



**Austin City Council
MINUTES**

**REGULAR MEETING
THURSDAY, MAY 15, 2003**

The following represents the actions taken by the Austin City Council in the order they occurred during the meeting. While the minutes are not in sequential order, all agenda items were discussed. The City Council of Austin, Texas, convened in a regular meeting on Thursday, May 15, 2003 in the Board Room at Lower Colorado River Authority Hancock Building, 3700 Lake Austin Boulevard.

Invocation: Major Daniel New, Area Commander, Salvation Army

Mayor Garcia called the Council Meeting to order at 12:13 p.m.

Mayor Garcia recessed the meeting at 12:16 p.m. to go into Executive Session.

EXECUTIVE SESSION

The City Council went into Executive Session, pursuant to Chapter 551 of the Texas Government Code, to receive advice from Legal Counsel, to discuss matters of land acquisition, litigation, and personnel matters as specifically listed on this agenda and to receive advice from Legal Counsel regarding any other item on this agenda.

Private Consultation with Attorney - Section 551.071

Item 1 was discussed later in Executive Session.

Real Property - Section 551.072

2. 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").

The Mayor announced that Council would discuss item number Z-4 on the regular agenda during Executive Session.

The Executive Session ended at 1:36 p.m.

Mayor Garcia called the regular Council meeting back to order at 1:38 p.m.

CITIZEN COMMUNICATIONS: GENERAL

- Angela Baker - Austin Interfaith
- Monica Herrera
- Dolores Canstantino - Capital Idea
- Mark Mellias-Smith - Capital IDEA
- Ofelia Zapata - (Capital IDEA) - **Not present when name was called.**
- John Korcsmar - No Topic - **Not present when name was called.**
- Thomas Ibis - Avery Ranch
- Jennifer Gale - Extra! Extra! Read all about it! **Not present when name was called.**

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

3. Approval of minutes from work session of May 7, 2003, the regular meeting of May 8, 2003 and amendment to regular meeting of April 3, 2003 and March 6, 2003.
The minutes from the work session of May 7, 2003 and the regular meeting of May 8, 2003 and amendments to regular meeting of April 3, 2003 and March 6, 2003 were approved.

Item 4 was pulled for discussion.

5. Ratify execution of a construction contract for paving by WHEELER COATINGS, Austin, TX, for the immediate repair and resurfacing of the Veloway in the Circle C Metropolitan Park on Slaughter Creek, to address a public safety issue, in an amount not to exceed \$100,865.87 (Funding in the amount of \$100,000.00 is available in the Operating Budget of the Capital Management Fund and \$865.87 is available in the approved 2002-2003 Operating Budget of the Parks and Recreation Department.)
The motion ratifying the execution of a construction contract for paving was approved.
6. Approve a resolution authorizing the filing of eminent domain proceedings to acquire a permanent wastewater easement containing 775 square feet of land and a temporary workspace easement containing 776 square feet of land out of Lot 4, Block 1, A. L. Royster Addition, Travis County, Texas, located on Royster Avenue, from Mr. & Mrs. Nealie Walker, in the amount of \$1,163. (Funding is included in the Fiscal Year 2002-2003 Amended Capital Budget of the Water & Wastewater Utility.)
Resolution No. 030515-6 was approved.
7. Approve a resolution authorizing the filing of eminent domain proceedings to acquire a permanent wastewater easement containing 776 square feet of land and a temporary workspace easement containing 776 square feet of land out of Lot 1, Block 1, A. L. Royster Addition, Travis County, Texas located on Royster Avenue, from Allen Bernard D. Thompson, in the amount of \$1,164. (Funding is included in the Fiscal Year 2002-2003 Amended Capital Budget of the Water & Wastewater Utility.)
Resolution No. 030515-7 was approved.
8. Approve a resolution authorizing the fee simple acquisition of Lot 5, Linda Vista Subdivision, locally known as 10506 Linda Vista Drive, from Mary Louise G. Torres for the Airport Noise Mitigation Program, in the amount of \$88,500 plus closing costs and moving related expenses in the amount of \$12,000 for a total amount not to exceed \$100,500. (Funding in the amount of \$100,500 is available in the Fiscal Year 2002-2003 Capital Budget of the Aviation Department using airport funds and available Federal Aviation Administration (FAA) Grants.)
Resolution No. 030515-8 was approved.

