



**AUSTIN CITY COUNCIL  
MINUTES**

**REGULAR MEETING  
THURSDAY, AUGUST 5, 2004**

**Invocation:** Rev. Phil Milgioratti, director, National Pastors Prayer Network

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, August 5, 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 10:15 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 July 29, 2004.  
**The minutes from the regular meeting of July 29, 2004 were approved.**
2. Approve an ordinance repealing and replacing Articles 1 through 16 of Chapter 15-9 of the Code relating to Utility Service Regulations (which are the rules to be followed by the City in supplying utility services, and by the customer in using such service) to clarify existing provisions and add new provisions for products and services brought on by changing demands in the Utility industry; readopting offenses; and providing penalties. (Recommended by the Electric Utility Commission.)  
**Ordinance No. 040805-02 was approved.**
3. Approve issuance of a letter of intent for a rebate in the amount of \$93,624 to GAYATRI INC., Austin, TX, for the installation of a solar photovoltaic system at their facility located at 1950 South IH 35, Austin, TX. (Funding is available in the Fiscal Year 2003-2004 Amended Operating Budget of the Austin Energy Conservation Rebates and Incentives Fund.) (Recommended by the Electric Utility Commission and the Resource Management Commission.)  
**The motion authorizing the issuance of a letter of intent for a rebate was approved.**

4. Approve negotiation and execution of a contract with Eugene E. Hoes, Jr., Austin, TX, for the purchase, including closing costs and relocation expenses, of the house and lot located at 3308 South Second, in an amount not to exceed \$155,000. 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 Amended Capital Budget of the Electric Utility Department.) (Recommended by the Electric Utility Commission.)  
**The motion authorizing the negotiation and execution of a contract was approved.**

**Item 5 was pulled for discussion.**

6. Approve an ordinance authorizing acceptance of \$133,079 in grant funds from the Texas Department of Health, Associateship for Family Health Services; and amending the Fiscal Year 2003-2004 Community Care Services Department Operating Budget, Special Revenue Fund, of Ordinance No. 030909-01, to appropriate \$133,079 and create one and one-half (1.5) full-time equivalent positions. (Funding is available from the Texas Department of Health, Associateship for Family Health Services, Primary Care Program. The grant period is September 1, 2004 through August 31, 2005. No match is required.)  
**Ordinance No. 040805-06 was approved.**
7. Approve an ordinance authorizing acceptance of \$49,941 in additional grant funds from the Texas Department of Health, Immunization Division, and amending Ordinance No. 030909-01, the approved Fiscal year 2003-2004 Operating Budget, Health and Human Services Special Revenue Fund, by appropriating \$49,941 in additional grant funds for a total grant amount of \$498,941. (Funding in the amount of \$49,941 is available from the Texas Department of Health, Immunization Division. The grant period is January 1, 2004 through December 31, 2004. No City match is required.)  
**Ordinance No. 040805-07 was approved.**
8. 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 the amount of \$300,000, with a total contract amount not to exceed \$360,000. (Funding in the amount of \$300,000 is available in the fiscal year 2003-2004 Approved Operating Budget of the Liability Reserve Fund.) (Related Item 39)  
**The motion authorizing the negotiation and execution of an amendment to the outside counsel contract was approved.**
9. Approve the transfer of a parcel of land located at 1205 East 11th Street from the Urban Renewal Agency of the City of Austin for the purpose of the City transferring the land to the AUSTIN REVITALIZATION AUTHORITY, Austin, TX, for the development of community parking lots. (Urban Renewal Board authorized transfer of parcels.) (Related Item 10)  
**The motion authorizing the transfer of a parcel of land was approved.**
10. Approve the negotiation and execution of a forgivable loan to the AUSTIN REVITALIZATION AUTHORITY, Austin, TX, in an amount not to exceed \$75,000 including the agreement to transfer a parcel of land located at 1205 East 11<sup>th</sup> Street for the development of a community parking lot to support future development along East 11th Streets. (Funding is available in Neighborhood Housing and Community Development Office Fiscal Year 29th Year Community Development Block Grant funds.) (Related Item 9)  
**The motion authorizing the negotiation and execution of a forgivable loan was approved.**

11. Authorize application for \$1,500,000 in grant funding from the U.S. Department of Justice, Office of Community Policing Services (COPS), Interoperable Communications Technology grant, to enhance communications interoperability of first responders. Funding is available from the U.S. Department of Justice, COPS, Interoperable Communications Technology, for the grant period October 1, 2004 to September 30, 2005. (Funding is available from the U.S. Department of Justice, COPS, Interoperable Communications Technology. A required cash match of \$500,000 is included in the Capital Budget of the Financial & Administrative Services Department.)  
**The motion authorizing the application was approved.**
12. Approve a resolution authorizing application and acceptance of \$80,000 in grant funding from the State of Texas, Governor's Office, Criminal Justice Division, Victims of Crime Act (VOCA) for the Austin Police Department project entitled "Outreach to Female Victims of Domestic Violence and Stalking." (Funding is available from the State of Texas, Governor's Office, Criminal Justice Division, Victims of Crime Act for a 10-month grant period September 1, 2004 - June 30, 2005. An in-kind match of \$41,645 is required and will be met by continuing the existing salary funding and additional personnel expenses for grant funded FTEs and is included in the proposed Fiscal Year 2004-2005 Operating Budget for the Austin Police Department (APD), Victim Services Program.)  
**Resolution No. 040805-12 was approved.**
13. Approve a resolution to authorize the fee simple acquisition of Lots 18 and 19, Block A, of Onion Creek Plantations Section One, a subdivision of Travis County, TX, conveyed to Aaron I. and Esperanza Palacios by Warranty Deed recorded in Volume 64, Page 50, of the Deed Records of Travis County, TX, locally known as 7102 and 7104 Foy Circle, from AARON I. and ESPERANZA PALACIOS for the Creek Erosion Mitigation Program, in the amount of \$125,000 for the land and improvements and \$22,500 relocation benefits and moving related expenses. (Funding in the amount of \$147,500 is included in the Fiscal Year 2003-2004 Amended Capital Budget of the Watershed Protection and Development Review Department.)  
**Resolution No. 040805-13 was approved.**
14. Approve a resolution authorizing the filing of eminent domain proceedings for the Little Walnut/Buttermilk at 290 & 183 project of the Austin Clean Water Program to acquire a 26,736 square foot temporary staging area and material storage site easement and a 53,439 square foot temporary ingress and egress easement out of the John Applegate Survey No. 58, Abstract No. 29 in Travis County, TX, in the amount of \$16,837. The owner of the property interests sought to be condemned is the CARTER FAMILY PARTNERSHIP, Austin, TX. (Funding is included in the Fiscal Year 2003-2004 Capital Budget of the Austin Water Utility.)  
**Resolution No. 040805-14 was approved.**
15. Approve a resolution authorizing the filing of eminent domain proceedings for the Little Walnut/Buttermilk - North/Capital Drive project as part of the Austin Clean Water Program to acquire a (1) 18,038 square foot permanent wastewater line easement, (2) 63,686 square foot permanent access easement, (3) 71 square foot temporary working space easement, and (4) 2,418 square foot temporary staging area and material storage site easement out of Lot 1, Block A, Windcrest Parkside Subdivision, a subdivision in the City of Austin, for the amount of \$68,013. The owner of the property interests sought to be condemned is AUSTIN WINDCREST PARK PLAZA LIMITED PARTNERSHIP, Austin, TX. The property is located at 1088 Park Plaza, Austin, TX. (Funding is included in the Fiscal Year 2003-2004 Capital Budget of the Austin Water Utility.)

