



**AUSTIN CITY COUNCIL
MINUTES**

**REGULAR MEETING
THURSDAY, JULY 29, 2004**

Invocation: Mat Harris, Associate Pastor, Celebration 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, July 29, 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 10:13 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 Mayor Pro Tem Goodman's motion, Council Member Alvarez' second on a 7-0 vote.

1. Approval of minutes from the meeting of June 24, 2004.
The minutes from the regular meeting of June 24, 2004 were approved.
2. Approve issuance of a letter of intent for a rebate in the amount of \$45,524 to the AWARE HOUSE, Austin, TX, for the installation of a solar photovoltaic system at their facility located at 3804 South Congress Avenue. (Funding is available in the Fiscal Year 2003-2004 Amended Operating Budget of the Austin Energy Conservation Rebates and Incentives Fund.) (Recommended by the Electric Utility Commission and the Resource Management Commission.)
The motion authorizing the issuance of a letter of intent for a rebate was approved.
3. Approve issuance of a letter of intent for a rebate in the amount of \$100,000 to the GARDEN TERRACE HOUSING COMMUNITY for the installation of a solar photovoltaic system at their facility located at 1015 W. William Cannon Drive, Austin, TX. (Funding is available in the Fiscal Year 2003-2004 Amended Operating Budget of the Austin Energy Conservation Rebates and Incentives Fund.) (Recommended by the Electric Utility Commission and the Resource Management Commission.)
The motion authorizing the issuance of a letter of intent for a rebate was approved.
4. Approve the issuance of a letter of intent for a rebate in the amount of \$100,000 to the LOWER COLORADO RIVER AUTHORITY (LCRA) for the installation of a solar photovoltaic system at their facility located at 3505 Montopolis, Austin, TX. (Funding is available in the Fiscal Year 2003-2004 Amended Operating Budget of the Austin Energy Conservation Rebates and

Incentives Fund.) (Recommended by the Electric Utility Commission and the Resource Management Commission.)

The motion authorizing the issuance of a letter of intent for a rebate was approved.

5. Approve issuance of a letter of intent for a rebate in the amount of \$55,296 to the VILLAGE GREEN COMMUNITIES for the installation of a solar photovoltaic system at their facility located at 7224 Northeast Drive, Austin, TX. (Funding is available in the Fiscal Year 2003-2004 Amended Operating Budget of the Austin Energy Conservation Rebates and Incentives Fund.) (Recommended by the Electric Utility Commission and the Resource Management Commission.)
The motion authorizing the issuance of a letter of intent for a rebate was approved.
6. Amend Ordinance No. 030908-02 the Fiscal Year 2003-2004 Capital Budget of the Electric Utility Department by increasing appropriations by \$15,500,000 for the new Seton Regional Children's Medical Hospital building cooling, heating and power energy plant at the Robert Mueller Municipal Airport redevelopment site. (Funding is available from taxable commercial paper proceeds and current revenue.) (Recommended by the Electric Utility Commission.) (Related Item 52)
Ordinance No. 040729-06 was approved.
7. Authorize execution of a construction contract with BLASTCO, INC., Houston, TX, for the Slaughter Lane and Loop 360 Reservoirs Recoating and Safety Improvements Project for the Austin Water Utility in the amount of \$878,750, plus an \$87,875 contingency, for a total contract amount not to exceed \$966,625. (Funding in the amount of \$966,625 is included in the Fiscal Year 2003-2004 Capital Budget of the Austin Water Utility.) 0.53% MBE and 26.68% WBE subcontractor participation. (Recommended by the Water and Wastewater Commission.)
The motion authorizing the execution of a construction contract was approved.
8. Authorize execution of a construction contract with MATOUS CONSTRUCTION, LTD., Temple, TX, for the construction of Hornsby Bend Thickener Lift Station in the amount of \$722,000 plus a \$78,000 contingency, for a total contract amount not to exceed \$800,000. (Funding in the amount of \$800,000 is included in the Fiscal Year 2003-2004 Capital Budget of the Austin Water Utility.) Lowest bid of four received. 19.50% MBE and 0.61% WBE subcontractor participation to date. (Recommended by the Water and Wastewater Commission.)
The motion authorizing the execution of a construction contract was approved.
9. Authorize execution of an amendment with BROWN AND CALDWELL, Inc., Austin, TX, for engineering services for the Walsh Tract Lift Station Rehabilitation in the amount of \$32,386.19, for a total contract amount not to exceed \$557,809.19. (Funding in the amount of \$32,386.19 is included in the Fiscal Year 2003-2004 Capital Budget of the Austin Water Utility) 10.42% MBE and 18.27% WBE subcontractor participation to date. (Recommended by the Water and Wastewater Commission.)
The motion authorizing the execution of an amendment to a contract was approved.
10. Authorize execution of Supplemental Amendment No. 2 to a professional services agreement with WESTON SOLUTIONS, INC., Austin, TX, for professional engineering services on the Northeast Service Area Wastewater Master Plan for an amount not to exceed \$70,293 for a total contract amount not to exceed \$362,230. (Funding in the amount of \$70,293 is included in the Fiscal Year 2003-2004 Capital Budget of the Austin Water Utility.) 9.18% MBE and 13.18%

WBE subcontractor participation to date. (Recommended by the Water and Wastewater Commission.)

The motion authorizing the execution of Supplemental Amendment No. 2 to a professional services agreement was approved.

11. Authorize the City Manager to negotiate and execute an agreement with Sun Communities Texas Limited Partnership, a Michigan Limited Partnership, through its general partner Sun Texas QRS, Inc., a Michigan Corporation, and Sun Secured Financing Houston Limited Partnership, a Michigan limited partnership, through its general partner, Sun Secured Financing GP, Inc. for the termination of the City of Austin wholesale water and wastewater agreements related to Branch Creek Estates, a mobile home community, and the conversion of Branch Creek Estates' customer status from a wholesale customer to a retail customer. (No City funds are required by this action.) (Recommended by the Water and Wastewater Commission.)
The motion authoring the City Manager to negotiate and execute an agreement was approved.

12. Authorize the City Manager to negotiate and execute a contract with the Village of San Leanna for the provision of emergency and wholesale water service. (No City funds are required by this action. San Leanna will construct all necessary water infrastructure.) (Recommended by the Water and Wastewater Commission.)
The motion authorizing the City Manager to negotiate and execute a contract was approved.

13. Authorize the City Manager to negotiate and execute an agreement with Anderson Mill Municipal Utility District and Texas BLT, L.L.C. to provide temporary out-of-district domestic water and wastewater service by Anderson Mill Municipal Utility District for the "Sophie's Choice" tract located near the intersection of RM 620 and Anderson Mill Road. (No City funds are required by this action. Texas BLT, L.L.C. will construct all necessary water and wastewater infrastructure.) (Recommended by the Water and Wastewater Commission.)
The motion authorizing the City Manager to negotiate and execute an amendment was approved.

14. Authorize the City Manager to negotiate and execute an agreement with Anderson Mill Municipal Utility District and K&H Investments to provide temporary out-of-district domestic water and wastewater service by Anderson Mill Municipal Utility District for the "Anderson Mill Commercial" tract located near the intersection of RM 620 and Anderson Mill Road. (No City funds are required by this action. K&H Investments will construct all necessary water and wastewater infrastructure.) (Recommended by the Water and Wastewater Commission.)
The motion authorizing the City Manager to negotiate and execute an agreement was approved.

Item 15 was pulled for discussion.

16. Approve an ordinance repealing and replacing Chapter 13-1 of the City Code relating to Aviation Services; readopting offenses; and providing penalties. (Recommended by the Austin Airport Advisory Commission.)
Ordinance No. 040729-16 was approved.

Item 17 was pulled for discussion.

18. Approve the 2004 General Obligation Bond Sale Schedule. (\$70,265,000 in Public Improvement and Refunding Bonds, \$25,925,000 in Certificates of Obligation, and \$21,830,000 in Contractual Obligations.) (Approved by the Audit and Finance Council Subcommittee on July 27, 2004.)
The 2004 General Obligation Bond Sale Schedule was approved.
19. Authorize and direct publication of an Official Notice of Intention to Issue \$25,925,000 City of Austin, Texas, Certificates of Obligation, Series 2004. (There is no unanticipated fiscal impact. A fiscal note is not required.) (Approved by the Audit and Finance Council Subcommittee on July 27, 2004.)
The motion authorizing and directing the publication of an Official Notice of Intention to Issue Certificates of Obligation was approved.
20. Approve an ordinance authorizing the defeasance of outstanding Combined Utility Revenue Bonds using approximately \$140,000,000 from the Combined Pledge and Revenue Utility Reserve Fund to reduce outstanding debt, and to approve a surety bond to replace the reserve fund. The cash released from such reserve fund will be used to defease outstanding combined utility systems revenue bonds. This action requires the adoption of an ordinance relating thereto, providing for the redemption of certain bonds; and approving and authorizing the execution of related documents. (Approximately \$140,000,000 from the Combined Pledge & Revenue Utility Reserve Fund.) (Approved by the Audit and Finance Council Committee on July 27, 2004.)
Ordinance No. 040729-20 was approved.
21. Authorize execution of a 12-month local match with WORKSOURCE GREATER AUSTIN AREA WORKFORCE DEVELOPMENT BOARD, Austin, TX, for childcare services in an amount not to exceed \$283,119, with two 12-month renewal options in an amount not to exceed \$283,119 per renewal option, for a total agreement amount not to exceed \$849,357. (Funding in the amount of \$23,594 is available in the Fiscal Year 2003-2004 Approved Operating Budget of the Health and Human Services Department. The transfer agreement period is September 1, 2004 through August 31, 2005. Funding for the remaining 11 months of the original contract period and extension options is contingent upon available funding in future budgets.) (Recommended by the Child Care Council.)
The motion authorizing the execution of a local match was approved.
22. Approve an ordinance authorizing acceptance of \$7,000 in additional grant funds from the Texas Department of Health, Bureau of Epidemiology, Childhood Lead Poisoning Prevention Program; and amending Ordinance No. 030909-01, the Approved Fiscal Year 2003-2004 Operating Budget, Health and Human Service Special Revenue Fund, by appropriating \$7,000 in additional grant funds for a total grant amount of \$40,000. (Funding in the amount of \$7,000 is available from the Texas Department of Health, Bureau of Epidemiology, Childhood Lead Poisoning Prevention Program. The grant period is July 1, 2004 through June 30, 2005. No City match is required.)
Ordinance No. 040729-22 was approved.
23. Approve an ordinance authorizing acceptance of \$5,000 in additional grant funds from the Texas Department of Health, Zoonosis Control Division; and amending Ordinance No. 030909-01, the Approved Fiscal Year 2003-2004 Operating Budget, Health and Human Services Special Revenue Fund, by appropriating \$5,000 in additional grant funds for a total grant amount of \$25,000. (Funding in the amount of \$5,000 is available from the Texas Department of Health,

Zoonosis Control Division. The grant period is September 1, 2003 through August 31, 2004. An in-kind match is included in Health and Human Services Budget.)

