



**Austin City Council
MINUTES**

**REGULAR MEETING
THURSDAY, MARCH 25, 2004**

Invocation: Robin Wieber, Pastor of Worship Ministry, Grace Covenant Church

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 25, 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 10:10 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 McCracken's motion, Council Member Alvarez' second on a 6-0 vote. Mayor Pro Tem Goodman was off the dais.

1. Approval of minutes from the meeting of March 11, 2004.
The minutes from the meeting of March 11, 2004 were approved.

Item 2 was pulled for discussion.

3. Approve Service Extension Request No. 2306 for water utility service not to exceed a peak hour flow of 37 gallon per minute (gpm) for a tract of approximately 7.46 acres owned by Villita West Condominiums Association, located within the Drinking Water Protection Zone in the extraterritorial jurisdiction of Austin at 3660 Stoneridge Road. (Recommended by Water and Wastewater Commission)
The motion authorizing the Service Extension Request No. 2306 for water utility service was approved.
4. Approve the negotiation and execution of an amendment to a lease with TEMPLE-INLAND FOREST PRODUCTS CORPORATION, Austin, TX to increase the area of land leased to Temple-Inland at Austin-Bergstrom International Airport. (Revenue generating contract. Annual net revenue amount for 4.75 acres is \$41,382.08. Anticipated revenue of \$17,242.53 is not included in Aviation's Approved Fiscal Year 2003-2004 Budget. Revenue over the life of the (30-year) term is estimated at \$1,241,462.) (Recommended by the Austin Airport Advisory Commission.)
The motion authorizing the negotiation and execution of an amendment was approved.

5. 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.)
This item was withdrawn.
6. Approve an ordinance authorizing the extension of the Letter of Credit and Reimbursement Agreement between the City of Austin and JPMorgan relating to the "\$350,000,000 City of Austin, Texas, Combined Utility Systems Commercial Paper Notes, Series A" program, and the approval of all related documents. (The estimated \$1,200,000 Letter of Credit fee will be included in the Fiscal Year 2004-2005 Proposed Operating Budget of the Austin Water Utility and Electric Utility Department. There is no unanticipated fiscal impact. A fiscal note is not required.)
Ordinance No. 040325-6 was approved.
7. Approve execution of a contract with FRONT STEPS INC. (fka CAPITOL AREA HOMELESS ALLIANCE (CAHA)), Austin, TX, for provision of homeless social services for the Austin Resource Center for the Homeless (ARCH), in an amount not to exceed \$1,051,445 for the period April 1, 2004, through December 31, 2004, with two 12-month renewal options in an amount not to exceed \$1,482,529 for the first extension option; \$1,519,592 for the second extension option, for a total contract amount not to exceed \$4,053,566. (Funding in the amount of \$689,852 is available in the Fiscal Year 2003-2004 Approved Operating Budget of the Health and Human Services Department (HHSD). Funding for the balance of the contract and the annual renewals is contingent upon available funds.)
The motion authorizing the execution of a contract was approved.
8. Approve an ordinance authorizing acceptance of \$26,033 in additional grant funds from the Texas Department of Health, HIV Surveillance grant program; and amending the Fiscal Year 2003-2004 Health and Human Services Operating Budget Special Revenue Fund of Ordinance No. 030909-01 to appropriate \$26,033 in additional grant funds for and to extend the grant period by three months. (Funding in the amount \$26,033 is available from the Texas Department of Health, HIV Surveillance grant. The revised grant period is January 1, 2003 through March 31, 2004. No City match is required.)
Ordinance No. 040325-08 was approved.
9. Approve the negotiation and execution of an agreement with PB Austin Ridge L.L.C. and MF Austin Ridge L.L.C. to release the lien held by Travis County Health Facilities Development Corporation and the City on property located at 8509 FM 969 (formerly known as Vision Village) in exchange for PB Austin Ridge L.L.C. and MF Austin Ridge L.L.C.'s agreement to: provide office space for Travis County and the City in the Family Justice Center (which is located on the property and commonly known as the hospital building), including an option for the City to purchase the building; grant the City a trail easement and restrictive covenant on the land; contribute land and a building for the Center for Child Protection; and assist the City and other agencies and non-profit organizations in preparing grant proposals related to the Family Justice Center. (Related Item 41)
The motion authorizing the negotiation and execution of an agreement was approved.

10. Approve a resolution to authorize the acquisition of a wastewater easement comprised of 25,875 square-feet of land, a temporary working space easement comprised of 16,901 square-feet of land, and a temporary staging area and material storage site comprised of 26,005 square-feet of land out of a portion of Lot 2, Villas of Quail Creek, a subdivision in Travis County, TX, located at 9036 North Lamar Boulevard, from Sigvard N. Sivertsen, Trustee of the Sigvard N. Sivertsen Revocable Living Trust, and Wilbur Newton Curtis and Alberta B. Curtis, as Trustee under Revocable Trust dated November 18, 1997, in the amount not to exceed \$56,336 for the Austin Clean Water Program: Little Walnut/Buttermilk Quail Creek Project. (Funding is included in the Fiscal Year 2003-2004 Capital Budget of the Austin Water Utility.)
Resolution No. 040325-10 was approved.
11. Approve a resolution to authorize the acquisition of a wastewater line easement containing .373 acres, and a temporary working space easement containing .377 acres, both out of Lot One, Reindale Acres, located at 9220 IH 35 N, from LV INVESTMENTS, INC., in an amount not to exceed \$64,295 for the Austin Clean Water Program: Little Walnut/Buttermilk North/Capital Drive Easement Project. (Funding is included in the Fiscal Year 2003-2004 Approved Capital Budget of the Austin Water Utility.)
Resolution No. 040325-11 was approved.
12. Approve a resolution to authorize the fee simple acquisition of 13.27 acres of land out of the Noel M. Bain Survey in Travis County, TX, locally known as 7201 Bain Road, from Celestine Alexander Thompson for the Airport Noise Mitigation Program, in the amount of \$60,525 for the land and improvements and \$12,063 relocation benefits, plus closing costs and moving related expenses in the amount of \$10,000, for an amount not to exceed \$82,588. (Funding in the amount of \$82,588 is available in Fiscal Year 2003-2004 Capital Budget of the Department of Aviation using airport funds and available Federal Aviation Administration (FAA) Grants.)
This item was postponed to April 15, 2004 per staff's request.
13. Authorize execution of a construction contract with LAUGHLIN-THYSSEN, LTD., Houston, TX, for the Austin Clean Water Program: Little Walnut/Buttermilk - Colony Creek South Wastewater Improvements Project in the amount of \$2,218,811 plus a \$221,881.10 contingency, for a total contract amount not to exceed \$2,440,692.10. (Funding in the amount of \$2,440,692.10 is included in the Fiscal Year 2003-2004 Capital Budget of the Austin Water Utility.) Lowest bid of five received. 20.96% MBE and 6.85% WBE subcontractor participation. (Recommended by the Water and Wastewater Commission.)
The motion authorizing the execution of a construction contract was approved.
14. Authorize execution of a construction contract with MUNIZ CONCRETE AND CONTRACTING INC., (MH 92.79%), Austin, TX, for the construction of the Bicycle and Pedestrian Program Sidewalk Improvements project in an amount not to exceed \$217,428.60. (Funding is available in the Fiscal Year 2003-2004 Amended Capital Budget of the Transportation, Planning, and Sustainability Department.) Lowest bid of five received. 0% MBE and 7.21% WBE subcontractor participation.
The motion authorizing the execution of a construction contract was approved.

