



**Austin City Council
MINUTES**

**REGULAR MEETING
THURSDAY, June 12, 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, June 12, 2003 in the Board Room at Lower Colorado River Authority Hancock Building, 3700 Lake Austin Boulevard.

Invocation: Mark Heinrich

Mayor Garcia called the Council Meeting to order at 12:06 p.m.

Mayor Garcia recessed the meeting at 12:07 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.

Personnel Matters - Section-551.074

1. Evaluate the performance of the City Manager and discuss the Manager's compensation and benefits package. (Related Item 84)

Private Consultation with Attorney - Section 551.071

Item #2 was discussed later in Executive Session.

3. Discuss legal issues related to Brackenridge Hospital lease agreement with Seton Healthcare Network, legal issues related to Seton's request to move Children's Hospital to the former Robert Mueller Municipal Airport site and other legal issues regarding the lease agreement. (Related Items 6, 7, 8, 9, 10)

No discussion was held.

4. 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 11)

Executive Session ended at 1:36 p.m.

Mayor Garcia called the Council meeting back to order at 1:37 p.m.

CITIZEN COMMUNICATIONS: GENERAL

- Jimmy A. Castro - City of Austin and Hays County Regional Planning
- Pat Valls-Trelles - Animals
- Jennifer L. Gale - Announcement of Candidacy for District 10 - United States House of Representatives
- Andrew Bucknall - Bethany Cemetery Tribute
- Robin Schneider - Computer Recycling & Electronic Waste
- Delia Gomez - E-Waste & Computer Recycling
- Ben May - Electronic Waste

The following speakers donated their time to Ms. Gomez

- Michael Finney - Computer Take Back and E-Waste
- Uthra Raghunathan - Environmental Campaign
- Dick Davis - Computer Recycling/Electronic Waste

Mayor Garcia recessed the Council meeting at 2:08 p.m.

Mayor Garcia called the Council meeting back to order at 2:12 p.m.

CONSENT AGENDA

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

5. Approval of minutes from work session of June 4, 2003, the regular meeting of June 5, 2003 and amendment to regular meeting of May 8, 2003.

The minutes from the work session of June 4, 2003 and the regular meeting of June 5, 2003 and amendment to regular meeting of May 8, 2003 were approved.

Items 6-10 were set for a time certain of 2:30 p.m.

Item 11 was reconsidered later in the meeting.

12. Authorize acceptance of grant funds from the Public Utility Commission of Texas in the amount of \$64,154.80 for the installation of energy-efficient HVAC units at the University of Texas' Brackenridge Apartments Complex, and amend Ordinance No. 020910-01, the 2002-2003 Amended Operating Budget of the Electric Utility Department Special Revenue Fund, by increasing grant funding and grant expenditures by \$64,154.80. (Funding will be reimbursed by the Public Utility Commission of Texas. The grant will expire on September 30, 2003, unless extended by mutual agreement in writing by both parties.) (Recommended by the Resource Management Commission.)

The motion authorizing acceptance of grant funds and adoption of Ordinance No. 030612-12 was approved.

13. Authorize an Interlocal Agreement between the City of Austin and the Texas Engineering Extension Service-Emergency Services Training Institute for the exchange of a surplus Department of Aviation fire apparatus for \$15,000 of training services for Department of Aviation Aircraft Rescue and Firefighting personnel. (Recommended by the Austin Airport Advisory Commission on May 20, 2003.)

The motion authorizing an Interlocal Agreement was approved.

14. Approve a resolution canvassing the results of the June 7, 2003, Runoff Municipal Election.

Resolution No. 030612-14 was approved.

Item 15 was set for a time certain of 2:15 p.m.

16. Approve an ordinance suspending TXU Gas Company's proposed rate increase. (Related Item 89)

Ordinance No. 030612-16 was approved.

17. Approve issuance by North Austin Municipal Utility District of Unlimited Tax and Revenue Refunding Bonds, Series 2003, in an amount not to exceed \$5,120,000; approving a substantial draft of the District's Bond Resolution and Preliminary Official Statement. (The City is not responsible for payment of District bond debt service until annexation and dissolution of the District. If annexation occurs, the avoided debt service associated with the refunding would also benefit the City of Austin.)

Resolution No. 030612-17 was approved.

18. Authorize negotiation and execution of an amendment to the legal services contract with Cole & Powell, P.C., for legal services concerning the hazardous liquid pipeline ordinance and related legal issues, for an increase of \$30,000, with a total contract amount not to exceed \$60,000. (Funding in the amount of \$30,000 is available in the 2002-2003 Approved Operating Budget of the Economic Development Fund.)

The motion authorizing negotiation and execution of an amendment to the legal services contract was approved.

19. Approve a resolution authorizing the negotiation and execution of the Promissory Note, the Contract for Loan Guarantee Assistance under Section 108 of the Housing and Community Development Act of 1974, as amended, 42 U.S.C. Section 5308, the Custodial Agreement, the pledge agreements and other loan documents necessary to authorize issuance of the Promissory Note to finance the continuation and expansion of the Neighborhood Commercial Management Loan Program (NCMP) in an amount not to exceed \$2,000,000 and the incorporation by reference in the Note and Contract of certain Fiscal Agency/Trust agreements entered into by the Secretary of the United States Department of Housing and Urban Development (HUD). (Estimated debt service for year one, in the amount of \$130,000, has been included in the approved Fiscal Year 2002-2003 Operating Budget of the Neighborhood Housing and Community Development Office as Section 108 Debt Service for the continuation and expansion of the Neighborhood Commercial Management Loan Program (NCMP).) (Recommended by the Community Development Commission (CDC).) (Related Item 20)

Resolution No. 030612-19 was approved.

20. Amend Ordinance No. 0200910-01, the Fiscal Year 2002-2003 Neighborhood Housing and Community Development Department Budget to authorize acceptance of \$2,000,000 in loan proceeds under the Section 108 Loan Guarantee Assistance Program from the U.S. Department of Housing and Urban Development (HUD) and to appropriate \$2,000,000 in Section 108 Loan Guarantee Assistance Funds. (\$2,000,000 in loan funds guaranteed by HUD's Section 108 Loan Guarantee Assistance Program. The first year's approximate debt service in the amount of \$130,000 is included in the approved Fiscal Year 2002-2003 Neighborhood Housing and Community Development Department (NHCD) budget.) (Recommended by the Community Development Commission (CDC).) (Related Item 19)

Ordinance No. 030612-20 was approved.

21. Approve an ordinance to transfer 11 parcels of land and improvements located along the East 12th Street corridor to the Urban Renewal Agency of the City of Austin to aid in the implementation of the East 11th and 12th Streets Urban Renewal Project.

This item was postponed to July 17, 2003.

22. C14-03-0022 - Approve second/third readings of 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 community commercial-neighborhood plan (GR-NP) combining district zoning to community commercial-conditional overlay-neighborhood plan (GR-CO-NP) combining district zoning. First reading April 24, 2003. Vote: 6-0, Garcia absent. 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.

Ordinance No. 030612-22 was approved.

23. C14-03-0028 - Approve second/third readings of 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 neighborhood commercial-neighborhood plan (LR-NP) combining district zoning to neighborhood commercial-conditional overlay-neighborhood plan (LR-CO-NP) combining district zoning. First reading on April 24, 2003. Vote: 6-0, Garcia absent. 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.

Ordinance No. 030612-23 was approved.

24. C14-03-0035 - Approve second/third readings of an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as south of East Ben White Boulevard and east of Montopolis Drive (Carson Creek Watershed) from public-neighborhood plan (P-NP) combining district zoning; general commercial services-mixed use-neighborhood plan (CS-MU-NP) combining district zoning; general commercial services-mixed use-conditional overlay-neighborhood plan (CS-MU-CO-NP) combining district zoning; to public-conditional overlay-neighborhood plan (P-CO-NP) combining district zoning; general commercial services-mixed use-conditional overlay-neighborhood plan (CS-MU-CO-NP) combining district zoning; First reading on April 24, 2003. Vote: 6-0, Garcia absent. 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.

Ordinance No. 030612-24 was approved.

25. C14-03-0037 - Approve second/third readings of an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as the southwest corner of Burleson Road and Smith School Road (Onion Creek Watershed) from limited industrial services-planned development area-neighborhood plan (LI-PDA-NP) combining district zoning to limited industrial services-planned development area-neighborhood plan (LI-PDA-NP) combining district zoning. First reading on April 24, 2003. Vote: 6-0, Garcia absent. Conditions met as follows: Ordinance 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.
Ordinance No. 030612-25 was approved.
26. C14-03-0038 - Approve second/third readings of an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as south of Riverside Drive and west of U.S. Highway 183 South (Carson Creek Watershed) from general commercial services-conditional overlay-neighborhood plan (CS-CO-NP) combining district zoning and general commercial services-neighborhood plan (CS-NP) combining district zoning to general commercial services-conditional overlay-neighborhood plan (CS-CO-NP) combining district zoning. First reading on April 24, 2003. Vote: 6-0, Garcia absent. 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.
Ordinance No. 030612-26 was approved.
27. C14-03-0039 - Approve second/third readings of an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as northeast of Burleson Road, southeast of McCall Lane and west of U.S. Highway 183 South (Onion Creek Watershed) from general commercial services-neighborhood plan (CS-NP) combining district zoning; limited industrial services-neighborhood plan (LI-NP) combining district zoning; industrial park-neighborhood plan (IP-NP) combining district zoning; rural residence-neighborhood plan (RR-NP) combining district zoning; and, limited industrial services-conditional overlay-neighborhood plan (LI-CO-NP) combining district zoning to general commercial services-conditional overlay-neighborhood plan (CS-CO-NP) combining district zoning; limited industrial services-conditional overlay-neighborhood plan (LI-CO-NP) combining district zoning; industrial park-conditional overlay-neighborhood plan (IP-CO-NP) combining district zoning; and, rural residence-conditional overlay-neighborhood plan (RR-CO-NP) combining district zoning. First reading on April 24, 2003. Vote: 6-0, Garcia absent. 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.
Ordinance No. 030612-27 was approved.
28. C14-03-0009 - Approve second/third readings of an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 11201 Plains Trail (Little Walnut Creek Watershed) from neighborhood office (NO) district zoning to neighborhood commercial-conditional overlay (LR-CO) combining district zoning. First reading on May 8, 2003. Vote: 7-0. Conditions met as follows: Conditional overlay incorporates the conditions were imposed at first ordinance reading. Applicant: Efain and Maria Moreno. Agent: Altius Design Group (Ramon Duran). City Staff: Glenn Rhoades, 974-2775. (Related Items 31, 78)
Ordinance No. 030612-28 was approved.

29. C14-02-0173 - Tristan - Approve second reading of 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 development reserve (DR) district zoning to neighborhood office-conditional overlay (NO-CO) combining district zoning. First reading May 15, 2003. Vote: 7-0. Conditions met as follows: Conditional Overlay incorporates the conditions imposed by Council on first ordinance reading. Applicant: Sergion J. Tristan. City Staff: Wendy Walsh, 974-7719.

The second reading of the ordinance was approved.