Ordinance No. 040729-23 was approved.

24. Authorize negotiation and execution of an amendment to the outside counsel contract with FULBRIGHT AND JAWORSKI, L.L.P, Austin, TX, to provide legal counsel to the City regarding hospital and health care issues including the Brackenridge Hospital lease and hospital district issues in the amount of \$50,000, with a total contract amount not to exceed \$150,000. (Funding in the amount of \$50,000 is available in the Fiscal Year 2003-2004 Approved Operating Budget of the Hospital Fund. There is no unanticipated fiscal impact. A fiscal note is not required.) (Related Item 90)

The motion authorizing the execution of an amendment to a contract was approved.

25. Authorize negotiation and execution of an amendment to the outside counsel contract with SCOTT, DOUGLASS & MCCONNICO, L.L.P, Austin, TX, in *S.R. Ridge Limited Partnership v. City of Austin and Stratus Properties, Inc.*, Cause No. A03CA832 SS in the U.S. District Court for the Western District of Texas, Austin Division, in the amount of \$300,000, with a total contract amount not to exceed \$360,000. (Funding in the amount of \$300,000 is available in the fiscal year 2003-2004 Approved Operating Budget of the Liability Reserve Fund.) (Related Item 92)

This item was postponed to August 5, 2004.

26. Authorize acceptance of a Domestic Preparedness Grant from the Office for Domestic Preparedness, U.S. Department of Homeland Security, in the amount of \$756,597, for enhancement of local first response capabilities for terrorist incidents; and amend Ordinance No. 030909-01, the Fiscal Year 2003-2004 Operating Budget, to appropriate \$756,597 to the Management Services - Office of Emergency Management Special Revenue Fund. (Funding in the amount of \$756,597 is available in the Office for Domestic Preparedness, U.S. Department of Homeland Security. (No City match is required.))

The motion authorizing the acceptance of a grant was and Ordinance No. 040729-26 was approved.

27. Authorize the application for \$119,809 in federal grant funding from the U.S. Department of Justice, Bureau of Justice Assistance, Local Law Enforcement Block Grant Program, for the creation and related training of one full-time employee (Firearm/Toolmark Examiner) at the Austin Police Department. (Funding is available from the U.S. Department of Justice, Bureau of Justice Assistance, Local Law Enforcement Block Grant Program, for the grant period October 1, 2004 to September 30, 2006. A cash match of \$13,312 is required and will be included in the proposed Fiscal Year 2004-2005 Operating Budget for the Austin Police Department.)

The motion authorizing the application for grant funding was approved.

28. Authorize the application for \$348,421 in federal grant funding from the Corporation for National and Community Services "Special Volunteer Programs to Support Homeland Security" for the purpose of utilizing volunteers in the Office of Emergency Management and the Police Department to strengthen homeland defense. (Funding is available from the Corporation for National and Community Services "Special Volunteer Programs to Support Homeland Security" initiative, for the grant period October 1, 2004 through September 30, 2005. Funding for the continued operation of this program is contingent upon available funding in future budgets. A cash match of \$80,498 is required and will be included in the proposed Fiscal Year 2004-2005 Operating Budget for the Austin Police Department.)

The motion authorizing the application for grant funding was approved.

29. Approve a resolution authorizing the filing of eminent domain proceedings for the Little Walnut/Buttermilk - Colony North project of the Austin Clean Water Program to acquire a 1,639 square feet permanent wastewater line easement and a 339 square foot temporary working space easement out of Lot 3A, Block B, Resubdivision of Lots 1, 2, 5, and 6, Block B of the Bilton Subdivision in the City of Austin and a 1,065 square foot permanent wastewater line easement and two temporary working space easements containing 53 square feet and 1,093 square feet of land out of Lot 3, Block B, Resubdivision of Lots 1, 2, 5, and 6, Block B of the Bilton Subdivision in Austin, TX, in the amount of \$3,079. The owners of the property interests sought to be condemned are AMTEC MEDICAL, INC.; METRIC LAND TRUST; ATARA GROUP, L.L.C.; L & C LIGHTING GROUP, INC., now known as Acuity Lighting Group, Inc.; and REGAL PLASTICS SUPPLY CO., INC. The properties are located at 9117 Metric Boulevard and 9119 Metric Boulevard, Austin, TX, respectively. (Funding is included in the Fiscal Year 2003-2004 Capital Budget of the Austin Water Utility.)
Resolution No. 040729-29 was approved.
30. Approve a resolution authorizing the filing of eminent domain proceedings for the Upper Tannehill - Broadmoor and Cameron project of the Austin Clean Water Program to acquire a 547 square feet permanent wastewater line easement out of Lot 16, Block D, Windsor Park Section, 4A, a subdivision in Travis County, TX, in the amount of \$3,650. The owners of the property interests sought to be condemned are EDWARD D. HILL and JERAL TATUM HILL. The property is located at 1307 Broadmoor Drive, Austin, TX. (Funding is included in the Fiscal Year 2003-2004 Capital Budget of the Austin Water Utility.)
Resolution No. 040729-30 was approved.
31. Approve a resolution to authorize the negotiation and execution of all documents necessary for the acquisition of a wastewater easement comprised of 6,711 square feet of land, and a temporary working space easement comprised of 10,205 square feet of land out of a portion of the John Applegait Survey No. 58, Abstract 29 same being a portion of Lot 3, Rundberg Square Shopping Center in Travis County, TX, located at 825 East Rundberg Lane, from SIGLAND PROPERTIES II, LTD., a Texas limited partnership, Austin, TX, in the amount not to exceed \$61,838 for the Austin Clean Water Program's Walnut/Buttermilk- North /Capital Drive Project. (Funding is included in the Fiscal Year 2003-2004 Capital Budget of the Austin Water Utility.)
Resolution No. 040729-31 was approved.
32. Approve a resolution to authorize the negotiation and execution of all documents necessary for the acquisition of (1) wastewater easement comprised of 7,500 square feet of land, (2) temporary working space easement comprised of 5,608 square feet of land, and (3) temporary ingress and egress easement comprised of 9,841 square feet of land out of a portion of the James P. Wallace, Abstract No. 57, in Travis County, TX, located at 8709 N. IH-35, from ACFI OSF, LLC., a limited liability corporation, Boise, ID, in the amount not to exceed \$68,276 for the Austin Clean Water Program's Little Walnut/Buttermilk- North/Capital Drive Project. (Funding is included in the Fiscal Year 2003-2004 Capital Budget of the Austin Water Utility.)
Resolution No. 040729-32 was approved.
33. Approve a resolution to authorize negotiation and execution of all documents necessary for the acquisition of a temporary working space easement comprised of 0.025 acres of land, and a temporary staging area and material storage site easement comprised of 0.590 acres of land out of a portion of the George W. Davis Survey No. 15, in Travis County, TX, located at 3420 Executive Center Drive, from AP-KNIGHT LP., a Delaware limited partnership, Austin, TX, in the amount not to exceed \$458,278 for the Austin Clean Water Program's Upper Shoal-

Spicewood Branch Project. (Funding is included in the Fiscal Year 2003-2004 Capital Budget of the Austin Water Utility.)

This item was postponed to August 5, 2004.

34. Approve a resolution to authorize the fee simple acquisition of Lot One (1), Vega Subdivision, a subdivision in Travis County, TX, according to the map or plat of record in Volume 91, Page 201, Plat Records of Travis County, TX, locally known as 7523 Towery Lane, from NORMAN L. KISNER and FRANCES E. KISNER for the Airport Noise Mitigation Program, in the amount of \$82,000 for the land and improvements, plus closing costs and moving related expenses in the amount of \$10,000, for an amount not to exceed \$92,000. (Funding in the amount of \$92,000 is available in the Fiscal Year 2003-2004 Amended Capital Budget of the Department of Aviation using airport funds and available Federal Aviation Administration (FAA) Grants.)
Resolution No. 040729-34 was approved.
35. Approve a resolution to authorize the fee simple acquisition of a 1.873 acre tract of land out of the Noel M. Bain Survey No. 1, Abstract No. 61 in Travis County, Texas, and being that same tract conveyed to Emery Clawson by Deed recorded in Volume 5732, Page 987, Deed Records of Travis County, TX, locally known as 7502 Towery Lane, from EMERY CLAWSON for the Airport Noise Mitigation Program, in the amount of \$135,000 for the land and improvements, plus closing costs and moving related expenses in the amount of \$10,000, for an amount not to exceed \$145,000. (Funding in the amount of \$145,000 is available in the Fiscal Year 2003-2004 Amended Capital Budget of the Department of Aviation using airport funds and available Federal Aviation Administration (FAA) Grants.)
Resolution No. 040729-35 was approved.
36. Approve an ordinance vacating a portion of University Avenue (2900 Block) to AUSTIN PRESBYTERIAN THEOLOGICAL SEMINARY, Austin, TX, to allow the Seminary flexibility in its master plan in consideration of conveyance of 25 feet easement for a future bicycle/pedestrian trail. (Recommended by the Planning Commission and the Urban Transportation Commission.)
Ordinance No. 040729-36 was approved.
37. Approve an ordinance vacating a portion of the 1400 Block of Edgecliff Street (unimproved) to STREETS DEVELOPMENT, LTD., Brownwood, TX, to combine two separate parcels of land into one contiguous property for a future development of mid-rise multi-family use, in consideration of the payment of \$36,000 to the City. (Recommended by the Planning Commission and the Urban Transportation Commission.) (Related Item 38)
Ordinance No. 040729-37 was approved.
38. Approve an ordinance amending Ordinance No. 730809-A which vacated a portion of the 1400 block of Edgecliff Street to PHIL MILLER, to correct the legal description of the square footage actually vacated by that ordinance. (Related Item 37)
Ordinance No. 040729-38 was approved.
39. Approve an ordinance vacating 0.439 acre of the 600 Block of Pedernales Street between Holly Street and Canterbury Street to the City of Austin to be used as additional parking for the Metz Park and Recreation Center. (Recommended by the Planning Commission and the Urban Transportation Commission.)
Ordinance No. 040729-39 was approved.

