



**AUSTIN CITY COUNCIL
MINUTES**

**REGULAR MEETING
THURSDAY, JUNE 10, 2004**

Invocation: Pastor Pat Abbott, Riverbend 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, June 10, 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 10:20 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 Dunkerley's second on a 6-0 vote. Mayor Pro Tem Goodman was off the dais.

1. Approval of minutes from the special called meeting of May 24, 2004 and the regular meeting of May 27, 2004.
The minutes from the special called meeting of May 24, 2004 and the regular meeting of May 27, 2004 were approved.
2. Approve a resolution adopting revised purchasing procedures for the City's municipally owned electric utility, Austin Energy, in accordance with provisions of the electric utility restructuring legislation (Senate Bill 7) enacted into law by the 76th Session of the Texas Legislature. (Recommended by the Electric Utility Commission.)
Resolution No. 040610-2 was approved.
3. Authorize negotiation and execution of (1) brokerage agreements for Austin Energy's purchase or sale, for hedging purposes, of financial contracts traded on regulated commodity exchanges; and (2) ISDA (International Swaps and Derivatives Association, Inc.) master agreements for over-the-counter hedging transactions, along with related credit, security and insurance agreements with qualified brokerage firms, financial institutions, investment banks, and other appropriate counterparties in the financial, energy and natural gas industries in an aggregate amount of expenditures not to exceed \$300,000,000, to implement a hedging program as authorized by the related Resolution and Policy for Energy Risk Management previously adopted by the City Council. (Funding for related expenses associated with the purchase and sale of financial hedging instruments for fuel and power under the Risk Management Program will be provided through the Electric Fuel Charge revenue.) (Recommended by the Electric Utility Commission.)
The motion authorizing the negotiation and execution of agreements was approved.

4. Approve an ordinance authorizing the application for and acceptance of grant funds in the amount of \$2,073,200 from the United States Environmental Protection Agency; amending the Fiscal Year 2003-2004 Austin Water Utility Special Revenue Fund of Ordinance No. 030909-01, to appropriate \$2,073,200 for activities associated with the mitigation of Sanitary Sewer Overflows (SSOs). (Funding in the amount of \$2,073,200 is available from the United States Environmental Protection Agency. A 45% local match requirement of \$1,696,255 will be provided through previously authorized expenditures associated with the corrective actions of Sanitary Sewer Overflows. The grant period is from October 1, 2003 to September 30, 2005.) (Recommended by the Water and Wastewater Commission)
Ordinance No. 040610-04 was approved.
5. Approve an ordinance authorizing the acceptance of a \$125,000 grant from CH2M Hill, Inc.; and amending the Fiscal Year 2003-2004 Austin Water Utility Special Revenue Fund of Ordinance No. 030909-01 to appropriate \$125,000 to the Austin Clean Water Program for the purchase of wastewater pipeline maintenance equipment. (Funding in the amount of \$125,000 has been received from CH2M Hill, Inc. by the City of Austin. The grant period is March 1, 2004 through September 30, 2004.) (Recommended by the Water and Wastewater Commission)
Ordinance No. 040610-05 was approved.
6. Authorize a resolution approving the use of the name "Mueller" for the development that will occur at the former Robert Mueller Municipal Airport site.
Resolution No. 040610-6 was approved.
7. Approve an ordinance amending Chapters 5-1, 5-2, and 5-3 of the City Code relating to discrimination in housing, public accommodations, and employment; and of Chapter 2-1 of the City Code relating to the Human Rights Commission updating the Code to conform to current Federal law, clarifying responsibilities of Austin Human Rights Commission and adding "gender identity" to the classifications protected against discrimination. (Recommended by the Austin Human Rights Commission)
Ordinance No. 040610-7 was approved.
8. Approve issuing a free lifetime swim pass for Barton Springs Pool to Nancy P. McCandless. (On November 9, 1993 the Parks and Recreation Advisory Board recommended awarding swim passes to citizens 80 years of age or older who are active swimmers at Barton Springs pool.)
The motion authorizing the issuance of a free lifetime swim pass was approved.

Item 9 was pulled for discussion.

10. Authorize negotiation and execution of an interlocal agreement with the Texas Department of Transportation for relocation of City water facilities as part of Cameron Road at Harris Branch Parkway project in an amount not to exceed \$93,181.08. (Funding is included in the Fiscal Year 2003-2004 Capital Budget of the Austin Water Utility.) (Recommended by the Water and Wastewater Commission.)
The motion authorizing negotiation and execution of an interlocal agreement was approved.

Item 11 was pulled for discussion.