Items 30-32 were pulled for discussion.

33. Authorize an application for supplemental grant funding from the U.S. Department of Justice, Office of Community Policing Services (COPS), Homeland Security Overtime Program in the amount of \$300,000, for overtime to conduct operations and training of non-supervisory sworn personnel beginning in Fiscal Year 2003-2004. (Funding is available in Fiscal Year 2003-2004 from the U.S. Department of Justice, Office of Community Policing Services (COPS), Homeland Security Overtime Program. A cash match of \$100,000 is required and will be identified within the proposed Fiscal Year 2003-2004 Special Revenue budget for the Austin Police Department.)

The motion authorizing an application for supplemental grant funding was approved.

34. Approve a resolution authorizing negotiation and execution of a fee simple acquisition of Tract One - Lots 1-A and 2-A, Resubdivision of Lots 1 through 4, Block P, James E. Bouldin Addition together with the north ten feet of the vacated alley lying to the south; and Tract Two - Lots 5 through 22, inclusive in Block P, James E. Bouldin Addition, together with the vacated alley adjoining Lots 5 through 9 and Lots 14 through 22, and the northerly ten feet of the vacated alley adjoining Lots 10 through 13, save and except the north five feet of Lots 5 through 13, inclusive of said addition, locally known as 1800 South 5th Street, Austin, Texas, from Ring Brothers Corporation, et al, for the proposed Twin Oaks Library, in the amount of \$538,500. (Funding is available in Fiscal Year 2002-2003 Capital Budget of the Library Department.)

Resolution No. 030612-34 was approved.

35. Approve a resolution authorizing the filing of eminent domain proceedings to acquire a permanent wastewater easement containing 6,210 square feet of land out of "The Creeks" (called 10.07 acres), a subdivision out of the Willis Avery Survey Number 81, as recorded in Volume 66, Page 72, Plat Records, Travis County, Texas, located at 1901 East Anderson Lane, from Alliance FH Portfolio Limited Partnership, in the amount of \$6,521. (Funding is included in the Fiscal Year 2002-2003 Amended Capital Budget of the Water & Wastewater Utility.)

Resolution No. 030612-35 was approved.

36. Approve a resolution authorizing the filing of eminent domain proceedings to acquire a permanent waterline easement containing 1,312 square feet of land out of 0.327 acre of land in the Willis Avery Survey Number 81, Travis County, Texas, located at 1524 East Anderson Lane, from Hartman & Associates, Inc., Successor by merger to Lakeland Financial, Inc., in the amount of \$2,312. (Funding is included in the Fiscal Year 2002-2003 Amended Capital Budget of the Department of the Water & Wastewater Utility.)

Resolution No. 030612-36 was approved.

37. Approve a resolution authorizing the filing of eminent domain proceedings to acquire the fee simple interest in Lot 1, Linda Vista, a subdivision in Travis County, Texas, according to the map or plat of record in Volume 57, Page 91, Plat Records of Travis County, Texas, save and except, however, the East 100 feet thereof, located at 10500 Linda Vista Del Valle, Texas, from Isaias Salinas, in the amount of \$27,000. (Funding is available in the Fiscal Year 2002-2003 Capital Budget of the Department of Aviation using airport funds and available Federal Aviation Administration (FAA) Grant.)

Resolution No. 030612-37 was approved.

38. Approve a resolution authorizing the negotiation and execution of an easement and/or right-of-way exchange to allow access for the Robinson Ranch across City property of Martin Hill Reservoir, in exchange for the grant of access across areas of the Robinson Ranch adjacent to the Reservoir. (No funding is required)

Resolution No. 030612-38 was approved.

39. Authorize execution of a construction contract with LEWIS CONTRACTORS, INC., Georgetown, TX, for wastewater line repair on Jessie Street between Barton Springs Road and Toomey Road, in an amount not to exceed \$212,980. (Funding is available in the Fiscal Year 1995-1996 Amended Capital Budget of the Water & Wastewater Utility.) Lowest of six bids received. 14.32% MBE and 11.92% WBE.

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

40. Authorize execution of a construction contract with AARON CONCRETE CONTRACTORS, L.P. (37.48 % MH), Austin, TX, for the Pleasant Valley Road Rehabilitation Project from South Lakeshore Drive to the Longhorn Dam, in the amount of \$734,558.20 plus a \$73,455.80 contingency, for a total contract amount not to exceed \$808,014. (Funding in the amount of \$808,014 is available in the Fiscal Year 2002-2003 Capital Budget of the Public Works Department.) Lowest of two bids received. 6.19% MBE and 9.04% WBE subcontractor participation.

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

41. Authorize negotiation and execution of an amendment to the professional services agreement with WILBUR SMITH ASSOCIATES, Houston, TX, for engineering services for an evaluation of the 4th Street downtown alignment of the Lance Armstrong Bikeway Project (formerly the Crosstown Bikeway), the realignment of the project along 5th Street, and the completion of design for the east and west section, in the amount of \$124,355.04, for a total contract amount not to exceed \$650,711.22. (Funding in the amount of \$124,355.04 is available in the Fiscal Year 2000-2001 Amended Capital Budget of the Transportation, Planning & Sustainability Department.) 59.89% DBE subconsultant participation.

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

42. Authorize negotiation and execution of a professional services agreement with URBAN DESIGN GROUP (68.30% WBE/FR), Austin, TX, for design services for the East 7th Street Corridor Improvements Project - Priority Area No. 1, in an amount not to exceed \$300,000. (Funding is available in the Fiscal Year 2001-2002 Amended Capital Budget of the Transportation Planning & Sustainability Department.) Best of two qualification statements received. 8.70% MBE and 15.00% WBE subconsultant participation.

The motion authorizing the negotiation and execution of a professional services agreement was approved.

43. Approve an increase in the overall authorization to the existing professional services agreements with the following nine firms: RODRIGUEZ ENGINEERING LABORATORIES (MBE/MH), Austin, TX; FUGRO SOUTH, INC., Austin, TX; RABA-KISTNER-BRYTEST CONSULTANTS, INC., Austin, TX; KLEINFELDER (TRINITY ENGINEERING TESTING CORPORATION), Austin, TX; HOLT ENGINEERING, INC. (WBE/FR), Austin, TX; HBC TERRACON (HBC ENGINEERING, INC.), Austin, TX; PROFESSIONAL SERVICE INDUSTRIES, INC., Austin, TX; HVJ ASSOCIATES, INC., (MBE/MB), Austin, TX; and ENGINEERING CONSULTING SERVICES, LTD., Austin, TX, to provide construction materials engineering and testing services for City of Austin Capital Improvement Program projects for a period of approximately four months, or until authorized funding is expended, in an amount not to exceed \$806,000, for a total contract amount not to exceed \$4,500,000. (Funding is available in the Capital and/or Operating Budgets of the Department of Public Works and various other departments for which services are required.) Rodriguez Engineering 0.9% MBE, 17.3% WBE; Fugro South 40.5% MBE, 1.6% WBE; Raba-Kistner Consultants 45.8% MBE, 0.3% WBE; Kleinfelder 0.5% MBE, 4.4% WBE; Holt Engineering 7.6% MBE, 3.1% WBE; HBC Terracon 12.0% MBE, 0.4% WBE; Professional Service Industries 28.3% MBE, 5.2% WBE; HVJ Associates 21.5% MBE, 3.6% WBE; Engineering Consulting Services 40.1% MBE, 3.4% WBE.

The motion authorizing an increase in the overall authorization to the existing professional services agreements was approved.

44. Authorize execution of a 12-month supply agreement with FERGUSON INDUSTRIAL DIVISION, Austin, TX for the purchase of various types and sizes of PVC wastewater line fittings in an amount not to exceed \$49,762.74, with two 12-month extension options in an amount not to exceed \$49,726.74 per extension for a total amount not to exceed \$149,288.22. (Funding in the amount of \$12,432 is available in the Fiscal Year 2002-2003 Approved Operating Budget of the Water and Wastewater Utility. Funding for the remaining nine months of the original contract period and extension options is contingent upon available funding in future budgets.) Low bid of three 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.

45. Authorize execution of a 12-month service agreement with MARCELO'S SAND & LOAM for spoils disposal landfill services in an amount not to exceed \$48,000, with two 12-month extension options in an amount not to exceed \$48,000 per extension option, for a total agreement amount not to exceed \$144,000. (Funding in the amount of \$12,000 is available in the Fiscal Year 2002-2003 Approved Operating Budget of the Water and Wastewater Utility. Funding for the remaining nine months of the original contract period and extension options is contingent upon available funding in future budgets.) Low bidder 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 service agreement was approved.

46. Authorize execution of a purchase through the State of Texas, Texas Building & Procurement Commission with TEXAS HIGHWAY PRODUCTS, Round Rock TX for video detection and ancillary camera equipment in an amount not to exceed \$130,020. (Funding is available in the Fiscal Year 2002-2003 Amended Operating Budget (Inventory Fund) of the Transportation, Planning & Sustainability Department. Video detection and camera equipment are purchased out of the operating budget inventory fund but are sold to project accounts funded by other sources including the Capital Budget.) Cooperative Purchasing Program
The motion authorizing the execution of a purchase for video detection and ancillary camera equipment was approved.
47. Authorize execution of a 12-month supply agreement with TEXAS HIGHWAY PRODUCTS, LTD, Round Rock, TX for traffic signal controllers in an amount not to exceed \$80,430, with two 12 -month extension options in an amount not to exceed \$80,430 per extension option, for a total agreement amount not to exceed \$241,290. (Funding in the amount of \$26,810 is available in the Fiscal Year 2002-2003 Amended Operating Budget of the Transportation, Planning & Sustainability Department. Signal components are purchased out of the inventory fund in the Operating Budget but are sold to project accounts funded by other sources including the Capital Budget. Funding for the remaining eight months of the original contract period and extension options is contingent upon available funding in future budgets.) Low bid of 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.
48. Authorize execution of a 12-month service agreement with SECURITY MANAGEMENT SYSTEMS, INC., Austin, TX for security products and related services in an amount not to exceed \$1,160,000, with four 12-month extension options in an amount not to exceed \$1,160,000 per extension, for a total agreement amount not to exceed \$5,800,000. (Funding in the amount of \$960,000 is available in the Fiscal Year 2002-2003 Amended Capital Budget of the Electric Utility Department. Funding in the amount of \$66,667 is available in the Fiscal Year 2002-2003 Amended Operating Budget of the Electric Utility Department. Funding for the remaining 8 months of the original contract period and extension options is contingent upon available funding in future budgets.) Sole Source. This contract will be awarded in compliance with the 1996 MBE/WBE Ordinance, as amended. No subcontracting opportunities were identified; therefore, no goals were established for this solicitation.
The motion authorizing the execution of a service agreement was approved.
49. Approve a revision to the authorization for 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 by increasing the aggregate amount by \$31,000,000 per fiscal year, for a revised amount not to exceed \$71,000,000 per fiscal year. (Funding in the amount of \$31,000,000 will be provided through the Electric Fuel Charge revenue for each fiscal year beginning with Fiscal Year 2003.) These contracts 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 a revision to the authorization for master power supply agreements was approved.