40. Authorize negotiation and execution of a twelve (12) month lease renewal for approximately 35,284 square feet of land located at 315 Sabine Street, Austin, TX, from RICK TRIPLETT, TRUSTEE OF LORENZ FAMILY TRUST, Austin, TX, for use by the Austin Convention Center, in an amount not to exceed \$166,915.96. (Funding in the amount of \$21,152.66 is available in the Fiscal Year 2003-2004 Approved Operating Budget for the Convention Center Department. Funding for the remaining ten months of the original contract period is contingent upon available funding in future budgets.)
The motion authorizing the negotiation and execution of a lease renewal was approved.
41. Authorize negotiation and execution of a twelve (12) month lease renewal for approximately 75,794 square feet of land located at 608 East Cesar Chavez Street, Austin, TX, from WALLER CREEK ELEVEN LTD., Austin, TX, for use by the Austin Convention Center parking, in an amount not to exceed \$331,832.04. (Funding in the amount of \$40,305.34 is available in the Fiscal Year 2003-2004 Approved Operating Budget of the Convention Center Department. Funding for the remaining ten months of the original contract period is contingent upon available funding in future budgets.)
The motion authorizing the negotiation and execution of a lease renewal was approved.
42. Authorize execution of a lease termination agreement with TRAVIS REALTY CORP., New York, NY, resulting in a savings of approximately \$70,903 for 3,160 square feet of office space leased to Central Texas Library Services, located at 700 Lavaca, Suite 709, due to a reduction in a State grant. (The reduction in leased cost is offset by a corresponding reduction in grant revenue.)
The motion authorizing the execution of a lease termination was approved.
43. Approve a resolution to authorize the fee simple acquisition of Lot 17, Block A, of Onion Creek Plantations Section One, a subdivision of Travis County, TX, conveyed to Timothy D. Griffith by Warranty Deed recorded in Document No. 2000205467 of the Deed Records of Travis County, TX, locally known as 7100 Foy Circle, from TIMOTHY D. GRIFFITH for the Creek Erosion Mitigation Program, in the amount of \$82,000 for the land and improvements and \$20,900 in relocation benefits and moving related expenses, for a total amount not to exceed \$102,900. (Funding is included in the Fiscal Year 2003-2004 Amended Capital Budget of the Watershed Protection and Development Review Department.)
Resolution No. 040729-43 was approved.
44. Ratify execution of a construction contract with McLEAN CONSTRUCTION, LTD., Killeen TX, for the Austin Clean Water Program - Shoal Creek Wastewater Improvements, Seton/West 34th Street Wastewater Line project in an amount not to exceed \$223,403.80. (Funding is included in the Fiscal Year 2003-2004 Capital Budget of the Austin Water Utility.) Health or Safety Purchase Exemption. Lowest bid of four received. 81.22% MBE and 2.4% WBE subcontractor participation. (Recommended by the Water and Wastewater Commission.)
The motion ratifying the execution of a construction contract was approved.

Item 45 was pulled for discussion.

46. Approve a resolution to authorize acquisition of two permanent drainage easements containing 128,111 square feet of land and 36,537 square feet of land and a temporary construction easement containing 6,214 square feet of land out of 17.066 acres, John M. Swisher Survey No. 32, Abstract No. 2405, Travis County, TX, located at 12612 Lamar Boulevard from UNIFIED HOUSING OF WALNUT PARK CROSSING, L.L.C., Dallas, TX, in an amount not to exceed

\$182,755.50. (Funding is included the Fiscal Year 2002-2003 Amended Capital Budget of the Watershed Protection and Development Review Department.)

Resolution No. 040729-46 was approved.

47. Authorize execution of a construction contract with TOTAL ROOFING SERVICES, INC., Austin, TX, for reroofing of building 7350 at Austin Bergstrom International Airport in an amount not to exceed \$138,898. (Funding is available in the Fiscal Year 2003- 2004 Capital Budget of the Aviation Department.) 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 construction contact was approved.

48. Authorize execution of a 12-month supply agreement with COMVERGE INC., Norcross, GA, for load management thermostats and ancillary equipment for the "Power Partner Program" in an amount not exceed \$1,818,794.20, with three 12-month extension options in amounts not to exceed \$1,818,794.20 for the first extension, and \$1,573,325 for each of the second and third extensions, for a total agreement amount not to exceed \$6,784,238.40. (Funding in the amount of \$303,132.38 is available in the Fiscal Year 2003-2004 Amended Operating Budget of the Electric Utility Department. Funding for the remaining 10-months of the contract 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. (Related Item 49)

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

49. Ratify execution of Amendment No. 4 to the contract with COMVERGE INC., Norcross, GA, for programmable thermostats and water heater switches with built-in receivers for the "Power Partner Program" services in an amount not to exceed \$910,000, for a revised total contract amount not to exceed \$5,729,963. (Funding in the amount of \$910,000 is available in the Fiscal Year 2003-2004 Amended Operating Budget of the Electric Utility Department.) 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. (Related Item 48)

The motion ratifying the execution of Amendment No. 4 to the contract was approved.

50. Authorize negotiation and execution of a 12-month service agreement with CONSERVATION SERVICES GROUP, Westborough, MA, for development of a training program "Home Performance with Energy Star" in an amount not to exceed \$85,410, with one 12-month extension option in an amount not to exceed \$85,410, for a total contract amount not to exceed \$170,820. (Funding in the amount of \$14,235 is available in the Fiscal Year 2003-2004 Amended Operating Budget of the Electric Utility Department, Special Revenue Fund. Funding for the remaining 10-months of the original contract and the extension option is contingent upon funding in future budgets.) Best evaluated proposal of three proposals received. This contract will be awarded in compliance with Chapter 2-9 of the City Code (Minority Owned and Women-Owned Business Enterprise Procurement Program). No subcontracting opportunities were identified; therefore, no goals were established for this solicitation.

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

Item 51 was pulled for discussion.

52. Authorize negotiation and execution of a contract with BURNS & McDONNELL, Kansas City, MO, to provide skid-mounted integrated building cooling, heating and power equipment for an on-site energy plant to supply electrical power, chilled water (for HVAC cooling) and steam (for process steam and hot water) for the Seton Regional Children's Medical Hospital in an amount not to exceed \$11,000,000. (Funding is available in the Fiscal Year 2003-2004 Amended Capital Budget of the Electrical Utility Department.) Best evaluated proposal of five 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. (Related Item 6)
The motion authorizing the negotiation and execution of a contract was approved.
53. Authorize negotiation and execution of Amendment No. 7 to the contract with HANSEN INFORMATION TECHNOLOGIES, INC., Sacramento, CA, for a 3-year software maintenance agreement in an amount not to exceed \$80,458 for the 1st year and \$86,058 each for the 2nd and 3rd year, and for approximately seven additional software licenses in an amount not to exceed \$22,500, for a total revised contract amount not to exceed \$1,024,306. (Funding in the amount of \$80,458 for the initial annual maintenance agreement is available in the Fiscal Year 2003-2004 Approved Operating Budget of the Austin Water Utility. Funding for the remaining 2 years of maintenance and the additional software licenses is contingent upon available 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 negotiation and execution of an Amendment No. 7 to a contract was approved.
54. Authorize execution of a 12-month supply agreement with CUSTOM CRETE/CUSTOM STONE SUPPLY, Austin, TX, for the supply of ready mix concrete for the Austin Water Utility in an amount not to exceed \$67,053.20, with two 12-month extension options in an amount not to exceed \$67,053.20 per extension option, for a total agreement amount not to exceed \$201,159.60. (Funding in the amount of \$11,175.53 is available in the Fiscal Year 2003-2004 Approved Operating Budget of the Austin Water Utility. Funding for the remaining ten 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 supply agreement was approved.
55. Authorize execution of a 12-month supply agreement with HUGHES SUPPLY INC., Austin, TX, for the purchase of manhole rings and covers for the Austin Water Utility in an amount not to exceed \$62,065, with two 12-month extension options in an amount not to exceed \$62,065 per extension option, for a total agreement amount not to exceed \$186,195. (Funding in the amount of \$10,344 is included in the Fiscal Year 2003-2004 Approved Operating Budget of the Austin Water Utility. Funding for the remaining 10 months of the original contract period and extension options is contingent upon available funding in future budgets.) Lowest bid of 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.

56. Authorize execution of a 12-month supply agreement with NATIONAL WATERWORKS, INC., Austin, TX, for fire hydrant parts in an amount not to exceed \$66,163.95, with two 12-month extension options in an amount not to exceed \$66,163.95 per extension option, for a total agreement amount not to exceed \$198,491.85. (Funding in the amount of \$11,027 is available in Fiscal Year 2003-2004 Approved Operating Budget of the Austin Water Utility. Funding for the remaining 10 months of the original contract period and extension options is contingent upon available funding in future budgets.) Lowest bid of three bids received. This contract will be awarded in compliance with Chapter 2-9 of the City Code (Minority-Owned and Women-Owned Business Enterprise Procurement Program). No subcontracting opportunities were identified; therefore, no goals were established for this solicitation.
The motion authorizing the execution of a supply agreement was approved.
57. Authorize execution of a contract with HILL COUNTRY FENCE, INC., Austin, TX, for the purchase and installation of a game fence for the Austin Water Utility in an amount not to exceed \$126,545. (Funding is included in the Fiscal Year 2003-2004 Approved Capital 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.
58. Authorize execution of a contract with TURNKEY SECURITY, INC. (MBE/MH-100%), Manchaca, TX, to provide facility security enhancements to four of the City's water and wastewater facilities in an amount not to exceed \$463,145, with a ten percent contingency in an amount not to exceed \$46,315, for a total contract amount not to exceed \$509,460. (Funding in the amount of \$509,460 is included in the Fiscal Year 2003-2004 Approved Capital Budget of the Austin Water Utility.) Lowest bid 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 contract was approved.
59. Authorize execution of a contract with AMERICAN EUROCOPTER, L.L.C., Grand Prairie, TX, for purchase and installation of required component replacement parts for the Austin Police Department EC120 helicopter in an amount not to exceed \$98,508.15. (Funding is available in the Fiscal Year 2003-2004 Amended Operating Budget of the Austin Police Department.) Sole Source. This contract will be awarded in compliance with Chapter 2-9 of the City Code (Minority-Owned and Women-Owned Business Enterprise Procurement Program). No subcontracting opportunities were identified; therefore, no goals were established for this purchase.
The motion authorizing the execution of a contract was approved.
60. Authorize execution of a 12-month supply agreement with MILLER UNIFORMS & EMBLEMS, INC., Austin, TX, for body armor for the Austin Police Department in an amount not to exceed \$170,500, with two 12-month extension options in an amount not to exceed \$170,500 per extension option, for a total agreement amount not to exceed \$511,500. (Funding in the amount of \$28,417 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.) 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 supply agreement was approved.