**Resolution No. 040805-15 was approved.**

16. Authorize payment to the TEXAS DEPARTMENT OF TRANSPORTATION for the City's 10% participation of the right-of-way acquisition for the U.S. Highway 290 Project, from R.M. 1826 to Brodie Lane, in accordance with the June 27, 1986 Agreement for Right-of-Way Procurement, in the amount of \$141,000. (Funding is available in the Fiscal Year 2000-2001 Amended Capital Budget of the Transportation, Planning and Sustainability Department.)  
**The motion authorizing payment to the Texas Department of Transportation was approved.**
17. Approve a resolution to authorize negotiation and execution of all documents necessary for the acquisition of a temporary working space easement comprised of 0.025 acres of land, and a temporary staging area and material storage site easement comprised of 0.590 acres of land out of a portion of the George W. Davis Survey No. 15, in Travis County, TX, located at 3420 Executive Center Drive, from AP-KNIGHT LP, a Delaware limited partnership, Austin, TX, in the amount not to exceed \$458,278 for the Austin Clean Water Program's Upper Shoal-Spicewood Branch Project. (Funding is included in the Fiscal Year 2003-2004 Capital Budget of the Austin Water Utility.)  
**This item was postponed indefinitely and withdrawn from the agenda.**
18. Re-authorize execution of a Local Transportation Project Advance Funding Agreement for a Metropolitan Mobility/Rehabilitation (STP 4C) grant through the State of Texas, acting by and through the Texas Department of Transportation (TxDOT) for the construction of a bike lane on Pleasant Valley Road from East Oltorf Street to Lakeshore Boulevard in the amount of \$366,919. (Funding is available in the Fiscal Year 2001-2002 Amended Capital Budget of the Transportation, Planning and Sustainability Department.)  
**The motion authorizing the execution of a Local Transportation Project Advance Funding Agreement was approved.**
19. Authorize execution of a construction contract with ACTION CONSTRUCTION, San Antonio, TX, for the Connelly-Yerwood Renovation Re-Bid in an amount not to exceed \$376,950. (Funding is available in the Neighborhood Housing and Community Development Department (NHCD) Special Revenue Fund Section 108 loan proceeds.) Lowest bid of two received. 14.24% MBE and 5.63% WBE subcontractor participation.  
**The motion authorizing the execution of a construction contract was approved.**
20. Authorize negotiation and execution of a 30-month service agreement with RJW OPERATIONS, INC., dba GROUP SOLUTIONS RJW, (WBE/FB-88.1%), Austin, TX, for public information and community services for the Austin Water Utility in an amount not to exceed \$93,421.25. (Funding is included in the Fiscal Year 2003-2004 Approved Capital Budget of the Austin Water Utility.) Best proposal of eight proposals received. 11.9% MBE and 0% WBE subconsultant participation.  
**This item was postponed to August 12, 2004.**
21. Authorize negotiation and execution of a 12-month service agreement with OPENLINK OPERATING LLP, Houston, TX, for a risk management system including software, implementation services and maintenance in an amount not to exceed \$1,500,000, with three 12-month extension options for maintenance services in an amount not to exceed \$145,000 per extension option, for a total agreement amount not to exceed \$1,935,000. (Funding in the amount of \$1,500,000 is available in the Fiscal Year 2003-2004 Amended Capital Budget of Austin Energy. Funding for the extension options is contingent upon available funding in future budgets.) Best evaluated proposal of thirteen 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. Ratify Amendment No. 1 to the contract with ABB, Inc, Sugar Land, TX, for costs incurred for enhancements to the SCADA-EMS system in an amount not to exceed \$1,001,000 for a revised total contract amount not to exceed \$9,082,418. (Funding in the amount of \$1,001,000 is available in the 2003-2004 Amended Capital Budget for the Electric Utility Department. There is no unanticipated fiscal impact.) Critical Business Need. 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 for this solicitation.

**The motion authorizing Amendment No. 1 to the contract was approved.**

23. Authorize execution of a 12-month service agreement with WINDOW GANG, Austin, TX, for window cleaning services in an amount not to exceed \$69,438, with two 12-month extension options in an amount not to exceed \$69,438 per extension option, for a total agreement amount not to exceed \$208,314. (Funding in the amount of \$11,573 is available in Fiscal Year 2003-2004 Approved Operating Budget of the Aviation Department. Funding for the remaining 10-months of the original contract period and extension options is contingent upon available funding in future budgets.) Lowest bid of three 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. Authorize execution of a contract through the State of Texas, Texas Building and Procurement Commission, with HAWORTH INCORPORATED, Austin, TX, and the authorized distributor FURNITURE MARKETING GROUP, Austin, TX for the purchase and installation of modular office systems for built-in cubicle arrangements including wall panels and modular office furniture for the Solid Waste Services Department in an amount not to exceed \$62,632.12. (Funding is available in the Fiscal Year 2003-2004 Approved Operating Budget of the Solid Waste Services Department.) Purchasing Cooperative.

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

25. Authorize execution of a 12-month supply agreement with INGRAM LIBRARY SERVICES, INC., La Vergne, TN, for books on audio cassette and compact disc in an amount not to exceed \$170,593, with two 12-month extension options in an amount not to exceed \$170,593 per extension, for a total agreement amount not to exceed \$511,779. (Funding in the amount of \$14,216 is available in the Fiscal Year 2003-2004 Approved Operating Budget of the Library Department. Funding for the remaining 11-months of the original contract period and extension options is contingent upon available funding in future budgets.) Lowest responsive 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 supply agreement was approved.**

26. Authorize execution of a 12-month supply agreement with INGRAM LIBRARY SERVICES, INC., La Vergne, TN, for the purchase of VHS and DVD videos in an amount not to exceed

\$213,814.39, with two 12-month extension options in an amount not to exceed \$213,814.39 per extension option, for a total agreement amount not to exceed \$641,443.17. (Funding in the amount of \$17,818 is available in the Fiscal Year 2003-2004 Approved Operating Budget of the Library Department. Funding for the remaining 11-months of the original contract period and the extension options is contingent upon available funding in future budgets.) Lowest responsive bid of eight 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 a 12-month professional services agreement with CENTRAL TEXAS MEDICAL FOUNDATION, INC. dba AUSTIN MEDICAL EDUCATION PROGRAMS, Austin, TX, for out-patient obstetrical and gynecological services in an amount not to exceed \$325,000, with four 12-month extension options in amounts not to exceed \$341,250 for the first extension option, \$358,313 for the second extension option, \$376,228 for the third extension option, and \$395,040 for the fourth extension option, for a total agreement amount not to exceed \$1,795,831. (Funding in the amount of \$325,000 is included in the Fiscal Year 2004-2005 Proposed Operating Budget of the Community Care Services Department. Funding for the extension options is contingent upon available funding in future budgets.) Public Health and Safety. 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 goals were established due to Public Health and Safety exemption.

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

28. Authorize negotiation and execution of a 12-month service agreement with LABORATORY CORPORATION OF AMERICA, San Antonio, TX, for reference laboratory services for patients and employees served by the Community Care Services, Health and Human Services, Austin Fire, Austin Police, and Austin/Travis County Emergency Medical Services Departments in an amount not to exceed \$733,545, with four 12-month extension options in an amount not to exceed \$733,545 per extension option, for a total agreement amount not to exceed \$3,667,725. (Funding is included in the Fiscal Year 2004-2005 Proposed Operating Budget of the following Departments: \$474,409 - Community Care Services; \$56,250 - Health and Human Services; \$9,000 - Austin Police; \$7,500 - Austin Fire; and \$3,000 - Austin/Travis County Emergency Medical Services. Funding for the remaining three-months of the original contract period and extension options is contingent upon available funding in future budgets.) One 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.

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

29. Authorize execution of a 12-month service agreement with EMANCIPET, INC., Austin, TX, to spay and neuter pets for low-income residents of Austin in an amount not to exceed \$50,000, with two 12-month extension options in an amount not to exceed \$50,000 per extension option, for a total agreement amount not to exceed \$150,000. (Funding in the amount of \$50,000 is included in the Fiscal Year 2004-2005 Proposed Operating Budget of the Health and Human Services Department. Funding for the extension options is contingent upon available funding in future budgets.) Public Health and Safety. 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 goals were established due to Public Health and Safety exemption.

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

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

| <u>Board/<br/>Appointee</u>  | <u>Consensus/<br/>Council Nominee</u> | <u>Appointment/<br/>Reappointment</u> |
|--|---------------------------------------|---------------------------------------|
| <u>Animal Advisory Commission</u><br>Carol Adams   | Council Member Dunkerley              | Appointment                           |
| <u>Building and Fire Code Board of Appeals</u><br>Philip Haught                                      | Consensus                             | Reappointment                         |
| <u>Building and Standards Commission</u><br>Tim Hill   | Consensus                             | Reappointment                         |
| <u>Electric Utility Commission</u><br>Linda Shaw   | Consensus                             | Reappointment                         |
| <u>Federally Qualified Health Center Board</u><br>Hal Katz   | Consensus                             | Reappointment                         |
| <u>Mechanical, Plumbing and Solar Board</u><br>Thomas Combs  | Consensus                             | Reappointment                         |
| <u>Resource Management Commission</u><br>John Hoffner  | Consensus                             | Reappointment                         |
| <u>Robert Mueller Municipal Airport Plan Implementation Advisory Commission</u><br>Tracy Dour Atkins | Consensus                             | Appointment                           |

Item 31 was reconsidered later in the meeting.