12. Authorize execution of a construction contract with SALAS CONSTRUCTORS INC., (MBE/MH 89.24%), Buda, TX, for Circle S Road Culvert Replacement in the amount of \$764,702 plus a \$76,470 contingency, for a total contract amount not to exceed \$841,172. (Funding in the amount of \$249,194 is available in the Fiscal Year 2003-2004 Capital Budget of the Austin Water Utility. \$300,027 is available in the Fiscal Year 2003-2004 Amended Capital Budget of the Public Works Department; and \$291,951 is available in the Fiscal Year 2003-2004 Amended Capital Budget of the Transportation, Planning & Sustainability Department.) Lowest bid of two received. 3.86% MBE and 6.90% WBE subcontractor participation. (Recommended by the Water and Wastewater Commission.)
The motion authorizing the execution of a construction contract was approved.
13. Authorize execution of a construction contract with CASH CONSTRUCTION COMPANY LTD, Pflugerville, TX, for the Austin Clean Water Program - Windsor Water and Wastewater Improvements, Phase II, in the amount of \$1,052,532 plus a \$105,253.20 contingency, for a total contract amount not to exceed \$1,158,885.20. (Funding in the amount of \$1,158,885.20 is included in the Fiscal Year 2003-2004 Capital Budget of the Austin Water Utility Department.) Lowest bid of three received. 9.73% MBE and 4.15% WBE subcontractor participation.
The motion authorizing the execution of a construction contract was approved.
14. Authorize execution of a construction contract with DAYCO CONSTRUCTION COMPANY, AUSTIN, TX, for sidewalk improvements along Enfield Road as the Enfield Road Sidewalk Project in the amount of \$239,780.75 plus a \$47,956.15 contingency, for a total contract amount not to exceed \$287,736.90. (Funding in the amount of \$143,928.98 is available in the Fiscal Year 2001-2002 Amended Capital Budget of the Transportation, Planning and Sustainability Department; and \$143,807.92 is available in the Fiscal Year 2002-2003 Capital Budget of the Public Works Department.) Lowest bid of three received. 29% MBE and 4.5% WBE subcontractor participation
The motion authorizing execution of a construction contract was approved.
15. Authorize negotiation and execution of an amendment to the professional services agreement with EARTHTECH, INC., Austin, TX, for construction inspection services, including specialized tunnel inspection, and ongoing traffic management support for the Austin Clean Water Program, in the amount of \$7,374,750 for a total contract amount not to exceed \$19,951,505. (Funding in the amount of \$7,374,750 is included in the Fiscal Year 2003-2004 Capital Budget of the Austin Water Utility.) 28.56% MBE and 19.36% WBE subcontractor participation to date, including this amendment. (Recommended by the Water and Wastewater Commission.)
The motion authorizing negotiation and execution of an amendment to the professional services agreement was approved.

Item 16 was pulled for discussion.

17. Authorize execution of two, 12-month supply agreements with USCO POWER EQUIPMENT CORP., Birmingham, AL, in an amount not to exceed \$353,680, with four 12-month extension options in an amount not to exceed \$353,680 per extension option, for a total agreement amount not to exceed \$1,768,400; and with TEC UTILITY SUPPLY & SERVICES, Georgetown, TX, in an amount not to exceed \$279,459, with four 12-month extension options in an amount not to exceed \$279,459 per extension option, for a total agreement amount not to exceed \$1,397,295 for air switches in various sizes for the Electric Utility Department (Funding in the amount of \$105,523.16 is available in the Fiscal Year 2003-2004 Capital Budget of the Electric Utility Department. Funding in the amount of \$105,523.16 is available in the Fiscal Year 2003-2004 Amended Operating Budget of the Electric Utility Department. Funding for the remaining eight months of the original contract period and extension options is contingent upon available funding

in future budgets.) Lowest bids of eight bids received. This contract will be awarded in compliance with Chapter 2-9 of the City Code (Minority Owned and Women-Owned Business Enterprise Procurement Program). No subcontracting opportunities were identified; therefore, no goals were established for this solicitation.

The motion authorizing the execution of supply agreements was approved.

18. Authorize execution of a 12-month service agreement with POWER SUPPLY, INC., Austin, TX, for the rebuilding of network protectors in an amount not to exceed \$1,006,340, with four 12-month extension options in an amount not to exceed \$1,006,340 each, for a total agreement amount not to exceed \$5,031,700. (Funding in the amount of \$251,585.01 is available in the Fiscal Year 2003-2004 Amended Operating Budget of the Electric Utility Department. Funding for the remaining nine months of the original contract period and extension options is contingent upon available funding in future budgets.) Lowest bid meeting specification 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.

19. Authorize execution of contracts with PRIESTER SUPPLY COMPANY INC., Austin, TX, and TECHLINE, INC., Austin, TX, for transmission line hardware in an amount not to exceed \$67,929.90 and \$115,980 respectively. (Funding in the amount of \$183,909.90 is available in the Fiscal Year 2003-2004 Approved Capital Budget of the Electric Utility Department.) Lowest bids meeting specification of six 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 contracts was approved.

20. Authorize execution of a 12-month service agreement with CENTRIFUGE REPAIR & ENGINEERING, INC., La Porte, TX, for the repair of water treatment centrifuges for the Austin Water Utility in an amount not to exceed \$100,274, with two 12-month extension options in the amount not to exceed \$100,274 per extension option, for a total agreement amount not to exceed \$300,822. (Funding in the amount of \$33,425 is available in the Fiscal Year 2003-2004 Approved Operating Budget of the Austin Water Utility. Funding for the remaining eight months of the original contract period and extension options is contingent upon available funding in future budgets.) Lowest 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.

21. Authorize execution of a 12-month supply agreement with LEIF JOHNSON FORD, Austin, TX, for the purchase of repair parts for Ford cars and light trucks in an amount not to exceed \$300,000, with three 12-month extension options in an amount not to exceed \$300,000 per extension option, for a total agreement amount not to exceed \$1,200,000. (Funding in the amount of \$75,000 is available in the Fiscal Year 2003-2004 Approved Operating Budget for the Fleet Maintenance Fund of the Finance and Administrative Services Department. Funding for the remaining nine 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.