9. Authorize execution of a construction contract with HUTCHISON CONSTRUCTION, INC., Austin, Texas, for expansion of the Henry B. Terrazas Branch Library, in the amount of \$1,426,300 plus a \$70,000 contingency, for a total contract amount not to exceed \$1,496,300. (Funding in the amount of \$1,496,300 is available in the Fiscal Year 2002-2003 Capital Budget of the Library Department.) Lowest of ten bids received. 19.58 % MBE and 13.41 % WBE subcontractor participation.
This item was postponed indefinitely.

Items 10 and 11 were pulled for discussion.

12. Authorize negotiation and execution of Change Order #5 to the construction contract with JOURNEYMAN CONSTRUCTION, L.P. (MBE/MA 45%), Austin, TX, for the A.R. Davis Water Treatment Plant, Contract 1C - Training Building and Site Security Improvements, in an amount not to exceed \$150,000, for a total contract amount not to exceed \$2,066,845.37. (Funding is available in the Fiscal Year 2002-2003 Amended Capital Budget of the Water & Wastewater Utility.) Exact scope of services is undetermined at this time. (Recommended by Water & Wastewater Commission)
The motion authorizing the negotiation and execution of Change Order #5 to the construction contract was approved.
13. Authorize execution of a contract with NEC AMERICA, INC., Irving, TX for microwave radio communications equipment and training for various Electric Utility substations in an amount not to exceed \$225,321. (Funding is available in the Fiscal Year 2002-2003 Amended Capital Budget of the Electric Utility 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.
14. Authorize execution of a contract with PATTERSON PUMP CO., Toccoa, GA for nine horizontal split case pumps for the Water and Wastewater Utility Department in an amount not to exceed \$1,554,657. (Funding is available in the Fiscal Year 2002-2003 Capital Budget of the Water & Wastewater Utility Department.) Low bid of three bids received. This contract will be awarded in compliance with the 1996 MBE/WBE Ordinance, as amended. No subcontracting opportunities were identified; therefore, no goals were established for this solicitation.
The motion authorizing the execution of a contract was approved.
15. Authorize execution of a contract with BIRD MACHINE COMPANY, Birmingham, AL for two centrifuge dewatering units for the Water and Wastewater Utility Department in an amount not to exceed \$1,798,000 (Funding is available in the Fiscal Year 2002-2003 Amended Capital Budget of the Water and Wastewater Utility Department.) Only bid 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.
16. Authorize execution of a 12-month supply agreement with VULCAN CONSTRUCTION MATERIALS L.P., San Antonio, TX for limestone rock asphalt in an amount not to exceed \$45,960, with two 12 -month extension options in an amount not to exceed \$45,960 for a total contract amount not to exceed \$137,880. (Funding in the amount of \$19,150 is available in the Fiscal Year 2002-2003 Approved Operating Budget of the Public Works Department. Funding for the remaining seven months of the original contract period and extension options is contingent upon available funding in future budgets.) Low bid of two bids received. This contract will be awarded in compliance with the 1996 MBE/WBE Ordinance, as amended. No subcontracting opportunities were identified; therefore, no goals were established for this solicitation.
The motion authorizing the execution of a supply agreement was approved.

17. Authorize execution of a contract with FREIGHTLINER OF AUSTIN, Austin, TX for the purchase of a knuckleboom crane truck with a platform dump body for the Solid Waste Services Department in an amount not to exceed \$112,288. (Funding in the amount of \$112,288 is available in the Fiscal Year 2002-2003 Approved Capital Budget of the Financial and Administrative Services Department, Fleet Services Division.) Low bid of two bids received. This contract will be awarded in compliance with the 1996 MBE/WBE Ordinance, as amended. There was no opportunity for subcontracting; therefore, no goals were established for this solicitation.

The motion authorizing the execution of a contract was approved.

18. Authorize execution of a contract with HOUSTON-GALVESTON AREA COUNCIL OF GOVERNMENTS COOPERATIVE PURCHASING PROGRAM, Houston, TX for the purchase, installation, and training of a 9-1-1, voice radio and administrative telephone voice recording system for the Combined Transportation Emergency and Communications Center in an amount not to exceed \$277,750. (Funding is available in Fiscal Year 2002-2003 Amended Capital Budget of the Financial and Administrative Service Department, Communications and Technology Management.) Cooperative Purchasing Program

The motion authorizing the execution of a contract was approved.