Item 15 was pulled for discussion.

16. Approve a resolution authorizing execution of an Interlocal Agreement with CAPITAL METROPOLITAN TRANSPORTATION AUTHORITY (Capital Metro) for the construction of 320 linear feet of sanitary sewer pipeline, associated with the Austin Clean Water Program, in conjunction with the construction of the Capital Metro North Operations and Maintenance Facility at 9315 Old McNeil Road for a total maximum not to exceed amount of \$80,784. (Funding is included in the Fiscal Year 2003-2004 Capital Budget of the Austin Water Utility.) **Resolution No. 040325-16 was approved.**
17. Authorize execution of a 12-month supply agreement with US FILTER/DAVIS PRODUCTS, Sarasota, FL for the purchase of bioxide salt for the Austin Water Utility in an amount not to exceed \$218,750, with two 12-month extension options in an amount not to exceed \$218,750 per extension option, for a total agreement amount not to exceed \$656,250. (Funding in the amount of \$109,375 is available in the 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 options is contingent upon available funding in future budgets.) 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 supply agreement was approved.
18. Authorize execution of two 12-month supply agreements with SUNVALLEY C/O TECHLINE, INC., Austin, TX for the purchase of shoebox style lighting in an amount not to exceed \$112,478.45, with four 12-month extension options in an amount not to exceed \$112,478.45 per extension option, for a total agreement amount not to exceed \$562,392.25; and with ANTIQUE STREET LAMPS, Austin, TX for the purchase of Sixth Street Replica Lighting in an amount not to exceed \$59,304, with four 12-month extension options in an amount not to exceed \$59,304, for total agreement amount not to exceed \$296,520. (Funding in the amount of \$85,891.22 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 and extension options is contingent upon available funding in future budgets.) Low bidder meeting specifications and low bidder. 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 two supply agreements was approved.
19. Authorize negotiation and execution of a contract with LCG CONSULTING, Los Altos, CA for services for a cost/benefit analysis for compressed air energy storage in an amount not to exceed \$145,400. (Funding is available in the Fiscal Year 2003-2004 Approved Operating Budget of the Electric Utility Department.) Best proposal of six 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.

20. Authorize execution of a 12-month supply agreement with CENTRAL TEXAS HARLEY-DAVIDSON LP, Austin, TX for the annual supply of maintenance and repair parts, and limited repair services for the City's fleet of Harley-Davidson motorcycles for APD in an amount not to exceed \$100,000, with three 12-month extension options in an amount not to exceed \$100,000, for a total agreement amount not to exceed \$400,000. (Funding in the amount of \$58,334 is available in the Fiscal Year 2003-2004 Approved Operating Budget of the Financial and Administrative Services Department, Fleet Fund. Funding for the remaining five months of the original contract period and extension options 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.
21. Authorize negotiation and execution of a 12-month service agreement with EMERGENCY MEDICAL CERTIFICATION, INC. (dba EmCert.com), Beaumont, TX for continuing education credits for emergency response personnel in the Austin Fire Department and City of Austin/Travis County Emergency Medical Services in an amount not to exceed \$63,900, with three 12-month extension options in an amount not to exceed \$63,900 per extension option, for a total agreement amount not to exceed \$255,600. (Funding in the amount of \$24,750 is available in the Fiscal Year 2003-2004 Approved Operating Budget of the Austin Fire Department. Funding in the amount of \$7,200 is available in the Fiscal Year 2003-2004 Approved Operating Budget of the City of Austin/Travis County Emergency Medical Services. Funding for the remaining six months of the original contract period and extension option is contingent upon available funding in future budgets.) Best proposal of four 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.
22. Authorize negotiation and execution of a 12-month service agreement with NEC BUSINESS NETWORK SOLUTIONS, INC., Irving, TX for maintenance support for the PBX Switch and related Premises Distribution System in an amount not to exceed \$444,248, with three 12-month extension options in an amount not to exceed \$387,854 for the first extension option, \$391,550 for the second extension option, and \$395,339 for the third extension option, for a total agreement amount not to exceed \$1,618,991. (Funding in the amount of \$222,124 is available in the Fiscal Year 2003-2004 Operating Budget of the Department of Aviation. Funding for the remaining six months of the original contract period and extension options is contingent upon available funding in future budgets.) Only proposal 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. (Recommended by Airport Advisory Board.)
The motion authorizing the negotiation and execution of a service agreement was approved.