61. Authorize execution of a 12-month supply agreement with AUSTIN CRUSHED STONE, Austin, TX, for the purchase of decomposed granite aggregate 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 \$16,667 is available in Fiscal Year 2003-2004 Approved Operating Budget of the Parks and Recreation 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 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.

62. Authorize negotiation and execution of a five-year service agreement with LOVE TENNIS CENTER, Austin, TX, for tennis pro management services in an amount not to exceed \$78,000, with two five-year extension options in an amount not to exceed \$78,000 per extension option, for a total agreement amount not to exceed \$234,000. (Funding in the amount of \$2,600 is available in the Fiscal Year 2003-2004 Approved Operating Budget of the Parks & Recreation Department. Funding for the original contract and 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. (Recommended by the Parks and Recreation Board.)

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

63. Authorize execution of a 12-month service agreement with SIMPLEXGRINNELL LP, Round Rock, TX, for full maintenance services for security alarm systems, fire alarm and suppression systems, and testing services in an amount not to exceed \$267,224, with two 12-month extension options in an amount not to exceed \$267,224 per extension option, for a total agreement amount not to exceed \$801,672. (Funding in the amount of \$44,537 is available in the Fiscal Year 2003-2004 Approved Operating Budget of the Austin Convention Center 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.

64. Authorize execution of a contract with HIGHSMITH, INC., San Antonio, TX, for the purchase of three library self-check systems for the Library Department in an amount not to exceed \$60,000. (Funding is available in the Fiscal Year 2003-2004 Approved Capital Budget of the Library Department.) 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.

65. Authorize execution of a 12-month service agreement with PIMPTON'S LANDSCAPING, INC. (MBE/MB-100%), Austin, TX, for landscape maintenance services at the former Robert Mueller Municipal Airport in an amount not to exceed \$118,000, with two 12-month extension options in an amount not to exceed \$118,000 per extension, for a total agreement amount not to exceed \$354,000. (Funding in the amount of \$19,667 is available in the Fiscal Year 2003-2004 Approved Operating Budget of the Finance and Administrative Services Department. Funding for the remaining 10-months of the original contract period and extension options is contingent upon available funding in future budgets.) Lowest responsive bid of 10 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.
66. Authorize execution of a 12-month service agreement with TOTAL ROOFING SERVICES, INC., Austin, TX, for roofing preventive maintenance and repairs 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 \$16,667 is available in the Fiscal Year 2003-2004 Approved Operating Budget of the Finance and Administrative Services 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 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 service agreement was approved.
67. Authorize execution of 12-month supply agreement with AIRGAS SOUTHWEST, Austin, TX, for the purchase of safety supplies in an amount not to exceed \$49,605, with two 12-month extension options in an amount not to exceed \$49,605 per extension option, for a total agreement amount not to exceed \$148,815. (Funding in the amount of \$8,268 is available in the Fiscal Year 2003-2004 Approved Operating Budget for various City Departments. Funding for the remaining ten months of the original contract period and extension options is contingent upon available funding in future budgets.) Low bid of ten 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.
68. Authorize execution of a contract with LONGHORN INTERNATIONAL TRUCKS, LTD., Austin, TX, for a truck-mounted concrete mixer for the Public Works Department in an amount not to exceed \$103,000. (Funding is available in the Fiscal Year 2003-2004 Amended Capital Budget of the Transportation, Planning and Sustainability Department.) Lowest bid 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 contract was approved.

69. Authorize execution of Amendment No. 3 to the contract with SWEETWATER WIND 2 L.L.C., Palm Beach Gardens, FL, (formerly RES North America L.L.C.) for wind power over a 12-year term, to increase the purchase price in the event Federal production tax credits for wind energy are not enacted into law by July 31, 2004, in an amount not to exceed \$90,000,000, for a revised total contract amount not to exceed \$200,000,000. (Funding will be provided through fuel revenue pass through or future Green Choice Power charge revenue.) 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. 3 was approved.
70. Approve a resolution authorizing negotiation and execution of an Interlocal Agreement with the University of Texas at Austin, School of Architecture, to update and expand the inventory of historic structures within the city into a comprehensive document, and to develop a comprehensive Historic Preservation Plan for the City of Austin in an amount not to exceed \$10,000. (Funding is available in the Fiscal Year 2003-2004 Operating Budget of the Transportation, Planning & Sustainability Department. The remaining \$10,000 of the City's 2004 participation was donated by a private individual directly to the University of Texas. Funding for the second and third years of the agreement is contingent upon available funding in future budgets.) (The Historic Landmark Commission recommended the preparation of a new city historic preservation plan, including the completion of a comprehensive cultural resources survey.)
Resolution No. 040729-70 was approved.
71. Approve an ordinance amending City Code Section 12-4-41 by adding Loyola Lane from Johnny Morris Road to 1000 feet east of Sendero Hills Parkway to the list of streets having a maximum speed limit of 35 miles per hour and amending Section 12-4-43 by adding Loyola Lane from 1000 feet east of Sendero Hills Parkway to Decker Lane to the list of streets having a maximum speed limit of 45 miles per hour. (Funding is available in the Approved Fiscal Year 2003-2004 Operating Budget of the Transportation, Planning & Sustainability Department for the installation of necessary signs.)
Ordinance No. 040729-71 was approved.
72. Approve a resolution consenting to the annexation by Travis County Water Control and Improvement District 10 (WCID-10) of approximately 0.56 acres, generally located at 5007 and 5008 Gregory Place within the City of West Lake Hills.
Resolution No. 040729-72 was approved.
73. Authorize execution of Change Order # 2 to the construction contract award to TRAVIS PAVING AND EXCAVATING COMPANY (MBE/MH, 61.98%), Bastrop, TX, for additional costs resulting from additional work to replace rubber speed cushions installed on Hansford Drive with asphalt speed cushions in the amount of \$26,900, for a total contract amount of \$ 409,754. (Funding is available in the Fiscal Year 2003-2004 Approved Operating Budget of the Transportation, Planning & Sustainability Department.) 18.76% MBE and 8.70% WBE subcontractor participation to date.
The motion authorizing the execution of Change Order #2 to the construction contract was approved.

74. Approve an ordinance authorizing the acceptance of additional grant funding in the amount of \$9,124.15 from the Federal Emergency Management Agency through the Texas Department of Public Safety for hazard mitigation projects; and amending Ordinance No. 030909-01, the Fiscal Year 2003-2004 Operating Budget, to appropriate grant funds to the Watershed Protection and Development Review Department Special Revenue Fund to increase grant funding and to increase expenditures by \$9,124.15 for reimbursement of eligible expenses incurred through purchasing flood prone properties. (Funding in the amount of \$9,124.15 is available in a FEMA grant.)
Ordinance No. 040729-74 was approved.
75. Board and Commission Appointments.
The following appointments were made:

| <u>Board/ Appointee</u> | <u>Consensus/ Council Nominee</u> | <u>Appointment/ Reappointment</u> |
|--|--|--|
| <u>Child Care Council</u> Mary Ellen Galvan | Mayor Wynn's | Reappointment |
| <u>Community Development Commission</u> Patricia Gonzales Algie Ree Williams (Colony Park Rep.) | Council Member McCracken's Consensus | Appointment Appointment |
| <u>Electric Utility Commission</u> Shudde Fath | Council Member Slusher's | Reappointment |
| <u>Ethics Review Commission</u> Frances McIntyre (League of Women Voters Rep.) | | Consensus |
| <u>Hospital District Board of Managers</u> Thomas Coopwood Victoria Hsu Rose Lancaster Rosa Mendoza Carl Richie (Appointment shared with Travis County Commissioners) Henry Narvaez (Alternate) | Consensus Consensus Consensus Consensus Consensus Consensus | Appointment Appointment Appointment Appointment Appointment Appointment |
| <u>MBE/WBE Advisory Committee</u> Dawn Crane (Trade Association Rep.) | Consensus | Reappointment |
| <u>Mechanical, Plumbing and Solar Board</u> Stephen Cox | Consensus | Reappointment |
| <u>Solid Waste Advisory Commission</u> Alex Zwarun | Consensus | Reappointment |
| <u>Urban Forestry Board</u> Joyce Basciano | Mayor Wynn's | Reappointment |

Water & Wastewater Commission

Roger Chan

Leslie Pool

Council Member Thomas'

Council Member Dunkerley's

Reappointment

Reappointment

Zoning & Platting Commission

Jay Gohil

Mayor Wynn's

Reappointment

Item 76 was pulled for discussion.

77. Direct the City Manager to investigate the feasibility of establishing a Clean Energy Research and Development Center in Austin in conjunction with local business, environmental and community groups. (Mayor Will Wynn, Council Member Brewster McCracken and Council Member Betty Dunkerley)
Resolution No. 040729-77 was approved.
78. Direct the City Manager to investigate the future feasibility of integrating the electric utility and transportation sectors. (Mayor Will Wynn, Council Member Brewster McCracken and Council Member Danny Thomas)
Resolution No. 040729-78 was approved.

Item 79 was pulled for discussion.