50. Approve execution of a 12-month Interlocal Agreement with Travis County for refrigerator replacement and recycling in an amount not to exceed \$114,900, with one 12-month extension option in an amount not to exceed \$114,900, for a total contract amount not to exceed \$229,800. (Funding in the amount of \$38,300 is available in the Fiscal Year 2002-2003 Amended Operating Budget of the Electric Utility Department. Funding for the remaining eight months of the original contract period and extension option is contingent upon available funding in future budgets. Grant funding provided by the Public Utility Commission of Texas.) Interlocal Agreement. (Recommended by Resource Management Commission.)

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

51. Ratify execution of a contract with MARLEY COOLING TECHNOLOGIES, Overland Park, KS, for a cooling tower for the Sand Hill Energy Center Combined Cycle Unit in an amount not to exceed \$2,101,100. (Funding is available in the Fiscal Year 2002-2003 Amended Capital budget for the Electric Utility Department.) Best proposal of five 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.

The motion ratifying the execution of a contract was approved.

52. 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.

The motion authorizing the negotiation and execution of a contract was approved.

53. Authorize execution of a 12-month service agreement with THE PERSONNEL STORE, Austin, TX, (WBE/FH 100%) for temporary labor services in an amount not to exceed \$120,300, with two 12-month extension options in an amount not to exceed \$120,300 per extension, for a total agreement amount not to exceed \$360,900. (Funding in the amount of \$40,100 is available in the Fiscal Year 2002-2003 Approved Operating Budget of the Austin Convention Center Department. Funding for the remaining eight months of the original contract period and extension options is contingent upon available funding in future budgets.) Low bid of nine bids received. This contract will be awarded in compliance with the 1996 MBE/WBE Ordinance, as amended. No subcontracting opportunities were identified; therefore, no goals were established for this solicitation.

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

54. Authorize negotiation and execution of a 24-month professional service agreement with KPMG, L.L.P., Austin, TX for professional auditing services in an amount not to exceed \$945,113, with three 12-month extension options in an amount not to exceed \$504,262 for the first extension option, \$523,158 for the second extension option, and \$542,314 for the third extension option, for a total agreement amount not to exceed \$2,514,847. (Funding in the amount of \$306,635 is available in the Fiscal Year 2002-2003 Approved Operating Budget for the Finance and Administrative Services Department for the first eight months of the 24 month term. Funding for the remaining sixteen months of the original contract period and extension options is contingent upon available funding in future budgets.) Best proposal of three proposals received. 50% MBE; 0% WBE Subconsulting Participation

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

55. Authorize negotiation and execution of a 12-month service agreement with RETRIEVER PAYMENT SOLUTIONS, Houston, TX for credit card processing services in an amount not to exceed \$1,081,678.60, with two 12-month extension options in an amount not to exceed \$1,081,678.60 per extension option, for a total agreement amount not to exceed \$3,245,035.80. (Funding in the amount of \$360,560 is available in the Fiscal Year 2002-2003 Approved Operating Budgets of various departments. Funding for the remaining eight months of the original contract period and extension options is contingent upon available funding in future budgets.) Best proposal of twelve 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.

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

56. Authorize execution of a contract with SCHOOL SPECIALTY, Austin, TX, for the purchase and installation of Wilsonstak Library shelving for the Daniel E. Ruiz Library in an amount not to exceed \$68,974.02. (Funding is available in the Fiscal Year 2002-2003 Approved Capital Budget of the Library Department.) Low bid 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 contract was approved.

57. Authorize execution of a 12-month service agreement with DYNATEST CONSULTING, INC., College Station, TX for pavement data collection and data editing services in an amount not to exceed \$62,976, with two 12-month extension options in an amount not to exceed \$62,976 per extension option, for a total agreement amount not to exceed \$188,928. (Funding in the amount of \$20,992 is available in the Fiscal Year 2002-2003 Approved Operating Budget of the Public Works Department Transportation Fund. Funding for the remaining eight months of the original contract period and extension options is contingent upon available funding in future budgets.) Low bid of six bids received. This contract will be awarded in compliance with the 1996 MBE/WBE Ordinance as amended. No subcontracting opportunities were identified; therefore, no goals were established for this solicitation.

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

58. Authorize execution of a contract with CO COM CABLING SYSTEMS, DIVISION OF COMPLETE COMMUNICATION SERVICES, INC., (WBE 100%) Pflugerville, TX for the purchase and installation of a voice, data and video cabling building distribution system for the Austin Police Department's Forensics Building in an amount not to exceed \$77,322.13. (Funding is available in the Fiscal Year 2000-2001 Amended Capital Budget of the Austin Police Department) Low bid of ten bids received meeting specifications. This contract was 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 contract was approved.

59. Authorize execution of a 12-month service agreement with EURO STAFF, Austin, TX; EVINS PERSONNEL, Austin, TX; MAXIM HEALTHCARE SERVICES, INC., Austin, TX; and STAFF SEARCH HEALTHCARE, Austin, TX for on-call licensed vocational nurses services for the Community Care Services Department in a combined amount not to exceed \$403,000 with two 12-month extension options in an amount not to exceed \$403,000 per extension option, for a total contract amount not to exceed \$1,209,000. (Funding in the amount of \$134,333 is available in the Fiscal Year 2002-2003 Approved Operating Budget of the Community Care Services Department. Funding for the remaining eight months of the original contract period and extension option is contingent upon available funding in future budgets.) Lowest bids of nine bids received. This contract will be awarded in accordance with the 1996 MBE/WBE Ordinance, as amended. No subcontracting opportunities were identified, therefore, no goals were established.

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

60. Authorize execution of a contract with UD TRUCKS OF CENTRAL TEXAS, Austin, TX for the purchase of a small side-loading recycle collection truck in an amount not to exceed \$85,522. (Funding is available in the Fiscal Year 2002-2003 Approved Capital Budget of the Solid Waste Services Department.) Sole bid. This contract will be awarded in compliance with the 1996 MBE/WBE Ordinance, as amended. No subcontracting opportunities were identified, therefore, no goals were established for this solicitation.

The motion authorizing the execution of a contract was approved.

61. Authorize execution of a contract with PHILPOTT MOTORS, INC., Port Neches, TX, for an animal carcass collection truck in an amount not to exceed \$54,991. (Funding is available in the Fiscal Year 2002-2003 Approved Capital Budget of the Finance and Administrative Services Department, Fleet Services Division.) Lowest 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 the execution of a contract was approved.

Item 62 was pulled for discussion.

63. Approve an ordinance to annex the McNeil Drive right-of-way (ROW) annexation area (Approximately 4 acres 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 Parmer Lane). (Funding necessary to provide general governmental services to this tract is available in the budgets of the department which will be providing the services.)

Ordinance No. 030612-63 was approved.

64. Approve an ordinance to annex the Pioneer Hill area for full purposes. (Approximately 268 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). (Funding necessary to provide general governmental services to this tract is available in the budgets of the department which will be providing the services.)(First Reading)

The first reading of the ordinance was approved.

65. Approve an ordinance to annex the Dessau Road East Area for full purposes. (Approximately 16 acres located in Travis County east of Dessau Road and east of the intersection of Childress Drive and Dessau Road). (Funding necessary to provide general governmental services to this tract is available in the budgets of the department which will be providing the services.)
Ordinance No. 030612-65 was approved.
66. Approve an ordinance to annex the Dittmar Tract for full purposes. (Approximately 1 acre located approximately 1,488 feet south and 333 feet east of the intersection of Thaxton Road and Salt Springs Drive) (Funding necessary to provide general governmental services to this tract is available in the budgets of the department which will be providing the services.)
Ordinance No. 030612-66 was approved.
67. Approve an ordinance to annex the Avery Ranch Areas for full purposes: Tract 1: Avery Brookside Phase One for full purposes. (Approximately 24.778 acres located in Williamson County at the intersection of Loxley Lane and Avery Ranch Blvd.); and 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 77.59 acres in Williamson County approximately 750 feet north of the intersection of Staked Plains Drive and Avery Ranch Boulevard) (Funding necessary to provide governmental services to this tract is available in the budgets of the department which will be providing the services.)
Ordinance No. 030612-67 was approved.
68. Approve an ordinance reimbursing or waiving development fees and payments for Urban Digs Austin, Ltd., for the Pedernales Live-Work project located at 2401 E. 6th Street under the Smart Growth Matrix in an amount not to exceed \$10,968; waiving the requirements to provide structural water quality controls for 0.41 acres of the property; and authorizing the negotiation and execution of all agreements with Urban Digs Austin, Ltd. for the reimbursement of costs associated with the construction of streetscape and infrastructure improvements in an amount not to exceed \$212,632, for a total amount not to exceed \$223,600, and waiving the requirement that at least ten percent of the units in a S.M.A.R.T. Housing multi-family development be accessible. (\$10,968 in estimated waivers or reimbursements of fees: \$10,618 in permit fees, and fees in lieu of structural controls in the Watershed Protection and Development Services Department; and \$350 in license agreement fees in the Public Works Department is available in the 2001-2002 Amended Capital Budget of the Transportation, Planning & Sustainability Department. \$212,632 for reimbursed streetscape and infrastructure improvements is available in the 2001-2002 Amended Capital Budget of the Transportation, Planning & Sustainability Department.)
Ordinance No. 030612-68 was approved.
69. Approve an ordinance reimbursing or waiving development fees for PPC Sage Austin Powers, L.P. for a project located at 701 W. 5th Street under the Smart Growth Matrix in an amount not to exceed \$56,674 and authorizing the negotiation and execution of all agreements with PPC Sage Austin Powers, L.P. (\$56,674 in estimated waivers or reimbursements of fees: \$41,757 of permit fees in the Watershed Protection and Development Review Department; and \$14,917 in capital recovery, tap connection and inspection fees in the Water and Wastewater Utility.)
Ordinance No. 030612-69 was approved.