23. Authorize execution of a 12-month service agreement with DENVER'S TOWING, Austin, TX for towing services in an amount not to exceed \$250,000, with four 12-month extension options in an amount not to exceed \$250,000, for a total agreement amount not to exceed \$1,250,000. (Funding in the amount of \$125,000 is available in 2003-2004 Approved Operating Budget of the Financial and Administrative Services Department, Fleet Fund. Funding for the remaining six months of the original contract period and extension options is contingent upon available funding in future budgets.) Low bid of five 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 service agreement was approved.
24. Approve a resolution authorizing negotiation and execution of an Advanced Funding Agreement with Texas Department of Transportation (TxDOT) for the construction of a right-turn lane on RR 620 Northbound to Anderson Mill Road, in the amount of \$182,977.98. (Funding is available from an escrow account collected from the developer to pay for this work.) (Related Item 25)
Resolution No. 040325-24 was approved.
25. Approve negotiation and execution of an Agreement with Plaza V. 620 Ltd., Austin, Texas, to fund construction of a right-turn lane on RR 620 Northbound to Anderson Mill Road, in the amount of \$182,977.98. (Funding will be collected from the developer and held in escrow until the funds are requested by TxDOT.) (Related Item 24)
The motion authorizing the negotiation and execution of an Agreement was approved.
26. Approve a resolution authorizing negotiation and execution of an Advanced Funding Agreement with the Texas Department of Transportation (TxDOT) for a right-turn lane and signalization work at the intersection of Covered Bridge and State Highway 71, in the amount of \$100,000. (Total project cost is \$267,000. Funding in the amount of \$167,000 to be provided by TxDOT; \$55,000 will be collected from private entities and held in escrow by the City; and \$45,000 is available in the Fiscal Year 2003-2004 Operating Budget of the Fire Department.) (Related Item 27)
Resolution No. 040325-26 was approved.
27. Approve negotiation and execution of an agreement with Covered Bridge, L.L.C., Covered Bridge Section 7, L.L.C., Covered Bridge Section 8, L.L.C., 71 DHL, Ltd., Stephen I Adler and Michael M. Barron, to fund construction of a right-turn lane and signalization at the intersection of Covered Bridge and State Hwy. 71, in the amount of \$55,000. (Total project cost is \$267,000. Funding in the amount of \$167,000 to be provided by TxDOT; \$55,000 will be collected from private entities and held in escrow by the City; and \$45,000 is available in the Fiscal Year 2003-04 Operating Budget of the Fire Department.) (Related Item 26)
The motion authorizing the negotiation and execution of an agreement was approved.

Items 28 and 29 were pulled for discussion.

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

Board/
Appointee

Consensus/
Council Nominee

Appointment/
Reappointment

Austin Community Education Consortium

| | | |
|--|----------------------------|---------------|
| Bruce Barrick | Consensus | Reappointment |
| <u>Bond Oversight Committee</u> | | |
| Carol Martin (Library Commission Representative) | Consensus | Appointment |
| <u>Child Care Council</u> | | |
| Jon Holder | Consensus | Reappointment |
| <u>Music Commission</u> | | |
| Bradley Stein | Council Member Dunkerley's | Appointment |
| <u>Planning Commission</u> | | |
| John Michael Cortez | Council Member Alvarez' | Appointment |
| <u>Telecommunications Commission</u> | | |
| Chip Rosenthal | Consensus | Reappointment |
| <u>Urban Forestry Board</u> | | |
| Shannon Eaton | Council Member Dunkerley's | Appointment |
| <u>Urban Transportation Commission</u> | | |
| Gregory Sapire | Council Member McCracken's | Appointment |

Items 31 and 32 were pulled for discussion.

33. Approve a waiver and authorize reimbursement of \$1500 in street event permit fees under Chapter 14-8 (Temporary Street Closure for a Street Event) of the Code for the Austin Jewish Community Day School's Bagelfest Fun Run/Walk held on March 14, 2004. (Council Member Raul Alvarez, Council Member Betty Dunkerley and Council Member Brewster McCracken)
The motion authorizing the waiver and reimbursement was approved.
34. Approve a waiver of \$2000 in street event permit fees under Chapter 14-8 of the code for the Austin American Statesman's Junior 'Dillo Kids Mile and Capitol 10,000 to be held on March 27th, and 28th, 2004 respectively. (For actual amounts of fees waived for each event, see Recommendation for Council Action attachments.) (Mayor Will Wynn, Council Member Betty Dunkerley and Council Member Brewster McCracken)
The motion authorizing a waiver was approved.
35. Approve a waiver of Emergency Medical Services fees in an amount not to exceed \$4875.00 for the Senior Olympic Games - Austin, to be held beginning April 30, 2004. (For actual times and amounts of EMS services to be provided, see Recommendation for Council Action attachments.) (Council Member Betty Dunkerley and Council Member Danny Thomas)
The motion authorizing a waiver of Emergency Medical Services fees was approved.

36. Approve an ordinance amending Ordinance 030909-01, the Fiscal Year 2003-2004 Operating Budget of the General Fund by decreasing appropriations of the Municipal Court Department by \$99,132, by decreasing positions by one Full-Time Equivalent and by increasing transfers out to the Support Services Fund by \$99,132, and amending the Fiscal Year 2003-2004 Operating Budget of the Support Services Fund by increasing transfers in from the General Fund by \$99,132, increasing appropriations of the Office of the City Auditor by \$99,132, and by increasing positions by one Full-Time Equivalent, Auditor. (Council Member Brewster McCracken, Mayor Pro Tem Jackie Goodman and Mayor Will Wynn)
Ordinance No. 040325-36 was approved.
37. Set a public hearing on the Central Austin Combined Neighborhood Plan, an element of the Austin Tomorrow Comprehensive Plan, including the Hancock, North University, and West University Neighborhood Planning Areas. The combined planning area boundaries are: Lamar Blvd and Duval St. to the west, 38th St. and 45th St. to the north, IH-35 to the east, and MLK Jr. Blvd. to the south, excluding the University of Texas at Austin campus. (Recommended date and time for the public hearing: May 6, 2004, 4:00 PM, Lower Colorado River Authority, Hancock Building.)
The public hearing was set for May 6, 2004, 4:00 P.M., Lower Colorado River Authority, Hancock Building.
38. Set a public hearing to consider amendments to Chapter 25 of the Austin City Code creating the University Neighborhood Overlay District, a new zoning overlay district located in the area west of the University of Texas at Austin. The district is generally bounded on the east by Guadalupe Street; on the west by San Gabriel Street, Longview Street, the rear property lines of property along Lamar Blvd., and Rio Grande Street; on the north by 29th Street; and on the south by MLK Jr. Blvd. The proposed amendments permit increased residential density and promote mixed-use development regulations; the amendments also contain development incentives for meeting the requirements of the overlay. (Recommended date and time for public hearing: May 6, 2004, 4:00 p.m., Lower Colorado River Authority, Hancock Building) (The Planning Commission is scheduled to conduct a public hearing and take action on March 23, 2004.)
The public hearing was set for May 6, 2004, 4:00 p.m., Lower Colorado River Authority, Hancock Building.

Items 39 through 44 were Executive Session items.

