



**Austin City Council
MINUTES**

**REGULAR MEETING
THURSDAY, MARCH 11, 2004**

Invocation: Benjamin Kuipers, Friends Meeting of Austin (Quakers)

The following represents the actions taken by the Austin City Council in the order they occurred during the meeting. While the minutes are not in sequential order, all agenda items were discussed. The City Council of Austin, Texas, convened in a regular meeting on Thursday, March 11, 2004 in the Board Room at Lower Colorado River Authority Hancock Building, 3700 Lake Austin Boulevard.

Mayor Wynn called the Council Meeting to order at 10:08 a.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 Alvarez' motion, Council Member Thomas' second on a 7-0 vote.

1. Approval of minutes from the meeting of March 4, 2004.
The minutes from the meeting of March 4, 2004 were approved.
2. Approve and authorize execution of General Agreement for Joint Use of Poles between Austin Energy and Southwestern Bell Telephone, L.P. d/b/a SBC Texas.
The motion authorizing the execution of General Agreement was approved.
3. Approve negotiation and execution of a contract with Robert Sansom, Austin, Texas, for the purchase, including closing costs and moving expenses related to the house and lot located at 3306 South Second, in an amount not to exceed \$130,000. The property is to be used for the reconstruction of Austin Energy's Cardinal Lane Substation located at Cardinal Lane and South 5th Streets. (Funding is available in the Fiscal Year 2003-2004 Approved Capital Budget of the Electric Utility Department.)
The motion authorizing the negotiation and execution of a contract was approved.

4. Approve negotiation and execution of a contract with Dorothy Weaver, Austin, Texas, for the purchase, including closing costs and moving expenses related to the house and lot located at 3308 South Second, in an amount not to exceed \$170,000. The property is to be used for the reconstruction of Austin Energy's Cardinal Lane Substation located at Cardinal Lane and South 5th Streets. (Funding is available in the Fiscal Year 2003-2004 Approved Capital Budget of the Electric Utility Department.)
The motion authorizing the negotiation and execution of a contract was approved.
5. Approve an ordinance calling an election to be held on May 15, 2004, on a proposition to establish collective bargaining for firefighters; and authorizing the City Clerk to negotiate and execute joint election agreements with other political entities. (Funding in the amount of \$250,000 is available in the Fiscal Year 2003-2004 Amended Operating Budget of the Office of the City Clerk.) (Related Item 6)
Ordinance No. 040311-05 was approved.
6. Amend Ordinance No. 030909-1, Fiscal Year 2003-2004 Operating Budget, by appropriating \$250,000 to the Office of the City Clerk Operating Budget for the May 15, 2004 election and to reduce the Support Services Fund Ending Balance by the same amount. (Funding in the amount of \$250,000 is available in the Fiscal Year 2003-2004 Support Services Fund approved Ending Balance. Funding is from the reappropriation of Fiscal Year 2002-2003 excess savings realized in the City Clerks budget.) (Related Item 5)
Ordinance No. 040311-06 was approved.
7. Approve a six-month extension of the interlocal cooperative agreement between Travis County and City of Austin for pharmacy services and pharmaceuticals to be provided by the City to Travis County Medical Assistance Program enrollees from April 1, 2004, through September 30, 2004, with reimbursement by County in an amount not to exceed \$690,000. (Funding is included in the Fiscal Year 2003-2004 Operating Budget of the Community Care Services Department Travis County Reimbursed Fund.)
The motion authorizing an extension of the interlocal cooperative agreement was approved.
8. Approve an ordinance changing the street name of a portion of North Hearsey Drive to Apple Orchard Lane. (Street sign replacement costs will be absorbed by Traffic Signs Operations.)
Ordinance No. 040311-08 was approved.
9. Approve an ordinance changing the street name of La Puente Cove to Kisoba Terrace. (Street sign replacement costs will be absorbed by Traffic Signs Operations.)
Ordinance No. 040311-09 was approved.
10. Approve a resolution affirming that Schirmer Engineering and Doucert & Associates are in compliance with Ordinance 030410-12 requiring that adequate safety measures are planned or are in place to ensure the safety of occupants with limited ability in relation to the expansion of Texas NeuroRehab Center at 1106 W. Dittmar Road.
Resolution No. 040311-10 was approved.