70. Approve an ordinance reimbursing or waiving development fees and payments for San Jacinto Hotel Partners, L.P., for the Hampton Inn and Suites development project located at 200 San Jacinto Street under the Smart Growth Matrix in an amount not to exceed \$181,275. (\$181,275 in estimated waivers or reimbursements of fees: \$77,697 of development review and permit fees, and fees in lieu of structural controls in the Watershed Protection and Development Review Department; \$85,391 in temporary use of right-of-way fees in the Transportation, Planning and Sustainability Department; \$350 in license agreement fees in the Public Works Department; \$17,837 of capital recovery, inspection and meter fees in the Water and Wastewater Utility.)
Ordinance No. 030612-70 was approved.
71. Approve an ordinance amending Ordinance No. 011206-46 regarding the waiver of fees and requirements for the Austin City Lofts, located at 800 W. 5th under the Smart Growth Matrix to increase the amount of fees waived from \$202,747 to \$342,747. (\$140,000 in estimated waivers or reimbursement of street closure fees is available in the Transportation, Planning and Sustainability Department.)
Ordinance No. 030612-71 was approved.
72. Approve an Ordinance reimbursing or waiving development fees and payments for Landmark Organization, L.P., for the Convention Center Hotel project located at 401 Neches Street under the Smart Growth Matrix, in an amount not to exceed \$646,276; waiving the requirements to provide structural water quality controls, and authorizing the negotiation and execution of all agreements with Landmark Organization, L.P., for the reimbursement of costs associated with the construction of streetscape and infrastructure improvements, in an amount not to exceed \$250,000. (\$646,276 in estimated waivers or reimbursements of fees: \$531,802 of development review and permit fees and fees in lieu of structural controls in the Watershed Protection and Development Review Department; \$11,500 in temporary use of right-of-way in the Transportation, Planning and Sustainability Department; \$28,136 in license agreement and construction inspection fees in the Public Works Department; \$74,838 of capital recovery, tap permit and construction inspection fees in the Water and Wastewater Utility Department; and \$250,000 for reimbursed streetscape and infrastructure improvements. \$250,000 is available in the 2002-2003 Amended Capital Budget of the Transportation, Planning, and Sustainability Department.) (Related Item 73)
Ordinance No. 030612-72 was approved.
73. Amend Ordinance No. 020909-02, the Fiscal Year 2002-2003 Capital Budget of the Transportation, Planning & Sustainability Department by appropriating \$250,000 from Great Streets Parking Meter funds to a new project to be known as the 401 Neches Street (Landmark Organization) Streetscape Improvements Project. (Funding is available in Great Streets Parking Meter funds.) (Related Item 72)
Ordinance No. 030612-73 was approved.
74. Approve an Ordinance amending Ordinance 010927-64, reimbursing or waiving development fees and payments for AMLI Residential Property, L.P., located at 201 Lavaca Street, by reallocating previously approved development fee waivers to the reimbursement of costs associated with the construction of streetscape and infrastructure improvements in accordance with the Great Streets Master Plan, and authorize the negotiation and execution of all necessary agreements with AMLI Residential Property, L.P. (\$729,848 in estimated future waivers or reimbursements of fees include: \$148,623 of development review and permit fees, and fees in lieu of structural controls in the Watershed Protection and Development Services Department; \$541,805 in temporary use of right-of-way in the Transportation, Planning and Sustainability Department; \$7,700 in license agreement and inspection fees in the Public Works Department; \$31,720 of capital recovery, tap and inspection fees in the Water and Wastewater Utility

Department; and \$303,000 for reimbursed streetscape and infrastructure improvements. \$150,000 was included in the 2000-2001 Amended Capital Budget of the Transportation, Planning, & Sustainability Department; and \$153,000 is available in the 2001-2002 Amended Capital Budget of the Transportation, Planning, & Sustainability Department.)

Ordinance No. 030612-74 was approved.

75. Approve an ordinance amending the Austin City Code, Sections 8-13-322, 8-13-324, 8-13-326, and 8-13-328, relating to the calculation and allocation of authorized taxicab franchise permits (Recommended by Urban Transportation Commission.)

Ordinance No. 030612-75 was approved.

76. Approve a resolution creating a Parking Meter Revenue Allocation Plan. (Parking meter revenue collected from within the area of downtown Austin bounded by IH35 on the east, Lamar Blvd. on the west, E/W 11th Street on the north, and Cesar Chavez St. on the south.)

Resolution No. 030612-76 was approved.

77. Approve a resolution creating the Saltillo District Redevelopment Project Community Advisory Group.

Resolution No. 030612-77 was approved.

78. C14H-02-0015 - Moore-Williams House - Approve second/third readings of an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property known as 1312 Newning Street (East Bouldin Creek Watershed) from MF-3, Multi-Family Residence-Medium Density to SF-3-H-NCCD, Single Family Residence, Medium Density, Historic, Neighborhood Conservation Combining district, zoning. Historic Landmark Commission Recommendation: To grant MF-3-H Multi-Family Residence-Medium Density-Historic Combining district, zoning. Zoning and Platting Commission Recommendation: To grant MF-3-H Multi-Family Residence-Medium Density-Historic Combining district, zoning for a portion of the property. First reading on January 30, 2003; Vote: 6-1, Wynn voted nay. Conditions met as follows: No conditions were imposed. Applicant: City of Austin. Property Owner: Ray Bier (Leslie Perry, agent). City Staff: Steve Sadowsky, Transportation, Planning and Sustainability Department, 974-6454. (Related Items 31, 32)

Ordinance No. 030612-78 was approved.

79. Authorize negotiation and execution of amendments to the Wholesale Wastewater Agreement and Interlocal Agreement Concerning Construction of Interim Wastewater Treatment Plant (WWTP) with City of Manor and the easement previously granted to Austin by Manor to delete the requirement for construction of a City of Austin WWTP on the site of existing Manor WWTP and associated requirements and to provide for construction of City of Austin wastewater facilities needed to transport wastewater from Manor to a new City of Austin interim WWTP to be constructed within the Wild Horse Ranch Development. (No additional funding is required by the amendment of the interlocal and wholesale wastewater agreements.) (Recommended by Water and Wastewater Commission) (Related Items 80, 81)

The motion authorizing the negotiation and execution of amendments to the Wholesale Wastewater Agreement and Interlocal Agreement was approved.

80. Authorize negotiation and execution of a cost reimbursement agreement and escrow agreements with Wild Horse Investments, Ltd., a Texas limited partnership Holding Development, L.P., providing terms and conditions for construction of 36-inch wastewater mains, wastewater treatment facilities and appurtenances to provide wastewater service to the proposed Wild Horse Ranch located south of US Highway 290 East, west of F.M. 973, and north of Lake Walter E. Long, with City cost reimbursement for actual "hard" construction costs in the amount not to exceed \$7,940,000.00; adopt an Ordinance waiving the requirements of Section 25-9-67, of the City Code relating to cost reimbursement payments. (Funding is included in the Fiscal Year 2001-2002 Amended Capital Budget of the Water and Wastewater Utility.) (Recommended by Water and Wastewater Commission) (Related Items 79, 81)

The motion authorizing the negotiation and execution of a cost reimbursement agreement and escrow agreements, and the adoption of Ordinance 030612-80 was approved.

81. Authorize negotiation and execution of Supplemental Amendment No. 2 to the professional services agreement with TURNER, COLLIE & BRADEN, INC., Austin, TX, for professional engineering services for the Northeast Interim Wastewater Treatment Plant and Infrastructure Project in the amount of \$543,757.00 for a total contract amount not to exceed \$2,192,792.00. (Funding in the amount of \$543,757.00 is included in the Fiscal Year 2000-2001 Amended Capital Budget of the Water and Wastewater Utility.) (Recommended by Water and Wastewater Commission) (Related Items 79, 80)

The motion authorizing the negotiation and execution of Supplemental Amendment No. 2 to the professional services agreement was approved.

82. Authorize the City Manager to negotiate and execute an Interlocal Agreement with Travis County, Texas for the design and construction of drainage improvements on a tributary of Carson Creek at the crossing of Thornberry Road.

Resolution No. 030612-82 was approved.

83. Board and Commission Appointments

The following appointments were made:

<u>Board/ Appointee</u>	<u>Consensus/ Council Nominee</u>	<u>Appointment/ Reappointment</u>
<u>Building and Fire Code Board of Appeals</u>		
Philip Haught	Consensus	Reappointment
<u>Historic Landmark Commission</u>		
Patti Hall (Travis County Historical Commission Rep.)	Consensus	Reappointment
<u>Parks and Recreation Board</u>		
Jeb Boyt	Council Member Dunkerley's	Reappointment

84. Consider the compensation and benefits package for the City Manager. (Mayor Gus Garcia)
No action was taken on this item. The Mayor announced the compensation and benefits package would remain the same.

85. Approve an ordinance authorizing an amendment to Section 15-11-18 of the City Code providing for an administrative waiver of signatures required for a street event held on Congress Avenue or East Sixth Street for 10 or more years. (Council Member Raul Alvarez, Mayor Pro Tem Jackie Goodman and Council Member Betty Dunkerley)
Ordinance No. 030612-85 was approved.

86. Approve an ordinance removing term limits for the following Boards and Commissions: Commission on Immigrant Affairs, Design Commission, Ethics Review Commission, Asian American Resource Center Advisory Board and the MBE/WBE Advisory Committee. (Mayor Pro Tem Jackie Goodman and Council Member Raul Alvarez)
Ordinance No. 030612-86 was approved.
87. Approve an ordinance waiving water tap fees and water capital recovery fees for 16 residential properties included in the Plover Place Water Improvements Project sponsored by the County of Travis under the State of Texas Community Development Block Grant Program which provides water and wastewater service improvements to un-served low income communities and colonias. (Council Member Raul Alvarez and Mayor Gus Garcia)
Resolution No. 030612-87 was approved.
88. Set a public hearing to receive public comment on the proposed revisions to Exhibit A of Ordinance 020910-4 affecting fees charged by Austin Energy, the pricing guidelines for electric utility products and services, and the electric rate schedules. (Suggested date and time: July 17, 2003 at 6:00 PM)
The public hearing was set for July 17, 2003 at 6:00 p.m., Lower Colorado River Authority, Hancock Building.
89. Set a public hearing to consider TXU Gas Company's proposal to increase residential and commercial gas rates. (Suggested time and date: July 17, 2003 at 6:00 p.m.) (Related Item 16)
The public hearing was set for July 17, 2003 at 6:00 p.m., Lower Colorado River Authority, Hancock Building.
90. Set a public hearing on an ordinance amending Section 16-5-22(D)(4) (Parking in a Front or Side Yard) and authorizing the inclusion of certain neighborhood associations on the Restricted Parking Area Map. (Suggested date and time: July 17, 2003 at 6:00 p.m.) (There is no fiscal impact associated with including the following neighborhood associations on the "Restricted Parking Area Map." However, there is a parking violation fine associated with this ordinance between \$20.00 to \$40.00. Austin Police Department will be the enforcer of this ordinance.)
The public hearing was set for July 17, 2003 at 6:00 p.m., Lower Colorado River Authority, Hancock Building.
91. Set a public hearing for the full purpose annexation of Motorola Planned Development Agreement (PDA) Area (Approximately 245 acres located in Travis County and Williamson County on the east side of Parmer Lane extending south from the intersection of Parmer Lane and Anderson Mill Road to the intersection of Parmer Lane and McNeil Drive including Parmer Lane right-of-way). (Suggested dates and times: July 31, 2003 at 6:00 p.m., Lower Colorado River Authority, Hancock Building; and August 7, 2003 at 6:00 p.m., Lower Colorado River Authority, Hancock Building).
The public hearings were set for July 31, 2003 and August 7, 2003 at 6:00 p.m., Lower Colorado River Authority, Hancock Building.
92. Set a public hearing to consider action on an appeal by Charlene Crump of Zoning and Platting Commission's decision to uphold the director's disapproval of a request to add two additional boat docks located at 2918 Oestrick Lane. (Site Plan No. SP-03-0054DS) (Suggested date and time: July 17, 2003 at 6:00 p.m.) (Denied by Zoning and Platting Commission.)
The public hearing was set for July 17, 2003 at 6:00 p.m., Lower Colorado River Authority, Hancock Building.