Item 32 was pulled for discussion.

33. Approve an ordinance waiving the residency requirement of City Code Section 2-1-1 for Mr. Calvin Williams, a member of the Construction Advisory Committee. (Council Member Danny Thomas, Council Member Raul Alvarez, and Council Member Betty Dunkerley)  
**Ordinance No. 040805-33 was approved.**
34. Amend Ordinance No. 040624-52 to extend the interim development regulations applicable to a two-family residential use and a secondary apartment special use to October 30, 2004. (Council Member Betty Dunkerley)  
**Ordinance No. 040805-34 was approved.**
35. Set a public hearing regarding a petition for consent to the creation of the Greenshores MUD, approximately 252 acres between Emma Long Park and Lake Austin, located approximately 2.5 miles south of the intersection of City Park Road and FM 2222. (Suggested date and time: August 12, 2004 at 6:00 p.m., Lower Colorado River Authority, Hancock Building.) (To be

reviewed by the Water and Wastewater Commission on August 4, 2004, and the Planning Commission on August 10, 2004.)

**The public hearing was set for August 12, 2004 at 6:00 p.m., Lower Colorado River Authority, Hancock Building.**

36. Set a public hearing for the full purpose annexation of Anderson Mill Road Right-of-Way (ROW) (Approximately 7.93 acres located along the northern edge of the Motorola campus on the east side of Parmer Lane.) (Suggested dates and times: August 26, 2004 at 6:00 p.m., Lower Colorado River Authority, Hancock Building; and September 2, 2004 at 6:00 p.m., Lower Colorado River Authority, Hancock Building).  
**The public hearings were set for August 26, and September 2, 2004 at 6:00 p.m., Lower Colorado River Authority, Hancock Building.**

Items 37 through 41 were Executive Sessions items.

Item 42 was Action on Executive Session item.

Items 42 and 43 were briefings set for a time certain of 2:00 p.m.

Items AHFC-1 through AHFC-3 were set for a time certain of 3:00 p.m.

Items 45 through 51 and Z-1 through Z-2 were Zoning items.

Items 52 through 57 were public hearings set for 6:00 p.m.

### **DISCUSSION ITEMS**

5. Authorize negotiation and execution of a lease with IRON ROCK MOTORSPORTS, INC., Austin, TX, for 20,928 square feet of space in Building 7390 and approximately 8.1 acres of land at Austin-Bergstrom International Airport, for \$80,668 per year less rent credits of \$17,000 per year, for a net rental of \$63,668 per year. (Revenue generating contract.) (Recommended by the Austin Airport Advisory Commission.)  
**The motion authorizing the negotiation and execution of a lease was approved on Council Member McCracken's motion, Council Member Thomas' second on a 4-3 vote. Those voting aye were: Mayor Wynn and Council Members Dunkerley, McCracken and Thomas. Those voting nay were: Mayor Pro Tem Goodman and Council Members Alvarez and Slusher.**
31. Approve a resolution designating August 8, 2004 as a free swim day at Barton Springs Pool in commemoration of the 12<sup>th</sup> Anniversary of the passage of the Save Our Springs Ordinance. (Council Member Daryl Slusher, Mayor Pro Tem Jackie Goodman and Council Member Danny Thomas)

**Resolution No. 040805-31 was approved on the Consent Agenda.**

**The motion to reconsider Item 31 was approved on Council Member Slusher's motion, Mayor Wynn's second on a 7-0 vote.**

**Resolution No. 040805-31 was approved to read as follows on Council Member Slusher's motion, Council Member Thomas' second on a 7-0 vote.**



Whereas, the SOS ordinance was put before Austin voters on August 8, 1992 after a citizens' initiative to place the issue on the ballot; and

Whereas, voters approved the SOS ordinance by an almost 2-1 margin, solidly affirming their long expressed desire to protect the water quality of Barton Springs and the Edwards Aquifer; and

Whereas, much has been done to protect this water quality, yet there is still much more that needs to be done; and

Whereas, waiver of Barton Springs Pool fees would assist in promoting a public appreciation of the Barton Springs; Now, therefore,

Be it resolved by the City Council of the City of Austin:

That in honor of the citizen victory on August 8, 1992, the City Manager is directed to waive Barton Springs Pool admission fees for August 8, 2004; and

Be it further resolved that

August 8, 2004 is declared "Barton Springs and Edwards Aquifer Day" in Austin.

Mayor Wynn recessed the Council Meeting at 11:50 a. m.

Mayor Wynn called the Council Meeting back to order at 12:04 p.m.

**CITIZEN COMMUNICATIONS: GENERAL**

Marnie Reeder - Animal Issues

Joanne Mullen - Animal Issues

Michelle Bynum - Animal Issues

Walter Carrington - Beautification of Austin. He was not present when his name was called.

Missy McCullough - Animal Issues

Linda MacNeilage - Issues relating to Code Enforcement & Interpretation: Shelley Park Flats

Richard Troxell - Homlessness

**DISCUSSION ITEM CONTINUED**

32. Direct the City Manager to (1) transfer remaining funds under the contract with the Kenneth Threadgill Music Project for the management of the Austin Music Network (AMN) to Austin Community Access Center, Inc. (ACAC), through September 30, 2004, to begin discussions on transitioning existing AMN programming hours from Channel 15 to access channels managed and operated by ACAC, and (2) to continue providing local music programming to be aired on Channel 15 until and unless a contract is negotiated and executed regarding its management and

operation. (Mayor Pro Tem Jackie Goodman, Council Member Raul Alvarez and Council Member Betty Dunkerley)

The motion authorizing the City Manager to transfer remaining funds was approved with the following amendments on Mayor Pro Tem Goodman's motion, Council Member Dunkerley's second on a 7-0 vote..

1. Direct the City Manager to transfer the remaining funds under the contract with Kenneth Threadgill Music Project for management of the Austin Music Network to ACTV in accordance with discussions with ACTV and in compliance with ACTV's free speech policies.
2. Direct the City Manager to provide analysis of options for transfer of existing Austin Music Network programming to other access television venues.
3. Direct the City Manager to continue providing local music programming to be aired on Channel 15 until and unless a contract is negotiated and executed regarding its management and operation. There is no unanticipated fiscal impact. A budget amendment is not required.

Mayor Wynn recessed the Council Meeting to go into Executive Session at 12:59 p.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

37. Discuss legal issues related to implementation of the Travis County Hospital District.
38. Discuss legal issues in *Michael King, et al. v. City of Austin*, Cause No. 03-04-00149CV in the Third Court of Appeals in Austin, Texas. (concerns police officers' claims for additional pay based on earlier start date for longevity purposes) (Related Item 42)
39. 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, and the legal services agreement with Scott Douglass & McConnico, L.L.P. (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 8)

Items 40 and 41 were discussed later in Executive Session.

Executive session ended at 2:48 p.m.

Mayor Wynn called the Council Meeting back to order at 2:53 p.m.

#### BRIEFINGS

43. Presentation by the Austin Police Department on traffic enforcement and management strategies and recent crime statistics.

The presentation was made by Stan Knee, Chief, Austin Police Department and Rick Coy, Assistant Chief, Austin Police Department.

44. Presentation of the Fiscal Year 2004-2005 proposed budgets for the Public Safety Departments, including the Austin Police Department, the Austin Fire Department, the Emergency Medical Services Department, and the Municipal Court.

The presentation was made by Rudy Garza, Assistant City Manager; Gary Warren, Chief, Fire Department; Richard Harrington, Executive Director, EMS; Dr. Ed Rock, Medical Director, EMS; Stan Knee, Chief, Austin Police Department; Rebecca Stark, Clerk, Municipal Court; Evelyn McKee, Presiding Judge, Municipal Court; and Gregg Toomey, Court Administrator, Municipal Court.

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

Mayor Wynn recessed the Council Meeting at 5:11 p.m. to go into the Board of Director's Meeting of the Austin Housing Finance. See separate minutes.

AHFC adjourned and the regular Council meeting was called back to order at 5:15 p.m.

