR, Community Commercial district zoning. Zoning and Platting Commission Recommendation: To grant NO-CO, Neighborhood Office-Conditional Overlay combining district zoning. Applicant: Sergio J. Tristan. City Staff: Wendy Walsh, 974-7719.

**The item was postponed to May 15, 2003 at the neighborhood association's request**

### **ZONING DISCUSSION**

- Z- 9 C814-96-0003 - Pioneer Crossing PUD - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by zoning and rezoning property locally known as Approx. 1500 acres located on Gregg Lane, Cameron Road, Dessau Road, and approximately 2000 feet to the west of Cameron Road, excluding the Samsung property (Walnut Creek Watershed) from PUD, Planned Unit Development district zoning and I-RR, Interim-Rural Residence district zoning to PUD, Planned Unit Development district zoning. Zoning and Platting Commission Recommendation: To grant PUD Planned Unit Development district zoning. Applicant: American Realty Trust, Inc., Art Collections, Inc., Anderson Development Corp. Agent: Prime Strategies, Inc. (Ralph Reed). City Staff: Annick Beaudet, 974-2975.

**The first reading of the ordinance for PUD was approved on Council Member Thomas's motion, Council Member Wynn's second on a 5-0 vote. Council Member Alvarez was off the dais. Mayor Garcia was absent.**

**Mayor Pro Tem Goodman recessed the Council meeting at 5:37 p.m.**

### **LIVE MUSIC**

Dale Watson

### **PROCLAMATIONS**

Proclamation - Direct Deposit and Direct Payment Month - to be presented by Mayor Pro Tem Jackie Goodman and to be accepted by Simon Bradwell

Proclamation - Clean Air Force - to be presented by Mayor Pro Tem Jackie Goodman

Proclamation - Public Service Employee Recognition Week - to be presented by Mayor Pro Tem Jackie Goodman and to be accepted by Roberta Byram and honorees

Certificates of Appreciation - Visitors from Dittmar Recreation Center - to be presented by Council Member Daryl Slusher and to be accepted by the honorees

Proclamation - Hispanic Firefighters and EMS Personnel - to be presented by Council Member Betty Dunkerley

Presentation to Council - SH45 Groundbreaking - to be made by Terry Bray and Bruce Byron and to be accepted by Council Member Will Wynn

Proclamation - 25th Anniversary of the Pecan Street Festival - to be presented by Council Member Raul Alvarez and to be accepted by

Proclamation - Taste of Mexico - to be presented by Council Member Raul Alvarez and to be accepted by Sylvia Orozco

**Mayor Pro Tem called the regular Council meeting back to order at 6:36 p.m.**

**PUBLIC HEARINGS AND POSSIBLE ACTION**

75. Conduct a public hearing to approve a resolution on 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. (All costs associated with the line, as the requestor will pay well as any parkland restoration.) (Recommended by Land and Facilities Board. Recommended by Parks Board.)

**The public hearing was closed on Council Member Dunkerley's motion, Mayor Pro Tem Goodman's second on a 4-0 vote. Council Members Thomas and Wynn were off the dais. Mayor Garcia was absent.**

**Resolution No. 030424-75 was approved on Council Member Dunkerley's motion, Mayor Pro Tem Goodman's second on a 4-0 vote. Council Members Thomas and Wynn were off the dais. Mayor Garcia was absent.**

76. Conduct a public hearing and consider a variance request to allow construction of a parking area in the 100-year and 25-year floodplains of West Bouldin Creek at Town Lake Park. (Planning Commission - January 8, 2003)

**The public hearing was closed on Council Member Alvarez' motion, Council Member Slusher's second on a 5-0 vote. Council Member Wynn was off the dais. Mayor Garcia was absent.**

**Ordinance No. 030424-76 was approved on Council Member Dunkerley's motion, Council Member Thomas' second on a 5-0 vote. Council Member Wynn was off the dais. Mayor Garcia was absent. The Ordinance was passed on all three readings.**

77. Conduct a public hearing and consider a variance request to allow construction of a room addition to an existing single-family residence in the 100-year and 25-year floodplains of Walnut Creek at 5711 Coolbrook Drive.