22. Authorize execution of three 12-month supply agreements with FREIGHTLINER OF AUSTIN, Austin, TX, PERFORMANCE INDUSTRIAL POWER, Buda, TX, and LONGHORN INTERNATIONAL TRUCKS LTD, Austin, TX, for the purchase of original equipment manufacturer parts and services for medium and heavy duty diesel engines and transmissions in amounts not to exceed \$185,000, \$100,000 and \$200,000 respectively, with three 12-month extension options in amounts not to exceed \$185,000, \$100,000 and \$200,000 respectively, for total agreement amounts not to exceed \$740,000, \$400,000 and \$800,000 respectively. (Funding in the amount of \$161,667 is available in the Fiscal Year 2003-2004 Approved Operating Budget for the Fleet Maintenance Fund of the Finance and Administrative Services Department. Funding for the remaining eight months of the original contract period and extension options is contingent upon available funding in future budgets.) Lowest bids of four bids received. This contract will be awarded in compliance with Chapter 2-9 of the City Code (Minority-Owned and Women-Owned Business Enterprise Procurement Program). No subcontracting opportunities were identified; therefore, no goals were established for this solicitation.

The motion authorizing the execution of supply agreements was approved.

23. Authorize execution of a contract through the Houston-Galveston Area Council of Governments (HGAC) with CONLEY-LOTT NICHOLS MACHINERY CO., San Antonio, TX, for the purchase of a 9-wheel pneumatic rubber-tire roller for the Public Works Department in an amount not to exceed \$49,232.58. (Funding is available in the Fiscal Year 2003-2004 Approved Operating Budget of the Public Works Department, Transportation Fund.) Purchasing Cooperative.

The motion authorizing the execution of a contract was approved.

24. Authorize execution of a 12-month supply agreement with INDUSTRIAL DISPOSAL SUPPLY, San Antonio, TX, for the purchase of captive repair parts for TYMCO street sweepers in an amount not to exceed \$100,000, with two 12-month extension options in an amount not to exceed \$100,000 per extension option, for a total agreement amount not to exceed \$300,000. (Funding in the amount of \$33,333 is available in the 2003-2004 Approved Operating Budget for the Fleet Maintenance Fund of the Finance and Administrative Services Department. Funding for the remaining eight months of the original contract period and extension options is contingent upon available funding in future budgets.) Lowest bid meeting specification of two bids received. This contract will be awarded in compliance with Chapter 2-9 of the City Code (Minority-Owned and Women-Owned Business Enterprise Procurement Program). No subcontracting opportunities were identified; therefore, no goals were established for this solicitation.

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

25. Authorize execution of a contract through the Texas Local Government Purchasing Cooperative (BuyBoard) with TYMCO INTERNATIONAL LTD., Waco, TX, for the purchase of a runway sweeper in an amount not to exceed \$140,527.50 (Funding is available in the Fiscal Year 2003-2004 Approved Capital Budget of the Department of Aviation.) Purchasing Cooperative.

The motion authorizing the execution of a contract was approved.

26. Authorize execution of a contract through the State of Texas, Texas Building and Procurement Commission, with HAWORTH INCORPORATED, Austin, TX, and its authorized distributor FURNITURE MARKETING GROUP, Austin, TX, for the purchase and installation of modular office systems for built-in cubicle arrangements including wall panels, desk tops, and cabinets in an amount not to exceed \$1,286,140.64. (Funding in the amount of \$673,000 is available in the Fiscal Year 2003-2004 Approved Operating Budget of the Watershed Protection and Development Review Department, Drainage Utility Fund. Funding in the amount of \$613,140.64 is available in the Fiscal Year 2003-2004 Approved Operating Budget of the Financial Services Department, One Texas Center Fund.) Purchasing Cooperative. (Related Item 27)
This item was postponed to June 17, 2004.
27. Authorize execution of a contract through the U.S. COMMUNITIES GOVERNMENT PURCHASING ALLIANCE with HAWORTH INCORPORATED, Austin, TX, and its authorized distributor Furniture Marketing Group, Austin, TX, for the purchase and installation of office chairs and keyboard trays for the relocation of the Human Resources Department to the One Texas Center in an amount not to exceed \$164,054.25. (Funding is available in the Fiscal Year 2003-2004 Approved Operating Budget of the Financial Services Department, One Texas Center Fund.) Purchasing Cooperative. (Related Item 26)
This item was postponed to June 17, 2004.
28. Authorize execution of a 12-month supply agreement with PHILIPS MEDICAL SYSTEMS, Seattle, WA, for the purchase of automated external defibrillators and supplies for the Austin Fire Department and the City of Austin/Travis County Emergency Medical Services Department in an amount not to exceed \$90,000, with three 12-month extension options in an amount not to exceed \$90,000 per extension option, for a total agreement amount not to exceed \$360,000. (Funding in the amount of \$12,600 is included in the Fiscal Year 2003-2004 Approved Operating Budget of the Austin Fire Department. Funding in the amount of \$15,000 is included in the Fiscal Year 2003-2004 Approved Operating Budget of the City of Austin/Travis County Emergency Medical Services Department. Funding for the remaining nine 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 for this solicitation.
The motion authorizing the execution of a supply agreement was approved.
29. Authorize execution of a 12-month supply agreement with CASCO INDUSTRIES, Shreveport, LA, for replacement fire hoses in an amount not to exceed \$51,770, with two 12-month extension options in an amount not to exceed \$51,770 per extension option, for a total agreement amount not to exceed \$153,310. (Funding in the amount of \$12,943 is available in the Fiscal Year 2003-2004 Approved Operating Budget of the Austin Fire Department. Funding for the remaining nine months of the original contract period and extension options is contingent upon available funding in future budgets.) Lowest bid of six 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.

Item 30 was pulled for discussion.

