



AUSTIN CITY COUNCIL  
MINUTES

REGULAR MEETING  
THURSDAY, AUGUST 12, 2004

Invocation: Rev. Bobbi Kaye Jones, Sr. Pastor, St. John's United Methodist 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, August 12, 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 Thomas' second on a 7-0 vote.

1. Approval of minutes from the meeting of August 5, 2004.  
The minutes from the regular meeting of August 5, 2004 were approved.
2. Approve negotiation and execution of a contract with Naomi Fike, Austin, TX, for the purchase, including closing costs and relocation expenses, of the house and lot described as the South 71.27 feet of the East 145 feet of Lot 1, Block 6, Freewater Addition, locally known as 3303 South Second, in an amount not to exceed \$145,000. 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.)  
The motion authorizing the negotiation and execution of a contract was approved.
3. Approve a resolution to change the name of the Southeast Service Center, located at 3907 S. Industrial Dr., to the Glen Bell Service Center. (Funding in the amount of \$10,000 for estimated signage changes is available in the Fiscal Year 2003-2004 Operating Budget of the Austin Water Utility.) (Recommended by the Water and Wastewater Commission.)  
Resolution No. 040812-3 was approved.
4. Approve negotiation and execution of an Advanced Funding Agreement with Texas Department of Transportation (TxDOT) for roadway improvements to Airport Boulevard (Loop 111), Wilshire Boulevard and Aldrich Street at the Robert Mueller Municipal Airport (Mueller) site in the amount of \$265,379.59. (Funding is available from an escrow account collected from the developer to pay for this work.) (Related Item 5)

**The motion authorizing the negotiation and execution of an Advanced Funding Agreement was approved.**

5. Approve negotiation and execution of an Agreement with Catellus Austin LLC, a Delaware limited liability company, to fund construction of roadway improvements to Airport Boulevard (Loop 111), Wilshire Boulevard and Aldrich Street, in the amount of \$265,379.59. (Funding will be collected from the developer and held in escrow to pay for this work.) (Related Item 4)  
**The motion authorizing the negotiation and execution of an agreement was approved.**
6. Approve an ordinance authorizing a non-exclusive license agreement with Century Tel Fiber Company II, LLC. for placement of underground fiber-optic cable in public rights-of-way. (\$8,915 in unanticipated revenue for the Fiscal Year 2003-2004 General Fund.) (Approved by Council Committee for Telecommunications Infrastructure.)  
**Ordinance No. 040812-6 was approved.**
7. Approve a resolution under Section 221.030 of the Texas Health Facilities Development Act granting the City's consent to HFDC of Central Texas, Inc., to finance the Lutheran Social Services of the South, Inc.'s acquisition of property located at 8305 Cross Park to be used as an administrative office building.  
**Resolution No. 040812-7 was approved.**
8. Authorize acceptance of grant funds in the amount of \$45,299 from the Texas Department of Health Centers for Disease Control and Prevention project, Public Health Preparedness and Response for Bioterrorism grant program; and amend the Fiscal Year 2003-2004 Health and Human Services Operating Budget of Ordinance No. 030909-01, to appropriate \$45,299 to be placed in the Department's Special Revenue Fund. These additional grant funds bring the total grant amount to \$1,371,299. (Funding in the amount of \$45,299 is available from the Texas Department of Health, for the Public Health Preparedness and Response for Bioterrorism Grant Program. The grant period is September 1, 2003 through August 31, 2004. No City match is required.)  
**The motion authorizing the acceptance of grant funds and approval of Ordinance No. 040812-8 was approved.**
9. Authorize negotiation and execution of an amendment to the outside counsel contract with CORNELL, SMITH & MIERL L.L.P, Austin, TX, in *Hector Fabela v City of Austin*, Cause No. 97-01805; in the 345th Judicial District Court of Travis County, Texas, in the amount of \$28,713.58, with a total contract amount not to exceed \$191,713.58. (Funding in the amount of \$28,713.58 is available in the Fiscal Year 2003-2004 Approved Operating Budget of the Liability Reserve Fund.) (Related Item 38)  
**The motion authorizing the negotiation and execution of an amendment to the outside counsel contract was approved.**
10. Approve an interlocal agreement with Travis County, TX for reimbursement to the City for certain personnel, services, and supplies costs incurred by the City, for operation of the Office of Emergency Management, which are shared with the Travis County Office of Emergency Management. The agreement will automatically renew annually unless terminated by either party. (Travis County included sufficient funds for its portion of this agreement in its 2004 adopted budget and its 2005 proposed budget.)  
**The motion authorizing the interlocal agreement was approved.**