11. Approve renewal and amendment of the Interlocal Cooperation Agreement between the City of Austin, Travis County, and the Austin Travis County Mental Health Mental Retardation Center for the period of January 1, 2004 through December 31, 2004 in an amount not to exceed \$ 2,598,200. (Funding in the amount of \$1,104,110 is included in the Fiscal Year 2003-2004 Approved Operating Budget of the Health and Human Services Department and \$844,540 is available from Travis County. Funding for the remaining three months of the contract is contingent upon available funding in future Operating Budgets.)
The motion authorizing the renewal and amendment of the Interlocal Cooperation Agreement was approved.
 12. Approve renewal and amendment of the Interlocal Cooperation Agreement between the City of Austin, Travis County, and the Austin Travis County Mental Health Mental Retardation Center for substance abuse treatment services for the period of January 1, 2004 through December 31, 2004, in an amount not to exceed \$1,416,900. (Funding in the amount of \$426,227 is available in the Fiscal Year 2003-2004 Approved Operating Budget of the Health and Human Services Department. Funding in the amount of \$166, 348 is included in Approved Operating Budget of the Municipal Court. Travis County will fund \$470,099. Funding for the remaining three months of the agreement is contingent upon available funding in future Operating Budgets.)
The motion authorizing the renewal and amendment of the Interlocal Cooperation Agreement was approved.
 13. Authorize negotiation and execution of an amendment to the outside counsel contract with SCOTT, DOUGLASS & MCCONNICO, L.L.P, Austin, TX, in *S.R. Ridge Limited Partnership v. City of Austin and Stratus Properties, Inc.*, Cause No. A03CA832 SS in the U.S. District Court for the Western District of Texas, Austin Division, in an amount not to exceed \$50,000, with a total contract amount not to exceed \$60,000. (Funding in the amount of \$50,000 is available in the Fiscal Year 2003-2004 Approved Operating Budget of the Economic Development Fund) (Related Item 42)
The motion authorizing the negotiation and execution of an outside counsel contract was approved.
- Item 14 were pulled for discussion.**
15. Approve the Meet and Confer Contract with the Austin Police Association for Austin Police Officers. (Funding in the amount of \$33,404,363 will be included in the proposed Operating Budget for Fiscal Years 2004-2005 through Fiscal Year 2007-2008. Funding in subsequent years is subject to appropriation by City Council.)
The Mayor announced this item would be postponed for two weeks.
 16. Approve resolution to authorize the fee simple acquisition of 10.136 acre tract of land out of the N.M. Bain Survey, Abstract 61, locally known as 7408 Towery Lane, from Oran Graham for the Airport Noise Mitigation Program, in the amount of \$125,000 for the land and improvements, and \$20,254.05 relocation benefits, plus closing costs and moving related expenses in the amount of \$10,000, for an amount not to exceed \$155,254.05. (Funding in the amount of \$155,254.05 is available in Fiscal Year 2003-2004 Capital Budget of the Department of Aviation using airport funds and available Federal Aviation Administration (FAA) Grants.)
Resolution No. 040311-16 was approved.

17. Approve a resolution to authorize negotiation and execution of an agreement with the State of Texas for the fee simple sale of City of Austin property described as Lot 177A, a resubdivision of Lot 177 of Granada Hills, an Addition in Travis County, TX, which resubdivision is in accordance with a map or plat recorded in Volume 69, Page 70, Plat Records of Travis County, TX, said Lot 177-A being 0.325 of an acre, for the improvement of U.S. Highway 290 from R.M. 1826 to Brodie Lane, in the amount of \$32,000, less 10% being the City of Austin's share in accordance with the Supplemental Contractual Agreement with the Texas Department of Transportation dated June 27, 1986.
Resolution No. 040311-17 was approved.
18. Approve a resolution to authorize negotiation and execution of an agreement with the State of Texas for the fee simple sale of a 0.021 acre tract of land located in the J. C. Tannehill League in Travis County, TX, and being part of a called 0.82 acre tract of land as described in the Deed to City of Austin in Volume 2971, Page 1776 of the Deed Records of Travis County, TX, for the improvement of U. S. Highway 183 from U.S. Highway 290 to State Highway 71, in the amount of \$2,288, less 10% being the City of Austin's share in accordance with the Supplemental Contractual Agreement with the Texas Department of Transportation dated June 27, 1986.
Resolution No. 040311-18 was approved.
19. Authorize negotiation and execution of a one (1) year lease renewal for \$69,540 with four (4) one (1) year extension options with 4916 IH 35 PARTNERSHIP, Austin, TX, for approximately 5,300 square feet of space located at 4916 North I.H. 35, Austin, TX, for use by the Health and Human Services Department for day labor services, in an amount not to exceed \$69,540 for the first extension option, \$71,640 for the second extension option, \$73,800 for the third extension option, and \$76,020 for the fourth extension option, for a total amount not to exceed \$360,540. (Funding in the amount of \$11,590 is available in the Fiscal Year 2003-2004 Approved Operating Budget of the Health and Human Services Department. Funding for the remaining ten (10) months of the original contract period and extension options is contingent upon available funding in future budgets.)
The motion authorizing the negotiation and execution of a lease renewal was approved.
20. Authorize execution of a construction contract with CASH CONSTRUCTION CO. LTD., Pflugerville, TX, for East 51st Street Reconstruction and Water Reclamation Initiative, Phase 1B; from Cameron Road to Manor Road, in the amount of \$2,535,405 plus a \$126,770.25 contingency, for a total contract amount not to exceed \$2,662,175.25. (Funding in the amount of \$1,748,114.55 is available in the Fiscal Year 2003-2004 Amended Capital Budget of the Public Works Department; \$8,715 is available in the Fiscal Year 1995-1996 Amended Capital Budget of Austin Water Utility; \$862,018.50 is included in the Fiscal Year 2003-2004 Capital Budget of the Austin Water Utility; \$29,799 is available in the Fiscal Year 2003-2004 Approved Capital Budget of Austin Energy; and \$13,528.20 is available in the Fiscal Year 2003-2004 Amended Capital Budget of the Transportation, Planning and Sustainability Department.) Lowest bid of seven received. 9.46% MBE and 7.41% WBE subcontractor participation.
The motion authorizing the execution of a construction contract was approved.