31. Authorize execution of a 12-month supply agreement with ACRATOD OF AUSTIN, INC., Austin, TX, for the purchase of pre-printed case file folders for Municipal Court in an amount not to exceed \$77,760, with two 12-month extension options in an amount not to exceed \$77,760 per extension option, for a total agreement amount not to exceed \$233,280. (Funding in the amount of \$25,920 is available in the Fiscal Year 2003-2004 Approved Operating Budget of the Municipal Court Department. Funding for the remaining eight months of the original contract period and extension options is contingent upon available funding in future budgets.) Lowest bid of six received. This contract will be awarded in compliance with Chapter 2-9 of the City Code (Minority-Owned and Women-Owned Business Enterprise Procurement Program). No subcontracting opportunities were identified; therefore, no goals were established for this solicitation.

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

32. Approve an ordinance on second/third readings for the full purpose annexation of the Double Creek Village area (Approximately 131 acres in Travis County at the intersection of FM 1626 and IH-35). (Funding to provide general governmental services to this tract is available in the budgets of the departments providing the services.)

Ordinance No. 040610-32 was approved.

33. Approve an ordinance on first reading only for the annexation of the Robinson Property Area for limited purposes of planning and zoning. (Approximately 6300 acres in Travis County and Williamson County between FM 1325, Parmer Lane and FM 620). (Limited purpose annexation does not have a significant fiscal impact.)

The first reading of the ordinance was approved.

34. Approve an ordinance on first reading only for the annexation of the Ribelin Ranch Area for limited purposes of planning and zoning. (Approximately 750 acres in Travis County north of the intersection of McNeil Drive and FM 2222). (Limited purpose annexation does not have a significant fiscal impact.)

The first reading of the ordinance was approved.

Item 35 was pulled for discussion.

36. Amend Ordinance No. 030908-02 the Fiscal Year 2003-2004 Amended Capital Budget of the Transportation, Planning & Sustainability Department by appropriating \$120,744 in grant funds and creating and appropriating \$120,744 to a new project called "High Occupancy Vehicle (HOV) Interconnection with Local Street Network Feasibility." (Funding in the amount of \$120,744 is available in ISTE and TEA-21 funds from TxDOT.) (Related Item 35)

Ordinance No. 040610-36 was approved.

37. Approve an ordinance amending Ordinance No. 020801-15, and authorize execution of the First Amendment to the Development Agreement and the Second Amendment of the Declaration of Restrictive Covenant (Green Building Agreement), between the City of Austin, Circle C Land, L.P. and Escarpment Village, L.P., which purchased Parcel 103 from Circle C Land, L.P., formerly known as Circle C Land Corp (Stratus). The original ordinance adopted a settlement resolving disputes between the City and Stratus regarding the applicability of the Save Our Springs Initiative Ordinance (SOS) and Chapter 245 of the Local Government Code (also known as HB 1704). (Recommended by Environmental Board. Approved by Zoning and Platting Commission.)

Ordinance No. 040610-37 and the motion authorizing the First and Second Amendment were approved.

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

<u>Board/ Appointee</u>	<u>Consensus/ Council Nominee</u>	<u>Appointment/ Reappointment</u>
<u>Commission on Immigrant Affairs</u> Andrea Beleno	Consensus	Appointment
<u>Community Development Commission</u> Yolanda Aleman-Limon (Rosewood/Zaragosa Blackland Neighborhood Representative)	Consensus	Reappointment
<u>Downtown Commission</u> Bruce Willenzik (Arts Commission Rep.)	Consensus	Reappointment
<u>Ethics Review Commission</u> James Reed	Council Member Dunkerley's	Reappointment
<u>Arts Center Stage Board of Trustees</u> Nora Comstock Latifah Taormina Irene Williams	Consensus Consensus Consensus	Appointment Appointment Appointment
<u>Mexican American Cultural Center Advisory Board</u> Rosita Bradham	Consensus	Appointment
<u>Renaissance Market Commission</u> Robert Edgecomb Janis Morgan Laura Wisdom	Consensus Consensus Consensus	Reappointment Reappointment Reappointment

39. Approve an ordinance waiving certain fees and the signature requirement under Chapter 14-8 of the Code and authorizing reimbursement of certain fees, and payment of certain costs for the Austin Eastside Story Foundation Pre-Juneteenth Parade to be held on June 18, 2004. (Council Member Danny Thomas, Council Member Betty Dunkerley and Mayor Will Wynn)
Ordinance No. 040610-39 was approved.

Items 40 – 42 were pulled for discussion.

43. Set a public hearing to consider a request for a variance from the Land Development Code to allow construction of a room addition to the residence at 2713 Cascade in the 100-year floodplain of Shoal Creek. (Suggested date and time: June 17, 2004 at 6:00 p.m., Lower Colorado River Authority, Hancock Building)
The public hearing was set for June 17, 2004 at 6:00 p.m., Lower Colorado River Authority, Hancock Building).
50. Consider a settlement concerning the contract with Cash Construction, Ltd. for the construction of water and wastewater service lines and associated roadway resurfacing for the project known as the Del Valle Service to Annexed Area Water and Wastewater Project Phase 1 Improvements to Service Area 2. (Related Item 47)
The motion approving a settlement in the amount of \$120,000 was approved.

DISCUSSION ITEMS

9. Approve an ordinance vacating Moffett Drive between Gilbert Street and Windsor Road to The Episcopal Church of the Good Shepherd, to consolidate their development and parking. (Approved by the Zoning and Platting Commission and the Urban Transportation Commission.) **Ordinance No. 040610-9 was approved on Council Member McCracken's motion, Council Member Thomas' second on a 6-1 vote. Council Member Slusher voted nay.**
40. Discussion on the recommendations from City staff and the Historic Preservation Task Force Report. (Council Member Betty Dunkerley and Council Member Danny Thomas)
Discussion of the recommendations from City staff and the Historic Preservation Task Force was held.