DISCUSSION ITEMS

15. Approve a resolution for a comprehensive Economic Development Policy and Program, under the authority of Texas Local Government Code Chapter 380 and other statutes; and, authorize the City Manager to initiate work on all administrative changes, ordinances, resolutions, and code amendments necessary to implement the Policy and Program, and bring those items requiring Council approval back for consideration.

Resolution No. 030612-15, as amended, was approved on Council Member Wynn's motion, council Member Dunkerley's second on a 7-0 vote.

Council Member Slusher offered the following friendly amendments that were accepted by the maker of the motion and Council Member Dunkerley who seconded the motion. The additions to the Economic Development Policy, which should read:

Add as Section 2(j) and (k)

- **Applicants will be ineligible for incentives if they are not complying with City of Austin's current water quality regulations on all current projects, unless that company has negotiated or negotiates an agreement with the City in which it complies with current impervious cover limits overall and agrees to build with currently required water quality controls. Complying with current water quality regulations means complying with the water quality ordinances current at the time the development is taking place.**
- **Also, by accepting incentives, the recipients agree to comply with current City of Austin water quality regulations (as defined above) on all their future developments. Failure to do so will result in cancellation of the incentives package and will require the return of all incentive funds already received.**

On the section of the matrix that asks "Does the firm have a track record of conducting its business in an environmentally responsible way" add "including, but not limited to, whether the company has complied with City of Austin water quality regulations on its completed projects."

6. Approve an ordinance on third reading authorizing the City Manager to negotiate and execute an amendment to the lease of Brackenridge Hospital with the Daughters of Charity Health Services of Austin, d/b/a Seton Healthcare Network, relating to Seton's request to move Children's Hospital to the former Robert Mueller Municipal Airport site and other issues regarding the lease agreement. (Related Items 3, 7, 8, 9, 10)

Ordinance No. 030612-6 was approved on Council Member Dunkerley's motion, Council Member Wynn's second on a 6-1 vote. Mayor Pro Tem Goodman voted nay.

7. Approve a resolution authorizing the City Manager, or designee, to negotiate and execute with Catellus Development Corporation, or a related entity: (a) a Purchase and Sale Agreement for approximately 32 acres at the former Robert Mueller Municipal Airport site (RMMA); (b) a Purchase and Sale Agreement for rights-of-way surrounding and providing access to the 32 acres; (c) a Hospital Site Developer Agreement; (d) an Escrow Agreement; and (e) a resolution declaring intent to reimburse \$7,250,000 in costs related to the Catellus-Seton Site Development Project. (RMMA Commission recommends that the City Council adopt the RMMA Redevelopment/Reuse Plan prepared by ROMA. The Planning Commission approved Planned Unit Development zoning.) (Related Items 3, 6, 8, 9, 10)

Resolution No. 030612-7A and Resolution No. 030612-7B were approved on Council Member Dunkerley's motion, Council Member Wynn's second on a 7-0.

8. Approve an ordinance on third reading to amend Ordinance No. 020909-02, the Fiscal Year 2002-2003 Capital Budget of the Economic Growth & Redevelopment Services Department Budget by appropriating \$7,250,000 to a new project, the "Catellus - Seton Site Development Contingency" project. (\$7,250,000 will be funded through the issuance of future debt.) (Related Items 3, 6, 7, 9, 10)

Ordinance No. 030612-8 was approved on Council Member Dunkerley's motion, Council Member Wynn's second on a 7-0.

9. a.) Authorize negotiation and execution of a cost reimbursement agreement with Catellus Commercial Development Corporation, providing terms and conditions for construction of a 16-inch water main and appurtenances to provide water service to a portion of the Robert Mueller Municipal Airport Redevelopment with City cost reimbursement for actual "hard" construction costs in the amount not to exceed \$594,000.00, and "soft" costs for engineering, design and project management in an amount not to exceed 15% of the actual "hard" construction cost or \$89,100.00, whichever is less, for a total cost reimbursement amount not to exceed \$683,100.00; and b.) adopt an Ordinance on third reading waiving the requirements of Section 25-9-39, of the City Code relating to the posting of fiscal security; waiving the requirements of Section 25-9-61, of the City Code relating to facilities eligible for cost reimbursement; waiving the requirements of Section 25-9-63, of the City Code relating to the amount of cost reimbursement; waiving the requirements of Section 25-9-67, of the City Code relating to cost reimbursement payments. (Funding in the amount of \$683,100.00 is available in Fiscal Year 2002-2003 Amended Capital Budget of the Water and Wastewater Utility.) (Recommended by the Water Wastewater Commission.) (Related Items 3, 6, 7, 8, 10)

The motion authorizing the negotiation and execution of a cost reimbursement agreement and adoption of Ordinance No. 030612-9 was approved on Council Member Dunkerley's motion, Council Member Wynn's second on a 7-0.

10. C814-03-0079 - RMMA Phase I - Approve third reading of an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 3600 Manor Road, located approximately 1,200 feet east of IH-35 North and 600 feet south of East 51st Street and comprising approximately 49 acres of land, more or less, out of Abstract 346, Thomas Hawkins Survey #9, and all or portions of Lots 20-33, Ridgetop Gardens Subdivision, Travis County, Texas (East Boggy Creek and Tannehill Creek Watersheds) from aviation services (AV) district zoning to planned unit development (PUD) district zoning. First reading on June 5, 2003. Vote: 7-0. Conditions met as follows: Ordinance incorporates the conditions imposed by Council on first ordinance reading. Applicant: City of Austin. Agent: Economic Growth and Redevelopment Services Office (Pam Hefner, A.S.L.A.). City Staff: Greg Guernsey, 974-2387. (Related Items 3, 6, 7, 8, 9)

Ordinance No. 030612-10 was approved on Council Member Dunkerley's motion, Council Member Wynn's second on a 7-0.

BOARD OF DIRECTORS MEETING OF AUSTIN HOUSING FINANCE CORPORATION.

Mayor Garcia recessed the Council Meeting at 4:51 p.m. to go into the Board of Director's Meeting of the Austin Housing Finance. See separate minutes.

AHFC adjourned at 5:00 p.m. and the regular Council meeting was called back to order at 5:01 p.m.

Mayor Garcia recessed the Council Meeting to go into Executive Session at 5:02 p.m.

EXECUTIVE SESSION CONTINUED

2. Discuss legal issues related to Chapter 5-7 of the City Code, the Minority-Owned and Women-Owned Business Enterprise Procurement Program.
4. 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 11)

LIVE MUSIC

PROCLAMATIONS

Proclamation - Homeownership Month - to be presented by Mayor Gus Garcia and to be accepted by Paul Hilgers

Proclamation - Children's Immunization Month - to be presented by Mayor Gus Garcia and to be accepted by AFD

Proclamation - Zilker Summer Musicals - to be presented by Mayor Gus Garcia and to be accepted by Randy Storm

Executive Session ended at 7:41 p.m.

Mayor Pro Tem Goodman called the Council Meeting back to order at 7:43 p.m.

11. Consider approving a resolution authorizing the City Manager, or designee, to negotiate and execute all documents related to acquiring an interest in approximately 2300 acres in Hays County, partly in the Barton Springs Contributing Zone, through a Conservation Easement under the City's Agreement with Hill Country Conservancy, using Open Space bond funds [November 2000]. (Related Item 4)

This item was postponed indefinitely as part of the consent agenda.

The motion to reconsider this item was approved on Council Member Slusher's motion, Mayor Pro Tem Goodman's second on a 6-0 vote. Mayor Garcia was off the dais.

Resolution 030612-11 was approved with the following amendment to the language on Council Member Slusher's motion, Mayor Pro Tem Goodman's second on a 6-0 vote. Mayor Garcia was off the dais.

The Council approves a resolution authorizing the City Manager, or designee, to negotiate all documents related to acquiring an interest in approximately 2,310 acres in Hays County, partly in the Barton Springs Contributing Zone, through a conservation easement pursuant to the City's agreement with Hill Country Conservancy ("HHC"), to be purchased with Open Space bond funds [November 2000].

30. C14-02-0189 - Approve second/third readings of an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 2403 South Lamar Boulevard (West Bouldin Creek Watershed) from family residence (SF-3) district zoning to community commercial-conditional overlay (GR-CO) combining district zoning. First reading on February 13, 2003. Vote: 7-0. Conditions met as follows: Conditional Overlay incorporates the conditions imposed by Council on first ordinance reading. Applicant: Harper Trust (Gonzalo Gonzales). Agent: Crocker Consultants (Sarah Crocker). City Staff: Annick Beaudet, 974-2975.

The motion to approve Ordinance No. 030612-30 for GR-CO community commercial conditional overlay combining district zoning was made by Council Member Dunkerley and seconded by Council Member Wynn.

The substitute motion to approve the ordinance on 2nd reading only, with GR for the footprint of the building and LO-CO for the remainder of the site and maintain the trip limitation to 715 trips per day was made by Council Member Alvarez and seconded by Mayor Pro Tem Goodman. The motion was withdrawn.

The friendly amendment to approve the ordinance on second reading only was made by Council Member Slusher and was accepted by the maker of the motion, and Council Member Wynn, who seconded the motion. The second reading of the ordinance was passed on Council Member Dunkerley's motion, Council Member Wynn's second on a 6-0 vote, Mayor Garcia was off the dais.

ZONING CONSENT ITEMS

The following items were acted on by one motion. No separate discussion or action occurred on any of the items. The public hearing was closed on Council Member Thomas' motion, Council Member Wynn's second on a 6-0 vote. Mayor Garcia was off the dais. The consent items were approved on Council Member Alvarez' motion, Council Member Thomas' second on a 6-0 vote. Mayor Garcia was off the dais.

- Z-1 C14-03-0062 - Lusk and Evans - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 806 West 11th Street (Shoal Creek Watershed) from multi-family moderate-high density (MF-4) district zoning to general office-mixed use (GO-MU) combining district zoning. Zoning and Platting Commission Recommendation: To grant general office-mixed use (GO-MU) combining district zoning. Applicant: Patrick Guy. Agent: Jim Bennett. City Staff: Glenn Rhoades, 974-2775.

This item was postponed to July 17, 2003 at the applicant's request.

- Z-2 C14-03-0076 - Conduct a public hearing and approve an ordinance 25-2 of the Austin City Code by rezoning property locally known as 203 Ralph Ablanado Drive (Onion Creek Watershed) from development reserve (DR) district zoning to community commercial-mixed use (GR-MU) combining district zoning. Zoning and Platting Commission Recommendation: To grant community commercial-mixed use-conditional overlay (GR-MU-CO) combining district zoning. Applicant: Suzette Clearman. Agent: Jennifer Clearman. City Staff: Wendy Walsh, 974-7719.

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

- Z-3 C14-03-0071 - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 8400-8404 Loyola Lane (Elm Creek Watershed) from multifamily residence medium density (MF-3) district zoning to community commercial (GR) district zoning. Zoning and Platting Commission Recommendation: To grant community commercial-conditional overlay (GR-CO) combining district zoning. Applicant: D & R Associates, Inc. Agent: Ray Shaw. City Staff: Annick Beaudet, 974-2975.