**The public hearing was closed on Council Member Thomas' motion, Mayor Pro Tem Goodman's second on a 5-0 vote. Council Member Wynn was off the dais. Mayor Garcia was absent.**

**Ordinance No. 030424-77 was approved on Council Member Thomas' motion, Council Member Slusher's second on a 5-0 vote. Council Member Wynn was off the dais. Mayor Garcia was absent. The Ordinance was passed on all three readings.**

78. Conduct a public hearing and consider a variance request to allow construction of a single-family residence in the 25-year floodplain of the Hancock Branch at 4707 Hilwin Circle. The public hearing was closed on Council Member Dunkerley's motion, Council Member Wynn's second on a 6-0 vote. Mayor Garcia was absent.

**Ordinance No. 030424-78 was approved on Council Member Dunkerley's motion, Council Member Thomas' second on a 6-0 vote. Mayor Garcia was absent.**

**DISCUSSION ITEM CONTINUED**

69. Approve a resolution regarding City of Austin and Travis County subdivision regulations, 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. Resolution No. 030424-69 was approved on Council Member Dunkerley's motion, Mayor Pro Tem Goodman's second on a 6-0 vote with the following friendly amendment. Mayor Garcia was absent.

**The friendly amendment made by Council Member Slusher was to delete toll parkway 6 from Exhibit A attached to the Resolution. This was accepted by the maker of the motion and Mayor Pro Tem Goodman, who seconded the motion.**

**The motion to adjourn the meeting at 7:42 p.m. was approved on Council Member Slusher's motion, Mayor Pro Tem Goodman's second on a 6-0 vote. Mayor Garcia was absent.**

**The motion to reopen the meeting at 7:45 was approved on Council Member Dunkerley's motion, Mayor Pro Tem Goodman's second on a 6-0 vote. Mayor Garcia was absent.**

**Mayor Pro Tem Goodman recessed the meeting at 7:46 p.m. to go into Executive Session**

**EXECUTIVE SESSION**

3. Discuss legal issues related to the creation of and regulations applicable to proposed Winfield Municipality Utility Districts.

**Executive Session ended at 8:05 p.m.**

**The motion to adjourn the meeting at 8:06 p.m. was approved on Council Member Slusher's motion, Mayor Pro Tem Goodman's second on a 6-0 vote. Mayor Garcia was absent.**

**The minutes for the regular meeting of April 24, 2003 were approved on May 8, 2003 on Council Member Slusher's motion, Council Member Thomas' second on a 7-0 vote.**

**The minutes for the regular meeting of April 24, 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:**

29. C14-02-0164 - Approve second reading of an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as Southwest Parkway at Travis Cook Road, and Old Bee Caves Road at Bell Drive (Barton Creek and Williamson Creek Watersheds-Barton Springs Zone) from DR, Development Reserve district zoning and RR, Rural Residence district zoning to MF-1-CO, Multi-Family Residence Limited Density-Conditional Overlay Combining district zoning. First reading March 20, 2003; Vote: 5-1, Garcia off the dais. Applicant: Lamar Mathis, Esther B Martinez, and Earl Tipton. Agent: Urban Design Group (Laura Toups). City Staff: Annick Beaudet, 974-2975.

**PREVIOUS WORDING**

**Ordinance No. 030424-29 for MF-1-CO, Multi-Family Residence Limited Density-Conditional Overlay Combining district zoning was approved. Mayor Pro Tem Goodman and Council Member Slusher voted nay.**

**NEW WORDING**

**The second reading of the ordinance for MF-1-CO, Multi-Family Residence Limited Density-Conditional Overlay Combining district zoning was approved. Mayor Pro Tem Goodman and Council Member Slusher voted nay.**