11. Approve execution of a contract with RIATA ENTERPRISES, Austin, TX, for construction of McBeth Recreation Center Accessible Bus Route in an amount not to exceed \$95,305.10. (Funding is included in the Fiscal Year 2003-2004 Approved Capital Budget of the Parks and Recreation Department.) Lowest bid of five received. 7.87 % MBE and 29.38 % WBE subcontractor participation.  
**The motion authorizing the execution of a contract was approved.**
12. Approve a resolution to authorize the acquisition of a (1) wastewater easement comprised of 0.037 acre of land, (2) temporary working space easement comprised of 0.350 acre of land, (3) temporary ingress and egress easement comprised of 0.309 acre of land, and (4) temporary staging area and material storage site easement comprised of 0.459 acre of land out of a portion of the John Applegait Survey No. 58, in Travis County, TX, located at 0 Longspur Blvd. E, from TEXRUN ENTERPRISES, INC. Austin, TX, in the amount not to exceed \$431,262 for the Austin Clean Water Program's Little Walnut/Buttermilk- North/Capital Dr. Easement Project. (Funding is included in the Fiscal Year 2003-2004 Capital Budget of the Austin Water Utility.)  
**This item was postponed to August 26, 2004.**
13. Authorize execution of an Interlocal Agreement with the TEXAS DEPARTMENT OF TRANSPORTATION (TxDOT) for the replacement of an existing bridge on East Martin Luther King Boulevard at Waller Creek with current funding for preliminary engineering, in an amount not to exceed \$7,182. (Project participation cost is 90% TxDOT, 10% City of Austin. \$7,182 is included in the Fiscal Year 2003-2004 Amended Capital Budget of the Public Works Department.)  
**The motion authorizing the execution of an interlocal agreement was approved**
14. Authorize execution of a construction contract with KEYSTONE CONSTRUCTION, INC., Austin, TX, for the rebid of the Spicewood Springs/Texas Plume Odor Control Improvements project in an amount not to exceed \$372,650. (Funding is available in the Fiscal Year 2003-2004 Capital Budget of the Austin Water Utility.) Lowest bid of three received. 10.89% MBE and 7.72% WBE subcontractor participation. (Recommended by the Water and Wastewater Commission.)  
**The motion authorizing the execution of a construction contract was approved.**
15. Authorize execution of a construction contract with LAUGHLIN-THYSSEN, LTD., Houston, TX, for the Del Valle Service to Annexed Areas Water and Wastewater Improvements Area 3 project in the amount of \$4,695,947.20 plus a \$469,595 contingency, for a total contract amount not to exceed \$5,165,542.20. (Funding in the amount of \$5,165,542.20 is included in the Fiscal Year 2003-2004 Capital Budget of the Austin Water Utility.) Lowest bid of three received. 16.93% MBE and 7.24% WBE subcontractor participation. (Recommended by the Water and Wastewater Commission.)  
**The motion authorizing the execution of a construction contract was approved.**
16. Authorize execution of a construction contract with KEYSTONE CONSTRUCTION, INC., Austin, TX, for the Austin Clean Water Program - Upper Shoal Creek/Upper Hancock Branch at Hardy Drive wastewater improvements project in an amount not to exceed \$225,794. (Funding is included in the Fiscal Year 2003-2004 Capital Budget of the Austin Water Utility.) Lowest bid of three received. 23.60% MBE and 6.85% WBE subcontractor participation. (Recommended by the Water and Wastewater Commission.)  
**The motion authorizing the execution of a construction contract was approved.**