21. Authorize execution of change order # 2 to the construction contract with GUERRERO-MCDONALD & ASSOCIATES, AUSTIN, TX, (WBE/FH 11.37%) for Palmer Events Center, Miscellaneous Building Construction in the amount of \$1,970, for a total contract amount not to exceed \$833,102.(Funding in the amount of \$1,970 is available in Fiscal Year 2002-2003 Capital Budget of the Austin Convention Center.) 15.12% MBE and 2.68% WBE subcontractor participation to date.
The motion authorizing the execution of change order #2 to the construction contract was approved.
22. Authorize negotiation and execution of a professional services agreement with the following seven firms: J. ROBINSON & ASSOCIATES, ARCHITECTS, INC., Austin, TX; HATCH PARTNERSHIP, LLP, San Antonio, TX; MARTINEZ, WRIGHT & MENDEZ, INC.,(MBE/MH 79.00%) Austin, TX; ARCHITECTURE + PLUS, (WBE/FR 60.50%) Austin, TX; MENDOZA ARCHITECTURE, INC., (MBE/MH 45.00%) Austin, TX; AGUIRRE CORPORATION, Austin, TX; LIMBACHER & GODFREY ARCHITECTS, (WBE/FR 35.00%) Austin, TX, for architectural services for a period of two years or until financial authorization is expended, in an amount not to exceed \$2,100,000, or with a total aggregate amount of the seven agreements not to exceed \$2,100,000. (Funding in the amount of \$2,100,000 is available in the Fiscal Year 2003-2005 Approved Capital Budget and/or Operating Budget of the Public Works Department and various other departments for which services are needed.) Best seven qualification statements of thirty three received. Participation subgoals stated in the solicitation were 8.7% MBE and 18.2% WBE.
The motion authorizing the negotiation and execution of a professional services agreement was approved.
23. Authorize negotiation and execution of a professional services agreement with the following eight (8) firms: FREESE & NICHOLS, INC., Austin, TX; HDR ENGINEERING, INC, Austin, TX; CRESPO CONSULTING SERVICES, Austin, TX (MBE/MH); HALFF ASSOCIATES, INC., Austin, TX; ALAN PLUMMER ASSOCIATES, INC., Austin, TX; DANNENBAUM ENGINEERING CORPORATION, Austin, TX; RAYMOND CHAN & ASSOCIATES, INC. (MBE/MA), Austin, TX; and ESPEY CONSULTANTS, INC., Austin, TX for general watershed engineering services such as planning, design and construction phase services for a period of approximately two years or until financial authorization expended, in an amount not to exceed \$3,000,000, or with a total aggregate amount of the eight agreements not to exceed \$3,000,000. (Funding in the amount of \$3,000,000 is included in the Watershed Protection Utility and General Obligation bond accounts. Other accounts will be used depending on location and nature of the project.) Best eight qualification statements of twenty seven received. Participation subgoals stated in the solicitation were 8.7% MBE and 18.2% WBE.
The motion authorizing the negotiation and execution of a professional services agreement was approved.