80. Direct the City Manager to determine the best way to convert the five-block long one-way segment of Cesar Chavez to a two-way segment; and to determine the cost. (Mayor Will Wynn, Council Member Danny Thomas and Council Member Raul Alvarez)
The motion directing the City Manager to determine the best way to convert the one-way segment of Cesar Chavez to a two-way segment and determine the cost was approved.
81. Waive the application and permit fee, and the security deposit requirement under Chapter 14-8 of the City Code for the Texas Parks and Wildlife Expo 2004 to be held on October 2, 2004 and October 3, 2004 at the Texas Parks and Wildlife Department Headquarters (for actual amounts waived see backup). (Mayor Pro Tem Jackie Goodman)
The motion waiving the application and permit fee, and security deposit requirement for the Texas Parks and Wildlife Expo 2004 was approved.
82. Approve the retention of an independent auditor, MAXWELL, LOCKE and RITTER L.L.P., 501 Congress Avenue, Austin, Texas, to verify the ad valorem tax rate of the City of Austin has been reduced to reflect services to be provided by the Travis County Hospital District. (Council Member Betty Dunkerley, Council Member Danny Thomas and Council Member Raul Alvarez)
The motion approving the retention of an independent auditor was approved.
83. Set a public hearing to receive public comment on the proposed rate and fee increases for the Drainage Fee of the Watershed Protection and Development Review Department as part of the Fiscal Year 2004-2005 Proposed Budget. (Suggested date and time: September 2, 2004 at 6:00 p.m., Lower Colorado River Authority, Hancock Building.)
The public hearing was set for September 2, 2004 at 6:00 p.m., Lower Colorado River Authority, Hancock Building).

84. Set a public hearing to receive public comment on the proposed rate and fee changes for the Austin Water Utility, as part of the Fiscal Year 2004-2005 Proposed Budget. (Suggested date and time: September 2, 2004 at 6:00 p.m., Lower Colorado River Authority, Hancock Building).
The public hearing was set for September 2, 2004 at 6:00 p.m., Lower Colorado River Authority, Hancock Building).
85. Set a public hearing to receive public comment on the proposed rate and fee changes for the Solid Waste Services Department as part of the Fiscal Year 2004-2005 Proposed Budget. (Suggested date and time: September 2, 2004 at 6:00 p.m., Lower Colorado River Authority, Hancock Building.)
The public hearing was set for September 2, 2004 at 6:00 p.m., Lower Colorado River Authority, Hancock Building).
86. Set a public hearing to consider the creation of an East 6th Street Public Improvement District (generally covering properties along East 6th Street between Congress Avenue and I-35). (Suggested date and time: August 26, 2004, 6:00 p.m., Lower Colorado River Authority, Hancock Building.)
The public hearing was set for August 26, 2004 at 6:00 p.m., Lower Colorado River Authority, Hancock Building).
87. Set a public hearing to approve an ordinance amending Sections 25-7-92 and 25-7-152 and adding a new Section 25-7-96 to the City Code relating to the construction of an unoccupied building structure or parking area on recreational lands in the 25-year floodplain and to the dedication of easements and rights of way. (Suggested date and time: August 26, 2004 at 6:00 p.m., Lower Colorado River Authority, Hancock Building.) (Not recommended by the Environmental Board. Scheduled for review by the Parks and Recreation board on July 27, 2004 and the Planning Commission on August 10, 2004.)
The public hearing was set for August 26, 2004 at 6:00 p.m., Lower Colorado River Authority, Hancock Building).

Item 88 was set for a time certain of 10:30 a.m.

Items 89 through 96 were Executive Sessions items.

Items 97 and 98 were briefings set for a time certain of 2:00 p.m.

Items 99 through 106 and Z-1 through Z-13 were Zoning items.

Items 107 and 108 were set for a time certain of 6:00 p.m.

Items 109 through 113 were public hearings set for 6:00 p.m.

DISCUSSION ITEMS

88. Approve an ordinance waiving the requirements of Chapter 14-1 of the Code regarding the naming of a facility and naming the Austin Convention Center as the Neal Kocurek Memorial Austin Convention Center. (Mayor Will Wynn, Council Member Daryl Slusher and Mayor Pro Tem Jackie Goodman)
Ordinance No. 040729-88 naming the Austin Convention Center as the Neal Kocurek Memorial Austin Convention Center was approved on Mayor Wynn's motion, Council Member Slusher's second on a 7-0 vote.
15. Approve a resolution adopting the revised fee schedule for participation under the Balcones Canyonlands Conservation Plan - Shared Vision until July 14, 2005. (Recommended by the Water and Wastewater Commission.)
Resolution No. 040729-15 was approved on Mayor Pro Tem Goodman's motion, Mayor Wynn's second on a 7-0 vote.
17. Authorize negotiation and execution of a lease with IRON ROCK MOTORSPORTS, INC., Austin, TX, for 20,928 square feet of space in Building 7390 and approximately 8.1 acres of land at Austin-Bergstrom International Airport, for \$80,668 per year less rent credits of \$17,000 per year, for a net rental of \$63,668 per year. (Revenue generating contract.) (Recommended by the Austin Airport Advisory Commission.)
This item was postponed to August 5, 2004 on Council Member Slusher's motion, Council Member Alvarez' second on a 7-0 vote.
51. Authorize negotiation and execution of a 12-month service agreement with NAVIGANT CONSULTING INC., Burlington, MA, for consulting services for the development of a non-traditional energy business model in an amount not to exceed \$258,536, with one 12-month extension option in an amount not to exceed \$258,536, for a total contract amount not to exceed \$517,072. (Funding in the amount of \$43,089.34 is available in the Fiscal Year 2003-2004 Amended Operating Budget for the Electric Utility Department. Funding for the remaining 10-months of the contract and the extension option is contingent upon available funding in future budgets.) Best proposal of four proposals received. This contract will be awarded in compliance with Chapter 2-9 of the City Code (Minority Owned and Women-Owned Business Enterprise Procurement Program). No subcontracting opportunities were identified; therefore, no goals were established for this solicitation.
The motion authorizing the negotiation and execution of a service agreement was approved on Council Member Thomas' motion, Mayor Wynn's second on a 7-0 vote.

CITIZEN COMMUNICATIONS: GENERAL

John Weiss - Austin Skatepark. He was not present when his name was called.

Daniel Llanes - Govalle/Johnston Terrace Comprehensive Planning Team

Susana Almanza Poder - Stop the Gentrification and Displacement of the Barrio People.

Dannie Miller - West Bouldin Creek and effects on my property.

Joe Quintero - Racist and ethno centric attitudes of some newcomers to East Austin must be exposed.

Paul Hernandez - Neighborhood sovereignty is our position regarding the city of Austin neighborhood planning team effort. And we will not surrender to any Government military force alike the City of Austin racist SMART growth efforts. **He was not present when his name was called. Gloria Moreno spoke in lieu of Mr. Hernandez. See below.**

Gavino Fernandez - Mayor-Pro tem Jackie Goodman, please withdraw neighborhood planning department military troops from our Barrios. We have survived without a Holly planning team, hence the plan was adopted two years ago.

Frances Martinez - Nuestro Barrios, Nuestra Gente, Nuestra tierra y nuestra libertad!

Leon Hernandez - President Buena Vista neighborhood association. Did we not just celebrate the 4th of July? Independence and freedom for all or does this not apply to East Austin Mexican-American Barrios. **He was not present when his name was called.**

Marcos de Leon - President East Town Lake citizens neighborhood association. Stop it! Stop treating us like your fore fathers treated our people with no regard to justice or respect. We will fight for our freedom and our land! **He was not present when his name was called.**

Gloria Moreno – Medical Assistance Program.

Mayor Wynn recessed the Council Meeting to go into Executive Session at 12:44 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

90. Discuss legal issues related to Travis County Hospital District issues, and the legal services agreement with Fulbright and Jaworski, L.L.P. (Related Item 24)
92. Discuss legal issues in *S.R. Ridge Limited Partnership v. City of Austin and Stratus Properties, Inc.*; Cause No. A-03-CA-832SS; U.S. District Court, Western District, Austin Division, and the legal services agreement with Scott Douglass & McConnico, L.L.P. (concerns alleged breach of a 1996 settlement agreement affecting development rights on property at Slaughter and MoPac, where a Wal-Mart had been proposed.) (Related Item 25)
This item was postponed to August 5, 2004.
93. Discuss legal issues regarding amendments to Titles 25, 2 and 11 of the City Code and the repeal of certain provisions of Chapter 2 of the City Code relating to the Historic Landmark Commission, ad valorem tax exemptions and abatements, historic landmarks, historic area combining districts and historic sign districts, and building demolition and relocation permits. (Related Item 113)
This item was postponed to September 30, 2004.

94. Discuss legal issues related to an amendment to Chapter 25-2 of the City Code to create the University Neighborhood Overlay (UNO) District. (Related Items 99, 100, 102, 103, 104)

Real Property - Section 551.072

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

Executive Session ended and Mayor Wynn called the Council Meeting back to order at 2:32 p.m.

BRIEFINGS AND POSSIBLE ACTION

97. Presentation of the City of Austin Proposed Budget for Fiscal Year 2004-2005.
The presentation was made by Toby Hammett Futrell, City Manager.
98. Approve the Fiscal Year 2004-2005 budget schedule, and set public hearings to receive public comment on the City of Austin Proposed Budget for Fiscal Year 2004-2005. (Suggested dates and times: August 5, 2004, August 12, 2004, August 26, 2004, and September 2, 2004 at 6:00 p.m., Lower Colorado River Authority, Hancock Building.)
The motion adopting the Fiscal Year 2004-2005 budget schedule and setting the public hearings was approved on Council Member Slusher's motion, Council Member Alvarez' second on a 7-0 vote.

DISCUSSION ITEMS CONTINUED

76. Approve a resolution directing the City Manager to begin the public process of developing a transit oriented development ordinance (development that encourages the use of a variety of transit alternatives). (Mayor Will Wynn, Council Member Daryl Slusher and Council Member Danny Thomas)
Resolution No. 040729-76 was approved on Council Member Slusher's motion, Council Member Thomas' second on a 7-0 vote.
79. Approve a resolution directing the City Manager to begin the process of amending the designation of the cross downtown rail corridor (Convention Center to Seaholm) from 4th Street to 3rd Street. (Mayor Will Wynn, Council Member Brewster McCracken and Council Member Danny Thomas)
Resolution No. 040729-79 was approved as amended on Council Member McCracken's motion, Council Member Thomas' second on a 7-0 vote. The amendment was to direct the City Manager to instigate the process of designating the cross downtown rail corridor (Convention Center to Seaholm) from 4th Street to 3rd Street and to include the Urban Transportation Board as part of the initial review.

Mayor Wynn recessed the Council Meeting to go into Executive Session at 3:45 p.m.

EXECUTIVE SESSION

Private Consultation with Attorney - Section 551.071

91. Discuss legal issues related to Collective Bargaining negotiations with the Austin Association of Professional Fire Fighters.