**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 Council Member Alvarez' motion, Mayor Wynn's second on a 5-0 vote. Mayor Pro Tem Goodman and Council Member McCracken were off the dais.

45. C14T-03-0001 - Pioneer Hill Traditional Neighborhood District - Approve second/third readings of an ordinance amending Chapter 25-2 of the Austin City Code by zoning property locally known as East Dessau Road, located across from the intersections of Dessau Road and Applegate Drive, Dessau Road and Meadowmear Drive, and Dessau Road and Childress Drive (Walnut Creek Watershed) from interim-rural residence (I-RR) district zoning to traditional neighborhood (TN) district zoning. First reading on May 6, 2004. Vote: 7-0. Conditions met as follows: No conditions were imposed. Applicant: Estate of Fred C. Morse, Sr., Deceased (Scott N. Morse, Frederic C. Morse, III), JP Morgan Chase Bank, N.A. (Scott DeNeen), Continental Homes of Texas, L.P., dba Milburn Homes, L.P./ D.R. Horton Homes, L.P. (Dale Thorton). Agent: Milburn Homes, L.P./ D.R. Horton Homes, L.P. (Dale Thorton). City Staff: Sherri Gager, 974-3057. Ordinance No. 040805-45 was approved.

- Z-1 Conduct a public hearing and approve an ordinance amending Ordinance No. 020523-30, which adopted the North Loop Neighborhood Plan as an element of the Austin Tomorrow Comprehensive Plan, to change the Future Land Use Map from single-family residential to commercial-mixed use for property located at 0 (south 75 feet of lots 9, 10, & 11 and the north 75 feet of lots 12, 13 & 14, Block 1, Smith and Abrahamson Subdivision, Travis County, Texas), 100, 102 and 104 E. 51<sup>st</sup> Street. (Planning Commission made no recommendation.) (Related Item Z-2)

This item was postponed to August 12, 2004 at the neighborhood association's request.

- Z-2 C14-04-0015 - 51<sup>st</sup> Street Mixed Use - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin Code by rezoning property locally known as 0 (south 75 feet of lots 9, 10 & 11 and the north 75 feet of lots 12, 13 & 14, Block 1, Smith and Abrahamson Subdivision, Travis County, Texas), 100, 102 and 104 East 51<sup>st</sup> Street (Waller Creek Watershed) from family residence-neighborhood plan (SF-3-NP) combining district zoning to neighborhood

commercial-mixed use-conditional overlay-neighborhood plan (LR-MU-CO-NP) combining district zoning. Planning Commission Recommendation: To forward to Council without a recommendation. Applicant: Northfield Design Associates (Don Smith). Agent: Northfield Design Associates (Don Smith). City Staff: Glenn Rhoades, 974-2775. Note: A valid petition has been filed by property owners within 200 feet of the site. (Related Item Z-1)

**This item was postponed to August 12, 2004 at the neighborhood association's request.**

### ZONING DISCUSSION ITEM

46. Approve third of reading an ordinance amending the Austin Tomorrow Comprehensive Plan by adopting the Central Austin Combined Neighborhood Plan for the area bounded by 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. The Central Austin Combined Neighborhood Planning Area includes the Hancock, North University, and West University Neighborhood Planning Areas. (There is no fiscal impact associated with adopting the Central Austin Combined Neighborhood Plan. An estimate of the fiscal impact to implement all of the recommendations in the plan is \$14,566,100. This plan is advisory and does not legally obligate the Council to implement any particular recommendation.) (The Planning Commission recommended approval of the Central Austin Combined Neighborhood Plan on May 25, 2004.) (Related Items 47, 49, 50, 51)

**This item was postponed to August 12, 2004 on Council Member Slusher's motion, Council Member Alvarez' second on a 5-0 vote. Mayor Pro Tem Goodman and Council Member McCracken were off the dais.**

48. C14-03-0049 - House of Tutors - Approve second/third readings of 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) district zoning to general commercial services-mixed use-conditional overlay (CS-MU-CO) combining district zoning and multifamily residence highest density-conditional overlay (MF-6-CO) combining district zoning. First reading on June 20, 2004. Vote: 4-3, Mayor Wynn, Mayor Pro Tem Goodman and Alvarez - nay. Conditions met as follows: Conditional Overlay incorporates the conditions imposed by Council on first ordinance reading with conditions. Applicant: House of Tutors Inc. (Hussain Malik). Agent: Holland Architecture (Jimmy Holland). City Staff: Glenn Rhoades, 974-2775. Note: A valid petition has been filed in opposition to this rezoning request.

**This item was postponed to September 2, 2004 on Council Member Slusher's motion, Council Member Alvarez' second on a 5-0 vote. Mayor Pro Tem Goodman and Council Member McCracken were off the dais.**

42. Approve a settlement in Michael King, et al. v. City of Austin, Cause No. 03-04-00149CV in the Third Court of Appeals at Austin, Texas and approve a resolution declaring the City of Austin's official intent to reimburse itself for costs related to the settlement of that case from the proceeds of future sale of tax-exempt obligations. (concerns police officers' claims for additional pay based on earlier start date for longevity purposes)(Related Item 38)

**The motion approving a settlement in the amount of \$2,776,000 plus court costs in Michael King et al. v. City of Austin and approval of Resolution No. 040805-42 was approved on Council Member Slusher's motion, Council Member Alvarez' second on a 5-0 vote. Mayor Pro Tem Goodman was off the dais and Council Member Thomas recused himself.**

### LIVE MUSIC

Nicole Janson

PROCLAMATIONS

Proclamation - Community Health Center Week - to be presented by Council Member Betty Dunkerley and to be accepted by Trish Young

Mayor Wynn recessed the Council Meeting to go into Executive Session at 5:30 p.m.

EXECUTIVE SESSION CONTINUEDReal Property - Section 551.072

40. Discuss terms of sale for the Mueller site (former Robert Mueller Municipal Airport) to Catellus Austin, L.L.C.  
**This item was withdrawn.**
41. Discuss disposition of the old Austin Recreation Center located at 12th Street and Shoal Creek.

Mayor Wynn called the Council Meeting back to order at 6:16

ZONING DISCUSSION ITEMS CONTINUED

49. C14-04-0021 - Central Austin Combined Neighborhood Plan (West University Neighborhood) rezoning - Approve second/third readings of an ordinance amending Chapter 25-2 of the Austin City Code by zoning and rezoning property locally known as the West University Neighborhood Plan Area, generally bounded on the north by 38th Street, on the south by Martin Luther King Jr. Blvd., on the west by Lamar Blvd. and on the east by Guadalupe Street. The proposed zoning change will create a Neighborhood Plan (NP) combining district covering the entire area. Under the proposed West University NP, "Small Lot Amnesty" is proposed for the entire area. "Garage Placement," "Front Porch Setback," "Impervious Cover and Parking Placement Restrictions" and "Front or Side Yard Parking Restrictions" apply as set forth in Section 25-2-1406 of the City Code are proposed for the Heritage, Shoal Crest, and West University subdistricts. The Heritage subdistrict is bounded by Lamar Blvd. to the west, W. 38th St. to the north, Guadalupe St. to the east, and W. 29th St. to the south. The Shoal Crest subdistrict is bounded by Lamar Blvd. to the west, W. 29th St. to the north, Rio Grande St. to San Pedro St. to the east, and 28th St. to Poplar St. the south. The West University Neighborhood subdistrict is bounded by Lamar Blvd. to the west, W. 24th St. to the north, Leon St. and Robbins Pl. to the east, and MLK Jr. Blvd. to the south. The Neighborhood Mixed Use Building special use is proposed for Tracts 1-13, 13A, 13B, 16, 20, 20A, 22-27, 31-32, 58, 58A, 58B, 64-74, 74A, 75, 77-96, 112-113, 115-122, 128-129, 141-143, 143C, 144-146, 148, 156-158, 166-167, 170, 172, 174, 176-180, 179A, 183, 192-197, 209-210, 213, 219-220, 225-226, 230, 235-239, 241, 243-256, 259-266. The Planning Commission may recommend and the City Council may approve a zoning change to any of the following: Rural Residence (RR) district zoning; Single-Family Residence - Large Lot (SF-1) district zoning; Single-Family Residence-Standard Lot (SF-2) district zoning; Family Residence (SF-3) district zoning; Single-Family - Small Lot & Condominium Site (SF-4A/B) district zoning; Urban Family Residence (SF-5) district zoning; Townhouse & Condominium Residence (SF-6) district zoning; Multi-Family Residence - Limited Density (MF-1) district zoning; Multi-family Residence - Low Density (MF-2) district zoning; Multi-family Residence - Medium Density (MF-3) district zoning; Multi-family Residence - Moderate-High Density (MF-4) district zoning; Multi-family Residence - High Density (MF-5) district zoning; Multi-family Residence - Highest Density (MF-6) district zoning; Mobile Home Residence (MH) district zoning; Neighborhood Office (NO) district zoning; Limited Office (LO) district zoning; General Office