CITIZEN COMMUNICATIONS: GENERAL

Margaret Reeder - Animal Issues

Julia Dworschack - Animal Issues

Lynn McConnell - Animal Issues

Mary Lehmann - Mueller Airport

Robert Singleton - Mueller Airport

Leon Hernandez - Health Department Food Inspectors. When did the City begin city civic and neighborhood fundraiser for having a food permit? Or when did the City begin requiring that small neighborhood fundraisers obtain a food permit?

Amy Hettenhausen - Thank you to the Council for approving the school zones we requested around Johnston High School.

Joe Quintero - Big Red Sun request for a Beer and Wine License Permit and outdoor Concerts. **He was not present when his name was called.**

Ramon Maldonado - What are the Holly Mitigation dollars boundaries by streets.

Susan Spigarell - Animal Issues

Gavino Fernandez

Mayor Wynn recessed the Council Meeting to go into Executive Session at 1:15 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

Items 44 through 46 were discussed later in Executive Session.

47. Discuss legal issues concerning the contract with Cash Construction, Ltd. for the construction of water and wastewater service lines and associated roadway resurfacing for the project known as the Del Valle Service to Annexed Area Water and Wastewater Project Phase 1 Improvements to Service Area 2. (Related Item 50)
This item was withdrawn from the agenda.

Item 48 was discussed later in Executive Session.

Real Property - Section 551.072

49. Discuss terms of sale for the former Robert Mueller Municipal Airport site to Catellus Austin, L.L.C.

Executive Session ended and Mayor Wynn called the Council Meeting back to order at 2:31 p.m.

DISCUSSION ITEM CONTINUED

11. Authorize execution of a construction contract with JAY-REESE CONTRACTORS, INC., Austin, TX, for street improvements to Second Street as the Second Street District Streetscape Street Reconstruction and Utility Adjustment Project: Phase I, in the amount of \$1,229,459.10 plus a \$307,364.78 contingency, for a total contract amount not to exceed \$1,536,823.88. (Funding in the amount of \$1,536,823.88 is available in the Fiscal Year 2000-2001 Amended Capital Budget of the Transportation, Planning and Sustainability Department.) Lowest bid of four received. 3.71% MBE and 14.97% WBE subcontractor participation.
The motion authorizing the execution of a construction contract was approved on Mayor Pro Tem Goodman's motion, Mayor Wynn's second on a 7-0 vote.
35. Approve a resolution authorizing negotiation and execution of an Advanced Funding Agreement with the Texas Department of Transportation (TxDOT) for a feasibility Study to determine suitable locations for interconnection of High Occupancy Vehicle (HOV) lanes with the local street network. (Total project cost is \$151,534, which is available in the 2003-2004 Capital Budget of the Transportation, Planning & Sustainability Department.) (Related Item 36)
Resolution No. 040610-35 was approved on Council Member Slusher's motion, Council Member Dunkerley's second on a 7-0 vote.

BRIEFINGS

51. The City Manager's presentation of the policy planning goals for preparing the City's Proposed Fiscal Year 2004-2005 Budget.
The presentation was made by Toby Futrell, City Manager; Rudy Garza, Budget Director; and John Stephens, Director of Financial Services Department.

DISCUSSION ITEMS CONTINUED

41. Approve a resolution establishing a process for selection and establishing standards of independence from conflicts of interest for the City's representatives of the Travis County Hospital District Board. (Mayor Pro Tem Jackie Goodman and Council Member Betty Dunkerley)
Resolution No. 040610-41 was approved on Council Member Dunkerley's motion, Mayor Pro Tem Goodman's second on a 7-0 vote.
42. Approve a resolution adopting a charge for the Travis County Hospital District Advisory Committee. (Mayor Pro Tem Jackie Goodman and Council Member Betty Dunkerley)
Resolution No. 040610-42 was approved on Council Member Dunkerley's motion, Mayor Pro Tem Goodman's second on a 7-0 vote.
30. Authorize negotiation of a 12-month service agreement with WALGREENS HEALTH INITIATIVES, Chesterfield, MO, for pharmacy management and dispensing services in an amount not to exceed, \$1,200,000, with four 12-month extension options in amounts not to exceed \$1,400,000 for the first extension, \$1,600,000 for the second extension, \$1,800,000 for the third extension, and \$2,000,000 for the fourth extension, for a total agreement amount not to exceed \$8,000,000. (Funding is contingent upon approval of the Fiscal Year 2004-2005 Proposed Operating Budget for the Community Care Services Department. Funding for the extension options is contingent upon available funding in future budgets.) Best proposal of two 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 negotiation of a service agreement was approved on Mayor Pro Tem Goodman's motion, Council Member Slusher's second on a 7-0 vote.

ZONING CONSENT ITEM

53. C14-04-0038 - Approve second/third readings of an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 6001 Mountain Shadows Drive (Williamson Creek Watershed-Barton Springs Zone) from rural residence district (RR) zoning to warehouse-limited office-conditional overlay (W/LO-CO) combining district zoning. First reading on May 6, 2004. Vote: 7-0. Conditions met as follows: Conditional Overlay and Restrictive Covenant incorporate the conditions imposed or accepted by City Council at first ordinance reading. Applicant: Stacy Shakelford. Agent: Jim Bennett. City Staff: Annick Beaudet, 974-2975.
Ordinance No. 040610-53 was approved on Council Member Dunkerley'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 public hearings were closed and consent items were approved on Council Member McCracken's motion, Council Member Thomas' second on a 7-0 vote.