Items 45 and 46 were action on Executive Session items

Item 47 was a briefing item set for a time certain of 2:00 p.m.

Item 48 was set for a time certain at 6:00 p.m.

Items 49 through 52 and Z-1 through Z-8 were Zoning items set for 4:00 P.M. time certain.

Items 53 and 54 were Public Hearing items set for 6:00 P.M. time certain.

DISCUSSION ITEMS

2. Amend Ordinance No. 030909-1, the Fiscal Year 2003-2004 Operating Budget to: (1) transfer a total amount of \$7,650,000 from the Austin Energy Repair and Replacement Fund to the Austin Energy Operating Fund, and reduce the Austin Energy Repair and Replacement Fund's budgeted ending balance by the same amount to fund the first two years of Holly Power Plant decommissioning costs; (2) amend the operating requirements of the Electric Utility Operating Fund in a total amount of \$5,694,284 to increase the Conservation Rebates and Incentives Fund by \$1,788,000 to implement the Austin Energy Strategic Plan approved by City Council, increase energy conservation expenses by \$77,000, and add one full time equivalent (FTE) to support the new solar rebate program; (3) increase the Operations and Maintenance expense by \$3,829,284 for Fiscal Year 2003-2004 Holly Street Power Plant decommissioning costs; and (4) increase the budgeted Ending Balance of the Electric Utility Fund by \$1,955,716. (Funding is available in the 2003-2004 Approved Operating Budget of the Electric Utility Department, Repair and Replacement Fund.) (Recommended by the Electric Utility Commission.)
Ordinance No. 040325-2 was approved on Council Member McCracken's motion, Council Member Slusher's second on a 6-0 vote. Mayor Pro Tem was off the dais.
28. Approve a resolution authorizing the final version of the Clean Air Action Plan to be submitted to the Texas Commission on Environmental Quality and the United States Environmental Protection Agency. (Funding in the amount of \$454,719 is proposed to be included in the Fiscal Year 2004-05 Operating Budget of the Transportation, Planning & Sustainability Department.) (Reviewed by Environmental Board, Resource Management Commission and Planning Commission.) (Related Item 29)
Resolution No. 040325-28 was approved on Council Member Slusher's motion, Council Member Alvarez' second on a 4-0 vote. Mayor Pro Tem Goodman and Council Members McCracken and Thomas were off the dais.
29. Approve a resolution authorizing City of Austin's participation in the State's Vehicle Inspection and Maintenance Program as a strategy of the Clean Air Action Plan. (Reviewed by Environmental Board, Resource Management Commission and Planning Commission.) (Related Item 28)
Resolution No. 040325-29 was approved on Council Member Slusher's motion, Council Member Alvarez' second on a 4-0 vote. Mayor Pro Tem Goodman and Council Members McCracken and Thomas were off the dais.

Mayor Wynn recessed the Council Meeting to go into Executive Session at 10:57 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

Items 39 and 40 were discussed later in Executive Session.

41. 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) (Related Item 9)

This item was withdrawn from the agenda.

Real Property - Section 551.072

42. Discuss acquisition of an interest in real property for Open Space Project (November 2000 Bond Election). (Related Item 45)
43. Discuss acquisition of an interest in real property for Greenway and Destination Parks (November 1998 Bond Election). (Related Item 46)

Item 44 was discussed later in Executive Session.

Executive Session ended and Mayor Wynn called the Council Meeting back to order at 12:15 p.m.

CITIZEN COMMUNICATIONS: GENERAL

Chuck Perry - Fort Branch Project. **Was not present when his name was called.**

Mary Lehmann - Mueller Questions

Robert Singleton - Mueller Questions

Glen Nessel - David Powell Clinic. **Was not present when his name was called.**

Gavino Fernandez - El Concilio a coalition of Mexican-American neighborhood association in East Austin has successfully negotiated with transporte San Louis bus service to re-locate from Cesar Chavez to East 7th. The Soup Kitchen on Cesar Chavez is also scheduled to relocate soon.

Pat Johnson - David Powell Clinic **Was not present when his name was called.**

DISCUSSION ITEMS

15. Authorize execution of a construction contract with C. C. CARLTON INDUSTRIES, LTD, Austin, TX, for construction of the Walnut Creek - Wells Branch Flood/Erosion Control Regional Pond project in the amount of \$2,117,250 plus a \$105,862.50 contingency, for a total contract amount not to exceed \$2,223,112.50. (Funding in the amount of \$2,223,112.50 is available in the Fiscal Year 2003-2004 Approved Capital Budget of the Watershed Protection and Development Review Department.) Lowest bid of ten received. 24.01% MBE and 5.45% WBE subcontractor participation. (Variance from LDC 25-8-361 Recommended by Environmental Board on November 5, 2003. Variance from LDC 25-8-361 approved by Zoning and Platting Commission December 16, 2004.)

The motion authorizing the execution of a construction contract was approved on Council Member Thomas' motion, Council Member Slusher's second on a 7-0 vote.

Action on Executive Session

45. Approve a resolution authorizing the City Manager, or designee, to negotiate and execute all documents related to acquiring approximately 236 acres in Hays County, in Barton Springs Contributing Zone using Open Space bond funds (November 2000). (Related Item 42)
Resolution No. 040325-45 authorizing the City Manager, or designee, to negotiate and execute all documents related to acquiring approximately 236 acres in Hays County, in Barton Springs Contributing Zone from L.S. Ranch, Ltd. (John Lloyd) using Open Space bond funds in the amount of \$1,608,025 was approved on Council Member Slusher's motion, Council Member Thomas' second on a 7-0 vote
46. Approve a resolution authorizing the City Manager, or designee, to negotiate and execute all documents related to acquiring approximately 7.9 acres located on Wasson Road using Greenway and Destination Park Bond Funds (November 1988). (Related Item 43)
Resolution No. 040325-46 authorizing the City Manager, or designee, to negotiate and execute all documents related to acquiring Lot 1, Wasson Road Addition, (approximately 7.9 acres located on Wasson Road) from MC Venture, a Texas Joint Venture, Dave McCormick General Venture (Carl Conley) using Greenway and Destination Parks Bonds Fund in the amount of \$415,000 was approved on Council Member Slusher's motion, Council Member Thomas' second on a 7-0 vote

Mayor Wynn recessed the Council Meeting to go into Executive Session at 12:31 p.m.

