



**AUSTIN CITY COUNCIL  
MINUTES**

**REGULAR MEETING  
THURSDAY, JUNE 17, 2004**

**Invocation:** Rev. Ricky Poe, Promiseland Church

The following represents the actions taken by the Austin City Council in the order they occurred during the meeting. While the minutes are not in sequential order, all agenda items were discussed. The City Council of Austin, Texas, convened in a regular meeting on Thursday, June 17, 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 10:25 a.m.

**CONSENT AGENDA**

The following items were acted on by one motion. No separate discussion or action occurred on any of the items. The consent items were approved on Council Member Alvarez' motion, Mayor Wynn's second on a 7-0 vote.

1. Approval of minutes from the meeting of June 10, 2004.  
The minutes from the regular meeting of June 10, 2004 were approved.

Item 2 was pulled for discussion.

3. Approve an ordinance to authorize execution of a grant with Texas Commission on the Arts Special Initiative Program, Austin, Texas for the Cultural Arts Program; authorize the acceptance of grant funds of \$10,000 under that agreement; and to amend the Fiscal Year 2003-2004 Economic Growth and Redevelopment Services Office Special Revenue Fund of Ordinance No. 030909-01 to appropriate \$10,000 to that fund. (Funding is available from the Texas Commission on the Arts Special Initiative Program. The grant period is March 25 to August 31, 2004. A \$10,000 National Endowment for the Arts grant awarded in October 2003 qualifies as City matching funds.)  
Ordinance No. 040617-03 was approved.
4. Approve execution of Amendment Number One (1) to the Interlocal Cooperation Agreement between the City of Austin and Travis County for the Summer Youth Employment Program revising budget and performance for the period October 1, 2003 through September 30, 2004. (Funding in the amount of \$203,630 is available in the Fiscal Year 2003-2004 Approved Operating Budget of the Health and Human Services Department. Funding in the amount of \$33,777 is available in the Fiscal Year 2003-2004 Approved Operating Budget for the Human

Resources Department. Funding in the amount of \$83,634 is available in the Fiscal Year 2003-2004 Approved Operating Budget of the Health and Human Services Department's Travis County Reimbursed Fund.) (Related Item 5)

**The motion authorizing the execution of Amendment Number One was approved.**

5. Amend Ordinance No. 030909-01, the Fiscal Year 2003-2004 Operating Budget of the Health and Human Services Department's Travis County Reimbursed Fund by increasing revenue from Travis County in the amount of \$83,634, and increasing operating expenditures in the amount of \$83,634 for summer youth employment stipends. (Funding in the amount of \$83,634 in increased expense reimbursement revenue from Travis County.) (Related Item 4)

**Ordinance No. 040617-05 was approved.**

6. Approve an ordinance amending Section 2-10-32 of the City Code to expand the jurisdictional boundaries of the Downtown Austin Community Court. (Recommended by the Council Judicial Committee.)

**Ordinance No. 040617-06 was approved.**

**Items 7 and 8 were pulled for discussion.**

9. Approve a resolution to authorize the fee simple acquisition of 2.359 acre tract of land out of the Jonathan Bittick Survey No. 50, said 2.359-acre tract being all of that certain tract of land (called 2.36 acres) conveyed to Rosalia Verna Moore by special warranty deed recorded in Volume 6518, Page 982, of the Deed Records of Travis County, Texas, locally known as 10224 Moores Bridge Road, from Rosalia Verna Moore for the Airport Noise Mitigation Program, in the amount of \$93,200 for the land and improvements and \$24,050.70 relocation benefits, plus closing costs and moving related expenses in the amount of \$10,000, for an amount not to exceed \$127,250.70. (Funding in the amount of \$127,250.70 is available in Fiscal Year 2003-2004 Amended Capital Budget of the Department of Aviation using airport funds and available Federal Aviation Administration (FAA) Grants.)

**Resolution No. 040617-9 was approved.**

10. Authorize the negotiation and execution of a Cooperative Agreement between the United States of America Commodity Credit Corporation and the City of Austin for the Farm and Ranch Lands Protection Program to continue the City's role in preserving land and protecting water quality in conjunction with the Open Space November 7, 2000 Bond Proposition 2.

**The motion authorizing the negotiation and execution of a Cooperative Agreement was approved.**

11. Adopt an ordinance amending Sections 14-11-1 and 14-11-2 of the existing Code to allow pre-existing improvements to remain in acquired easements without the necessity of securing a license agreement and to require field notes and a survey in all applications for license agreements.