24. Authorize execution of a 12-month supply agreement with MILLER UNIFORMS & EMBLEMS, INC., Austin, TX for work shirts in an amount not to exceed \$87,726, with two 12-month extension options in an amount not to exceed \$87,726 per extension option, for a total agreement amount not to exceed \$263,178. (Funding in the amount of \$43,863 is available in the Fiscal Year 2003-2004 Approved Operating Budget of the Electric Utility Department. Funding for the remaining six months of the original contract period and extension options is contingent upon available funding in future budgets.) Low bidder meeting specifications of four bids received. This contract will be awarded in compliance with Chapter 2-9 of the City Code (Minority-Owned and Women-Owned Business Enterprise Procurement Program). No subcontracting opportunities were identified; therefore, no goals were established for this solicitation.
The motion authorizing the execution of a supply agreement was approved.
25. Authorize negotiation and execution of a 12-month service agreement with TREEFOLKS, INC., Austin, TX for tree planting services in an amount not to exceed \$152,000, with two 12-month extension options in an amount not to exceed \$152,000 per extension, for a total agreement amount not to exceed \$456,000. (Funding in the amount of \$76,000 is available in the Fiscal Year 2003-2004 Approved Operating Budget of the Electric Utility Department. Funding for the remaining six months of the original contract period and extension options is contingent upon available funding in future budgets.) Best proposal of three proposals received. This contract will be awarded in compliance with Chapter 2-9 of the City Code (Minority-Owned and Women-Owned Business Enterprise Procurement Program). 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.
26. Authorize execution of a 12-month supply agreement with AUSTIN WHITE LIME COMPANY, Austin, TX for the purchase of quicklime for the Austin Water Utility in an amount not to exceed \$2,574,000, with two 12-month extension options in an amount not to exceed \$2,574,000 per extension option, for a total agreement amount not to exceed \$7,722,000. (Funding in the amount of \$1,287,000 is available in Fiscal Year 2003-2004 Approved Operating Budget of the Austin Water Utility. Funding for the remaining six months of the original contract period and extension option is contingent upon available funding in future budgets.) Only bid received. This contract will be awarded in compliance with Chapter 2-9 of the City Code (Minority-Owned and Women-Owned Business Enterprise Procurement Program). No subcontracting opportunities were identified; therefore, no goals were established for this solicitation.
The motion authorizing the execution of a supply agreement was approved.
27. Authorize execution of Amendment No. 8 to the contract with ECKERD HEALTH SERVICES, Pittsburgh, PA for a six-month holdover for pharmacy services and to increase the contract in an amount not to exceed \$2,025,939, for a total revised contract amount not to exceed \$25,076,312. (Funding in the amount of \$2,025,939 is available in the Fiscal Year 2003-2004 Approved Operating Budget of the Community Care Services Department. Of the \$2,025,939, \$695,898 is from the Fiscal Year 2003-2004 Travis County Reimbursement Fund.) This contract was awarded in compliance with Chapter 2-9 of the City Code (Minority-Owned and Women-Owned Business Enterprise Procurement Program). No subcontracting opportunities were identified; therefore, no goals were established.
The motion authorizing the execution of Amendment No. 8 to the contract was approved.

28. Authorize execution of a six-month service agreement with ADVOCATE RX SOLUTIONS, Kingwood, TX for an Interim Director of Pharmacy in an amount not to exceed \$132,000. (Funding is available in the Fiscal Year 2003-2004 Approved Operating Budget of the Community Care Services Department.) Sole Source. This contract will be awarded in compliance with Chapter 2-9 of the City Code (Minority-Owned and Women-Owned Business Enterprise Procurement Program). No subcontracting opportunities were identified; therefore, no goals were established.
The motion authorizing the execution of a service agreement was approved.
29. Authorize execution of a contract with APPLIED BIOSYSTEMS, Foster City, CA, for the purchase of DNA laboratory equipment for the Austin Police Department Forensic Unit in an amount not to exceed \$50,120. (Funding is available in the Fiscal Year 2003-2004 Approved Operating Budget of the Austin Police Department.) Sole Source. This contract will be awarded in compliance with Chapter 2-9 of the City Code (Minority-Owned and Women-Owned Business Enterprise Procurement Program). No subcontracting opportunities were identified; therefore, no goals were established for this solicitation.
The motion authorizing the execution of a contract was approved.

Item 30 was pulled for discussion.