EXECUTIVE SESSION CONTINUED

39. Discuss legal issues relating to the labor negotiations for a Meet and Confer contract with the Austin Police Association.
No discussion was held on this item.
40. Discuss legal issues relating to Agreement on Subdivision Platting in the Extraterritorial Jurisdiction Between the City of Austin and Travis County. (Concerns House Bill 1445 issues)

The Mayor announced that Council would discuss items number Z-5 and Z-6 on the regular agenda during Executive Session.

Executive Session ended at 1:36 p.m.

Mayor Wynn called the Council Meeting back to order at 2:15 p.m.

BRIEFINGS

47. Briefing by the Hospital District Steering Committee on the proposed Travis County Hospital District. (Related Item 32)
The presentation was made by Clarke Heidrick, Graves, Dougherty, Hearon & Moody; Edward B. Adams, E. B. Adams & Associates, LLC and Guy Herman, Travis County Probate Judge.

32. 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)
Resolution No. 040325-32 was approved as amended below on Council Member Dunkerley's motion, Mayor Pro Tem Goodman's second on a 7-0 vote. The two friendly amendments were: On page 2, the second to the last "Whereas" will read, "Whereas, the City shall reduce the ad valorem tax rate adopted for the City to reflect the amount of the decrease spent for health care purposes that will be assumed used by the hospital district as required by state law. Also, the second to the last paragraph on page 3 will read, "The City Council directs the City Manager to have the City's independent auditor verify that the ad valorem tax rate of the City reflects the reduced health care spending that will be assumed by the hospital district as required by state law."

Mayor Wynn recessed the Council Meeting to go into Executive Session at 3:32 p.m.

EXECUTIVE SESSION CONTINUED

Personnel Matters - Section-551.074

44. Evaluate the performance of and consider compensation and benefits for the Municipal Court Clerk. (Related Item 31)

Executive Session ended at 4:10 p.m.

Mayor Wynn called the Council Meeting back to order at 4:24 p.m.

DISCUSSION ITEMS CONTINUED

31. Approve an ordinance establishing a new compensation and benefits package for the Municipal Court Clerk and repealing Sections A and B (current compensation and benefits package) of Part 1 of Ordinance No. 030227-65. (Related Item 44)(Mayor Will Wynn)
Ordinance No. 040325-31, continuing the benefits and salary for the Municipal Court Clerk, was approved on Mayor Pro Tem Goodman's motion, Mayor Wynn's second, on a 7-0 vote.

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 consent items were approved on Mayor Pro Tem Goodman's motion, Mayor Wynn's second on a 7-0 vote.

49. C14-03-0182 - Asian Market - Approve second/third readings of an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 901 West Braker Lane (Walnut Creek Watershed) from general office (GO) to community commercial-conditional overlay (GR-CO) combining district zoning. First reading on March 4, 2004. Vote: 7-0. Conditions met as follows: Conditional Overlay incorporates the conditions imposed by Council on first ordinance reading. Applicant: Hill Country Dairies (Dan McMahon). Agent: Vision Design Group (Andrew Guzman). City Staff: Glenn Rhoades, 974-2775.
Ordinance No. 040325-49 was approved.

50. C14-03-0167 - Guadalupe Street Lofts - Approve second/third readings of an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 4525 Guadalupe Street (Waller Creek Watershed) from general commercial services (CS) district zoning to community commercial-mixed use-conditional overlay (GR-MU-CO) combining district zoning. First reading on February 26, 2004. Vote: 6-0, D. Thomas - off dais. Conditions met as follows: Conditional Overlay incorporates the conditions imposed by Council on first ordinance reading. Applicant: Austin WFD Ltd. Agent: Codney Group Inc. (Mike Rhoades). City Staff: Glenn Rhoades, 974-2775.
This item was postponed to April 15, 2004 at the applicant's request.
51. C14-03-0165 - Shaid Zoning - Approve second/third readings of an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 3206 West Slaughter Lane (Slaughter Creek Watershed-Barton Springs Zone) from interim-rural residence (I-RR) district zoning to townhouse & condominium residence (SF-6) district zoning. First reading on February 5, 2004. Vote: 6-1, D. Slusher - nay). Conditions met as follows: Conditional Overlay and Restrictive Covenant incorporates the conditions imposed or accepted by City Council at first ordinance reading. Applicant: Orrin Shaid and Orrin Shaid III. Agent: Crocker Consultants (Sarah Crocker). City Staff: Wendy Walsh, 974-7719.
The second reading of the ordinance was approved. Council Member Slusher voted no on this item.
52. C14-02-0154 - McDougal 620 Property - Approve second reading of an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as Windy Ridge Road at North F.M. 620 (Lake Travis Watershed) from development reserve (DR) district zoning to general commercial services (CS) district zoning. City Council approved community commercial-conditional overlay (GR-CO) combining district zoning and rural residence (RR) district zoning at first ordinance reading. First reading on March 20, 2003. Vote: 7-0. Conditions met as follows: Conditional Overlay incorporates the conditions imposed by Council on first ordinance reading. Applicant: Gerald McDougal. Agent: Brad Greenblum. City Staff: Glenn Rhoades, 974-2775. Note: A valid petition has been filed in opposition to this rezoning request.
The second reading of the ordinance was approved.

ZONING CONSENT ITEM

- Z-1 Conduct a public hearing and approve an ordinance amendment to Subchapter D of Chapter 25-2 of the City Code to provide that an ordinance zoning property as a neighborhood plan combining district (NPCD) may restrict parking in the front or side yards of a residential property. (January 27, 2004: Planning Commission recommended the ordinance amendment.)
The public hearing was closed and Ordinance No. 040325-Z-1 was approved on Council Member Alvarez' motion, Council Member Thomas' second on a 7-0 vote.

Items Z-2 through Z-8 were pulled for discussion.

ZONING DISCUSSION ITEMS

- Z-3 C14-04-0010 - E.M. Rowshan et al. Property - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by zoning property locally known as 0 F.M. 2222 Road (West Bull Creek Watershed) from interim-rural residence (I-RR) district zoning to limited office-mixed use-conditional overlay (LO-MU-CO) combining district zoning. Zoning and Platting Commission Recommendation: To grant limited office-mixed use-conditional overlay (LO-MU-CO) combining district zoning. Property Owners: Esmacil M. Rowshan et al. Applicant: City of Austin. Agent: Neighborhood Planning & Zoning Department. City Staff: Sherri Gager, 974-3057.