The Mayor announced that Council would discuss item number 45 on the regular agenda during Executive Session.

Executive Session ended and Mayor Wynn called the Council Meeting back to order at 4:28 p.m.

DISCUSSION ITEMS CONTINUED

45. Authorize negotiation and execution of a professional services agreement with WATERSHED CONCEPTS, Austin, TX, for professional engineering services for the Drainage Infrastructure Geographical Information System Data Acquisition project, in an amount not to exceed \$340,000. (Funding is available in the Fiscal Year 2003-2004 Approved Capital Budget of the Watershed Protection and Development Review Department.) Best qualification statement of eleven received. 22% MBE and 20% WBE subconsultant participation.
This item was withdrawn from the agenda.

ZONING DISCUSSION ITEMS

105. C14-03-0125 - Wagner Tract - Approve second/third readings of an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 13801-14409 North IH-35 Service Road North Bound (Walnut Creek Watershed) from single family residence standard lot (SF-2) district zoning to general commercial services (CS-CO) combining district zoning. First reading on June 17, 2004. Vote: (7-0). Conditions met as follows: Conditional Overlay and Restrictive Covenant incorporates the conditions imposed or accepted by City Council at first ordinance reading. Applicant: Karl B. Wagner, Jr., Mary Ella Wagner Jones, and JP Morgan Chase Bank (Terry Anderson, Trust Officer). Agent: Doucet & Associates, Inc. (Carol M. Stewart). City Staff: Sherri Gager, 974-3057.
This item was postponed to September 30, 2004 at staff's request on Council Member Thomas' motion, Mayor Wynn's second on a 6-0 vote. Council Member Alvarez' was off the dais.
103. C14-04-0022 - Central Austin Combined Neighborhood Planning Area (North University Neighborhood) rezoning - Approve second/third readings of an ordinance amending Chapter 25-2 of the Austin City Code by zoning and rezoning property locally known as the North University Neighborhood Plan Area generally bounded on the north by 38th Street, on the south by 27th Street, on the west by Guadalupe Street and on the east by Duval Street. The proposed zoning changes will create a Neighborhood Plan (NP) combining district covering the entire. Under the proposed North University NP, "Small Lot Amnesty" is proposed for the entire area. Mixed Use is proposed for Tracts APD-843-849, APD-862-865, GDC-709-714A, GDN 701-705, GDN-707, GDS-715-717, GDS-719-720, SD-881, SD-883-883A, SJD-886-892, TD-721-723A, TD-726.

The North University Neighborhood Conservation (NC) combining district proposes modified site design and development standards, including but not limited to the following: Land Use, Floor Area Ratios (FAR), Building Heights, Mixed Use Developments, Garages, Parking, Outdoor Café seating, Impervious and Building Coverage allowances, Setbacks, and Driveway and Parking Access. The Planning Commission may recommend and the City Council may approve a zoning change to any of the following: Rural Residence (RR) district zoning; Single-Family Residence - Large Lot (SF-1) district zoning; Single-Family Residence-Standard Lot (SF-2) district zoning; Family Residence (SF-3) district zoning; Single-Family - Small Lot & Condominium Site (SF-4A/B) district zoning; Urban Family Residence (SF-5) district zoning; Townhouse & Condominium Residence (SF-6) district zoning; Multi-Family Residence - Limited Density (MF-1) district zoning; Multi-family Residence - Low Density (MF-2) district zoning; Multi-family Residence - Medium Density (MF-3) district zoning; Multi-family Residence - Moderate-High Density (MF-4) district zoning; Multi-family Residence - High Density (MF-5) district zoning; Multi-family Residence - Highest Density (MF-6) district zoning; Mobile Home Residence (MH) district zoning; Neighborhood Office (NO) district zoning; Limited Office (LO) district zoning; General Office (GO) district zoning; Commercial Recreation (CR) district zoning; Neighborhood Commercial (LR) district zoning; Community Commercial (GR) district zoning; Warehouse / Limited Office (W/LO) district zoning; Commercial Services (CS) district zoning; Commercial-Liquor Sales (CS-1) district zoning; Commercial Highway (CH) district zoning; Industrial Park (IP) district zoning; Major Industrial (MI) district zoning; Limited Industrial Services (LI) district zoning; Research and Development (R&D) district zoning; Development Reserve (DR) district zoning; Agricultural (AG) district zoning; Planned Unit Development (PUD) district zoning; Historic (H) district zoning; and Public (P) district zoning. A Conditional Overlay (CO) combining district, Planned Development Area (PDA) combining district, Mixed Use (MU) combining district; Neighborhood Conservation (NC) combining district; or special uses for a Neighborhood Plan (NP) combining district may also be added to these zoning base districts. First reading on June 10, 2004. Vote: 7-0. Applicant: City of Austin. Agent: Neighborhood Planning and Zoning Department. City Staff: Tom Bolt, 974-2755 and Glenn Rhoades, 974-2775. Note: Valid petitions have been filed in opposition to this rezoning request. (Related Items 94, 99, 100, 102, 104)

This item was postponed to August 5, 2004 at staff's request on Council Member McCracken's motion, Mayor Pro Tem Goodman'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 Mayor Pro Tem Goodman's motion, Council Member Thomas' second on a 7-0 vote.

- Z- 1 Conduct a public hearing and approve an ordinance to amend the Montopolis Neighborhood Plan for a portion of 900 Bastrop Hwy and a portion of 7300-7320 Riverside Drive, to change the Future Land Use Map from commercial to single family residential. (Planning Commission supported staff recommendation to deny the plan amendment request.) (Related Item Z-3)
This item was withdrawn from the agenda.

- Z- 2 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 100-104 E. 51st Street. (Planning Commission made no recommendation.) (Related Item Z-4)
This item was postponed to August 5, 2004.
- Z- 3 C14-03-0154.SH - Steiner Tract - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 7300-7320 Riverside Drive and 900 Bastrop Highway (Tract 3) (Carson Creek Watershed) from general commercial services-conditional overlay-neighborhood plan (CS-CO-NP) combining district zoning to single-family residence small lot (SF-4A) district zoning. Planning Commission Recommendation: To deny single-family residence small lot (SF-4A) district zoning. Applicant: Robert Steiner. Agent: Minter, Joseph, and Thornhill, P.C. (John Joseph, Jr.). City Staff: Annick Beaudet, 974-2975. (Related Item Z-1)
This item was withdrawn from the agenda.
- Z- 4 C14-04-0015 - 51st 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 100-104 East 51st Street and 0 East 51st 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-2)
This item was postponed to August 5, 2004 at staff's request.
- Z- 5 C14-04-0041.SH - Oak Bluff - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 807 North Bluff Drive (Williamson Creek Watershed) from rural residence (RR) district zoning, neighborhood office (NO) district zoning and community commercial (GR) district zoning to single family residence small lot (SF-4A) district zoning. Planning Commission Recommendation: To grant residence small lot (SF-4A) district zoning. Applicant: Keith Smith. Agent: LOC Consultants (Sergio Lozano-Sanchez). City Staff: Wendy Walsh, 974-7719
Ordinance No. 040729-Z-5 for residence small lot (SF-4A) district zoning was approved.
- Z- 6 C14r-86-144 (RCT) - Oak Bluff - Conduct a public hearing and approve a Restrictive Covenant Termination for the property locally known as 807 North Bluff Drive (Williamson Creek Watershed). Planning Commission Recommendation: To grant the Restrictive Covenant Termination. Applicant: Keith Smith. Agent: LOC Consultants (Sergio Lozano-Sanchez). City Staff: Wendy Walsh, 974-7719.
The motion granting a Restrictive Covenant Termination was approved.
- Z- 7 C14-04-0065 - Covenant Presbyterian Church - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 3003 Northland Drive (Shoal Creek Watershed) from general office-conditional overlay (GO-CO) combining district zoning to general office-conditional overlay (GO-CO) combining district zoning in order to change a condition of zoning. Zoning and Platting Commission Recommendation: To grant general office-conditional overlay (GO-CO) combining district

zoning. Applicant: Covenant Presbyterian Church (Frederick Clement). Agent: Site Specifics (John Hussey). City Staff: Glenn Rhoades, 974-2775.

Ordinance No. 040729-Z-7 for general office-conditional overlay (GO-CO) was approved.

- Z- 8 C14-04-0057 - Mercy of God Prayer Center - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by zoning property locally known as 2405 East Yager Lane (Walnut Creek Watershed) from interim-rural residence (I-RR) district zoning to community commercial-conditional overlay (GR-CO) combining district zoning. Zoning and Platting Commission Recommendation: To grant community commercial-conditional overlay (GR-CO) combining district zoning. Applicant: Mercy of God Prayer Center, Inc. (Jinny Anteya). Agent: Vincent Gerard and Assoc. (Vincent Huebinger). City Staff: Glenn Rhoades, 974-2775.
Ordinance No. 040729-Z-8 for GO-CO was approved.

Z-9 was pulled for discussion.

- Z- 10 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. Note: A valid petition has been filed in opposition to this rezoning request.
This item was postponed to August 12, 2004 at citizen's request.

Z-11 was pulled for discussion.

- Z- 12 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.

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

- Z- 13 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 August 12, 2004 the applicant's request.

ZONING DISCUSSION ITEMS

99. Approve second and third reading of 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 94, 100, 102, 103, 104)

The second reading of the Central Austin Combined Neighborhood Plan for West University, North University and Hancock, as approved on the first reading except for Tract 133 which will be Multi-Family, was approved on Mayor Pro Tem Goodman's motion, Council Member Dunkerley's second on a 7-0 vote.