31. Authorize execution of a 12-month supply agreement with CUSTOM APPAREL, Mount Freedom, NJ for decaled uniform T-shirts in an amount not to exceed \$70,383, with two 12-month extension options in an amount not to exceed \$70,383 per extension option, for a total agreement amount not to exceed \$211,149. (Funding in the amount of \$41,057 is available in the Fiscal Year 2003-2004 Approved Operating Budget of various City departments. Funding for the remaining five months of the original contract period and extension options is contingent upon available funding in future budgets.) Low bid of eight bids received. This contract will be awarded in compliance with Chapter 2-9 of the City Code (Minority-Owned and Women-Owned Business Enterprise Procurement Program). No subcontracting opportunities were identified; therefore, no goals were established for this solicitation.
The motion authorizing the execution of a supply agreement was approved.
32. Approve execution of an Interlocal Agreement with the City of Lago Vista regarding the process for releasing portions of Austin's extraterritorial jurisdiction to the jurisdiction of the City of Lago Vista and the enforcement of water quality regulations in the proposed release areas.
The motion authorizing the execution of an Interlocal Agreement was approved.
33. Approve execution of an Interlocal Agreement with the City of Jonestown regarding the process for releasing portions of Austin's extraterritorial jurisdiction to the jurisdiction of the City of Jonestown and the enforcement of water quality regulations within the proposed release areas.
The motion authorizing the execution of an Interlocal Agreement was approved.
34. Approve an ordinance amending City Code Section 12-4-41 by adding Congress Avenue from 126.2' south of Cesar Chavez Street to 681' south of Cesar Chavez Street to the list of streets having a maximum speed limit of 35 miles per hour; and amending City Code Section 12-4-24 by adding Oak Boulevard, Oak Boulevard (South), Oak Boulevard (East), Oak Boulevard (North) and Oak Boulevard (West) to the list of streets having a maximum speed limit of 25 miles per hour. (Funding in the amount of \$300 for speed limit signs on Congress Avenue is available in the Fiscal Year 2003-2004 Operating Budget of the Transportation, Planning & Sustainability Department; there is no fiscal impact for speed limit on Oak Boulevard.)
Ordinance No. 040311-34 was approved.

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

<u>Board/ Appointee</u>	<u>Consensus/ Council Nominee</u>	<u>Appointment/ Reappointment</u>
<u>Child Care Council</u>		
Timy Baranoff	Consensus	Reappointment
Lila Carl	Consensus	Reappointment
Debra Keith-Thompson	Consensus	Reappointment
Anita Uphaus (AISD Representative)	Consensus	Reappointment
<u>Electric Utility Commission</u>		
Paul Skeith	Council Member Dunkerley's	Reappointment
<u>Ethics Review Commission</u>		
Jennifer Piskun Johnson	Mayor Wynn's	Reappointment
<u>Human Rights Commission</u>		
Orlando Smith	Consensus	Appointment
Laura Tansey	Consensus	Appointment
<u>Mayor's Committee for People with Disabilities</u>		
Norman Kieke	Mayor Wynn's	Reappointment
<u>Music Commission</u>		
Angela Gillen	Mayor Pro Tem Goodman's	Reappointment
<u>Urban Transportation Commission</u>		
Carl Tepper	Mayor Wynn's	Reappointment
<u>Water and Wastewater Commission</u>		
Roger Chan	Council Member Thomas'	Appointment

Item 36 was pulled for discussion.

37. Approve an ordinance authorizing the waiver of the signature requirement contained in Section 14-8-17 of the City Code, and authorizing waiver of certain fees under Chapter 14-8 of the City Code in connection with the Austin Farmer's Market to be held on Saturdays from March 20, 2004 to December 18, 2004 at Republic Square Park, 422 Guadalupe, Street. (Mayor Will Wynn, Council Member Betty Dunkerley and Council Member Daryl Slusher)
Ordinance No. 040311-37 was approved, including corrected reference to 2003 Code Section 14-8-17.
38. Approve a resolution supporting the creation of a Travis County Hospital District. (Approved by City Council Healthcare Subcommittee) (Related Item 47)(Mayor Pro Tem Jackie Goodman, Council Member Betty Dunkerley and Council Member Raul Alvarez)
This item was postponed to March 25, 2004.

Item 39 was pulled for discussion.

Items 40 through 45 were Executive Session items.

Items 46 and 47 were Briefing items

Items 48 and Z-1 through Z-8 were Zoning items set for 4:00 P.M. time certain.

Items 49 and 50 were Public Hearing items set for 6:00 P.M. time certain.

DISCUSSION ITEMS

36. Approve a waiver of various fees, including building permit fees, development review fees, Austin Water Utility fees under the Code, for the Greater Austin First Tee, located at 5501 Ed Bluestein. (For fees waived and expiration date, see Request for Council Action attachments.) (Mayor Will Wynn, Council Member Raul Alvarez and Council Member Betty Dunkerley)
The motion authorizing a waiver of various fees was approved on Council Member Alvarez' motion, Council Member Thomas' second on a 7-0 vote.