Ordinance No. 030612-Z-3 was approved.

Item Z-4 was pulled for discussion.

- Z-5 C14-03-0050 - Seton Medical Center - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 500 West Parmer Lane (Walnut Creek Watershed) from general commercial services (CS) district zoning and industrial park (IP) district zoning to commercial highway-conditional overlay (CH-CO) combining district zoning. Zoning and Platting Commission Recommendation: To grant commercial highway-conditional overlay (CH-CO) combining district zoning. Applicant: Seton Medical Center (Bob Moroz). Agent: Bury and Partners, Inc. (Gregory Strminska, P.E.). City Staff: Sherri Gager, 974-3057.

Ordinance No. 030612-Z-5 was approved on a 6-1 vote. Mayor Pro Tem Goodman voted nay.

- Z-6 C14-02-0122 - Anton Equipment - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by zoning property locally known as 829 Bastrop Highway (Carson Creek Watershed) from interim-rural residence (I-RR) district zoning to industrial park (IP) district zoning. Zoning and Platting Commission Recommendation: To grant industrial park-conditional overlay (IP-CO) combining district zoning. Applicant: Anton Equipment (Bruce Anton). Agent: Land Strategies, Inc. (Paul W. Linehan). City Staff: Wendy Walsh, 974-7719.

This item was postponed to July 31, 2003 at staff's request.

- Z-7 C14-02-0145a - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by zoning property locally known as 1000 Dalton Lane (Carson Creek Watershed) from interim-rural residence district (I-RR) zoning to limited industrial services (LI) district zoning. Zoning and Platting Commission Recommendation: To grant community commercial-conditional overlay (GR-CO) combining district zoning. Applicant: Jenkins & Gilchrist, PC, Brown McCarroll, LLP. Agent: Nikelle Meade. City Staff: Annick Beaudet, 974-2975.

This item was postponed to July 31, 2003 at staff's request.

- Z-8 C14-02-0165 - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by zoning property locally known as 701 Bastrop Highway (Carson Creek Watershed) from interim-rural residence (I-RR) district zoning to limited industrial services (LI) district zoning. Zoning and Platting Commission Recommendation: To grant limited industrial services-conditional overlay (LI-CO) combining district zoning. Applicant: Capitol City Construction Company. Agent: Carlson, Brigrance & Doering. City Staff: Annick Beaudet, 974-2975.

This item was postponed to July 31, 2003 at staff's request.

- Z-9 C14-02-0194 - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 807-809 East 14th Street (Waller Creek Watershed) from multi-family residence high density-neighborhood plan (MF-4-NP) combining district zoning to community commercial-mixed use-conditional overlay-neighborhood plan (GR-MU-CO-NP) combining district zoning. Planning Commission Recommendation: To deny community commercial-mixed use-conditional overlay-neighborhood plan (GR-MU-CO-NP) combining district zoning. Applicant and Agent: Robert Hageman. City Staff: Annick Beaudet, 974-2975.

This item was postponed to July 31, 2003 at staff's request.

- Z-10 C14-03-0014 - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as Selma Hughes Park Road (Lake Austin Watershed) from development reserve (DR) district zoning to family residence (SF-3) district zoning. Zoning and Platting Recommendation: To grant single family residence large lot-conditional overlay (SF-1-CO) combining district zoning. Applicant: The Kucera Company (Gerald Kucera). Agent: Crocker Consultants (Sarah Crocker). City Staff: Glenn Rhoades, 974-2775.

The first reading of the ordinance for SF-1-CO single family residence large lot conditional overlay combining district zoning was approved.

- Z-11 C14-85-288.54 (RCA) - Scenic Brook Meadows Commercial - Conduct a public hearing and approve a restrictive covenant amendment for the property locally known as 7401 State Highway 71 West (Williamson Creek Watershed-Barton Springs Zone) Zoning and Platting Commission Recommendation: To deny the restrictive covenant amendment request. Applicant: Doucet Partners, LTD. Agent: Joseph, Minter, Thornhill (John M. Joseph, Jr.). City Staff: Annick Beaudet, 974-2975.

This item was postponed to July 17, 2003 at staff's request.

Items Z-12 through Z-15 were pulled for discussion.

- Z-16 C14H-02-0022 - Minnie Hughes House - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property known as 900 Juniper Street (Waller Creek Watershed) from SF-3-NP, Single Family Residence-Neighborhood Plan Combining district to SF-4A-H-NP, Single Family Residence-Small-Lot-Historic-Neighborhood Plan Combining district zoning. Historic Landmark Commission Recommendation: To grant SF-4A-H-NP, Single-family Residence - Small Lot-Historic - Neighborhood Plan Combining District, zoning. Planning Commission Recommendation: To grant SF-4A-H-NP, Single Family Residence-Small Lot-Historic-Neighborhood Plan Combining District, zoning. Applicant: City of Austin. Property Owner: City of Austin. City Staff: Steve Sadowsky, Transportation, Planning and Sustainability Department, 974-6454.

The first reading of the ordinance for SF-4A-H-NP, Single Family Residence-Small Lot-Historic-Neighborhood Plan Combining District, zoning was approved.

- Z-17 C14H-02-0023 - Henry Stringfellow House - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property known as 902 Juniper Street (Waller Creek Watershed) from SF-3-NP, Single Family Residence-Neighborhood Plan Combining district to SF-4a-NP-H, Single Family Residence-Small-Lot-Historic-Neighborhood Plan Combining district zoning. Historic Landmark Commission Recommendation: To grant SF-4a-NP-H, Single-family Residence - Small Lot-Historic - Neighborhood Plan Combining District, zoning. Planning Commission Recommendation: To grant SF-4a-NP-H, Single Family Residence-Small Lot-Historic-Neighborhood Plan Combining District, zoning. Applicant: City

of Austin. Property Owner: City of Austin. City Staff: Steve Sadowsky, Transportation, Planning and Sustainability Department, 974-6454.

The first reading of the ordinance for SF-4a-NP-H, Single Family Residence-Small Lot-Historic-Neighborhood Plan Combining District zoning was approved.

- Z-18 C14H-02-0024 - Clem Lindsay House - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property known as 904 Juniper Street (Waller Creek Watershed) from SF-3-NP, Single Family Residence-Neighborhood Plan Combining district to SF-4a-NP-H, Single Family Residence-Small-Lot-Historic-Neighborhood Plan Combining district zoning. Historic Landmark Commission Recommendation: To grant SF-4a-NP-H, Single-family Residence - Small Lot-Historic - Neighborhood Plan Combining District, zoning. Planning Commission Recommendation: To grant SF-4a-NP-H, Single Family Residence-Small Lot-Historic-Neighborhood Plan Combining District, zoning. Applicant: City of Austin. Property Owner: City of Austin. City Staff: Steve Sadowsky, Transportation, Planning and Sustainability Department, 974-6454.

The first reading of the ordinance for SF-4a-NP-H, Single Family Residence-Small Lot-Historic-Neighborhood Plan Combining District zoning was approved.

- Z-19 C14H-02-0025 - Fannie Walker House - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property known as 902 Olive Street (Waller Creek Watershed) from SF-3-NP, Single Family Residence-Neighborhood Plan Combining district to SF-3-NP-H, Single Family Residence-Historic-Neighborhood Plan Combining district zoning. Historic Landmark Commission Recommendation: To grant SF-3-NP-H, Single-family Residence-Historic - Neighborhood Plan Combining District, zoning. Planning Commission Recommendation: To grant SF-3-NP-H, Single Family Residence-Historic-Neighborhood Plan Combining District, zoning. Applicant: City of Austin. Property Owner: City of Austin. City Staff: Steve Sadowsky, Transportation, Planning and Sustainability Department, 974-6454.

The first reading of the ordinance for SF-3-NP-H, Single Family Residence-Historic-Neighborhood Plan Combining District, zoning was approved.

- Z-20 C14H-03-0001 - George Peterson House - Approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property known as 1012 East Eighth Street (Waller Creek Watershed) from SF-3-NP, Single Family Residence-Neighborhood Plan Combining district to SF-3-NP-H, Single Family Residence-Historic-Neighborhood Plan Combining district zoning. Historic Landmark Commission Recommendation: To grant SF-3-NP-H, Single-family Residence-Historic - Neighborhood Plan Combining District, zoning. Planning Commission Recommendation: To grant SF-3-NP-H, Single Family Residence-Historic-Neighborhood Plan Combining District, zoning. Applicant: Dagmar Grieder. Property Owner: Dagmar Grieder. City Staff: Steve Sadowsky, Transportation, Planning and Sustainability Department, 974-6454.

Ordinance No. 030612-Z-20 was approved.

Item Z-21 was pulled for discussion.

DISCUSSION ITEMS CONTINUED

31. C14-02-0067 - Fairview Park Neighborhood Conservation Combining District Rezoning- Approve second/third readings of an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as east of South Congress Avenue, south of East Riverside Drive and East Bouldin Creek, north of East Monroe Street and west of Alameda Drive, Sunset Lane and Eastside Drive (Blunn Creek, East Bouldin Creek, and Town Lake Watersheds) from family residence (SF-3) district zoning; family residence-conditional overlay (SF-3-CO)

combining district zoning; multifamily residence-low density (MF-2) district zoning; multifamily residence-low density-historic (MF-2-H) combining district zoning; multifamily residence-low density-neighborhood conservation (MF-2-NCCD) combining district zoning; multifamily residence-medium density (MF-3) district zoning; multifamily residence-medium density-neighborhood conservation (MF-3-NCCD) combining district zoning; multifamily residence-moderate-high density (MF-4) district zoning; multi-family residence-moderate-high density-historic (MF-4-H) combining district zoning; general commercial services (CS) district zoning; commercial-liquor sales (CS-1) district zoning; to: family residence-neighborhood conservation (SF-3-NCCD) combining district zoning; family residence-conditional overlay-neighborhood conservation (SF-3-CO-NCCD) combining district zoning; multifamily residence-low density-neighborhood conservation (MF-2-NCCD) combining district zoning; multifamily residence-low density-historic-neighborhood conservation (MF-2-H-NCCD) combining district zoning; multifamily residence-medium density-neighborhood conservation (MF-3-NCCD) combining district zoning; multifamily residence-medium density-historic-neighborhood conservation (MF-3-H-NCCD) combining district zoning; multifamily residence-moderate-high density-neighborhood conservation (MF-4-NCCD) combining district zoning; multifamily residence-moderate-high density-historic (MF-4-H-NCCD) combining district zoning; commercial services-neighborhood conservation (CS-NCCD) combining district zoning; commercial liquor sales-neighborhood conservation (CS-1-NCCD) combining district zoning. First reading on January 30, 2003. Vote: 7-0 on four separate motions. Conditions met as follows: No conditions were imposed. Applicant: City of Austin. Agent: Neighborhood Planning & Zoning Department. City Staff: Sherri Gager, 974-3057. Note: Three valid petitions have been filed in opposition to this rezoning request. (Related Items 32, 78)

The motion to postpone this item to July 17, 2003 because a valid petition requires the vote of the full council was approved on Council Member Slusher's motion, Mayor Pro Tem Goodman's second on a 6-0 vote. Mayor Garcia was off the dais.