Items Z-1 through Z-5 were pulled for discussion.

- Z-6 C14-04-0064 - Episcopal Theological Seminary of the Southwest - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 500 and 606 Rathervue Place and 3105 and 3113 Duval Street (Shoal Creek Watershed) from multi-family residence low density-conditional overlay (MF-2-CO) combining district zoning to general office-mixed use-conditional overlay (GO-MU-CO) combining district zoning. Planning Commission Recommendation: To grant general office-mixed use-conditional overlay (GO-MU-CO) combining district zoning. Applicant: City of Austin. Agent: Neighborhood Planning and Zoning Department (Glenn Rhoades). Property Owner: Episcopal Theological Seminary of the Southwest. City Staff: Glenn Rhoades, 974-2775.
The first reading of the ordinance was approved.

Item Z-7 was pulled for discussion.

- Z-8 C14-04-0054 - Manchaca Heights - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by zoning property locally known as 11003 Manchaca Road (Slaughter Creek Watershed) from interim-rural residence (I-RR) district zoning to single family residence small lot (SF-4A) district zoning. Zoning and Platting Commission Recommendation: To grant single family residence small lot - conditional overlay (SF-4A-CO) combining district zoning. Applicant: Samuel Alexander. Agent: Waterloo Development, Inc. (Chris Blackburn). City Staff: Wendy Walsh, 974-7719.
Ordinance No. 040610-Z-8 for single family residence small lot conditional overlay (SF-4A-CO) combining district zoning was approved.

Item Z-9 was pulled for discussion.

- Z-10 C14-03-0156 - Escarpment Village - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 5800 - 5948 West Slaughter Lane (Slaughter Creek Watershed - Barton Springs Zone) from neighborhood commercial-mixed use-conditional overlay (LR-MU-CO) combining district zoning to community commercial-conditional overlay (GR-CO) combining district zoning for Tract 1 and neighborhood commercial-conditional overlay (LR-CO) combining district zoning for Tract 2. Zoning and Platting Commission Recommendation: To grant community commercial-conditional overlay (GR-CO) combining district zoning for Tract 1 and neighborhood commercial-conditional overlay (LR-CO) combining district zoning for Tract 2, with conditions. Applicant: Escarpment Village, L.P. (John E. Baker). Agent: Drenner Stuart Wolff Metcalfe von Kreisler, L.L.P. (Michele Haussmann). City Staff: Wendy Walsh, 974-7719.
Ordinance No. 040610-Z-10 was approved.

- Z-11 C814-04-0066 - Robinson Properties - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by zoning and rezoning property locally known as several parcels of land generally located north and east of West Parmer Lane, west of FM 1325, south and southeast of RM 620, and further described as approximately 6300 acres, more or less, of land out of the of the Thomas P. Davy Survey No. 3, the Jacob M. Harrell Survey, the Malcolm M. Hornsby Survey No. 2, the Malcolm M. Hornsby Survey No. 4, the William Gorham Survey No. 1, the R.P. Trabue Survey, the Michael Pevetoe Survey, the Louis Kincheloe Survey No. 60, the Richard West Survey and unplatted land located in Williamson County, TX; the William J. Baker Survey No. 10, the John McQueen Survey, the Phillip J. Allen Survey, the William W. Hornsby Survey No. 22, the William W. Hornsby Survey No. 77, the Malcolm M. Hornsby Survey No. 76 , the Arthur Garner Survey and unplatted land located in Williamson and Travis County, TX; and the Louis Kincheloe Survey No. 21, the Francisco Garcia Survey No. 60, the Peter Conrad Survey No. 112, the Memucan Hunt Survey No. 105, the Memucan Hunt Survey No. 107 and unplatted land located in Travis County, TX. (Lake Creek, Rattan Creek and

Walnut Creek Watersheds) from interim-rural residence (I-RR) district zoning, limited industrial services-planned development area (LI-PDA) combining district zoning and development reserve (DR) district zoning to planned unit development (PUD) district zoning. Zoning and Platting Commission Recommendation: To be considered by the Commission on June 15, 2004. Applicant: City of Austin. Agent: Neighborhood Planning and Zoning Department. City Staff: Greg Guernsey, 974-2387

This item was postponed to June 17, 2004 at staff's request.

- Z-12 C14H-04-0001 - Driver-Metcalf House. Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 1204 Travis Heights Boulevard from family residence (SF-3) district to family residence-historic (SF-3-H) combining district. Historic Landmark Commission Recommendation: To grant family residence-historic (SF-3-H) combining district. Planning Commission Recommendation: To deny family residence-historic (SF-3-H) combining district. Applicant: Historic Landmark Commission. City Staff: Steve Sadowsky, Historic Preservation Office, Transportation, Planning and Sustainability Department, 974-6454.

The motion to deny rezoning request pursuant to the mediation results was approved. Mayor Pro Tem Goodman voted nay.

ZONING DISCUSSION ITEMS

- Z-9 C814-04-0061 - Ribelin Ranch PUD - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by zoning property locally known as R.M. 2222 (Bull Creek and West Bull Creek Watersheds) from interim-rural residence (I-RR) district zoning to planned unit development (PUD) district zoning. Zoning and Platting Commission Recommendation: To be considered by the Commission on June 7, 2004. Applicant: Ribelin Ranch Partners, Ltd. (Frank Ribelin), Charles & Martha Ribelin, Tom & Lucia Francis. Agent: Thrower Design (Ron Thrower). City Staff: Sherri Gager, 974-3057.