The first reading of the ordinance, as amended below, was approved on Mayor Pro Tem Goodman's motion, Council Member Slusher's second on a 7-0 vote. The friendly amendments were to set a limit of 1,000 trips per day and to require right turn in and right turn out only. Staff was instructed to find the TxDOT plans for FM 2222 in this area and consider the trip generation restriction.

- Z-4 C14-03-0147 - Rich Retail Center - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 8700 Block of South First Street (Slaughter Creek Watershed) from development reserve (DR) district zoning to townhouse & condominium residence (SF-6) district zoning, community commercial-conditional overlay (GR-CO) combining district zoning and neighborhood commercial-conditional overlay (LR-CO) combining district zoning. Zoning and Platting Commission Recommendation: To grant townhouse & condominium residence (SF-6) district zoning for Tract 1 and neighborhood commercial (LR) district zoning for Tract 2 with conditions. Applicant: Mickey Rich Plumbing and Heating (Mickey Rich). Agent: Land Answers (Jim Wittliff). City Staff: Wendy Walsh, 974-7719.

The public hearing was closed and first reading of the ordinance for GR-CO zoning on Track A, LR for Track B and Track C was approved on Council Member Alvarez' motion, Mayor Wynn's second on a 7-0 vote.

LIVE MUSIC

Javette

PROCLAMATIONS

Certificate of Congratulations - PARD - to be presented by Mayor Will Wynn and to be accepted by Warren Struss

Proclamation - Wildfire Awareness Week - to be presented by Mayor Will Wynn and to be accepted by Kevin Baum

Distinguished Service Award - Tim Jones, Environmental Board - to be presented by Council Member Daryl Slusher and to be accepted by the honoree

ZONING DISCUSSION ITEMS CONTINUED

- Z-5 C14-02-0181 - Champion Tract, City Park Road West - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 6100-6404 City Park Road and 6509-6909 F.M. 2222 (Bull Creek and West Bull Creek Watersheds) from development reserve (DR) district zoning and neighborhood commercial-conditional overlay (LR-CO) combining district zoning to neighborhood commercial-conditional overlay (LR-CO) combining district zoning. Zoning and Platting Commission Recommendation: To grant neighborhood commercial (LR) district zoning with conditions. Applicant: Champion Assets Ltd. (Josie Ellen Champion). Agent: Graves, Dougherty, Hearon (Michael J. Whellan). City Staff: Glenn Rhoades, 974-2775.
- The public hearing was closed on Mayor Pro Tem Goodman's motion, Council Member Dunkerley's second on a 7-0 vote.

There was a motion by Council Member Dunkerley to approve on first reading ZAP recommendation, with directions to staff and the neighborhood to make a recommendation on the number of trips. This was seconded by Council Member Thomas. Staff was directed to consider the other tracts on this property and include those tracts in the comprehensive trip limitation analysis. Staff was also directed not to initiate any other cases until the analysis was complete. The motion passed on a 4-3 vote. Those voting aye were: Mayor Wynn, Council Members Dunkerley, McCracken and Thomas. Those voting nay were: Mayor Pro Tem Goodman, and Council Members Alvarez and Slusher.

- Z-6 C14-03-0140 - Champion Tract - City Park Road East - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 6011-6411 City Park Road and 5801-6507 F.M. 2222 (Bull Creek and West Bull Creek Watersheds) from general office-conditional overlay (GO-CO) combining district zoning to general office-conditional overlay (GO-CO) combining district zoning in order to change a condition of zoning. Zoning and Platting Commission Recommendation: To grant general office-conditional overlay (GO-CO) combining district zoning. Applicant: Champion Assets Ltd. (Josie Champion). Agent: Graves, Dougherty and Hearon (Michael Whellan). City Staff: Glenn Rhoades, 974-2775.
- The public hearing was closed on Mayor Pro Tem Goodman's motion, Council Member Dunkerley's second on a 7-0 vote.

There was a motion by Council Member Dunkerley to approve on first reading ZAP recommendation, with directions to staff and the neighborhood to make a recommendation on the number of trips. This was seconded by Council Member Thomas. Staff was directed to consider the other tracts on this property and include those tracts in the comprehensive trip limitation analysis. Staff was also directed not to initiate any other cases until the analysis was complete. The motion passed on a 4-3 vote. Those voting aye were: Mayor Wynn, Council Members Dunkerley, McCracken and Thomas. Those voting nay were: Mayor Pro Tem Goodman, and Council Members Alvarez and Slusher.

PUBLIC HEARINGS AND POSSIBLE ACTION

53. Conduct a public hearing on the full purpose annexation of the Double Creek Village Area (Approximately 133 acres located in Travis County at the intersection of FM 1626 and IH 35). The public hearing was closed on Council Member Thomas' motion, Council Member McCracken's second on a 7-0 vote.
54. Conduct a public hearing and approve ordinances amending Section 25-2-513 of the City Code related to structures allowed in setbacks; Section 25-2-531 related to height limit exceptions; and

Chapter 25-10 related to signs for certain institutions, and sign regulations in certain sign districts. (Recommended with amendments by the Planning Commission.)

This item was withdrawn.

- Z-7** C14-03-0067 - Freedom Auto Sales - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 1401 West Koenig Lane (Shoal Creek Watershed) from neighborhood commercial (LR) district zoning to general commercial services-mixed use-conditional overlay (CS-MU-CO) combining district zoning. Planning Commission Recommendation: To deny general commercial services-mixed use-conditional overlay (CS-MU-CO) district zoning. Applicant: Walter Leamons and Eugene Volcik. Agent: Lopez-Phelps and Associates (Amelia Phelps). City Staff: Glenn Rhoades, 974-2775.

The public hearing was closed on Mayor Pro Tem Goodman's motion, Council Member Alvarez' second on a 7-0 vote.

The motion to deny Tract 101 was approved on Mayor Pro Tem Goodman's motion, Council Member Alvarez' second on a 7-0 vote.