32. C14-02-0067.01 - Fairview Park Neighborhood Conservation Combining District Rezoning-Tract 54 - Approve second/third readings of an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 1203 Hillside Avenue (Blunn Creek, East Bouldin Creek and Town Lake Watersheds) from multifamily residence medium density-neighborhood conservation (MF-3-NCCD) combining district zoning to family residence-neighborhood conservation (SF-3-NCCD) combining district zoning. First reading on January 30, 2003. Vote: 7-0. Conditions met as follows: No conditions were imposed. Applicant: City of Austin. Agent: Neighborhood Planning and Zoning Department. City Staff: Sherri Gager, 974-3057. (Related Items 31, 78)

The motion to postpone this item to July 17, 2003 because a valid petition requires the vote of the full council was approved on Council Member Slusher's motion, Mayor Pro Tem Goodman's second on a 6-0 vote. Mayor Garcia was off the dais.

ZONING DISCUSSION ITEMS

- Z-4 C14-03-0057 - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as north side of Loyola Lane, west of its intersection with Johnny Morris Road (Walnut Creek Watershed) from family residence (SF-3) district zoning to multifamily residence medium density (MF-3) district zoning for Tract 1 and general commercial services-mixed use (CS-MU) combining district zoning for Tract 2. Zoning and Platting Commission Recommendation: To grant multifamily residence medium density-conditional overlay (MF-3-CO) combining district zoning for Tract 1 and community commercial-mixed use-conditional overlay (GR-MU-CO) combining district zoning for Tract 2. Applicant: Robert Haug. Agent: Crocker Consultants (Sarah Crocker). City Staff: Annick Beaudet, 974-2975.

The first reading of the ordinance was approved on Council Member Dunkerley's motion, Council Member Thomas' second on a 4-0 vote. Mayor Garcia, Mayor Pro Tem Goodman and Council Member Wynn were off the dais.

PUBLIC HEARINGS AND POSSIBLE ACTION

93. Conduct a public hearing and amend the City Code to provide design guidelines for projects developed in the central business district (CBD) or downtown-mixed use district (DMU) (Reviewed by the Design Commission, Downtown Commission, Historic Landmark Commission, Parks and Recreation Board, Planning Commission, Urban Transportation Commission, and Zoning and Platting Commission.)

The motion was made to close the public hearing and approve staff recommendation as follows.

Ordinance No. 030612-93 was approved on Council Member Dunkerley's motion, Council Member Wynn's second on a 5-0 vote. Mayor Garcia and Mayor Pro Tem Goodman were off the dais.

Proposed Code Amendments:

1. Waive annual fees for pedestrian overhead cover
4. Screen Equipment and other accessory items
5. Require Green Building One Star Rating
6. Obscure parking structures and landscape surface parking
10. Establish maximum front and street side building setbacks
11. Add Wooldridge Square to Downtown Parks Overlay
12. Orient entrance towards squares
13. Clarify current "clear and lightly tinted" window requirement by specifying a Visible Transmittance Rating of 0.6 or higher.

Guidelines:

2. Prohibit Drive-In Services
 3. Prohibit Service Stations
 7. Require a minimum floor-to-area ratio (FAR) for the CBD and DMU zoning districts
 8. Require street-level secondary spaces
 9. Require windows at street and 2nd level
95. Conduct a public hearing and consider a variance request to allow construction of a parking area in the 100-year floodplain of Onion Creek at the South Austin Soccer Complex.

The public hearing was closed and Ordinance No. 030612-95 was approved on Council Member Thomas' motion, Council Member Wynn's second on a 6-0 vote. Mayor Garcia was off the dais.

96. Conduct a public hearing and consider a variance request to allow construction of two room additions to an existing single-family residence in the 100-year floodplain of Shoal Creek at 7300 Greenhaven Drive.

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

Ordinance No. 030612-96 was approved on Council Member Wynn's motion, Council Member Thomas' second on a 6-0 vote. Mayor Garcia was off the dais.

94. Conduct a public hearing and approve an ordinance to amend the City Code regarding site development standards in a single-family residence small lot (SF-4A) zoning district. (Recommended by Planning Commission.)

This item was postponed to July 17, 2003 on Council Member Thomas' motion, Council Member Slusher's second on a 6-0 vote. Mayor Garcia was off the dais.

The motion to waive the rules and allow Council to meet after 10 p.m. was approved on Council Member Thomas' motion, Mayor Pro Tem Goodman's second on a 6-0 vote. Mayor Garcia was off the dais.

- Z-21 Approve second and third reading of an ordinance amending the Austin Tomorrow Comprehensive Plan by adopting the Holly Neighborhood Plan for the area bounded by East 7th St., Pleasant Valley Road, Town Lake, and Chicon Ave. This ordinance is 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. (Tract 0) from industrial to mixed use; at 1902 E. 6th St. (Tract 1) from industrial to mixed-use; at 1914 E. 6th St. (Tract 2) from civic to mixed-use; at 2000 E. 6th St. (Tract 3) from industrial to mixed-use; at 2010 E. 6th St. (Tract 4) from industrial to mixed-use; at 2100 E. 6th St. (Tract 5) from industrial to mixed-use; at 2118 E. 6th St. (Tract 6) from industrial to mixed-use; at 2201 Hidalgo St. (Tract 7) from industrial to mixed-use; at 2406 Hidalgo St. (Tract 8) from industrial to mixed-use; at 2422 Hidalgo St. (Tract 10) from industrial to mixed-use; at 2200 E. 6th St. (Tract 11) from industrial to mixed-use; at 0 E. 6th St. (Acr .236 Blk 1 Olt 9 Blk 2 Olt 10 Division A) (Tract 12) from transportation to mixed-use; at 411 Chicon St. (Tract 14) from multi-family to mixed-use; at 0 E. 5th St. (Acr 2.244* of Blk 3 Olt 10 Blk 4 Olt 9 H & TC Addition) (Tract 17) from transportation to mixed-use; at 607 Pedernales St. (Tract 18) from single-family residential to mixed-use; at 501 Pedernales St. (Tract 19) from industrial to mixed-use; at 507 Calles St. (Tract 21) from industrial to mixed-use; at 622 N. Pleasant Valley Rd. (Tract 22) from industrial to mixed-use; at 624 N. Pleasant Valley Rd. (Tract 23) from office to mixed-use; at 2614 E. 5th St. (Tract 28) from industrial to mixed-use; at 2716 E. 5th St. (Tract 29) from industrial to mixed-use; at 2726 E. 5th St. (Tract 30) from industrial to mixed-use; at 2701 E. 7th St. (southern portion of Lot 1 Blk A HEB/Austin No 1 Subd) (Tract 31) from industrial to commercial. (November 28, 2001 - The Planning Commission unanimously recommended the Holly Neighborhood Plan for adoption at City Council; March 26, 2003 - Postponed to April 9, 2003. April 9, 2003 - Hearing canceled. April 23, 2003 - Planning Commission recommended the neighborhood planning team option. VOTE: 8-0 (CM-1st, DS-2nd), NS- on leave.)

The motion to approve on second and third readings to amend the future land use map for all LI-zoned properties as Mixed-Use, except for Tract 20, which will be Industrial was approved as follows on Council Member Alvarez's motion, Mayor Pro Tem Goodman's second on a 6-0 vote. Mayor Garcia was off the dais. The following properties have valid petitions and will be addressed in separate motions: 2406 Hidalgo St. (Tracts 8-9); 2422 Hidalgo St (Tract 10); 2416 E. 6th St. (Tract 13); 2235 E. 6th St. (Tract 16); 2415, 2419, 2421, and O E. 5th St. (Tracts 24-27)

The motion to approve on second and third readings to amend the future land use map for Tracts 28-30 as Mixed Use was approved on Council Member Alvarez' motion, Mayor Pro Tem Goodman's second on a 6-0 vote. Mayor Garcia was off the dais.

The motion to approve on three reading to amend the future land use map for Tract 14 as Civic was approved on Council Member Alvarez' motion, Mayor Pro Tem Goodman's second on a 6-0 vote. Mayor Garcia was off the dais.

The motion to approve on three reading to amend the future land use map for Tract 31 as Commercial was approved on Council Member Alvarez' motion, Mayor Pro Tem Goodman's second on a 6-0 vote. Mayor Garcia was off the dais.

The motion to approve on three reading to amend the future land use map for Tract 18 as Mixed Use was approved on Council Member Alvarez' motion, Mayor Pro Tem Goodman's second on a 6-0 vote. Mayor Garcia was off the dais.

The motion to approve the second and third readings to amend the future land use map for Tract 23 as Mixed Use was approved on Council Member Alvarez' motion, Mayor Pro Tem Goodman's second on a 6-0 vote. Mayor Garcia was off the dais.

Ordinance No. 030612-Z-21 was approved including all readings as shown above.

The motion to pass the second and third readings to amend the future land use map for Tract 8 as Mixed Use failed on Council Member Alvarez' motion, Mayor Pro Tem Goodman's second on a 2-4 vote. Those voting aye were: Mayor Pro Tem Goodman and Council Member Alvarez. Those voting nay were: Council Members Dunkerley, Slusher, Thomas, and Wynn. Mayor Garcia was off the dais.

The motion to approve the second reading to amend the future land use map for Tract 9 as Industrial was approved on Council Member Dunkerley's motion, Council Member Wynn's second on a 4-2 vote. Those voting aye were: Council Members Dunkerley, Slusher, Thomas, and Wynn. Those voting nay were: Mayor Pro Tem Goodman and Council Member Alvarez. Mayor Garcia was off the dais.

The motion to pass on second and third readings to amend the future land use map for Tract 10 as Mixed Use failed on Council Member Alvarez' motion, Mayor Pro Tem Goodman's second on a 2-4 vote. Those voting aye were: Mayor Pro Tem Goodman and Council Member Alvarez. Those voting nay were: Council Members Dunkerley, Slusher, Thomas, and Wynn. Mayor Garcia was off the dais.

There was a substitute motion by Council Member Wynn to pass on second reading the owner's request to amend the future land use map for Tract 10 as Industrial. This was seconded by Council Member Thomas and approved on a 5-1 vote. Those voting aye were: Mayor Pro Tem Goodman, Council Members Dunkerley, Slusher, Thomas, and Wynn. Those voting nay were: Council Member Alvarez. Mayor Garcia was off the dais.

The motion to approve the second reading to amend the future land use map for Tract 16 as Mixed Use was approved on Council Member Alvarez' motion, Mayor Pro Tem Goodman's second on a 6-0 vote. Mayor Garcia was off the dais.

The motion to approve the second reading to amend the future land use map for Tracts 21 and 22 as Industrial was approved on Council Member Slusher's motion, Council Member Dunkerley's second on a 4-2 vote. Those voting aye were: Council Members Dunkerley, Slusher, Thomas, and Wynn. Those voting nay were: Mayor Pro Tem Goodman and Council Member Alvarez. Mayor Garcia was off the dais.