30. Authorize negotiation and execution of a contract with Complete Communication Services, Inc. dba CO COM CABLING SYSTEMS, (WBE FR-100%), Pflugerville, TX for a telecommunications distribution cabling system for voice, data and video in the new City Hall Complex currently under construction at 301 W. 2nd Street in an amount not to exceed \$471,615. (Funding is available in the Fiscal Year 2003-2004 Capital Budget of the Communications and Technology Management Office of the Financial & Administrative Services Office.) Best proposal of eight proposals received. This contract will be awarded in compliance with Chapter 2-9 of the City Code (Minority-Owned and Women-Owned Business Enterprise Procurement Program). 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 on Mayor Pro Tem Goodman's motion, Council Member Slusher's second on a 7-0 vote.

Mayor Wynn recessed the Council Meeting to go into Executive Session at 11:00 a.m.

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

40. Discuss legal issues relating to the labor negotiations for a Meet and Confer contract with the Austin Police Association.
This item was withdrawn.
41. Discuss legal issues related to meet and confer and collective bargaining for the Austin Fire Department.
This item was withdrawn.

42. Discuss legal issues in *S.R. Ridge Limited Partnership v. City of Austin and Stratus Properties, Inc.*; Cause No. A-03-CA-832SS; U.S. District Court, Western District, Austin Division. (concerns alleged breach of a 1996 settlement agreement affecting development rights on property at Slaughter and MoPac, where a Wal-Mart had been proposed.) (Related Item 13)
43. Discuss legal issues related to *Brian Rodgers v. City of Austin and Endeavor Real Estate Group, L.L.C.*, Cause No. GN30466 in the 345th Judicial District Court of Travis County, Texas. (concerns the City's economic development sales tax incentives given to the developer of the Domain, a multi-use development located at Mopac Boulevard and Braker Lane) (Related Item 14)

Item 44 was discussed later in Executive Session.

45. Discuss legal issues related to an amendment of the regulations applicable to the Mission Bethany Subdivision, generally located at the intersection of Slaughter Lane and Wolfrap Drive, that would allow for the transfer of impervious cover within the subdivision and the extension of the expiration date of the ordinance. The subdivision is located in the area subject to the Save Our Springs Initiative.
This item was withdrawn.

Executive Session ended and Mayor Wynn called the Council Meeting back to order at 12:10 p.m.

CITIZEN COMMUNICATIONS: GENERAL

Susana Almanza - TAKE IT TO THE STREETS: PEACE AND JUSTICE MARCH.

Jimmy Castro - Star of Texas Fair and Rodeo

Robert Singleton - Leasing Mueller

Mary Lehmann - Mueller Update

Lori C. Renteria - Extremely Long Delay in Proceeding for Closing 2 Illegal Tour Bus Operations on East Cesar Chavez Street that is an even bigger problem since the Major Street Reconstruction Project began.

Robert Thomas - Labor Relations & Employment at Rosewood Park & Recreation Center

Thomas Cisneros, III. - Outstanding Invoice on a CIP Austin Energy Project

Mayor Wynn recessed the Council Meeting to go into Executive Session at 12:49 p.m.

EXECUTIVE SESSION CONTINUED

44. Discuss legal issues related to an offer by PB Austin Ridge L.L.C. and MF Austin Ridge L.L.C. in exchange for the release of the lien held by Travis County Health Facilities Development Corporation and the City on the property located at 8509 FM 969 (formerly known as Vision Village).

Executive session ended at 1:22 p.m. and the Mayor recessed the Council Meeting.

Mayor Wynn called the City Council Meeting back to order at 1:59 p.m.

DISCUSSION ITEM

14. Authorize negotiation and execution of a First Amendment to the City of Austin/Endeavor Real Estate Group Chapter 380 Economic Development Agreement, to include a "subject to future appropriations" provision and other clarifying amendments. (Related Item 43)
Resolution No. 040311-14 was approved on Council Member Dunkerley's motion, Council Member McCracken's second on a 6-1 vote. Those voting aye were: Mayor Wynn, Mayor Pro Tem Goodman, Council Members Alvarez, Dunkerley, McCracken and Thomas. Those voting nay were: Council Member Slusher.

BRIEFINGS

46. Conduct a briefing regarding the economic impact of the film industry in the Austin region. (Related Item 39)
The presentation was made by Tom Copeland, Texas Film Commission; Suzanne Quinn, Studio Director, Austin Studios; Barbara Morgan, Executive Director Austin Film Festival; Rebecca Campbell, Executive Director of Austin Film Society; Ellen Wartella, Dean of Communications at UT; and Louis Black, local filmmaking advocate.
39. Approve a resolution regarding the economic impact of the film industry in the Austin region. (Related Item 46)(Mayor Will Wynn, Mayor Pro Tem Jackie Goodman and Council Member Brewster McCracken)
Resolution No. 040311-39 was approved on Council Member McCracken's motion, Council Member Dunkerley's second on a 7-0 vote.
47. Briefing by the Hospital District Steering Committee on the proposed Travis County Hospital District. (Related Item 38)
This item was postponed to March 25, 2004.