- Z-2** Conduct a public hearing and consider an ordinance amending the Austin Tomorrow Comprehensive Plan by adopting the Brentwood/Highland Combined Neighborhood Plan for the area bounded on the north by Justin Lane and Anderson Lane, on the east by Middle Fiskville Road and Twin Crest Drive, on the south by 45th Street and Koenig Lane, and on the west by Burnet Road. (Planning Commission voted to recommend the Brentwood/Highland Combined Neighborhood Plan with conditions) (There is no fiscal impact associated with adopting the Brentwood/Highland Neighborhood Plan. An estimate of the fiscal impact to implement all of the recommendations in the plan is \$11,252,000. This plan is advisory and does not legally obligate the Council to implement any particular recommendation.) (February 24, 2004 - Planning Commission voted to recommend the Brentwood/Highland Combined Neighborhood Plan to the Council for adoption.) (Related Item Z-8)

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

The motion to approve on first reading the Neighborhood Plan as recommended by Planning Commission (excluding tracts 94, 99, 238, 239, 240, 248, 271 and 272, and the properties listed below), was approved on Mayor Pro Tem Goodman's motion, Council Member McCracken's second on a 7-0 vote.

The motion to approve on first reading Tract 101 –Commercial Mixed-Use for property located at 1401 Koenig Lane, was approved on Mayor Pro Tem Goodman's motion, Council Member Alvarez' second on a 7-0 vote.

The motion to approve on first reading Tract 3 – Commercial Mixed-Use for property located at 6709 Burnet Lane, was approved on Mayor Pro Tem Goodman's motion, Council Member Alvarez' second on a 7-0 vote.

The motion to approve on first reading Tract 222b – Commercial Mixed-Use for property located at 608 Kenniston Drive, was approved on Mayor Pro Tem Goodman's motion, Council Member Alvarez' second on a 6-0 vote. Council Member Slusher was off the dais.

The motion to approve on first reading Tract 10b – Commercial Mixed-Use for property located at 5607 and 5615 Burnet Road, was approved on Mayor Pro Tem Goodman's motion, Mayor Wynn's second on a 7-0 vote.

The motion to approve on first reading Tract 10b – Commercial Mixed-Use for property located at 5701-5715 Burnet Road, was approved on Mayor Pro Tem Goodman's motion, Mayor Wynn's second on a 7-0 vote.

The motion to waive the rules and allow Council to meet after 10 p.m. was approved on Council Member Thomas' motion, Council Member Slusher's second on a 7-0 vote.

The motion to approve on first reading Planning Commission recommendation for Tracts 94, 99, 238, 239, 240, 248, 271, 272, 77b (814 Romeria), 210b (a portion of 7427 North Lamar), 266 (6016 and 6020 Dillard Circle), 267 (6015 Dillard Circle), 244 (108 Denson Drive), 268 (0 Denson Drive), 15b (5508, 5510, 5600 and 5602 Clay Avenue), 51 (5006 Grover Avenue), 93 (1400 Koenig Lane), 107 (2005 Koenig Lane), 16 (5611 Clay Avenue) and 221 (601, 605, and 613 St. Johns), was approved on Mayor Pro Tem Goodman's motion, Mayor Wynn's second, on a 7-0 vote.

- Z-8 C14-04-0012 - Brentwood/Highland Neighborhood Plan - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as the area covered by the Brentwood/Highland Combined Neighborhood Plan, encompassing the Brentwood and Highland planning areas. The Brentwood/Highland Neighborhood Planning area is bounded on the north by Justin Lane and Anderson Lane, on the east by Middle Fiskville Road and Twin Crest Drive, on the south by 45th Street and Koenig Lane, and on the west by Burnet Road. The proposed zoning change will create two Neighborhood Plan Combining Districts (NPCD) covering the entire area. Under the proposed Highland NPCD, "Small Lot Amnesty" and "Secondary Apartment" special uses are proposed for the entire plan area. "Garage Placement," "Front Porch Setback" and "Impervious Cover and Parking Placement Restrictions" are proposed for the entire area, with the exception of St. Johns Avenue. The Cottage Lot special use is proposed for the North and South Highland subdistricts. The North Highland subdistrict is bounded on the north by Crestland Drive, on the east by Twin Crest Drive, on the south by St. Johns Avenue, and on the west by Lamar Blvd. The South Highland subdistrict is bounded on the north and east by Airport Blvd., on the south by Denson Drive, and on the west by Lamar Blvd. The Neighborhood Mixed Use Building special use is proposed for Tract 221 and the Neighborhood Urban Center special use is proposed for Tracts 200, 201, 202, 222a, 222b, 222c, 223, 241, 242, 243a, 243b, 243c, 275, 276, and 277. Under the proposed Brentwood NPCD, "Small Lot Amnesty," "Secondary Apartment," "Garage Placement," "Front Porch Setback" and "Impervious Cover and Parking Placement Restrictions" are proposed for the entire area. The Urban Home special use is proposed for the Romeria Gateway subdistrict, which includes all lots adjacent to Romeria, between Lamar Blvd. and the Grover Drainage Channel. The Neighborhood Urban Center special use is proposed for Tracts 1 and 2. (Buttermilk Creek, Shoal Creek, Tannehill Creek and Waller Creek Watershed) To approve base district changes on certain parcels of land from Family Residence (SF-3) district zoning; Multi-family Residence-Low Density (MF-2) district zoning; Multi-family Residence - Medium Density (MF-3) district zoning; Neighborhood Office (NO) district zoning; Limited Office (LO) district zoning; Limited Office-Conditional Overlay (LO-CO) district zoning; General Office (GO) district zoning; General Office-Conditional Overlay (GO-CO) combining district zoning; Neighborhood Commercial (LR) district zoning; Neighborhood Commercial-Conditional (LR-CO) district zoning; Community Commercial (GR) district zoning; Community Commercial-Conditional Overlay (GR-CO) combining district zoning; General Commercial Services (CS) district zoning;