- Z- 12 C14-01-0166.003 - Holly Neighborhood Plan Rezoning - Approve first/second /third readings of an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 607 Pedernales St. (Tract 18) (Town Lake Watershed) from family residence-neighborhood plan (SF-3-NP) combining district zoning to neighborhood commercial-mixed use-neighborhood plan (LR-MU-NP) combining district zoning. Planning Commission recommendation: To grant family residence-neighborhood plan (SF-3-NP) combining district zoning. Applicant: City of Austin. Agent: Neighborhood Planning and Zoning Department. City Staff: Annick Beaudet, 974-2975, and Sonya Lopez, 974-7694. (continued from 5-8-03) (Related Item Z-21)

Ordinance No. 030612-Z-12 to rezone 607 Pedernales St. (Tract 18) to LR-MU-NP was approved on Council Member Alvarez' motion, Mayor Pro Tem Goodman's second on a 6-0 vote. Mayor Garcia was off the dais.

- Z- 13 C14-01-0166.002a - Holly Neighborhood Plan Rezoning - Approve second/third readings of an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 613 Chicon St. (Tract 0), 1914 E. 6th St. (Tract 2); 2000 E. 6th St. (Tract 3); 2201 Hidalgo St. (Tract 7); 2406 Hidalgo St. (Lot 3, Block 14, Olt 23, Division A, Lincoln Place) (Tract 8); 2200 E. 6th St. (Tract 11); 0 E. 6th St. (Acres .236, Block 1, Olt 9 Block 2, Olt 10 Division A) (Tract 12); 505 Robert Martinez Jr. St. (Tract 15); 2235 E. 6th St. (Tract 16); 0 E. 5th St. (Acres 2.244* of Block 3, Olt 10, Block 4, Olt 9, H & TC Addition) (Tract 17); 501 Pedernales St. (Tract 19); 2615 E. 6th St. (Tract 20); 2415 E. 5th St. (Tract 24); 0 E. 5th St. (20 feet of right-of-way, Olt 10, Division 0, Industrial Addition) (Tract 25); 2419 E. 5th St (Tract 26).; 2421 E. 5th St. (Tract 27); 1902 E. 6th St. (Tract 1), 2010 E. 6th St. (Tract 4), 2100 E. 6th St. (Tract 5), 2118 E. 6th St. (Tract 6), 2406 Hidalgo St. (Lot 1-2, Block 14, Olt 23, Division A, Lincoln Place) (Tract 9), 2422 Hidalgo St. (Tract 10), and 2416 E. 6th St. (Tract 13) (Town Lake Watershed) from commercial-liquor sales (CS-1) district zoning, and limited industrial services (LI) district zoning to general commercial services-mixed use-conditional overlay-neighborhood plan (CS-MU-CO-NP) combining district zoning, and limited industrial services-conditional overlay (LI-CO) combining district zoning. First reading on May 8, 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 & Zoning Department. City Staff: Annick Beaudet, 974-2975, Sonya Lopez, 974-7694. Note: Valid petitions have been filed by property owners in opposition to this rezoning request. (continued from 5-8-03). (Related Item Z-21)

The motion to approve on second and third readings to rezone all LI-zoned properties to CS-MU-CO-NP except Tract 20, which was rezoned to LI-CO-NP and the following properties which have valid petitions and will be addressed in separate motions: 2406 Hidalgo St. (Tracts 8-9); 2422 Hidalgo St. (Tract 10); 2416 E. 6th St. (Tract 13); 2235 E. 6th St. (Tract 16); 2415, 2419, 2421, and 0 E. 5th St. (Tracts 24-27), was approved on Council Member Alvarez' motion, Mayor Pro Tem Goodman's second on a 6-0 vote. Mayor Garcia was off the dais.

The motion to reconsider 2416 E. 6th St. (Tract 13) was approved on Council Member Wynn's motion and Council Member Slusher's second on a 6-0 vote. Mayor Garcia was off the dais.

The motion to adopt LI-CO-NP zoning with the Neighborhood Planning Team's Conditional Overlay for 2416 E. 6th St. (Tract 13) on second and third readings was approved on Council Member Wynn's motion, Council Member Thomas' second on a 5-0 vote. Those voting aye were: Mayor Pro Tem Goodman, Council Members Dunkerley, Slusher, Thomas, and Wynn. Those voting nay were: Council Member Alvarez. Mayor Garcia was off the dais.

Ordinance No. 030612-Z-13 was approved including all readings as shown above.

The motion to approve the second reading for rezoning 2406 Hidalgo St. (Tracts 8-9) to LI-CO-NP, was made by Council Member Dunkerley, seconded by Council Member Thomas. There was a friendly amendment by Council Member Alvarez to apply the following prohibited uses under the LI-CO-NP conditional overlay: basic industry; general warehousing and distribution; liquor sales; recycling center; residential treatment; resource extraction; and scrap and salvage. The friendly amendment was not accepted by the maker of the motion.

There was a substitute motion by Council Member Alvarez to approve the second reading for rezoning 2406 Hidalgo St. (Tracts 8-9) to LI-CO-NP and apply the following prohibited uses under the LI-CO-NP conditional overlay: basic industry; general warehousing and distribution; liquor sales; recycling center; residential treatment; resource extraction; and scrap and salvage. This was seconded by Mayor Pro Tem Goodman but failed on a 2-4 vote. Those voting aye were: Mayor Pro Tem Goodman and Council Member Alvarez. Those voting nay were: Council Members Dunkerley, Slusher, Thomas, and Wynn. Mayor Garcia was off the dais.

The main motion to approve the second reading for rezoning 2406 Hidalgo St. (Tracts 8-9) to LI-CO-NP was approved on Council Member Dunkerley's motion, Council Member Thomas' second on a 4-2 vote. Those voting aye were: Council Members Dunkerley, Slusher, Thomas and Wynn. Those voting nay were: Mayor Pro Tem Goodman and Council Member Alvarez. Mayor Garcia was off the dais.

The motion to adopt on second reading LI-CO-NP zoning with the Govalle Johnston overlay for 2422 Hidalgo St. (Tract 10) was approved on Council Member Wynn's motion, Council Member Thomas' second on a 5-1 vote. Those voting aye were: Mayor Pro Tem Goodman, Council Members Dunkerley, Slusher, Thomas, and Wynn. Those voting nay were: Council Member Alvarez. Mayor Garcia was off the dais.

The motion to adopt on second reading LI-NP zoning with Neighborhood Planning Team's Conditional Overlay for 2416 E. 6th St. (Tract 13) was approved on Council Member Wynn's motion, Council Member Slusher's second on a 5-1 vote. Those voting aye were: Mayor Pro Tem Goodman, Council Members Dunkerley, Slusher, Thomas, and Wynn. Those voting nay were: Council Member Alvarez. Mayor Garcia was off the dais.

The motion to adopt on second reading CS-MU-CO-NP zoning for 2235 E. 6th St. (Tract 16) was approved on Council Member Alvarez' motion, Mayor Pro Tem Goodman's second on a 6-0 vote. Mayor Garcia was off the dais.

The motion to adopt on second reading LI-CO-NP zoning for 2415, 2419, 2421, and 0 E. 5th St. (Tracts 24-27) was approved on Council Member Alvarez's motion, Mayor Pro Tem Goodman's second on a 6-0 vote. Mayor Garcia was off the dais.

- Z- 14 Austin City Code by rezoning property locally known as 2614 (Tract 28), 2716 (Tract 29) and 2726 East 5th Street (Tract 30) (Town Lake Watershed) from limited industrial district services C14-01-0166.004 - Holly Neighborhood Plan Rezoning - Approve second/third readings of an ordinance amending Chapter 25-2 of (LI) zoning to general commercial services-mixed use-conditional overlay-neighborhood plan (CS-MU-CO-NP) combining district zoning. First reading on May 8, 2003. Vote: 7-0. Conditions the met as follows: Conditional Overlay incorporates the conditions imposed by Council on first ordinance reading. Applicant: City of Austin Agent: Neighborhood Planning & Zoning Department City Staff: Annick Beaudet, 974-2975, Sonya Lopez, 974-7694. (continued from 5/8/03) (Related Item Z-21)

Ordinance No. 030612-Z-14 to rezone 2614, 2716, and 2726 E. 5th St. (Tracts 28, 29, 30) from LI-NP to CS-MU-CO-NP was approved on Council Member Alvarez' motion, Mayor Pro Tem Goodman's second on a 6-0 vote. Mayor Garcia was off the dais.

- Z- 15 C14-01-0166.005a - Holly Neighborhood Plan 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, and 622 & 624 Pleasant Valley Road (South Boggy Creek and Town Lake Watersheds) from limited industrial services-neighborhood plan (LI-NP) combining district zoning to limited industrial services-conditional overlay-neighborhood plan (LI-CO-NP) combining district zoning. Zoning and Platting Commission Recommendation: To forward the request without a recommendation. Applicant: City of Austin. Agent: Neighborhood Planning & Zoning Department. City Staff: Annick Beaudet, 974-2975, Sonya Lopez, 974-7694. (Related Item Z-21)

The public hearing for 624 Pleasant Valley Road was closed on Council Member Wynn's motion, Council Member Thomas' second on a 6-0 vote. Mayor Garcia was off the dais.

The motion to approve on all three readings to rezone 624 Pleasant Valley Rd. (Tract 23) from: LI-NP to CS-MU-CO-NP was approved on Council Member Alvarez' motion, Mayor Pro Tem Goodman's second on a 6-0 vote. Mayor Garcia was off the dais.

Ordinance No. 030612-Z-15 was approved including all readings as shown above.

The public hearing for 507 Calles Street and 622 Pleasant Valley Road was closed on Council Member Alvarez' motion, Council Member Slusher's second on a 6-0 vote. Mayor Garcia was off the dais.

The motion to adopt LI-CO-NP zoning for 507 Calles St. and 622 Pleasant Valley Rd. (Tracts 21-22) on first reading, was approved on Council Member Slusher's motion, Council Member Wynn's second on a 4-2 vote. Those voting aye were: Council Members Dunkerley, Slusher, Thomas, and Wynn. Those voting nay were: Mayor Pro Tem Goodman and Council Member Alvarez. Mayor Garcia was off the dais.

62. Approve an ordinance amending Section 5-7-27 of the City Code to extend the Minority-Owned and Women-Owned Business Enterprise Procurement Program.
Ordinance No. 030612-62 was approved to extend the Minority-Owned and Women-Owned Business Enterprise Procurement Program for 6 months on Council Member Alvarez' motion, Council Member Thomas' second on a 5-0 vote. Mayor Garcia and Council Member Slusher were off the dais.

The motion to adjourn the meeting at 11:18 p.m. was approved on Mayor Pro Tem Goodman's motion, Council Member Wynn's second on a 6-0 vote. Mayor Garcia was off the dais.

The minutes for the Regular Meeting of June 12, 2003 were approved on July 17, 2003 on Council Member Dunkerley's motion, Council Member Wynn's second on a 6-0 vote. Mayor Pro Tem Goodman was off the dais.