19. Authorize execution of Amendment No. 2 to the Interlocal Agreement with the AUSTIN INDEPENDENT SCHOOL DISTRICT, Director of Food Services, Austin, TX for the preparation of meals for the Summer Food Service Program for low-income children in an additional amount not to exceed \$95,055.70 and to add four annual extension options in an amount not to exceed \$211,055.70 per extension option, for a revised total agreement amount not to exceed \$1,601,528.50. (Funding is available in the Fiscal Year 2002-2003 Parks and Recreation Department Special Revenue Fund. Funding for the extension options is contingent upon available funding in future budgets.) Interlocal

The motion authorizing the execution of Amendment No. 2 to the Interlocal Agreement was approved.

20. Approve an ordinance amending City Code Chapter 8-17 to allow on-street valet parking operations outside the Central Business District.

This item was postponed to May 22, 2003.

21. Approve an ordinance to amend Section 16-4-33 of the City Code, Speed Limits, by adding Deer Lane, from Brodic Lane to Corran Ferry Drive, and Davis Lane, from Corran Ferry Drive to South Mo-Pac Expressway, to the list of streets having a maximum speed limit of 40 miles per hour. (Funding in the amount of \$600 is available in the 2002-2003 Operating Budget of the Transportation, Planning & Sustainability Department for installation of appropriate speed limit signs.)

Ordinance No. 030515-21 was approved.

22. Amend Ordinance No. 020909-02, Capital Budget of the Transportation, Planning & Sustainability Department by appropriating \$239,977 from the Great Streets Parking Meter funds to a new project to be known as the 401 Congress Avenue Streetscape Improvement Project. (Funding is available in the Great Streets Parking Meter funds.) (Related Item 23)

Ordinance No. 030515-22 was approved.

23. Approve a resolution authorizing the reimbursement of a portion of the costs associated with the construction of streetscape and infrastructure improvements in an amount not to exceed \$239,977 for Cousins Properties, Texas, L.P., and authorizing negotiation and execution of a Community Facilities Agreement with Cousins Properties, Texas, L.P., regarding the reimbursement of costs for streetscape improvements at 401 Congress Avenue. (Funding is available in the 2002-2003 Amended Capital Budget of the Transportation, Planning & Sustainability Department from the Great Streets Parking Meter Fund.) (Related Item 22)
Resolution No. 030515-23 was approved.
24. Authorize execution of a construction contract with JNM CONSTRUCTION, INC., (MBE/MH 87.09%) Manor, TX, for construction of the Spicewood Springs Pump Station Security Fence Improvements located at 8100 Spicewood Lane in an amount not to exceed \$249,826.00. (Funding in the amount of \$249,826.00 is included in the Fiscal Year 2002-2003 Amended Capital Budget of the Water and Wastewater Utility.) 1.28% MBE; 11.63% WBE subcontracting participation. (Recommended by the Water and Wastewater Commission)
The motion authorizing the execution of a construction contract was approved.

Item 25 was pulled for discussion.

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

<u>Board/ Appointee</u>	<u>Consensus/ Council Nominee</u>	<u>Appointment/ Reappointment</u>
<u>Firefighters' and Police Officers' Civil Service Commission</u> Fred Daughtry	Consensus	Reappointment
<u>Community Development Commission</u> Irene Huq	Mayor Garcia's	Appointment
<u>Urban Renewal Board</u> Claire Morris	Mayor Garcia's	Appointment

Item 27 was set for a time certain of 3:00 p.m.

28. Set a public hearing to consider a request for a waiver from Ordinance No. 030227-28, which establishes a moratorium on the issuance of building permits for the construction of a high residency duplex use and the remodeling of an existing structure to create a high residency duplex use. The request is made by Raymond Zaplatar for the property he owns at 2003 Griswold Lane. (Suggested date and time: May 22, 2003 at 6:00 p.m.)
The public hearing was set for May 22, 2003 at 6:00 p.m.