102. C14-04-0021 - Central Austin Combined Neighborhood Plan (West University Neighborhood) rezoning - Approve second/third readings of an ordinance amending Chapter 25-2 of the Austin City Code by zoning and rezoning property locally known as the West University Neighborhood Plan Area, generally bounded on the north by 38th Street, on the south by Martin Luther King Jr. Blvd., on the west by Lamar Blvd. and on the east by Guadalupe Street. The proposed zoning change will create a Neighborhood Plan (NP) combining district covering the entire area. Under the proposed West University NP, "Small Lot Amnesty" is proposed for the entire area. "Garage Placement," "Front Porch Setback," "Impervious Cover and Parking Placement Restrictions" and "Front or Side Yard Parking Restrictions" apply as set forth in Section 25-2-1406 of the City Code are proposed for the Heritage, Shoal Crest, and West University subdistricts. The Heritage subdistrict is bounded by Lamar Blvd. to the west, W. 38th St. to the north, Guadalupe St. to the

east, and W. 29th St. to the south. The Shoal Crest subdistrict is bounded by Lamar Blvd. to the west, W. 29th St. to the north, Rio Grande St. to San Pedro St. to the east, and 28th St. to Poplar St. the south. The West University Neighborhood subdistrict is bounded by Lamar Blvd. to the west, W. 24th St. to the north, Leon St. and Robbins Pl. to the east, and MLK Jr. Blvd. to the south. The Neighborhood Mixed Use Building special use is proposed for Tracts 1-13, 13A, 13B, 16, 20, 20A, 22-27, 31-32, 58, 58A, 58B, 64-74, 74A, 75, 77-96, 112-113, 115-122, 128-129, 141-143, 143C, 144-146, 148, 156-158, 166-167, 170, 172, 174, 176-180, 179A, 183, 192-197, 209-210, 213, 219-220, 225-226, 230, 235-239, 241, 243-256, 259-266. The Planning Commission may recommend and the City Council may approve a zoning change to any of the following: Rural Residence (RR) district zoning; Single-Family Residence - Large Lot (SF-1) district zoning; Single-Family Residence-Standard Lot (SF-2) district zoning; Family Residence (SF-3) district zoning; Single-Family - Small Lot & Condominium Site (SF-4A/B) district zoning; Urban Family Residence (SF-5) district zoning; Townhouse & Condominium Residence (SF-6) district zoning; Multi-Family Residence - Limited Density (MF-1) district zoning; Multi-family Residence - Low Density (MF-2) district zoning; Multi-family Residence - Medium Density (MF-3) district zoning; Multi-family Residence - Moderate-High Density (MF-4) district zoning; Multi-family Residence - High Density (MF-5) district zoning; Multi-family Residence - Highest Density (MF-6) district zoning; Mobile Home Residence (MH) district zoning; Neighborhood Office (NO) district zoning; Limited Office (LO) district zoning; General Office (GO) district zoning; Commercial Recreation (CR) district zoning; Neighborhood Commercial (LR) district zoning; Community Commercial (GR) district zoning; Warehouse / Limited Office (W/LO) district zoning; Commercial Services (CS) district zoning; Commercial-Liquor Sales (CS-1) district zoning; Commercial Highway (CH) district zoning; Industrial Park (IP) district zoning; Major Industrial (MI) district zoning; Limited Industrial Services (LI) district zoning; Research and Development (R&D) district zoning; Development Reserve (DR) district zoning; Agricultural (AG) district zoning; Planned Unit Development (PUD) district zoning;; Historic (H) district zoning; and Public (P) district zoning. A Conditional Overlay (CO) combining district, Planned Development Area (PAD) 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. 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 94, 99, 100, 103, 104)

This item was postponed to August 5, 2004 on Mayor Pro Tem Goodman's motion, Council Member Dunkerley's second on a 7-0 vote.

104. C14-04-0023 - Central Austin Combined Neighborhood Plan (Hancock Neighborhood) rezoning - Approve second/third readings of an ordinance amending Chapter 25-2 of the Austin City Code by zoning and rezoning property locally known as the Hancock Neighborhood, generally bounded on the north by 45th Street, on the south by Dean Keeton Street, on the west by Duval Street and on the east by IH-35. The proposed zoning changes will create a Neighborhood Plan (NP) combining district covering the entire area. Under the proposed Hancock NP, "Small Lot Amnesty," "Garage Placement," "Impervious Cover and Parking Placement Restrictions" and "Front or Side Yard Parking Restrictions" apply as set forth in Section 25-2-1406 of the City Code are proposed for the entire area. The Neighborhood Mixed Use Building special use is proposed for Tracts 501, 504, 507, 507A, 509, 510, 512, 513, 514, 515, 516, 517, 518, 519, 520, 522, 523, 524, 525, 526, 527, 536, 536A, 536B, 541, 541A, 543, 543A, 546-548, 557, 559, 561, 562A and 563. The Neighborhood Urban Center special use is proposed for Tracts 543 and 543A. The Planning Commission may recommend and the City Council may approve a zoning change to any of the following: Rural Residence (RR) district zoning; Single-Family Residence - Large Lot (SF-1) district zoning; Single-Family Residence-Standard Lot (SF-2) district zoning; Family

Residence (SF-3) district zoning; Single-Family - Small Lot & Condominium Site (SF-4A/B) district zoning; Urban Family Residence (SF-5) district zoning; Townhouse & Condominium Residence (SF-6) district zoning; Multi-Family Residence - Limited Density (MF-1) district zoning; Multi-family Residence - Low Density (MF-2) district zoning; Multi-family Residence - Medium Density (MF-3) district zoning; Multi-family Residence - Moderate-High Density (MF-4) district zoning; Multi-family Residence - High Density (MF-5) district zoning; Multi-family Residence - Highest Density (MF-6) district zoning; Mobile Home Residence (MH) district zoning; Neighborhood Office (NO) district zoning; Limited Office (LO) district zoning; General Office (GO) district zoning; Commercial Recreation (CR) district zoning; Neighborhood Commercial (LR) district zoning; Community Commercial (GR) district zoning; Warehouse / Limited Office (W/LO) district zoning; Commercial Services (CS) district zoning; Commercial-Liquor Sales (CS-1) district zoning; Commercial Highway (CH) district zoning; Industrial Park (IP) district zoning; Major Industrial (MI) district zoning; Limited Industrial Services (LI) district zoning; Research and Development (R&D) district zoning; Development Reserve (DR) district zoning; Agricultural (AG) district zoning; Planned Unit Development (PUD) district zoning; Historic (H) district zoning; and Public (P) district zoning. A Conditional Overlay (CO) combining district, Planned Development Area (PDA) combining district, Mixed Use (MU) combining district; Neighborhood Conservation (NC) combining district; or special uses for a Neighborhood Plan (NP) combining district may also be added to these zoning base districts. First reading on June 10, 2004. Vote: 7-0. Applicant: City of Austin. Agent: Neighborhood Planning and Zoning Department. City Staff: Tom Bolt, 974-2755, Glenn Rhoades, 974-2775. Note: A valid petition has been filed in opposition to this zoning request. (Related Items 94, 99, 100, 102, 103)

This item was postponed to August 5, 2004 on Mayor Pro Tem Goodman's motion, Council Member Dunkerley's second on a 7-0 vote.

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

LIVE MUSIC

Susanna Van Tassel

PROCLAMATIONS

Proclamation - ADA Anniversary Day - to be presented by Mayor Will Wynn and to be accepted by Rick Baudoin

Mayor Wynn called the Council Meeting back to order at 6:18 p.m.

ZONING DISCUSSION ITEMS

100. Approve second and third reading of an ordinance amending Chapter 25-2 of the City Code to create the University Neighborhood Overlay (UNO) District generally located between Lamar Blvd. on the west and Guadalupe St. on the east and between 29th St. on the north and MLK Jr. Blvd. on the south. (There is no fiscal impact associated with this code amendment.) (Recommended by the Planning Commission.) (Related Items 94, 99, 102, 103, 104)

The second reading of this ordinance was approved with the following provisions to be added to the ordinance on Mayor Pro Tem Goodman's motion, Council Member McCracken's second on a 6-1 vote with Mayor Pro Tem Goodman voting nay because of the amendment. See below for the amendment and the additional action taken on this item.

Add the following uses in section 25-2-753 Local Uses: art gallery, art workshop, business and trade school, consumer convenience services, financial services, food preparation, indoor sports and recreation, and printing and publishing service.

Add a new section as follows, "The minimum lot area is 2,500 square feet.

25-2-756(A) Setbacks should read as follows: "There are no minimum front yard or street side yard setbacks except: (1) the minimum setbacks are 10 feet along Martin Luther King, Jr. Blvd., between Rio Grande Street and San Gabriel Street; and (2) the minimum front yard setback is two feet along Graham Place, West 24 ½ Street, San Pedro Street, West 21st Street, and Hume Place." Include a new provision (E) as follows: "A building must be at least 12 feet from the front face of the curb of the adjacent street, except: (1) along Guadalupe Street between Martin Luther King, Jr. Blvd. and 28th Street; and (2) along 24th Street between Guadalupe Street and Rio Grande Street.

25-2-757 Building Stepbacks and Building Envelope Restriction would read, "First building stepbacks should begin at 60 feet."

25-2-758(A)(2)(a) Street Wall Areas Adjacent to Occupant Space should read, "Street wall area extends to a height of 60 feet."

25-2-759 Streetscape Improvements would read, "A site owner shall install a sidewalk not less than 12 feet wide along each street frontage adjacent to the site. A site owner shall install a sidewalk not less than five feet wide along West 24 1/2 Street, San Pedro Street, West 21st Street, or Hume Place. A site owner shall plant and maintain trees along an adjacent street right-of-way. (1) Trees must be spaced to create a nearly contiguous canopy when the trees reach maturity. (2) A tree must be in scale with the adjacent building. (3) A tree planted in a sidewalk area must have a tree grating.

Remove the provision from 25-2-759(C) (4) Streetscape Improvements that reads, "A light must be shielded to prevent it from shining upward."

25-2-762 (B)(2)(3) Certain Regulations Inapplicable or Superseded would read, "Impervious cover limitations of this subchapter are superseded by this subsection. Maximum impervious cover is (2) the greater of 90 percent or the percentage permitted in the base zoning district in the outer west campus subdistrict; and (3) the greater of 85 percent or the percentage permitted in the base zoning district in the Dobie subdistrict."

25-2-762 (C)(2)(3) Certain Regulations Inapplicable or Superseded should read "For a multi-family residential use, minimum site area and open space requirements of this subchapter do not apply."