ZONING CONSENT ITEMS

The following zoning items were acted on by one motion. No separate discussion or action occurred on any of the items. The public hearings were closed and consent items were approved on Mayor Pro Tem Goodman's motion, Council Member Thomas' second on a 7-0 vote.

- Z-1 Approve an ordinance to amend the Southeast Combined Neighborhood Plan, an element of the Austin Tomorrow Comprehensive Plan, for 6800 Burleson Rd., to change the Future Land Use Map from industrial to major planned development. (Recommended by Planning Commission.) (Related Item Z-2)
Ordinance No. 040311-Z-1 was approved.

- Z-2 C14-03-0116 - Colorado Crossing - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 6800 Burleson Road (Carson Creek and Onion Creek Watersheds) from limited industrial services-conditional overlay-neighborhood plan (LI-CO-NP) combining district zoning for Tract 1 and rural residence-conditional overlay-neighborhood plan (RR-CO-NP) combining district zoning for Tract 2 to limited industrial services-planned development area-neighborhood plan (LI-PDA-NP) combining district zoning. Planning Commission Recommendation: To grant limited industrial services-planned development area-neighborhood plan (LI-PDA-NP) combining district zoning. Applicants: Missile Partners Associates, L.P. (Stephen L. Millham) & Bergstrom Partners, L.P. (Stephen L. Millham and Gregory T. Weaver). Agent: Drenner Stuart Wolff Metcalfe von Kreisler, L.L.P. (Michele Haussmann). City Staff: Wendy Walsh, 974-7719. (Related Item Z-1)
Ordinance No. 040311-Z-2 for limited industrial services-planned development area-neighborhood plan (LI-PDA-NP) combining district zoning was approved.
- Z-3 C14H-03-0024 - Harris-Carter House. Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 603 Carolyn Avenue from family residence (SF-3) district to family residence-historic (SF-3-H) combining district. Historic Landmark Commission Recommendation: To grant family residence-historic (SF-3-H) combining district. Planning Commission Recommendation: To grant family residence-historic (SF-3-H) combining district. Applicant: Edward Lindlof, Jr. and Cynthia Lindlof (owners). City Staff: Steve Sadowsky, Historic Preservation Office, Transportation, Planning and Sustainability Department, 974-6454.
Ordinance No. 040311-Z-3 for grant family residence-historic (SF-3-H) combining district was approved.
- Z-4 C14-04-0011 - Frenchville - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by zoning property locally known as 2859 State Highway 71 East (Colorado River Watershed) from interim-single family residence standard lot (I-SF-2) district zoning to general commercial services (CS) district zoning. Zoning and Platting Commission Recommendation: To grant community commercial-conditional overlay (GR-CO) combining district zoning. Applicant and Agent: Xavier Jay Ortiz. City Staff: Wendy Walsh, 974-7719.
Ordinance No. 040311-Z-4 for community commercial-conditional overlay (GR-CO) combining district zoning was approved.
- Z-5 C14-04-0006 - Dawson Mixed Use Building - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 3507 South First Street (East Bouldin 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. Zoning and Platting Commission Recommendation: To grant neighborhood commercial-conditional overlay-neighborhood plan (LR-CO-NP) combining district zoning. Applicant: Sandra Steadham. Agent: City of Austin.(Neighborhood Planning & Zoning Department). City Staff: Annick Beaudet, 974-2975.
Ordinance No. 040311-Z-5 for neighborhood commercial-conditional overlay-neighborhood plan (LR-CO-NP) combining district zoning was approved.