DISCUSSION ITEMS

4. Approve a resolution authorizing execution of an Economic Development Agreement with the EGP Management L.L.P. an affiliate of ENDFAVOR REAL ESTATE GROUP, Austin, TX for the development of "The Domain" project to be located on a 55-acre site generally bounded on the north by Duval Road, on the west by Loop 1, on the south by Braker Lane, and on the east by Burnet Road, and providing for the sharing of tax revenue generated by the property in an amount not to exceed \$25,000,000, over a period of 20 years. (Funding is not to exceed \$25,000,000 based on the project's performance in generating new incremental sales and property taxes.)
Resolution No. 030515-4 was approved on Council Member Wynn's motion, Council Member Dunkerley's second with the following friendly amendment. The friendly amendment was accepted by the maker of the motion and Council Member Dunkerley, who

seconded the motion. This was approved on a 6-1 vote. Council Member Slusher voted nay. The friendly amendment from Council Member Thomas was to add this provision to the agreement, "Endeavor will use good faith efforts to cause their agents and contractors to comply with the spirit and intent of the ordinance and retain a third party consultant specializing in outreach to Minority/Women Business Enterprise contractors and consultants." The friendly amendments from Council Member Alvarez were: a) to approve the agreement with the following amendment, "Direct staff to negotiate an additional provision to be added to the economic development agreement to increase the sales tax revenue rebate by 2% for each year of the rebate and require that the additional 2% be deposited to the AHFC for use in providing affordable housing. This motion is made with the goal of increasing the contribution of this economic development project to affordable housing in the city in order to promote the availability of housing to citizens with a range of incomes, which is a public purpose of the city and which promotes economic development by enabling workers of all incomes to live affordably in Austin. b) To add to the 380 agreement regarding SMART Housing, "In order to make the ten percent (10%) of the units that comply with the affordability guidelines even more affordable to lower wage earners, Owner shall further reduce the affordability index from eighty percent (80%) of the median wage to sixty five percent (65%). The Owner shall be allowed to recoup the economic impact on the Project resulting from this reduction through economic development contributions received from Travis County, if any. Any funds received from Travis County shall first be used for this purpose and then the remainder shall be applied to reduce the Maximum Payment Amount, subject to the provisions set forth in Section 5d. Owner shall not be obligated to make this reduction unless economic development contributions are available from Travis County in an amount sufficient to reimburse Owner for the economic impact of this reduction." The friendly amendment from Mayor Pro Tem Goodman was to amend page 4, b. iii or vii to require the annual report for monitoring the agreement to include the description of the distribution of funds, description of advertising targeted to promote small business inclusion and the balance of funds. There should also be provisions to allow for an exit interview with any small and local business leaving the Domain project after having located there. Page 4, No. vii, the first sentence should read, "The Domain Fund activities and performance measures/outcomes to be monitored by the City Manager for compliance with the above parameters. Performance results should be analyzed in terms of cumulative and long term presence of small and local business at the Domain."

11. Authorize execution of a construction contract with SPAW-GLASS CONTRACTORS, INC., Austin, TX, for the North Service Center, located at 10414 McKalla Place, in an amount not to exceed \$14,377,000. (Funding in the amount of \$11,112,085 is available in the Fiscal Year 2000-2001 Amended Capital Budget of the Water & Wastewater Utility; and \$3,264,915 is available in the Fiscal Year 2002-2003 Capital Budget of the Fleet Services Division, Financial & Administrative Services Department.) Second lowest of four bids received. 16.91% MBE and 23.46% WBE subcontractor participation. (Recommended by Water & Wastewater Commission.)

This item was postponed to May 22, 2003.

BOARD OF DIRECTORS MEETING OF AUSTIN HOUSING FINANCE CORPORATION.

Mayor Garcia recessed the Council Meeting at 4:48 p.m. to go into the Board of Director's Meeting of the Austin Housing Finance. See separate minutes.

AHFC adjourned at 4:57 p.m. and the regular Council meeting was called back to order at 4:58 p.m.

27. Consider amendments to Ordinance Number 030320-23 relating to the Neighborhood Plan Amendment Process. (Council Member Betty Dunkerley and Mayor Gus Garcia)
The first reading of the ordinance with the following list of staff recommendations was approved on Council Member Dunkerley's motion, Mayor Garcia's second on a 4-3 vote.

Mayor Pro Tem Goodman, Council Member Alvarez and Council Member Slusher voted nay.

Conflict of Interest – staff recommends the following language to address this issue.