17. 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.  
**The motion authorizing the negotiation and execution of a service agreement was approved.**
18. Authorize execution of a 12-month service agreement with SIEMENS BUILDING TECHNOLOGIES, INC., Austin, TX, for technical support services for the Combined Transportation Emergency Communications Center facility in an amount not to exceed \$50,148, with three 12-month extension options in an amount not to exceed \$52,656 for the first extension option, \$55,296 for the second extension option and \$58,058 for the third extension option, for a total agreement amount not to exceed \$216,158. (Funding in the amount of \$50,148 is included in the Fiscal Year 2004-2005 Proposed Operating Budget for the Electric Utility Department. Funding for the 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 service agreement was approved.**
19. Authorize negotiation and execution of a 12-month service agreement with TWENTY-FIRST CENTURY COMMUNICATIONS, INC, Columbus, OH, for the continuation of storm and power outage-related high volume call answering services and software upgrades for Austin Energy in an amount not to exceed \$150,000, with three 12-month extension options in an amount not to exceed \$150,000 per extension option, for a total agreement amount not to exceed \$600,000. (Funding in the amount of \$25,000 is available in the Fiscal Year 2003-2004 Amended Operating Budget of the Electric Utility Department. Funding for the remaining 10 months of the original contract term and the 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 negotiation and execution of a service agreement was approved.**
20. Authorize execution of a contract with HILL COUNTRY FENCE, INC., Austin, TX, for the purchase and installation of fencing for the Austin Water Utility in an amount not to exceed \$245,072.45. (Funding is available in Fiscal Year 2003-2004 Approved BCP Participation Certificate Fund Budget of the Austin Water Utility.) Lowest bid of eight bids received. This contract will be awarded in compliance with Chapter 2-9 of the City Code (Minority-Owned and Women-Owned Business Enterprise Procurement Program). No subcontracting opportunities were identified; therefore, no goals were established for this solicitation.  
**The motion authorizing the execution of a contract was approved.**
21. Authorize execution of a contract D. SHAFFER CONCRETE, CO., INC., Pflugerville, TX, (WBE/FR-100%) for the clearing of vegetation at the Water Quality Protection Lands for the Austin Water Utility in an amount not to exceed \$55,500. (Funding is available in Fiscal Year 2003-2004 Approved Operating Budget of the Austin Water Utility.) 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 contract was approved.**

22. Authorize execution of a contract with PROCESS SOLUTIONS, INC., Campbell, CA, for a VAPEX Hydroxyl Ion Fog Odor Control System in an amount not to exceed \$66,480. (Funding is included in Fiscal Year 2003-2004 Capital Budget of the Austin Water Utility.) Sole Source. This contract will be awarded in compliance with Chapter 2-9 of the City Code (Minority-Owned and Women-Owned Business Enterprise Procurement Program). No subcontracting opportunities were identified; therefore, no goals were established for this solicitation.

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

23. Authorize execution of a 12-month service agreement with AFTERWORDS, Austin, TX, for transcription services of tapes and other media for the Austin Police Department in an amount not to exceed \$86,930, with two 12-month extension options in an amount not to exceed \$86,930 per extension option, for a total agreement amount not to exceed \$260,790. (Funding in the amount of \$14,488 is available in the Fiscal Year 2003-2004 Approved Operating Budget of the Austin Police Department. Funding for the remaining 10 months of the original contract period and extension options is contingent upon available funding in future budgets.) One 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 service agreement was approved.**

24. Authorize execution of a contract with FREIGHTLINER OF AUSTIN, Austin, TX, for the purchase of a mobile laboratory vehicle for the Austin Fire Department in an amount not to exceed \$128,900. (Funding is available in the Fiscal Year 2003-2004 Special Revenue Fund of the Office of Emergency and Management. Funding was provided through the Domestic Preparedness Equipment Grant from the Office for Domestic Preparedness, U.S. Department of Homeland Security.) 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 contract was approved.**

25. Authorize execution of a 12-month supply agreement with ALLIED TUBE & CONDUIT, Harvey, IL, for square steel posts, anchors and fasteners in an amount not to exceed \$126,752, with two 12-month extension options in an amount not to exceed \$126,752 per extension option, for a total agreement amount not to exceed \$380,256. (Funding in the amount of \$21,125 is available in the Fiscal Year 2003-2004 Approved Operating Budget of the Transportation, Planning and Sustainability Department. Funding for the remaining ten months of the original contract period and extension options is contingent upon available funding in future budgets.) Lowest bid meeting specifications of four bids received. This contract will be awarded in compliance with Chapter 2-9 of the City Code (Minority-Owned and Women-Owned Business Enterprise Procurement Program). No subcontracting opportunities were identified; therefore, no goals were established for this solicitation.