The first reading of the ordinance with conditions as read into record and allowing the developer to either build parkland or pay the parkland dedication fee was approved on Mayor Wynn's motion, Mayor Pro Tem Goodman's second on a 7-0 vote.

Mayor Wynn recessed the Council Meeting at 5:30 p.m.

LIVE MUSIC

Jasmine Reign

PROCLAMATION

Distinguished Service Award - Trullus Rollins - to be presented by Mayor Will Wynn and to be accepted by the honoree

Distinguished Service Award - Citizens Review Panel Members - to be presented by Mayor Will Wynn and to be accepted by the honorees

Certificates of Congratulations - Volunteers of the Month for May and June - to be presented by Council Member Brewster McCracken and to be accepted by Pete and Fay Jones and Scott Andrewartha

Distinguished Service Award - Marion Armstrong - to be presented by Council Member Betty Dunkerley and to be accepted by the honoree

Mayor Wynn called the meeting back to order at 6:16 p.m.

ZONING DISCUSSION CONTINUED

- Z-3 C14-03-0049 - House of Tutors - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 2400 Pearl Street (Shoal Creek Watershed) from general office-mixed use (GO-MU) combining district zoning to general commercial services-mixed use-conditional overlay (CS-MU-CO) combining district zoning and multi-family residence highest density-conditional overlay (MF-6-CO) combining district zoning. Planning Commission Recommendation: To grant general commercial services-mixed use-conditional overlay (CS-MU-CO) combining district zoning and multi-family residence highest density-conditional overlay (MF-6-CO) combining district zoning. Applicant: House of Tutors Inc. (Hussain Malik). Agent: Holland Architectural (James Holland). City Staff: Glenn Rhoades, 984-2775.

The public hearing was closed on Council Member Dunkerley's motion, Council Member McCracken's second on a 7-0.

The first reading of the ordinance for CS-MU-CO and MF-6-CO for residential, including business and trade school use, and directing the developer to incorporate UNO overlay standards except allow 90' height was approved on Council Member Dunkerley's motion, Council Member McCracken's second on a 4-3 vote. Those voting aye were: Council Members Dunkerley, McCracken, Slusher and Thomas. Those voting nay were: Mayor Wynn, Mayor Pro Tem Goodman and Council Member Alvarez.

PUBLIC HEARINGS AND POSSIBLE ACTION

54. Conduct a public hearing and approve a resolution authorizing the waiver of the 300 foot minimum distance requirement of Section 4-9-4 of the City Code between Baja Fresh, a business that proposes to sell alcoholic beverages at 2100 Guadalupe Street, and St. Austin's Catholic Parish, a church located at 2026 Guadalupe Street.
- The public hearing was closed and Resolution No. 040610-54 was approved on Council Member Dunkerley's motion, Council Member Slusher's second on a 5-1 vote. Mayor Pro Tem was off the dais. Council Member Thomas voted nay.

- Z-1 Conduct a public hearing and approve on first reading an ordinance amending the Austin Tomorrow Comprehensive Plan by adopting the Central Austin Combined Neighborhood Plan, which includes the Hancock, North University, and West University neighborhood planning areas. The boundaries of the Hancock planning area are Duval St. to the west, 45th St. to the north, IH-35 to the east, and Dean Keeton St. to the south. The boundaries of the North University planning area are Guadalupe St. to the west, 38th St. to the north, Duval St. to the east, and 27th St. to the south. The boundaries of the West University planning area are Lamar Blvd. to the west, 38th St. to the north, Guadalupe St. to the east, and MLK Jr. Blvd. to the south. (There is no fiscal impact associated with adopting the Central Austin Combined Neighborhood Plan. This plan is advisory and does not legally obligate the Council to implement any particular recommendation.) (Planning Commission recommendation is to adopt staff recommendations.) (Related Items Z-2, Z-4, Z-5, Z-7)

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

The first reading of the ordinance was approved for all the tracts with the exception of the contested ones on motion by Mayor Pro Tem Goodman, seconded by Mayor Wynn on a 7-0 vote.

- Z-2 Conduct 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. (There is no fiscal impact associated with this code amendment.) (Planning Commission recommended the proposed Code amendment with conditions.) (Related Items Z-1, Z-4, Z-5, Z-7)

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

The first reading of the ordinance was approved on motion by Mayor Pro Tem Goodman, seconded by Council Member Dunkerley's second on a 7-0 vote.

- Z-4 C14-04-0021 - Central Austin Combined Neighborhood Plan (West University Neighborhood) Combining District Zonings - Conduct a public hearing and approve 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, 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," and "Impervious Cover and Parking Placement Restrictions" 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, 15-16, 20, 20A, 22-27, 31-32, 40-42, 46-48, 58, 64-74, 77-97, 111-113, 115-125, 127-129, 138-143, 143C, 145-146, 148, 156-158, 166-167, 170, 172, 174, 176-180, 183, 192-196, 209-210, 213-214, 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; or Neighborhood Conservation (NC) combining district may also be added to these zoning base districts. Planning Commission Recommendation: To grant the requested zoning as requested. Applicant: City of Austin. Applicant: 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 Z-1, Z-2, Z-5, Z-7)

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

The first reading of the ordinance approving Planning Commission's recommendation on all uncontested zoning tracts was approved on Mayor Pro Tem Goodman's motion, Mayor Wynn's second on a 7-0 vote.