Add a section 25-2-764 Affordable Housing to read, "(A) A multi-family residential use established after (effective date of ordinance) must, for a period of not less than 15 years from the date a certificate of occupancy is issued, set aside at least: (1) 10 percent of the dwelling units on the site to house persons who household income is less than 80 percent of the median income in the Austin statistical metropolitan area, as determined by the director of the Austin Neighborhood Housing and Community Development Department; and (2) 10 percent of the dwelling units on the site to house persons who household income is less than 50% of the median income in the Austin statistical metropolitan area, as determined by the director of the Austin Neighborhood Housing and Community Development Department. (B) The University Neighborhood District Housing Trust Fund is established. A person may pay a fee into the University Neighborhood District Housing Trust Fund instead of complying with Subsection (A)(2). A person who does not comply with Subsection (A)(2) shall pay a fee of \$0.20 for each square foot of gross air conditioned floor area in the multi-family residential use development. (C) The director of the Austin Neighborhood Housing and Community Development Department may allocate money from the University Neighborhood District Housing Trust Fund for housing development in the university neighborhood overlay district that provides at least 10 percent of its dwelling units to persons who household income is less than 50 percent of the median income in the Austin statistical metropolitan area, as determined by the director of the Austin Neighborhood Housing and Community Development Department, for a period of not less than 15 years from the date a certificate of occupancy is issued."

25-6-601(B)(2) Parking Requirements for University Neighborhood Overlay District should read, "For a commercial use: (1) the minimum off-street parking requirement is 60 percent of that prescribed by Appendix A (Tables of Off-Street Parking and Loading Requirements); or (2) if the use occupies less than 6,000 square feet of gross floor area, off-street parking is not required."

The amendment by Council Member Dunkerley was to change the 2400 block of Pearl Street to allow 90 feet height for construction. This amendment was seconded by Council Member Slusher and passed on a 4 to 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.

The motion to rescind the previous action to comply with Robert's Rules of Order was approved on Council Member McCracken's motion, Council Member Wynn's second on a 6 to 1 vote. Mayor Pro Tem Goodman voted nay.

The second reading was approved with all of the above motions plus the amendment on Council Member McCracken's motion, Mayor Wynn's second on a 5 to 2 vote. Those voting aye were: Mayor Wynn, and Council Members Dunkerley, McCracken, Slusher and Thomas. Those voting nay were: Mayor Pro Tem Goodman and Council Member Alvarez.

101. C14-03-0049 - House of Tutors - Approve second/third readings of an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 2400 Pearl Street (Shoal Creek Watershed) from general-office-mixed use (GO-MU) district zoning to general commercial services-mixed use-conditional overlay (CS-MU-CO) combining district zoning and multifamily residence highest density-conditional overlay (MF-6-CO) combining district zoning. First reading on June 20, 2004. Vote: 4-3, Mayor Wynn, Mayor Pro Tem Goodman and Alvarez - nay. Conditions met as follows: Conditional Overlay incorporates the conditions imposed by Council on first ordinance reading with conditions. Applicant: House of Tutors Inc. (Hussain Malik). Agent: Holland Architecture (Jimmy Holland). City Staff: Glenn Rhoades, 974-2775. Note: A valid petition has been filed in opposition to this rezoning request. **This item was postponed to August 5, 2004 on Council Member Dunkerley's motion, Council Member McCracken's second on a 7-0 vote.**
106. C14-04-0004.002 (PART) - Approve third reading of an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 7700-7720 North Lamar Boulevard and 822 Taulbee Lane (Tract 123) (Waller Creek Watershed.) The Neighborhood Mixed Use Building special use is proposed for Tract 123. The proposed zoning change will also change the base district on the tract of land from general commercial services (CS) to general commercial services-mixed use-conditional overlay-neighborhood plan (CS-MU-CO-NP) combining district zoning. First reading on March 4, 2004. Vote: 6-0, McCracken off the dais. Second Reading on April 1, 2004. Vote: 6-0, Goodman off the dais. Conditions met as follows: Conditional Overlay incorporates the conditions imposed by Council on second ordinance reading. Applicant: City of Austin. Agent: Neighborhood Planning and Zoning Department. City Staff: Wendy Walsh, 974-7719 and Scott Whiteman, 974-2865. **This item was postponed to August 26, 2004 on Council Member McCracken's motion, Council Member Thomas' second on a 7-0 vote.**
- Z-9 C14-04-0067 - P.W.C. - Conduct a public hearing and approve 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. Zoning and Platting Commission Recommendation: To grant family residence (SF-3) district zoning with conditions. Applicant: Ed Padgett, Marty Williams and Mark Clemons. Agent: Jim Bennett Consulting (Jim Bennett). City Staff: Wendy Walsh, 974-7719. **The public hearing was closed and the first reading approving the Zoning and Platting Commission's recommendation's to grant family residence SF-3 district zoning with conditions was approved on Council Member Alvarez' motion, Mayor Pro Tem Goodman's second on a 6-1 vote. Council Member Slusher voted no.**

PUBLIC HEARINGS AND POSSIBLE ACTION

109. Conduct a public hearing and consider a resolution to approve a wastewater main and two tunnel sections to relieve the Barton Creek Lift Station along with temporary work space, temporary staging areas and permanent access use agreements to allow the construction of Barton Creek Lift Station Relief Tunnel Improvement Project through dedicated parkland known as Zilker Park, Butler Shores, Pitch and Putt and Auditorium Shores in accordance with Sec. 26.001 et. seq. of the Texas Parks and Wildlife Code. (All costs associated with the wastewater main and two tunnels as well as any parkland restoration will be paid by the requestor.) (Recommended by the Parks and Recreation Board.)
The public hearing was closed and Resolution No. 040729-109 was approved on Council Member Slusher's motion, Council Member Thomas' second by a 7-0 vote.
- Z- 11 C14-04-0072 - Powerhouse Lounge - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 515 Pedernales Street and 2507 E. 7th Street (Town Lake Watershed) from commercial liquor sales-conditional overlay-mixed use-neighborhood plan (CS-1-CO-MU-NP) combining district zoning to general commercial services-neighborhood plan (CS-NP) combining district zoning. Planning Commission Recommendation: To forward this request to Council without a formal recommendation. Property Owner: Powerhouse Lounge (Tommie Lopez). Applicant: City of Austin. Agent: Neighborhood Planning and Zoning Department (Glenn Rhoades). City Staff: Glenn Rhoades, 974-2775.
The public hearing was closed and the first reading for CS-NP zoning with the same Conditional Overlay as included in the neighborhood plan was approved on Council Member Alvarez' motion, Council Member Slusher's second on a 7-0 vote.
107. Consider action on an appeal by Melton West of the Planning Commission's decision to deny a compatibility height waiver for property located at 1106 West 6th Street, Unit 301. (Public hearing conducted and closed on June 17, 2004.) (Denied by the Planning Commission.)
This item was postponed to September 2, 2004 on Council Member Slusher's motion, Council Member Thomas' second on a 7-0 vote.
108. Consider action on an appeal by Mike McHone of the Planning Commission's decision to deny a conditional use permit for transitional housing at 5117 North Lamar. (Public hearing conducted and closed on June 24, 2004.) (Not Recommended by the Planning Commission.)
This item was postponed to August 26, 2004 on Council Member Dunkerley's motion, Council Member Slusher's second on a 7-0 vote.

PUBLIC HEARINGS CONTINUED

110. Conduct public hearings for the full purpose annexation of the following Avery Ranch areas: Tract One: Avery Brookside, Phase Two (Approximately 19.417 acres in Williamson County north of the intersection of Prestancia Drive and Royal New Kent Drive). Tract Two: Avery Brookside, Phase Two (Approximately 18.423 acres in Williamson County north of Avery Ranch Blvd between Roy Butler Drive and Loxley Lane). Tract Three: Avery East Phase Two, Section Two (Approximately 25.953 acres in Williamson County north of the intersection of Avery Ranch Blvd and Indina Hills Dr). Tract Four: Avery South Section Two, Phase One (Approximately 27.257 acres in Williamson County south of the intersection of Castle Pines Drive and Royal Dublin Drive). Tract Five: Avery Ranch Blvd (Approximately 12.271 acres of Avery Ranch Blvd in Williamson County west of the intersection of Avery Ranch Blvd and Staked Plains Drive).
The public hearing was closed on Mayor Pro Tem Goodman's motion, Council Member Dunkerley's second on a 7-0 vote.
111. Conduct a public hearing for the full purpose annexation of the Interport Area, approximately 1.013 acres in Travis County north of State Highway 71 east of the intersection of State Highway 71 and Fallwell Lane.
The public hearing was closed on Mayor Pro Tem Goodman's motion, Mayor Wynn's second on a 7-0 vote.
112. Conduct a public hearing for the full purpose annexation of the 290 SMART Housing Area, approximately 23 acres in Travis County south of U.S. Highway 290 East, east of the abandoned MKT Railroad and north of Old Manor Road.
The public hearing was closed on Council Member Alvarez' motion, Mayor Wynn's second on a 7-0 vote.
113. Conduct a public hearing and approve an ordinance amending Chapters 2-1, 11-1, 25-2, 25-3, 25-6, 25-10, and 25-11 of the City Code relating to the Historic Landmark Commission, ad valorem tax exemptions and abatements, historic landmarks, historic area combining districts and historic sign districts, and building demolition and relocation permits; and repealing Sections 2-1-292 and 2-1-295 of the City Code. (Reviewed by Historic Landmark Commission; to be reviewed by Planning Commission on July 27, 2004.) (Related Item 93)
This item was postponed to September 30, 2004 on Council Member Dunkerley's motion, Mayor Wynn's second on a 7-0 vote.

Mayor Wynn recessed the Council Meeting to go into Executive Session at 8:44 p.m.

EXECUTIVE SESSIONPrivate Consultation with Attorney - Section 551.071

89. Discuss legal issues in *Isla Flores Bayer v. Freddie Urias and The City of Austin*; Cause No. A-04-CA-016-LY, in the United States District Court, Western District of Texas--Austin Division. (Concerns the City's liability for alleged employee misconduct) (Related Item 96)

Executive Session ended and Mayor Wynn called the Council Meeting back to order at 9:34 p.m.

Action on Executive Session

96. Approve a settlement in *Isla Flores Bayer v. Freddie Urias and The City of Austin*, Cause No. A 04 CA 016 LY, in the United States District Court, Western District of Texas--Austin Division. (Concerns the City's liability for alleged employee misconduct) (Related Item 89)
The motion to approve the settlement in the amount of \$315,000 was approved on Council Member McCracken's motion, Mayor Pro Tem Goodman's second on a 7-0 vote.

The motion to adjourn the meeting at 9:56 p.m. was approved on Council Member Slusher's motion, Council Member Dunkerley's second on a 7-0 vote.

The minutes for the Regular Meeting of July 29, 2004 were approved on this the 5th day of August, 2004 on Council Member Alvarez' motion, Council Member Thomas' second on a 7-0 vote.