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

26. Authorize execution of Amendment No. 2 to the contract with MARCONI COMMUNICATIONS, INC., (formerly Fore Systems, Inc., dba Marconi Services), Warrendale, PA, for a 36-month contract to continue maintenance services of the City's asynchronous transfer mode communications network in an amount not to exceed \$168,000, for a revised total contract

amount not to exceed \$425,600. (Funding in the amount of \$14,000 is available in the Fiscal Year 2003-2004 Approved Operating Budget of the Transportation, Planning & Sustainability Department. Funding for the remaining 35-months of the original contract period is contingent upon funding in future budgets.) 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 the execution of Amendment No. 2 to the contract was approved.**

27. Authorize execution of a contract through the Texas Local Government Purchasing Cooperative (BuyBoard) with RDO EQUIPMENT CO., Pflugerville, TX, for a tractor/loader/backhoe for Public Works Department in an amount not to exceed \$86,278.70. (Funding is available in the Fiscal Year 2003-2004 Amended Capital Budget of the Transportation, Planning and Sustainability Department.) Purchasing Cooperative. (Related Item 28)

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

28. Authorize execution of a contract through the Houston-Galveston Area Council of Governments with PHILPOTT MOTORS LTD., Port Neches, TX, for the purchase of a medium duty truck chassis with a mounted platform body for the Public Works Department in an amount not to exceed \$55,598.30. (Funding is available in the Fiscal Year 2003-2004 Amended Capital Budget of the Transportation, Planning and Sustainability Department.) Purchasing Cooperative. (Related Item 27)

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

29. Authorize execution of a contract through the Texas Local Government Purchasing Cooperative (BuyBoard) with LONGHORN INTERNATIONAL TRUCKS LTD, Austin, TX, for a low-entry truck cab and chassis for the Solid Waste Services Department in an amount not to exceed \$99,297. (Funding is available in the Fiscal Year 2003-2004 Approved Capital Budget of the Solid Waste Services Department.) Cooperative Purchase.

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

30. Authorize negotiation and execution of a five-year revenue contract with RODRIGUEZ CONCESSION, INC. (MBE-MH-100%), Austin, TX, for a food and beverage concession at Barton Springs Pool with an estimated annual revenue of \$90,000, with two five-year extension options with an estimated annual revenue of \$90,000, for an estimated total revenue amount of \$1,350,000. (Net estimated annual revenue of \$90,000 for the five-year contract period and \$90,000 estimated net annual revenue for each of the five-year extension option. Revenue is included in the Fiscal Year 2003-2004 Operating Budget of the Parks and Recreation Department.) Best proposal of three proposals received. This contract will be awarded in compliance with Chapter 2-9 of the City Code (Minority-Owned and Women-Owned Business Enterprise Procurement Program). No subcontracting opportunities were identified; therefore, no goals were established for this solicitation. (Recommended by the Parks and Recreation Board.)

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

31. Authorize negotiation and execution of a five-year revenue contract with KINSER RANCH L.L.C., Austin, TX, for golf course management at Butler Pitch and Putt Golf Course for an estimated revenue of \$66,000, with two five-year extension options with estimated revenue of \$72,000 for the first extension option and \$78,000 for the second extension option, for an estimated total revenue amount of \$216,000. (Estimated revenue of \$66,000 over the duration of the five-year contract period and \$72,000 and \$78,000 respectively, over the duration of each five-year extension option will be included in the Operating Budgets of the Parks and Recreation Department. Revenue is included in the Fiscal Year 2003-2004 Operating Budget of the Parks

and Recreation Department.) 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. (Recommended by the Parks and Recreation Board.)  
**The motion authorizing the negotiation and execution of a revenue contract was approved.**

32. Authorize execution of Amendment No. 2 to the contract through U.S. Communities Government Purchasing Alliance, Los Angeles County, CA with OFFICE DEPOT, Austin, TX, for office supplies, printer equipment and supplies, and office equipment in an amount not to exceed \$166,770 for a revised total contract amount of \$2,225,101. (Funding in the amount of \$166,770 is included in the Fiscal Year 2004-2005 Proposed Operating Budgets for all City departments.)  
**The motion authorizing the execution of Amendment No. 2 to the contract was approved.**

33. Approve an ordinance waiving the signature requirement under Chapter 14-8 of the City Code in connection with the celebration honoring Lance Armstrong's 6th Tour de France victory to be held on August 13, 2004.  
**Ordinance No. 040812-33 was approved.**