General Commercial Services-Conditional Overlay (CS-CO) combining district zoning; Commercial-Liquor Sales (CS-1) district zoning; Commercial-Liquor Sales-Conditional Overlay (CS-1-CO) combining district zoning; Limited Industrial Services-Conditional Overlay (LI-CO) combining district zoning; Multi-Family Residence - Limited Density-Conditional Overlay (MF-1-CO) combining district zoning; Multi-family Residence - Moderate-High Density (MF-4) district zoning; Limited Industrial Services (LI) district zoning; unzoned (UNZ); to Rural Residential-Neighborhood (RR-NP) combining district zoning; Single-Family Residence - Large Lot-Neighborhood (SF-1-NP) combining district zoning; Single-Family Residence-Standard Lot-Neighborhood (SF-2-NP) combining district zoning; Family Residence-Neighborhood (SF-3-NP) combining district zoning; Single-Family - Small Lot & Condominium Site-Neighborhood (SF-4A-NP) combining district zoning; Urban Family Residence-Neighborhood (SF-5-NP) combining district zoning; Townhouse & Condominium Residence-Neighborhood (SF-6-NP) combining district zoning; Multi-Family Residence - Limited Density-Neighborhood Plan (MF-1-NP) combining district zoning; Multi-family Residence - Low Density-Neighborhood Plan (MF-2-NP) combining district zoning; Multi-family Residence - Medium Density-Neighborhood Plan (MF-3-NP) combining district zoning; Multi-family Residence - Moderate-High Density-Neighborhood Plan (MF-4-NP) combining district zoning; Multi-family Residence - High Density-Neighborhood Plan (MF-5-NP) combining district zoning; Multi-family Residence - Highest Density-Neighborhood Plan (MF-6) combining district zoning; Mobile Home Residence-Neighborhood (MH-NP) combining district zoning; Neighborhood Office-Neighborhood Plan (NO-NP) combining district zoning; Limited Office-Neighborhood Plan (LO-NP) combining district zoning; General Office-Neighborhood (GO-NP) combining district zoning; Commercial Recreation-Neighborhood Plan (CR-NP) combining district zoning; Neighborhood Commercial-Neighborhood Plan (LR-NP) combining district zoning; Community Commercial-Neighborhood Plan (GR-NP) combining district zoning; Warehouse / Limited Office-Neighborhood Plan (W/LO-NP) combining district zoning; General Commercial Services Plan (CS-NP) combining district zoning; Commercial-Liquor Sales-Neighborhood Plan (CS-1-NP) combining district zoning; Commercial Highway Plan (CH-NP) combining district zoning; Industrial Park-Neighborhood Plan (IP-NP) combining district zoning; Major Industrial-Neighborhood (MI-NP) combining district zoning; Limited Industrial Services Plan (LI-NP) combining district zoning; Research and Development-Neighborhood Plan (R&D-NP) combining district zoning; Development Reserve-Neighborhood Plan (DR-NP) combining district zoning; Agricultural-Neighborhood Plan (AG-NP) combining district zoning; Planned Unit Development-Neighborhood Plan (PUD-NP) combining district zoning; and Public-Neighborhood Plan (P-NP) combining district zoning. A Conditional Overlay (CO) combining district, Planned Development Area (PDA) district, Mixed Use (MU) combining district may also be added to these zoning base districts. Planning Commission Recommendation: To grant staff recommendation with the following changes: to recommend Neighborhood Office-Mixed Use-Neighborhood Plan (NO-MU-NP) combining district zoning on Tract 16; to recommend Neighborhood Office-Mixed Use-Neighborhood (NO-MU-NP) combining district zoning on Tract 213b; to recommend General Commercial Services-Mixed Use-Conditional Overlay-Neighborhood Plan (CS-CO-MU-NP) combining district zoning for a portion of Tract 222b (6900 & 6902 Guadalupe Street). Applicant: City of Austin. Agent: Neighborhood Planning and Zoning Department. City Staff: Annick Beaudet, 974-2975, Brian Block, 974-7687. Note: Several valid petitions have been filed in opposition to this rezoning request.(Related Item Z-2)

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

The motion to approve the first reading of the NPCD rezonings as recommended by Planning Commission with the exception of Tracts, 101, 3, 222b, 10b, 77b, 210b, 266, 267,

244, 268, 15b, 51, 93, 107, 16, 221, 94, 99, 238, 239, 240, 248, 271 and 272 was approved on Mayor Pro Tem Goodman's motion, Mayor Wynn's second on a 7-0 vote.

The motion to approve on first reading CS-MU-CO-NP, Conditional Overlay "G" zoning for Tract 3, 6709 Burnet Lane, was approved on Mayor Pro Tem Goodman's motion, Council Member Alvarez' second on a 7-0 vote.

The motion to approve on first reading CS-MU-CO-NP, Conditional Overlay "B" zoning for Tract 222b, 608 Kenniston Drive, was approved on Mayor Pro Tem Goodman's motion, Council Member Alvarez' second on a 6-0 vote. Council Member Slusher was off the dais.

The motion to approve on first reading CS-MU-CO-NP, Conditional Overlay "B" zoning for Tract 10b, 5607 and 5615 Burnet Road, was approved on Mayor Pro Tem Goodman's motion, Mayor Wynn's second on a 5-2 vote. Those voting aye were: Mayor Wynn, Mayor Pro Tem Goodman, Council Members Alvarez, Slusher and Thomas. Those voting nay were: Council Members Dunkerley and McCracken.

The motion to approve on first reading CS-MU-CO-NP, Conditional Overlay "B" zoning for Tract 10b, 5701-5715 Burnet Road, was approved on Mayor Pro Tem Goodman's motion, Mayor Wynn's second on a 5-2 vote. Those voting aye were: Mayor Wynn, Mayor Pro Tem Goodman, Council Members Alvarez, Slusher and Thomas. Those voting nay were: Council Members Dunkerley and McCracken.

The motion to approve on first reading Planning Commission recommendation for Tracts 94, 99, 238, 239, 240, 248, 271, 272, 77b (814 Romeria), 210b (a portion of 7427 North Lamar), 266 (6016 and 6020 Dillard Circle), 267 (6015 Dillard Circle), 244 (108 Denson Drive), 268 (0 Denson Drive), 15b (5508, 5510, 5600 and 5602 Clay Avenue), 51 (5006 Grover Avenue), 93 (1400 Koenig Lane), 107 (2005 Koenig Lane), 16 (5611 Clay Avenue) and 221 (601, 605, and 613 St. Johns), was approved on Mayor Pro Tem Goodman's motion, Mayor Wynn's second, on a 7-0 vote.

Police

48. 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 motion authorizing the Meet and Confer Contract was approved as presented on Council Member Slusher's motion, Council Member Thomas' second on a 7-0 vote. Staff was directed to meet with APD about a mutual Memorandum of Understanding pertaining to the Police Monitor's Conference.

The motion to adjourn the meeting at 1:10 a.m. was approved on Council Member Thomas' motion, Council Member Slusher's second on a 7-0 vote.

The minutes for the Regular Meeting of March 25, 2004 were approved on this the 1st day of April, 2004 on Council Member Alvarez' motion, Council Member McCracken's second on a 7-0 vote.