(GO) district zoning; Commercial Recreation (CR) district zoning; Neighborhood Commercial (LR) district zoning; Community Commercial (GR) district zoning; Warehouse / Limited Office (W/LO) district zoning; Commercial Services (CS) district zoning; Commercial-Liquor Sales (CS-1) district zoning; Commercial Highway (CH) district zoning; Industrial Park (IP) district zoning; Major Industrial (MI) district zoning; Limited Industrial Services (LI) district zoning; Research and Development (R&D) district zoning; Development Reserve (DR) district zoning; Agricultural (AG) district zoning; Planned Unit Development (PUD) district zoning;; Historic (H) district zoning; and Public (P) district zoning. A Conditional Overlay (CO) combining district, Planned Development Area (PDA) combining district, Mixed Use (MU) combining district; Neighborhood Conservation (NC) combining district; or special use for a Neighborhood Plan (NP) combining district may also be added to these zoning base districts. Firstreading on June 10, 2004. Vote: 7-0. Applicant: City of Austin. Agent: Neighborhood Planning and Zoning Department. City Staff: Tom Bolt, 974-2755 and Glenn Rhoades, 974-2775. Note: Valid petitions have been filed in opposition to this rezoning request. (Related Items 46, 47, 50, 51)

The second reading approving the Neighborhood Plan Combining District for the West University Neighborhood Planning Area, except the following tracts, was approved on Council Member McCracken's motion, Council Member Dunkerley's second on a 6-0 vote. Mayor Pro Tem Goodman was off the dais. The exceptions are:

The second reading to make the zoning for Tract 30, 2100 San Gabriel, MF-4-CO-NP (limit height to 45') was approved on Council Member McCracken's motion, Council Member Alvarez' second on a 6-0 vote. Mayor Pro Tem Goodman was off the dais.

The second reading to make the zoning for Tract 33, 1903, 1905, and 1909 Robins Place, MF-3-NP was approved on Council Member Alvarez's motion, Council Member McCracken's second on a 6-0 vote. Mayor Pro Tem Goodman was off the dais.

The second reading to make the zoning for Tract 34, 1007 W. 22<sup>nd</sup> Street, SF-3-CO-NP (limit height to 30') was approved on Council Member Alvarez's motion, Council Member McCracken's second on a 6-0 vote. Mayor Pro Tem Goodman was off the dais.

The second reading to make the zoning for Tract 35, 1919 Robins Place, MF-4-CO-NP (limit height to 40') was approved on Council Member Alvarez's motion, Council Member McCracken's second on a 6-0 vote. Mayor Pro Tem Goodman was off the dais.

The second reading to make the zoning for Tract 36, 1916-1918 Robins Place and 1103 W. 22<sup>nd</sup> Street, SF-3-CO-NP (limited height to 30') was approved on Council Member Alvarez's motion, Council Member McCracken's second on a 6-0 vote. Mayor Pro Tem Goodman was off the dais.

The second reading to make the zoning for Tract 40, 1230 W. MLK Blvd., GO-NP was approved on Council Member McCracken's motion, Council Member Dunkerley's second on a 6-0 vote. Mayor Pro Tem Goodman was off the dais.

The second reading to make the zoning for Tract 43, 2205 N. Lamar Blvd., GO-MU-CO-NP with the following conditions was approved on Council Member Dunkerley's motion, Council Member McCracken's second on a 6-0 vote. Mayor Pro Tem Goodman was off the dais. The conditions include: Impervious cover shall not exceed 75%. Not more than 21,000 square feet of residential use is allowed. The floor-to-area ratio may not exceed .75 to 1. No access to West 22 ½ Street for ingress or egress. Individual residential units may be no larger than 1,200 square feet. No structure located on the rear 90' of the tract may

exceed a height of 570' above mean sea level. No structure located elsewhere on the tract may exceed a height of 578' above mean sea level.

The second reading to make the zoning for Tract 44, 2209 Shoal Creek, LO-MU-CO-NP with the following conditions was approved on Council Member Alvarez' motion, Council Member Thomas' second on a 5-0 vote. Mayor Pro Tem Goodman and Council Member Slusher were off the dais. The conditions were: No structure located on the rear 90' of the tract may exceed a height of 570' above mean sea level. No structure located elsewhere on the tract may exceed a height of 578' above mean sea level. No access to West 22 ½ Street for ingress or egress. The impervious cover shall not exceed 75%. No more than 5,000 square feet of residential use are allowed.

The second reading to make the zoning for Tract 44, 2301 Shoal Creek, SF-3-CO-NP (limit height to 30') was approved on Council Member Alvarez' motion, Council Member Thomas' second on a 5-0 vote. Mayor Pro Tem Goodman and Council Member Slusher were off the dais.

The second reading to make Tract 49, 2305 Longview Street, SF-3-CO-NP (limit height to 30') was approved on Council Member Dunkerley's motion, Council Member Thomas' second on 6-0 vote. Mayor Pro Tem Goodman was off the dais.

The second reading to make Tract 52, 1006 W. 22<sup>nd</sup> Street, SF-3-CO-NP, was approved on Council Member Dunkerley's motion, Council Member McCracken's second on a 6-0 vote. Mayor Pro Tem Goodman was off the dais.

The second reading to make Tract 92, 706 W. 24<sup>th</sup> Street, CS-NP, was approved on Council Member McCracken's motion, Council Member Thomas' second on a 5-1 vote. Mayor Pro Tem Goodman was off the dais. Council Member Slusher voted no.

The second reading to make Tract 99A, 1112 W. 24<sup>th</sup> Street, MF-4-CO-NP (limit height to 40') was approved on Council Member Alvarez' motion, Council Member McCracken's second on a 6-0 vote. Mayor Pro Tem Goodman was off the dais.

The second reading to make Tract 133, 2710, 2712 and 2800 San Pedro Street, MF-3-NP was approved on Council Member Dunkerley's motion, Mayor Wynn's second on a 6-0 vote. Mayor Pro Tem Goodman was off the dais.

The second reading to make Tract 133A, 2802, 2804, 2806 and 2808 San Pedro Street, MF-2-NP was approved on Council Member Thomas' motion, Council Member McCracken's second on a 6-1 vote. Council Member Alvarez voted no.

The second reading to make Tract 148, 2829 Salado Street, CS-CO-NP with the following conditions was approved on Council Member McCracken's motion, Council Member Slusher's second on a 6-0 vote. Council Member Dunkerley was off the dais. Allow mixed use building special use. Limit building height to 35' and prohibit the following uses: accessory use of drive through services, agricultural sales and services, automotive rentals, automotive repair services, automotive sales, automotive washing of any type, building maintenance services, business or trade school, business support services, campground, college and university facilities, commercial blood plasma center, commercial off-street parking, construction sales and services, convenience storage, drop-off recycling collection facilities, electronic prototype assembly, equipment repair services, equipment sales, funeral

services, hospital services-general, hospital services-limited, hotel-motel, indoor entertainment, indoor sports and recreation, kennels, limited warehousing and distribution, maintenance and service facilities, medical offices exceeding 5,000 sq/ft of gross floor area, private primary educational facilities, private secondary educational facilities, public primary educational facilities, public secondary educational facilities, research services, residential treatment, transportation terminal and vehicle storage. The following uses are conditional: club or lodge, exterminating services, group home class II, laundry services, off-site accessory parking, plant nursery, service station, and transitional housing

The second reading to make Tract 180, 609 W. 31<sup>st</sup> Street, 3004, 3006, 3010 and 3016 Guadalupe Street, CS-MU-CO-NP with the following conditions was approved on Council Member McCracken's motion, Mayor Pro Tem Goodman's second on a 6-0 vote. Council Member Slusher was off the dais. Allow the Mixed Use Building. Prohibit residential uses on the first floor. Prohibit the following uses: campground, drive through restaurant and services, exterminating services, kennels, and vehicle storage. The following conditional uses include: automotive repair, building maintenance services, club or lodge, commercial blood plasma center, commercial off street parking, construction sales and services, convenience storage, drop-off recycling collection facility, equipment repair services, equipment sales, hospital services-general, laundry services, off-site accessory parking and service station.