34. Board and Commission Appointments.  
**The following appointments were made:**

<u>Board/ Appointee</u>	<u>Consensus/ Council Nominee</u>	<u>Appointment/ Reappointment</u>
<u>Construction Advisory Committee</u>		
Chris Wagner	Council Member Dunkerley's	Appointment
Calvin Williams	Council Member Thomas'	Reappointment
<u>MBE/WBE Advisory Committee</u>		
Sarah Reams (Capital City Chamber of Commerce Rep.)	Consensus	Appointment
<u>Mexican American Cultural Center Advisory Board</u>		
Steve Alvarez	Consensus	Appointment
<u>Planning Commission</u>		
Matthew Moore	Consensus	Reappointment
<u>Telecommunications Commission</u>		
Deborah Hill	Mayor Pro Tem Goodman's	Reappointment

35. Direct the City Manager to initiate an amendment to the Land Development Code to allow an eight-foot fence height between adjoining residential and commercial use properties. (Mayor Pro Tem Jackie Goodman and Council Member Betty Dunkerley)  
**The motion directing the City Manager to initiate an amendment to the Land Development Code was approved.**

Items 36 through 40 were Executive Session items.

Item 41 was Action on Executive Session item.

42. Approve a resolution authorizing the negotiation and execution of all terms and conditions reasonable and necessary to lease approximately 1.68 acres, old Austin Recreation Center, located at 12<sup>th</sup> and Shoal Creek, to Austin Community College, and Austin Independent School District, for public purposes benefiting the City of Austin and the other two entities. (Related Item 40)

Resolution No. 040812-42 was approved.

Item 43 was a bond sale set for a time certain of 2:00 p.m.

Item 44 was briefings set for a time certain of 2:00 p.m.

Items 45 through 50 and Z-1 through Z-5 were Zoning items.

Item 51 was public hearings set for 6:00 p.m.

Mayor Wynn recessed the Council Meeting to go into Executive Session at 10:52 a.m.

#### EXECUTIVE SESSION

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

#### Private Consultation with Attorney - Section 551.071

36. Discuss legal issues in *Carmen Alvarado v. Rodolfo A. Castro and the City of Austin*; Cause No. GN304074; 98<sup>th</sup> Judicial District; Travis County, Texas (concerns an automobile collision between a citizen and a dump truck driven by a City employee) (Related Item 41)
37. Discuss legal issues related to implementation of the Travis County Hospital District.  
This item was withdrawn.
38. Discuss legal issues in *Hector Fabela v. the City of Austin*; Cause No. 97-01805; filed in the 345<sup>th</sup> District Court of Travis County, and the legal services agreement with Cornell, Smith & Mierl, L.L.P. (Concerned a claim for retaliation in employment) (Related Item 9)

#### Real Property - Section 551.072

39. Discuss terms of sale for the Mueller site (former Robert Mueller Municipal Airport) to Catellus Austin, L.L.C.  
This item was withdrawn.
40. Discuss disposition of the old Austin Recreation Center located at 12th Street and Shoal Creek. (Related Item 42)  
This item was withdrawn.

Executive Session ended and Mayor Wynn recessed the Council Meeting at 11:12 a.m.

Mayor Wynn called the Council Meeting back to order at 12:03 p.m.



CITIZEN COMMUNICATIONS: GENERAL

Jimmy Castro - Back to School at A.I.S.D.

Chris Bevill - Cole's Ice House - Offsite Parking - Zoning Changes in Opposition to. He was not present when his name was called.

Pat Johnson - Terrorism

Will Robertson - On-Sight Sewage System. He was not present when his name was called.

Johnette Mason - Accessing Behavioral Health Issues in Austin. She was not present when her name was called.

John Weiss - Public Skate Park.

Action on Executive Session

41. Approve settlement in *Carmen Alvarado v. Rodolfo A. Castro and the City of Austin*; Cause No. GN304074; in the 98th Judicial District, Travis County, Texas. (Concerns an automobile accident between a citizen and a dump truck driven by a City of Austin employee)(Related Item 36)  
The motion approving a settlement in the amount of \$110,000 in *Carmen Alvarado v. Rodolfo A. Castro and the City of Austin* was approved on Council Member Dunkerley's motion, Council Member Alvarez' second on a 7-0 vote.

Mayor Wynn recessed the Council Meeting at 12:26 p.m.

Mayor Wynn called the Council Meeting back to order at 2:08 p.m.