- Z-6 C14H-04-0001 - Driver-Metcalf House. Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 1204 Travis Heights Boulevard from family residence (SF-3) district to family residence-historic (SF-3-H) combining district. Historic Landmark Commission Recommendation: To grant family residence-historic (SF-3-H) combining district. Planning Commission Recommendation: To deny family residence-historic (SF-3-H) combining district. Applicant: Historic Landmark Commission. City Staff: Steve Sadowsky, Historic Preservation Office, Transportation, Planning and Sustainability Department, 974-6454.
This item was postponed to April 1, 2004 at the Neighborhood Association's request.
- Z-7 C14H-04-0003 - Un-named Houses. Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 802, 804, and 806 West Lynn Street from multi-family residence moderate high density neighborhood plan (MF-4-NP) district to multi-family residence moderate high density-historic-neighborhood plan (MF-4-H-NP) combining district. Historic Landmark Commission Recommendation: To grant multi-family residence moderate high density historic neighborhood plan (MF-4-H-NP) combining district. Planning Commission Recommendation: Postponed to March 9, 2004. Applicant: Historic Landmark Commission. City Staff: Steve Sadowsky, Historic Preservation Office, Transportation, Planning and Sustainability Department, 974-6454.
This item was postponed to April 1, 2004 at the owner's request.
- Z-8 C14-03-0049 - House of Tutors - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 2400 Pearl Street (Shoal Creek Watershed) from general office-mixed use (GO-MU) combining district zoning to general commercial services-mixed use-conditional overlay (CS-MU-CO) combining district zoning and multi-family residence highest density-conditional overlay (MF-6-CO) combining district zoning. Planning Commission Recommendation: To grant general commercial services-mixed use-conditional overlay (CS-MU-CO) combining district zoning and multi-family residence highest density-conditional overlay (MF-6-CO) combining district zoning. Applicant: House of Tutors Inc. (Hussain Malik). Agent: Holland Architectural (James Holland). City Staff: Glenn Rhoades, 984-2775.
This item was postponed to April 22, 2004 at the applicant's request.

ZONING DISCUSSION ITEM

48. C14-03-0141 - Bouldin Avenue Rezoning- Approve third reading of an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 1505 Bouldin Avenue (West Bouldin Creek Watershed) from family residence-neighborhood plan (SF-3-NP) combining district zoning to single family residence small lot-conditional overlay-neighborhood plan (SF4-A-CO-NP) combining district zoning for Tract 1 and Tract 2. First reading on January 8, 2004. Vote: 7-0. Second reading on January 29, 2004. Vote: 5-0, Wynn of the dais, Thomas absent. Conditions met as follows: Conditional Overlay incorporates the conditions imposed by Council on second ordinance reading. Applicant: Mayhen, LLC. Agent: Vincent Gerard & Associates (Vincent Huebinger). City Staff: Annick Beaudet, 974-2975. Note: A valid petition has been filed in opposition to this rezoning request.
Ordinance No. 040311-48 for SF-4A-CO zoning was approved with the following amendments on Council Member Slusher's motion, Council Member Thomas' second on a 7-0 vote. Council Member Slusher's amendment was to increase the impervious cover on Tract 1 to 52% and Tract 2 to 45%. The friendly amendment from Council Member Alvarez was to have setbacks in the front yard of 22 feet on Tract 1 and 19 feet on Tract 2.

These were accepted by the maker of the motion and Council Member Thomas who seconded the motion.

LIVE MUSIC

Jane Bond

PROCLAMATIONS

Proclamation - Absolutely Incredible Kids Day - to be presented by Mayor Will Wynn and to be accepted by TBA

Proclamation - Red Cross Month - to be presented by Mayor Will Wynn and to be accepted by Bob Lucas

Proclamation - Martin Middle School Eaglettes -- to be presented by Council Member Raul Alvarez and accepted by the honorees.

PUBLIC HEARINGS AND POSSIBLE ACTION

49. Conduct a public hearing to consider an ordinance amending Chapter 25-10 of the City Code relating to nonconforming signs to allow location of new off-premise signs (billboards) in various locations in the City if an existing off-premise sign is removed and approve an amendment of Ordinance No. 030908-04 (fee ordinance) to add a sign removal and relocation fee. (To be reviewed by Planning Commission on March 9, 2004.)
This item was postponed to April 1, 2004 on Council Member Dunkerley's motion, Council Member McCracken's second on a 7-0 vote.
50. Conduct a public hearing on community needs in order to develop the following documents: (1) the Five-Year Consolidated Plan for 2005-2009, which is the document submitted by the City to the U.S. Department of Housing and Urban Development that serves as the planning document of the City and an application for federal funding; (2) the 2004-2005 Action Plan, which is a description of the activities the City will undertake during the year to address priority community-development needs, and (3) the 2004-2005 Community Development Program, which addresses the City's efforts to improve the living and economic conditions of persons of low- and moderate-income, benefit low- or moderate-income neighborhoods, aid in the prevention or elimination of slums and blighted areas, aid federally assisted new communities, and meet other community development needs. The public hearing is required by HUD and by Chapter 373 of the Texas Local Government Code, and is in accordance with the City's Citizen Participation Plan. (Citizen Participation Plan recommended by the Community Development Commission.)
The public hearing was closed on Council Member Dunkerley's motion, Council Member McCracken's second on a 6-0 vote. Council Member Slusher was off the dais.

The motion to adjourn the meeting at 8:40 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 March 11, 2004 were approved on this the 25th day of March, 2004 on Council Member McCracken's motion, Council Member Alvarez' second on a 6-0 vote. Mayor Pro Tem Goodman was off the dais.