- **If a member of a NPT/NPCT has a substantial interest in a project or property, the member may not participate in the process regarding that project or property. This prohibition includes participation in the decision of the team to file an application and in the team's final recommendation on a proposed amendment.**
- **A member having a substantial interest must submit a disclosure statement detailing the nature of the interest and stating whether the member participated in the decision making process. The statement must be submitted with a NPT/NPCT recommendation on a plan proposed amendment. If a NPT/NPCT files an application for a plan amendment, the statement must be submitted with the application.**

Previous Recommendations

- **Require a letter from the appropriate department director certifying that projects meet the standards for the S.M.A.R.T. Housing, environmental protection, and economic development exemptions.**
- **Require the NPT/NPCT to submit a letter stating its approval or disapproval of a proposed amendment prior to Planning Commission consideration.**
- **Repeal Part 9 of the ordinance that requires a super majority vote to amend a plan if the Neighborhood Planning Team/Neighborhood Plan Contact Team (NPT/NPCT) does not support the project.**
- **Repeal Part 4(I) of the ordinance that requires three Council member signatures or NPT/NPCT approval for out-of-cycle applications that meet a City priority.**

ZONING ITEMS

- Z- 1 C14-03-0044 - O'Brien Animal Transportation & Services - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 6016 Old Fredericksburg Road (Barton Creek Watershed-Barton Springs Zone) from single family residence standard lot (SF-2) district zoning to limited office (LO) district zoning. Zoning and Platting Commission Recommendation: To grant limited office-conditional overlay (LO-CO) combining district zoning. Applicant and Agent: Kevin O'Brien. City Staff: Wendy Walsh, 974-7719.**

The first and second reading of the ordinance adopting the Zoning and Platting Commission's recommendation to grant LO-CO, limited office-conditional overlay combining district zoning, was approved on Mayor Pro Tem Goodman's motion, Council Member Dunkerley's second on a 7-0 vote.

- Z- 2 C14-02-0150(RCA) - St. David's Health Care Partnership - Conduct a public hearing and approve a restrictive covenant amendment for the property locally known as 919 East 32nd Street (Waller Creek Watershed) Zoning and Platting Commission Recommendation: To be considered by the Commission on May 14, 2003. Applicant: Columbia/St. David's Healthcare System L.P. (Malcolm Belisle). Agent: Minter, Joseph and Thornhill, P.C. (John M. Joseph). City Staff: Glenn Rhoades, 974-2775.

The motion authorizing a restrictive covenant amendment was approved on Mayor Pro Tem Goodman's motion, Council Member Dunkerley's second on a 7-0 vote.

Mayor Garcia recessed the Council Meeting at 5:33 p.m.

LIVE MUSIC

Patricia Vonne

PROCLAMATIONS

Proclamation - Public Works Week - to be presented by Mayor Gus Garcia and to be accepted by Peter Rieck

Community Service Awards - Girl Scout Troop #1726 - to be presented by Mayor Gus Garcia and to be accepted by Cheryse Phillips and the honorees

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

Certificates of Congratulations - Kealing Science Olympiad Team Members - to be presented by Mayor Gus Garcia and to be accepted by the honorees

Mayor Garcia called the Council Meeting back to order at 6:24 p.m.

PUBLIC HEARINGS AND POSSIBLE ACTION

29. Conduct a public hearing for the full purpose annexation of Dessau Road East Area (Approximately 16 acres located in Travis County east of Dessau Road and east of the intersection of Childress Drive and Dessau Road).
The public hearing was closed on Council Member Slusher's motion, Council Member Dunkerley's second on a 6-0 vote. Mayor Pro Tem Goodman was off the dais.
30. Conduct a public hearing for the full purpose annexation of Pioneer Hill (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 from the intersection of Dessau Road and Braker Lane south to approximately three-tenths of a mile north of the intersection of Dessau Road and Rundberg Lane).
The public hearing was closed on Council Member Alvarez' motion, Mayor Garcia's second on a 6-0 vote. Mayor Pro Tem Goodman was off the dais.
31. Conduct a public hearing for the full purpose annexation of McNeil Drive Right-of-Way (Approximately 4 acres located in Travis County of McNeil Drive Right-of-Way, from approximately one-tenth of a mile east of the intersection of Corpus Christi Drive and McNeil Drive east to the intersection of McNeil Drive and Parmer Lane).
The public hearing was closed on Council Member Dunkerley's motion, Mayor Pro Tem Goodman's second on a 7-0 vote.