Bond Sales

43. Approve an ordinance authorizing the issuance of approximately \$132,475,000 City of Austin, TX, Water and Wastewater System Revenue Variable Rate Refunding Bonds, Series 2004; providing for payments hereunder by a lien on and pledge of the net revenues of the City's Water & Wastewater System; and approval and authorization of all documents pertaining to the issuance. (No fiscal impact during Fiscal Year 2003-2004. \$10,590,407 estimated debt service requirement and \$600 estimated annual paying agent/registrar fee will be included in the Fiscal Year 2004-2005 Proposed Budget of the Utility Revenue Bond Redemption Fund.)  
Ordinance No. 040812-43 was approved on Mayor Pro Tem Goodman's motion, Council Member Dunkerley's second on a 6-0 vote. Council Member Alvarez was off the dais.

BRIEFINGS

44. Presentation of the Fiscal Year 2004-2005 Proposed Budget for the Community Services Departments, including the Neighborhood Housing and Community Development Department, the Library Department, the Parks and Recreation Department, the Health and Human Services Department and the Community Care Services Department, including the Travis County Hospital District.  
The presentation was made by Michael McDonald, Assistant City Manager; Brenda Branch, Director of Libraries; Paul Hilgers, Director of Neighborhood Housing Community Development; David Lurie, Director Public Health; Warren Struss, Acting Director, Parks

and Recreation Department; Trish Young, Chief Executive Officer, Community Care Department and Sally Henley, Division Chief, Law Department.

### 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 Dunkerley's motion, Mayor Wynn's second on a 6-0 vote. Mayor Pro Tem Goodman was off the dais.

45. 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 46, 47, 48)

This item was postponed to August 26, 2004.

46. C14-04-0021 - Central Austin Combined Neighborhood Plan (West University Neighborhood) rezoning - Approve third reading 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. First reading on June 10, 2004. Vote: 7-0. Second reading August 5, 2004. 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 45, 47, 48)

**This item was postponed to August 26, 2004.**

47. C14-04-0022 - Central Austin Combined Neighborhood Planning Area (North University Neighborhood) rezoning - Approve third reading 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. Second reading August 5, 2004. 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 45, 46, 48)

**This item was postponed to August 26, 2004.**

48. C14-04-0023 - Central Austin Combined Neighborhood Plan (Hancock Neighborhood) rezoning - Approve third reading 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. Second reading August 5, 2004. 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 45, 46, 47)

**This item was postponed to August 26, 2004.**

50. C14-04-0012.001 (PART) - Brentwood/Highland Neighborhood Plan - Approve third reading of an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as part of Tract 15b, 5602 Clay Avenue (Shoal Creek Watershed) from general commercial services-neighborhood plan combining district (CS-NP) to neighborhood commercial-mixed use-conditional overlay-neighborhood plan (LR-MU-CO-NP) combining district zoning. First reading on March 25, 2004. Vote: 7-0. Second reading on May 13, 2004. Vote: 7-0. Conditions met as

follows: Conditional Overlay incorporates the conditions imposed by Council on second ordinance reading. Applicant: City of Austin. Agent: Neighborhood Planning & Zoning Department. Property Owner: Mark Cashman. City Staff: Annick Beaudet, 974-2975. Note: A valid petition has been filed by the property owner in opposition to this rezoning request.

**This item was postponed to September 30, 2004.**

### **ZONING DISCUSSION ITEM**

49. C14-04-0067 - P.W.C. - Approve second/third readings of an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 5607, 5611 and 5701 Travis Cook Road (Barton Creek and Williamson Creek Watersheds-Barton Springs Zone) from rural residence (RR) district zoning to family residence (SF-3) district zoning. First reading on July 29, 2004. Vote: 7-0. Conditions met as follows: Conditional Overlay incorporates the conditions imposed by Council on first ordinance reading. Applicants: Ed Padgett, Marty Williams and Mark Clemens. Agent: Jim Bennett Consulting (Jim Bennett). City Staff: Wendy Walsh, 974-7719.