The first reading of the ordinance approving Planning Commission's recommendation on all contested zoning tracts was approved on Mayor Pro Tem Goodman's motion, Council Member Thomas' second on a 7-0 vote.

- Z-5 C14-04-0022 - Central Austin Combined Neighborhood Planning Area (North University Neighborhood) Combining District Rezoning - Conduct a public hearing and approve 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 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 area. 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 NCCD 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 base district 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, or Neighborhood Conservation (NC) combining district may also be added to these zoning base districts. Planning Commission Recommendation: To grant the requested zoning with conditions. 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 the proposed zoning request. (Related Items Z-1, Z-2, Z-4, Z-7)

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

The first reading of the ordinance approving Planning Commission's recommendation on all uncontested zoning tracts was approved on Mayor Pro Tem Goodman's motion, Mayor Wynn's second on a 7-0 vote.

The first reading of the ordinance approving Planning Commission's recommendation on all contested zoning tracts was approved on Mayor Pro Tem Goodman's motion, Council Member Thomas' second on a 7-0 vote.

- Z-7** C14-04-0023 - Central Austin Combined Neighborhood Plan (Hancock Neighborhood) - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by zoning and rezoning property locally known as the Hancock Neighborhood, 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," and "Impervious Cover and Parking Placement Restrictions" 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, 516, 517, 518, 519, 520, 522, 523, 524, 525, 526, 527, 536A, 541, 541A, 543, and 543A. 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 base district 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; or Neighborhood Conservation (NC) combining district may also be added to these zoning base districts. Planning Commission Recommendation: To grant the requested zoning with conditions. Applicant: City of Austin. Agent: Neighborhood Planning and Zoning Department. City Staff: Tom Bolt, 974-2755, Glenn Rhoades, 974-2775. Note: Valid petitions have been filed in opposition to this zoning request. (Related Items Z-1, Z-2, Z-4, Z-5) The public hearing was closed on Council Member McCracken's motion, Council Member Slusher's second on a 7-0 vote.

The first reading of the ordinance approving Planning Commission's recommendation on all uncontested zoning tracts was approved on Mayor Pro Tem Goodman's motion, Mayor Wynn's second on a 7-0 vote.

The first reading of the ordinance approving Planning Commission's recommendation on all contested zoning tracts was approved on Mayor Pro Tem Goodman's motion, Council Member Thomas' second on a 7-0 vote.

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

Mayor Wynn recessed the Council Meeting to go into Executive Session at 9:59 p.m.

EXECUTIVE SESSION

44. Discuss legal issues related to Chapter 2-9 of the City Code, the Minority-Owned and Women-Owned Business Enterprise Procurement Program. (Related Item 55)
45. Discuss legal issues related to *Northwest Austin Municipal Utility District No. 1, et al. v. City of Austin, et al.*, Cause No. GN203378 in the 53rd Judicial District Court of Travis County, Texas.

(Concerns challenge to City's right to collect ad valorem taxes within the municipal utility district)

46. Discuss legal issues related to a proposed amendment to the regulations applicable to Mission Bethany Subdivision established by Ordinance No. 980507-A to allow the transfer of impervious cover within the subdivision and to extend the expiration date of the ordinance. The subdivision is generally located at the intersection of Slaughter Lane and Wolftrap Drive in the area subject to Save Our Springs Initiative.
This item was withdrawn from the agenda.
48. Discuss legal issues related to implementation of the Travis County Hospital District. (Related Items 41 and 42)
This item was withdrawn from the agenda.

The Mayor announced that Council would discuss items number 16 and number 55 on the regular agenda during Executive Session.

Executive Session ended and Mayor Wynn called the Council Meeting back to order at 10:42 p.m.

DISCUSSION ITEMS CONTINUED

55. Approve an interlocal agreement with the South Central Texas Regional Certification Agency, 305 East Euclid, San Antonio, TX, to procure Minority-Owned Business Enterprise, Women-Owned Business Enterprise, and Disadvantaged Business Enterprise certification services, in an amount not to exceed \$50,000, with annual renewal options. (Funding for the contract will be included in the Fiscal Year 2004-2005 proposed budget of the Department of Small and Minority Business Resources. Funding for the annual renewal options is contingent upon available funding in future budgets.) (Related Item 44)
The motion authorizing an interlocal agreement was approved on motion by Council Member Slusher, seconded by Mayor Wynn on a 5-1 vote. Mayor Pro Tem Goodman was off the dais. Council Member Thomas voted no.
16. Authorize the City Manager to develop a list of mediation and conflict resolution professionals to provide construction contract dispute resolution services. (Related Item 44)
The motion authorizing the City Manager to develop a list of mediation and conflict resolution professionals was approved on Council Member Thomas' motion, Council Member Alvarez' second on a 6-0 vote. Mayor Pro Tem Goodman was off the dais.
52. Status report regarding discussions of the Joint Austin City Council/Travis County Commissioner's Court Subcommittee for the Agreement on Subdivision Platting in the City's Extraterritorial Jurisdiction. (Concerns House Bill 1445, Chapter 242 of the Texas Local Government Code)
The report was given by Laura Huffman, Assistant City Manager.

The motion to adjourn the meeting at 11:22 p.m. was approved on Council Member Slusher's motion, Council Member Alvarez' second on a 6-0 vote. Mayor Pro Tem Goodman was off the dais.

The minutes for the Regular Meeting of June 10, 2004 were approved on this the 17th day of June, 2004 on Council Member Alvarez' motion, Mayor Wynn's second on a 7-0 vote.