The second reading to make Tract 201, 711 W. 32nd Street, MF-3-CO-NP (limit height to 35') was approved on Council Member Thomas' motion, Mayor Pro Tem Goodman's second on a 7-0 vote.

The second reading to make Tract 204, 3106 King Street and 3105 Kings Lane, 3102 King Street. and 3100 King Street, SF-3-CO-NP (limit height to 30') was approved on Council Member Dunkerley's motion, Council Member McCracken's second on a 7-0 vote.

The second reading to make Tract 236, 3201 N. Lamar Blvd., CS-CO-NP adding permitted uses of automotive repair, automotive rental and automotive sales and allowing mixed use building was approved on Council Member McCracken's motion, Mayor Pro Tem Goodman's second on a 7-0 vote.

The second reading to make Tract 1019, 2833 and 2841 San Gabriel Street, SF-3-CO-NP (limit height to 30') was approved on Mayor Pro Tem Goodman's motion, Council Member Thomas' second on a 7-0 vote.

47. Approve third reading of an ordinance amending Chapter 25-2 of the City Code to create the University Neighborhood Overlay (UNO) District generally located between Lamar Blvd. on the west and Guadalupe St. on the east and between 29th St. on the north and MLK Jr. Blvd. on the south. (There is no fiscal impact associated with this code amendment.) (Recommended by the Planning Commission.) (Related Items 46, 49, 50, 51)

This item was postponed to August 26, 2004 on Council Member Slusher's motion, Council Member McCracken's second on a 6-0 vote. Council Member Alvarez was off the dais.

The motion to waive the rules and allow Council to meet after 10 p.m. was approved on Council Member Dunkerley's motion, Council Member McCracken's second on a 6-0 vote. Council Member Alvarez was off the dais.

50. C14-04-0022 - Central Austin Combined Neighborhood Planning Area (North University Neighborhood) rezoning - Approve second/third readings of an ordinance amending Chapter 25-2



of the Austin City Code by zoning and rezoning property locally known as the North University Neighborhood Plan Area generally bounded on the north by 38th Street, on the south by 27th Street, on the west by Guadalupe Street and on the east by Duval Street. The proposed zoning changes will create a Neighborhood Plan (NP) combining district covering the entire. Under the proposed North University NP, "Small Lot Amnesty" is proposed for the entire area. Mixed Use is proposed for Tracts APD-843-849, APD-862-865, GDC-709-714A, GDN 701-705, GDN-707, GDS-715-717, GDS-719-720, SD-881, SD-883-883A, SJD-886-892, TD-721-723A, TD-726. The North University Neighborhood Conservation (NC) combining district proposes modified site design and development standards, including but not limited to the following: Land Use, Floor Area Ratios (FAR), Building Heights, Mixed Use Developments, Garages, Parking, Outdoor Café seating, Impervious and Building Coverage allowances, Setbacks, and Driveway and Parking Access. The Planning Commission may recommend and the City Council may approve a zoning change to any of the following: Rural Residence (RR) district zoning; Single-Family Residence - Large Lot (SF-1) district zoning; Single-Family Residence-Standard Lot (SF-2) district zoning; Family Residence (SF-3) district zoning; Single-Family - Small Lot & Condominium Site (SF-4A/B) district zoning; Urban Family Residence (SF-5) district zoning; Townhouse & Condominium Residence (SF-6) district zoning; Multi-Family Residence - Limited Density (MF-1) district zoning; Multi-family Residence - Low Density (MF-2) district zoning; Multi-family Residence - Medium Density (MF-3) district zoning; Multi-family Residence - Moderate-High Density (MF-4) district zoning; Multi-family Residence - High Density (MF-5) district zoning; Multi-family Residence - Highest Density (MF-6) district zoning; Mobile Home Residence (MH) district zoning; Neighborhood Office (NO) district zoning; Limited Office (LO) district zoning; General Office (GO) district zoning; Commercial Recreation (CR) district zoning; Neighborhood Commercial (LR) district zoning; Community Commercial (GR) district zoning; Warehouse / Limited Office (W/LO) district zoning; Commercial Services (CS) district zoning; Commercial-Liquor Sales (CS-1) district zoning; Commercial Highway (CH) district zoning; Industrial Park (IP) district zoning; Major Industrial (MI) district zoning; Limited Industrial Services (LI) district zoning; Research and Development (R&D) district zoning; Development Reserve (DR) district zoning; Agricultural (AG) district zoning; Planned Unit Development (PUD) district zoning; Historic (H) district zoning; and Public (P) district zoning. A Conditional Overlay (CO) combining district, Planned Development Area (PDA) combining district, Mixed Use (MU) combining district; Neighborhood Conservation (NC) combining district; or special uses for a Neighborhood Plan (NP) combining district may also be added to these zoning base districts. First reading on June 10, 2004. Vote: 7-0. Applicant: City of Austin. Agent: Neighborhood Planning and Zoning Department. City Staff: Tom Bolt, 974-2755 and Glenn Rhoades, 974-2775. Note: Valid petitions have been filed in opposition to this rezoning request. (Related Items 46, 47, 49, 51)

The second reading approving the Neighborhood Conservation Combining District (NCCD) for the North University Neighborhood Planning Area, except the following tracts, was approved on Council Member Alvarez' motion, Council Member Dunkerley's second on a 6-0 vote. Mayor Pro Tem Goodman was off the dais. The exceptions are:

The second reading to make Tract APD-843, 3004 Fruth Street, GR-NCCD-NP with the following conditions was approved on Council Member McCracken's motion, Council Member Dunkerley's second on a 6-0 vote. Council Member Alvarez was off the dais. Limit the building height to 40'. Make the building orientation toward the park (north). Support mixed-use development. Prohibited the following uses: drive thru services, duplex residential, group residential, small lot single family residential, townhouse residential, single-family attached residential, mobil home residential, agricultural sales and services, arts and crafts industrial, automotive rentals, automotive repair services, automotive sales, automotive washing, building maintenance services, campground, carriage stable, cocktail

lounge, commercial blood plasma center, commercial off street parking, construction sales and services, convenience storage, drop off recycling collection facility, electronic prototype assembly, equipment repair services, equipment sales, exterminating services, financial services, funeral services, indoor entertainment, kennels, laundry services, liquor sales, marina, outdoor entertainment, monument retail sales, pawn shop services, recreational equipment maintenance and storage; recreational equipment sales; research assembly services, research services, research testing services, research warehousing services, scrap and salvage, service station, stables, vehicle storage, veterinary services, basic industry, general warehousing and distribution, light manufacturing, limited warehousing, recycling center, resource extraction, all other agricultural uses, aviation services, camp, cemetery, club or lodge, college and university, convalescent services, convention center, counseling services, detention facilities, employee recreation, group home class I, guidance services, hospital services-general, hospital services-limited, maintenance and service facilities, major public facilities, major utility services, military installations, park and recreation services-general, park and recreation services-special, postal facilities, railroad facilities, residential treatment, transitional housing, transportation terminal, and all other civic uses. The conditional uses include: retirement housing-large site, business or trade school, indoor sports or recreation, medical offices-greater than 5000 square feet, off site accessory parking, outdoor sports and recreation, plant nursery, special use historic, communication service facility, community recreation-private, community recreation-public, day care services-general, group home class I, local utility services, private primary educational facility, and safety services. Any use not permitted within the text of the North University NCCD shall be considered prohibited.