32. Conduct a public hearing for the full purpose annexation of the Dittmar Tract (Approximately 1 acre located approximately 1,488 feet south and 333 feet east of the intersection of Thaxton Road and Salt Springs Drive).
The public hearing was closed on Council Member Slusher's motion, Council Member Wynn's second on a 7-0 vote.
33. Conduct public hearings for the full purpose annexation of Avery Ranch Far West Areas: Tract 1: Avery Brookside Phase One (Approximately 24.8 acres located in Williamson County at the intersection of Loxley Lane and Avery Ranch Boulevard) Tract 2: Avery Ranch Far West Phase One, Section 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).
The public hearing was closed on Mayor Pro Tem Goodman's motion, Council Member Wynn's second on a 7-0 vote.

DISCUSSION ITEMS

10. Authorize execution of a construction contract with JAMES HARPER CONSTRUCTION CO., INC., (MBE/MB 85.05%), Austin, TX, for the Convention Center Garage / Energy District Cooling Plant Site Work Bid Package, in an amount not to exceed \$56,337.27. (Funding in the amount of \$28,168.64 is included in the Fiscal Year 2002-2003 Capital Budget of the Austin Convention Center and \$28,168.63 is included in the Fiscal Year 2002-2003 Amended Capital Budget of the Electric Utility) Lowest of six bids received. 8.56% MBE and 6.39% WBE subcontractor participation.
This item was postponed to May 22, 2003 on Council Member Wynn's motion, Mayor Pro Tem Goodman's second on a 7-0 vote.
25. Approve a resolution authorizing negotiation and execution of an amendment to the Agreement on Subdivision Platting in the Extraterritorial Jurisdiction Between the City of Austin and Travis County, addressing policy issues including Transportation Plan, Preliminary Plan expiration, Variances and Waivers, Fiscal Policy, Sidewalks, Gated Communities/Private Streets, Consolidation of Fees, Reviews and Inspections, Maintenance of Drainage Infrastructure in the ETJ, and County participation in Regional Stormwater Management Program.
Resolution No. 030515-25 was approved on Council Member Slusher's motion, Mayor Garcia's second on a 7-0 vote.

ZONING DISCUSSION ITEMS

- Z- 3 C14-02-0173 - Tristan - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 10003 Rocking Horse Road (Slaughter Creek Watershed - Barton Springs Zone) from development reserve (DR) district zoning to community commercial (GR) district zoning. Zoning and Platting Commission Recommendation: To grant neighborhood office-conditional overlay (NO-CO) combining district zoning. Applicant: Sergio J. Tristan. City Staff: Wendy Walsh, 974-7719. (continued from 4/24/03)
The public hearing was closed on Council Member Slusher's motion, Mayor Garcia's second on a 7-0 vote.
- The first reading of the ordinance for neighborhood office-conditional overlay (NO-CO) combining district zoning was approved on Council Member Wynn's motion, Council Member Dunkerley's second on a 7-0 vote.**

- Z-4 C14H-02-0021 - Hyde Park Branch A&P Store - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property known as 3810 Speedway (Waller Creek Watershed) from MF-4-NCCD, Multi-Family Residence-Moderate-High Density, Neighborhood Conservation Combining District, to MF-4-H-NCCD, Multi-Family Residence-Moderate-High Density-Historic Neighborhood Conservation Combining district, zoning. Historic Landmark Commission Recommendation: To grant MF-4-H-NCCD Multi-Family Residence-Moderate-High Density-Historic Neighborhood Conservation Combining district, zoning. (Recommended by Historic Landmark Commission and Planning Commission to grant MF-4-H-NCCD.)
- The public hearing was closed on Council Member Slusher's motion, Council Member Wynn's second on a 7-0 vote.**

The motion to deny the Historic Zoning was made by Council Member Thomas and second by Council Member Dunkerley. The substitute motion to postpone action to May 22, 2003 was approved on Council Member Slusher's motion, and Mayor Pro Tem Goodman's second on a 6-1 vote. Council Member Thomas voted nay.

Mayor Garcia recessed the meeting at 9:00 p.m. to go into Executive Session.

EXECUTIVE SESSION

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

Executive Session ended at 9:50 p.m.

The motion to adjourn the meeting at 9:52 p.m. was approved on Council Member Slusher's motion, Mayor Pro Tem Goodman's second on a 7-0 vote.

The minutes for the regular meeting of May 15, 2003 were approved on May 22, 2003 on Mayor Pro Tem Goodman's motion, Council Member Thomas' second on a 7-0 vote.