**Ordinance No. 040812-49 for SF-3 family residence district zoning without conditions was approved on Council Member Dunkerley's motion, Council Member McCracken's second on a 5-1 vote. Mayor Pro Tem Goodman was off the dais. Council Member Slusher voted nay.**

### **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 Alvarez' motion, Council Member Dunkerley's second on a 6-0 vote. Mayor Pro Tem Goodman was off the dais.**

- 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 September 2, 2004 at the property owner'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 September 2, 2004 at the property owner's request.**

- Z-3 C14-04-0060 - Walgreens - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 2409 South Lamar Boulevard and 0 Bluebonnet Lane (West Bouldin Creek Watershed) from family residence (SF-3)

district zoning and general commercial services (CS) district zoning to neighborhood commercial (LR) district zoning for Tract 1 and limited office (LO) district zoning for Tract 2. Zoning and Platting Commission Recommendation: To grant neighborhood commercial-conditional overlay (LR-CO) combining district zoning for Tract 1 and limited office-conditional overlay (LO-CO) combining district zoning for Tract 2, with conditions. Applicant: Gene Charlesworth Payne. Agent: Drenner Stuart Wolff Metcalfe von Kreisler, LLP (Michele Haussmann). City Staff: Wendy Walsh, 974-7719.

**This item was postponed to September 2, 2004 at the neighborhood association's request.**

**Mayor Wynn recessed the Council Meeting at 5:29 p.m.**

### LIVE MUSIC

Lucretia String Quartet

### PROCLAMATIONS

Distinguished Service Awards - Southeast Austin Youth Advisory Committee - to be presented by Mayor Will Wynn and to be accepted by the honorees

Proclamation - National Payroll Week - to be presented by Mayor Will Wynn and to be accepted by Valerie Pieper

Certificates of Congratulations - Volunteers of the Month for July and August - to be presented by Council Member Brewster McCracken and to be accepted by the honorees

**Mayor Wynn called the Council Meeting back to order at 6:34 p.m.**

### ZONING DISCUSSION ITEM CONTINUED

- Z-4 C14-04-0035 - Eppright 12-Acre Tract - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by zoning property locally known as 9300-9800 Block of R.M. 620 Road (Bull Creek Watershed) from interim-rural residence (I-RR) district zoning to townhouse & condominium residence (SF-6) district zoning. Zoning and Platting Commission Recommendation: To grant townhouse & condominium residence-conditional overlay (SF-6-CO) combining district zoning. Applicant: Shoal Creek Properties, Ltd. (Fred Eppright). Agent: Land Strategies (Paul Linehan). City Staff: Sherri Gager, 974-3057.

**The public hearing was closed and Ordinance No. 040812-Z-4 for townhouse and condominium residence-conditional overlay (SF-6-CO) combining district zoning was approved on Council Member Slusher's motion, Council Member Dunkerley's second on a 5-1 vote. Mayor Pro Tem Goodman was off the dais. Council Member McCracken voted nay.**

### PUBLIC HEARINGS AND POSSIBLE ACTION

51. Conduct a public hearing to receive public comment on the City of Austin Fiscal Year 2004-2005 Proposed Budget including the Neighborhood Housing and Community Development Department, the Library Department, the Parks and Recreation Department, the Health and Human Services Department and the Community Care Services Department, including the Travis County Hospital District.
- The public hearing was closed on Council Member Alvarez' motion, Council Member Thomas' second on a 6-0 vote. Mayor Pro Tem Goodman was off the dais.**

**ZONING DISCUSSION ITEM CONTINUED**

**Z-5      C814-04-0024 - Brodie 31 c/o Walters Southwest - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 9000-9600 Block of Brodie Lane (Williamson Creek Watershed-Barton Springs Zone) from development reserve (DR) district zoning to planned unit development (PUD) district zoning. Zoning and Platting Commission Recommendation: To grant planned unit development (PUD) district zoning with conditions. Applicant: 31 Deerfield Ltd. c/o William S. Walters, III (William S. Walters, III). Agent: Land Strategies, Inc. (Paul W. Linehan). City Staff: Wendy Walsh, 974-7719.**

**The public hearing was closed and the first reading for planned unit development (PUD) district zoning with combined conditions from staff, the Environmental Board and Zoning and Platting Commission 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. Council Member Alvarez made a friendly amendment to remove automotive repair use from the list of permitted uses. This was not accepted by the maker of the motion.**

**The motion to adjourn the meeting at 9:10 p.m. was approved on Council Member Slusher's motion, Council Member Thomas' second on a 6-0 vote. Mayor Pro Tem Goodman was off the dais.**

**The minutes for the Regular Meeting of August 12, 2004 were approved on this the 26th day of August, 2004 on Council Member Alvarez' motion, Council Member Thomas' second on a 6-0 vote. Mayor Pro Tem Goodman was off the dais.**