The second reading to make Tract APD-862A, 2815 Fruth Street, CS-NCCD-NP with the following conditions was approved on Council Member Thomas' motion, Mayor Pro Tem Goodman's second on a 7-0 vote. Limit the building height to 40'. Make building orientation toward the park (north). Support mixed-use development. The prohibited uses include: drive thru services, small lot single family residential, single-family attached residential, mobile home residential, agricultural sales and service, automotive rentals, automotive repair services, automotive sales, automotive washing, building maintenance services, business or trade school, business support services, campground, carriage stable, cocktail lounge, commercial blood plasma center, commercial off street parking, construction sales and services, consumer convenience services, consumer repair services, convenience storage, drop off recycling collection facility, electronic prototype assembly, equipment repair services, equipment sales, extermination services, financial services, food preparation, food sales, funeral services, general retail sales-general and convenience, hotel-motel, indoor entertainment, indoor sports or recreation, kennels, laundry services, liquor sales, marina, medical offices-of any size, monument retail sales, outdoor entertainment, outdoor sports and recreation, pawn shop services, personal improvement services, personal services, pet services, plant nursery, printing and publishing, recreational equipment maintenance and storage, recreational equipment sales, research assembly services, research services, research testing services, research warehousing services, restaurant-general and limited scrap and salvage, service station, special use-historic, stables, theater, vehicle storage, veterinary services, basic industry, custom manufacturing, general warehousing and distribution, light manufacturing, limited warehousing and distribution, recycling center, resource extraction, all other agricultural uses except urban farm, aviation services, camp, cemetery, club or lodge, college and university, communication service facilities, community events, community recreation-private or public, convalescent services, convention center, counseling services, cultural services, detention facilities, employee recreation, guidance services, hospital services-general,

hospital services-limited, maintenance and service facilities, major public facilities, major utility services, military installations, park and recreation services-general and special, park and recreation services, postal facilities, railroad facilities, residential treatment, safety services, transitional housing and transportation terminal. Conditional uses include: retirement housing-large site, congregate living, day care services-commercial, local utility services and residential treatment. Any use not permitted within the text of the North University NCCD shall be considered prohibited.

The second reading to make Tract GDS-716, 2815 Fruth Street, CS-NCCD-NP with the following conditions was approved on Council Member Dunkerley's motion, Council Member McCracken's second on a 7-0 vote. Limit the building height to 70'. Support mixed-use development. The prohibited uses include: drive thru services, duplex residential, mobile home residential, single-family attached residential, single-family residential, small lot single family residential, townhouse residential, two family residential, agricultural sales and services, building maintenance services, campground, carriage stable, cocktail lounge, commercial blood plasma center, commercial off-street parking, construction sales and services, convenience storage, drop-off recycling collection facility, electronic prototype assembly, equipment repair services, equipment sales, exterminating services, food sales-over 10,000 square feet, funeral services, indoor entertainment, kennels, marina, monument retail sales, outdoor entertainment, pawn shop services, recreational equipment maintenance and storage, recreational equipment sales, research assembly services, research services, research testing services, research warehousing services, scrap and salvage, stables, vehicle storage, basic industry, custom manufacturing-over 2500 gross square feet, general warehousing and distribution, light manufacturing, limited warehousing and distribution, recycling center, resource extraction, all agricultural uses, aviation facilities, camp, cemetery, club and lodge, community events, congregate living, convalescent services, convention center, detention facilities, employee recreation, hospital services-general, maintenance and service facilities, major public facilities, military installations, park and recreation services-general, park and recreational services-special, railroad facilities, residential treatment and transportation terminal. Conditional uses include: condominium residential, business or trade school, indoor sports and recreation, off site accessory parking, outdoor sports and recreation, plant nursery, college and university facilities, communication service facilities, community recreation-private, community recreation-public, day care services-commercial, guidance service, hospital services-limited, local utility service, postal facility, private primary educational facilities, private secondary educational facilities, safety services and transitional housing.

The second reading to make Tract RDE-797, 307 E. 35<sup>th</sup> Street, SF-3-NCCD-NP was approved on Council Member Dunkerley's motion, Council Member Thomas' second on a 7-0 vote.

The second reading to make Tract RDW-739A (part of), 405 W. 35<sup>th</sup> Street, SF-3-NCCD-NP was approved on Council Member Slusher's motion, Council Member McCracken's second on a 7-0 vote.

The second reading to make Tract RDW-748A, 3405 Cedar Street, SF-3-NCCD-NP was approved on Council Member McCracken's motion, Council Member Slusher's second on a 7-0 vote.

The second reading to make Tract SD-874, 3410 and 3412 Speedway, MF-1-NCCD-NP was approved on Council Member Dunkerley's motion, Council Member McCracken's second on a 7-0 vote.

The second reading to make Tract SD-880, 3108 Helms Street, CS-NCCD-NP was approved on Council Member Dunkerley's motion, Council Member McCracken's second on a 7-0 vote.

The second reading to make Tract SD-884D, 3002 Speedway and 206 E. 30<sup>th</sup> Street, MF-4-NCCD-NP was approved on Council Member Alvarez' motion, Council Member Thomas' second on a 7-0 vote.

51. C14-04-0023 - Central Austin Combined Neighborhood Plan (Hancock Neighborhood) rezoning - Approve second/third readings of an ordinance amending Chapter 25-2 of the Austin City Code by zoning and rezoning property locally known as the Hancock Neighborhood, generally bounded on the north by 45th Street, on the south by Dean Keeton Street, on the west by Duval Street and on the east by IH-35. The proposed zoning changes will create a Neighborhood Plan (NP) combining district covering the entire area. Under the proposed Hancock NP, "Small Lot Amnesty," "Garage Placement," "Impervious Cover and Parking Placement Restrictions" and "Front or Side Yard Parking Restrictions" apply as set forth in Section 25-2-1406 of the City Code are proposed for the entire area. The Neighborhood Mixed Use Building special use is proposed for Tracts 501, 504, 507, 507A, 509, 510, 512, 513, 514, 515, 516, 517, 518, 519, 520, 522, 523, 524, 525, 526, 527, 536, 536A, 536B, 541, 541A, 543, 543A, 546-548, 557, 559, 561, 562A and 563. The Neighborhood Urban Center special use is proposed for Tracts 543 and 543A. The Planning Commission may recommend and the City Council may approve a zoning change to any of the following: Rural Residence (RR) district zoning; Single-Family Residence - Large Lot (SF-1) district zoning; Single-Family Residence-Standard Lot (SF-2) district zoning; Family Residence (SF-3) district zoning; Single-Family - Small Lot & Condominium Site (SF-4A/B) district zoning; Urban Family Residence (SF-5) district zoning; Townhouse & Condominium Residence (SF-6) district zoning; Multi-Family Residence - Limited Density (MF-1) district zoning; Multi-family Residence - Low Density (MF-2) district zoning; Multi-family Residence - Medium Density (MF-3) district zoning; Multi-family Residence - Moderate-High Density (MF-4) district zoning; Multi-family Residence - High Density (MF-5) district zoning; Multi-family Residence - Highest Density (MF-6) district zoning; Mobile Home Residence (MH) district zoning; Neighborhood Office (NO) district zoning; Limited Office (LO) district zoning; General Office (GO) district zoning; Commercial Recreation (CR) district zoning; Neighborhood Commercial (LR) district zoning; Community Commercial (GR) district zoning; Warehouse / Limited Office (W/LO) district zoning; Commercial Services (CS) district zoning; Commercial-Liquor Sales (CS-1) district zoning; Commercial Highway (CH) district zoning; Industrial Park (IP) district zoning; Major Industrial (MI) district zoning; Limited Industrial Services (LI) district zoning; Research and Development (R&D) district zoning; Development Reserve (DR) district zoning; Agricultural (AG) district zoning; Planned Unit Development (PUD) district zoning; Historic (H) district zoning; and Public (P) district zoning. A Conditional Overlay (CO) combining district, Planned Development Area (PDA) combining district, Mixed Use (MU) combining district; Neighborhood Conservation (NC) combining district; or special uses for a Neighborhood Plan (NP) combining district may also be added to these zoning base districts. First reading on June 10, 2004. Vote: 7-0. Applicant: City of Austin. Agent: Neighborhood Planning and Zoning Department. City Staff: Tom Bolt, 974-2755, Glenn Rhoades, 974-2775. Note: A valid petition has been filed in opposition to this zoning request. (Related Items 46, 47, 49, 50)

The second reading approving the Neighborhood Plan Combining District for the Hancock Neighborhood Planning Area, except the following tracts, was approved on Council Member Alvarez' motion, Council Member Thomas' second on a 6-0 vote. Mayor Pro Tem Goodman was off the dais. The exceptions are:

The second reading to make Tract 515-516, 924-926 E. Dean Keeton Street, GR-MU-CO/MF-6-CO-NP with the following conditions was approved on Council Member McCracken's motion, Mayor Wynn's second on a 7-0 vote. Allow Mixed-Use Building. Allow GR-MU-CO-NP zoning on the lowest 15' of the building. Allow MF-6-CO-NP zoning from 15' to 60'. Allow maximum height of 60'. Allow maximum building coverage of 70%. Allow maximum impervious coverage of 80%. No direct vehicular access to Dean Keeton or Red River.

The second reading to make Tract 551, 506 East 40<sup>th</sup> Street, MF-2-CO-NP with the following conditions was approved on Council Member McCracken's motion, Mayor Wynn's second on a 7-0 vote. Allow maximum building Coverage of 40%. Prohibited uses include: bed and breakfast group 2, condominium residential, congregate living, multifamily residential, residential treatment, retirement housing-large site, and townhouse residential. Conditional uses include: day care services-general.

The second reading to make Tract 563, 4427-4429 Duval Street, CS-MU-CO-NP with the following conditions was approved on Council Member Slusher's motion, Mayor Pro Tem Goodman's second on a 7-0 vote. Conditional uses include: automotive rentals, repair, sales, and washing, commercial off-street parking, congregate living, hospital services-limited, laundry services, monument retail sales and service station. Prohibited uses include: agricultural sales and services, building maintenance services, business or trade school, business support services, campground, college and university facilities, commercial blood plasma center, construction sales and services, convenience storage, drive-through accessory uses, drop-off recycling collection facilities, electronic prototype assembly, equipment repair services, equipment sales, funeral services, hospital services—general, hotel-motel, indoor entertainment, indoor sports and recreation, kennels, limited warehousing and distribution, maintenance and service facilities, outdoor entertainment, outdoor sports and recreation, pawn shop services, research services, residential treatment and vehicle storage.

The second reading to make Tract 2104, 3403, 3405, 3407 Hampton Road and 3406 Red River Street, SF-2-CO-NP was approved on Council Member Alvarez' motion, Council Member McCracken's second on a 7-0 vote.

#### PUBLIC HEARINGS AND POSSIBLE ACTION

55. Conduct a public hearing for the full purpose annexation of the Interport Area, approximately 1.013 acres in Travis County north of State Highway 71 east of the intersection of State Highway 71 and Fallwell Lane.  
The public hearing was closed on Mayor Pro Tem Goodman's motion, Council Member Alvarez' second on a 6-0 vote. Council Member Thomas was off the dais.

54. Conduct public hearings for the full purpose annexation of the following Avery Ranch areas: Tract One: Avery Brookside, Phase Two (Approximately 19.417 acres in Williamson County north of the intersection of Prestancia Drive and Royal New Kent Drive). Tract Two: Avery Brookside, Phase Two (Approximately 18.423 acres in Williamson County north of Avery Ranch Blvd between Roy Butler Drive and Loxley Lane). Tract Three: Avery East Phase Two, Section Two (Approximately 25.953 acres in Williamson County north of the intersection of Avery Ranch Blvd and Indina Hills Dr). Tract Four: Avery South Section Two, Phase One (Approximately 27.257 acres in Williamson County south of the intersection of Castle Pines Drive and Royal Dublin Drive). Tract Five: Avery Ranch Blvd (Approximately 12.271 acres of Avery Ranch Blvd in Williamson County west of the intersection of Avery Ranch Blvd and Staked Plains Drive).

**The public hearing was closed on Mayor Pro Tem Goodman's motion, Council Member Alvarez' second on a 6-0 vote. Council Member Thomas was off the dais.**

56. Conduct a public hearing for the full purpose annexation of the 290 SMART Housing Area, approximately 23 acres in Travis County south of U.S. Highway 290 East, east of the abandoned MKT Railroad and north of Old Manor Road.

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

52. Conduct a public hearing and approve an ordinance to modify the Brackenridge Urban Renewal Plan, the Blackshear Urban Renewal Plan, and the Glen Oaks Urban Renewal Plan to terminate the urban renewal plans and the project controls and restrictions on December 31, 2004. (Recommended by the Urban Renewal Board. Approved by the Planning Commission.)

**The public hearing was closed and Ordinance No. 040805-52 was approved on Mayor Pro Tem Goodman's motion, Mayor Wynn's second on a 7-0 vote.**

53. Conduct a public hearing and approve an ordinance amending the City of Austin Comprehensive Plan, 2025 Austin Metropolitan Area Transportation Plan (AMATP), to designate: 1. Escarpment Blvd as a Major Arterial Divided roadway with four lanes (MAD 4) from William Cannon Dr. to Davis Ln.; 2. Escarpment Blvd. as a Major Arterial Divided roadway with four lanes (MAD 4) and bike lane striping from Davis Ln. to Salcon Cliff Dr.; 3. Escarpment Blvd. as a Major Arterial Divided roadway with four lanes (MAD 4), bike lane striping and establish a design speed of 40 mph from Salcon Cliff Dr. to Slaughter Ln; 4. Escarpment Blvd as a Major Arterial Divided roadway with two lanes (MAD 2), and a Major Arterial Undivided roadway with two lanes (MAU 2), and bike lanes from Slaughter Ln. to Aden Ln.; 5. Escarpment Blvd. as a Major Arterial Divided roadway with two lanes (MAD 2), and bike lanes from Aden Ln. to SH 45: Case No. C2-03-07); 6. Delete North Lake Creek Parkway, from the existing terminus north of Lakeline Blvd. to Avery Ranch Rd. (Case No. C2-04-02); 7. Downgrade Manor Rd., to a Major Arterial Undivided roadway with four lanes (MAU 4) from Airport Blvd. to 51st St. (Case No. C2-04-03). (Recommended by the Urban Transportation Commission, the Environmental Board and the Planning Commission.)

**Ordinance No. 040805-53 was approved with the actions:**

**The public hearing on Escarpment Blvd. was closed and the following were approved on Mayor Pro Tem Goodman's motion, Mayor Wynn's second on a 6-0 vote. Council Member Alvarez was off the dais. Actions included amending the City of Austin Comprehensive Plan, 2025 Austin Metropolitan Area Transportation Plan (AMATP), to designate:**

1. Escarpment Blvd as a Major Arterial Divided roadway with four lanes (MAD4) from William Cannon Dr. to Davis Ln.;
2. Escarpment Blvd. as Major Arterial Divided roadway with four lanes (MAD 4) and bike lane striping from Davis Ln. to Salcon Cliff Dr.;
3. Escarpment Blvd. as a Major Arterial Divided roadway with four lanes (MAD 4), bike lane striping and a reduction in speed to 40 mph from Salcon Cliff Dr., to Slaughter Ln.;
4. Escarpment Blvd. as a Major Arterial Divided roadway with two lanes (MAD 2) and a Major Arterial Undivided roadway with two lanes (MAU 2), and bike lanes from Slaughter Ln. to Aden Ln.;
5. Escarpment Blvd. as a Major Arterial Divided roadway with two lanes (MAD 2), and bike lanes from Aden Ln. to SH 45: Case No. C2-03-07);

The public hearing on North Lake Creek Parkway was closed on Mayor Pro Tem Goodman's motion, Council Member Slusher's second on a 7-0 vote.

The motion to postpone action on North Lake Creek Parkway, from the existing terminus north of Lakeline Blvd. to Avery Randy Rd. (Case No. C2-04-02) was postponed to the next round of amendments to the AMATP in November or December on Mayor Pro Tem Goodman's motion, Council Member McCracken's second on a 7-0 vote.

The public hearing on Manor Road was closed and the following was approved on Mayor Pro Tem Goodman's motion, Council Member Dunkerley's second on a 7-0 vote. Action included amending the City of Austin Comprehensive Plan, 2025 Austin Metropolitan Area Transportation Plan (AMATP), to designate the downgrade of Manor Rd., between Airport Blvd. and 51<sup>st</sup> Street to a Major Arterial Undivided roadway with four lanes (MAU4) (Case No. C2-04-03)

#### **BUDGET PUBLIC HEARINGS**

57. Conduct a public hearing to receive public comment on the City of Austin Fiscal Year 2004-2005 proposed budget including the Austin Police Department, the Austin Fire Department, the Emergency Medical Services Department, and the Municipal Court.  
The public hearing was closed on Council Member Alvarez motion, Council Member Slusher's second on a 7-0 vote.

The motion to adjourn the meeting at 11:36 p.m. was approved on Council Member Thomas motion, Mayor Pro Tem Goodman's second on a 7-0 vote.

The minutes for the Regular Meeting of August 5, 2004 were approved on this the 12th day of August, 2004 on Council Member Alvarez' motion, Council Member Thomas' second on a 7-0 vote.