**Ordinance No. 040617-11 was approved.**

12. Authorize execution of a construction contract with AARON CONCRETE CONTRACTORS, LP, (35.21% MBE/MH), Austin, TX, for the Nuckols Crossing Road Street Reconstruction and Utility Adjustment project in the amount of \$1,780,216 plus a \$89,010.80 contingency, for a total contract amount not to exceed \$1,869,226.80. (Funding in the amount of \$ 1,161,381.80 is available in the Fiscal Year 2000-2001 and in the Fiscal Year 2003-2004 Amended Capital Budget of the Public Works Department; funding in the amount of \$515,083.85 is included in the Fiscal Year 2003-2004 Capital Budget of the Austin Water Utility; and \$192,761.15 is available in the Fiscal Year 2000-2001 Amended Capital Budget of the Transportation, Planning and Sustainability Department.) Lowest bid of one received. 5.92% MBE and 55.36% WBE subcontractor participation.  
**The motion authorizing the execution of a construction contract was approved.**
13. Authorize execution of a construction contract with RODRIGUEZ BARR, INC. dba THE BARR COMPANY AIA, (MBE/FH 91.71%), Austin, TX, for Austin-Bergstrom International Airport (ABIA) Terminal Improvements Phase 2 Base Bid in the amount of \$1,320,000 and Alternate Bids 1 and 2 that total \$25,900 plus a \$134,000 contingency, for a total contract amount not to exceed \$1,479,900. (Funding in the amount of \$1,479,900 is available in the Fiscal Year 2003-2004 Amended Capital Budget of the Department of Aviation.) Lowest bid of four received. 2.81% MBE and 5.48% WBE subcontractor participation.  
**The motion authorizing the execution of a construction contract was approved.**
14. Authorize execution of change order # 10 to the construction contract with CADENCE MCSHANE CORPORATION, Austin, TX, for additional steel material and installation, for the George Washington Carver Museum and Cultural Center and Carver Branch Library Expansion, in the amount of \$53,476, for a total contract amount not to exceed \$10,470,432.61. (Funding in the amount of \$995 is available in the Fiscal Year 2003-2004 Approved Capital Budget of Library Department; and funding in the amount of \$52,481 is available in the Fiscal Year 2003-2004 Approved Capital Budget of the Parks and Recreation Department.) 22.02% MBE and 7.05% WBE subcontractor participation to date including this change order.  
**The motion authorizing the execution of change order #10 was approved.**
15. Authorize execution of a 12-month supply agreement with GENERAL ELECTRIC SUPPLY, Austin, TX, for street light lamps in an amount not to exceed \$78,305.70, with two 12-month extension options in an amount not to exceed \$78,305.70 per extension option, for a total agreement amount not to exceed \$234,917.10. (Funding in the amount of \$26,101.92 is available in the Fiscal Year 2003-2004 Amended Operating Budget of the Electric Utility Department. Funding for the remaining eight months of the original contract period and extension options is contingent upon available funding in future budgets.) Lowest bid of eighteen 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.**

16. Authorize execution of a 12-month service and supply agreement with US FILTER, INCORPORATED, Conroe, TX, for the lease and operation of water treatment equipment in an amount not to exceed \$150,000, with three 12-month extension options in an amount not to exceed \$150,000 per extension option, for a total agreement amount not to exceed \$600,000. (Funding in the amount of \$37,500 is available in the Fiscal Year 2003-2004 Amended Operating Budget of the Electric Utility Department. Funding for the remaining nine months of the original contract period and extension options is contingent upon available funding in future budgets.) Low bid of five bids received. This contract will be awarded in compliance with Chapter 2-9 of the City Code (Minority-Owned and Women-Owned Business Enterprise Procurement Program). No subcontracting opportunities were identified; therefore, no goals were established for this solicitation.  
**The motion authorizing the execution of a service and supply agreement was approved.**
17. Authorize execution of a contract with TECHLINE, INC., Austin, TX, for the purchase of a power cable system in an amount not to exceed \$823,550. (Funding is available in the Fiscal Year 2003-2004 Approved Capital Budget of the Electric Utility Department.) Lowest bid meeting specifications 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.**
18. Authorize execution of a contract through the Texas Local Government Purchasing Cooperative (BuyBoard) with CUES, INC., Orlando, FL, for the purchase of three television inspection vans for the Austin Water Utility in an amount not to exceed \$277,560. (Funding in the amount of \$277,560 is available in the Fiscal Year 2003-2004 Amended Operating Budget of the Austin Water Utility. Funding in the amount of \$125,000 is from a grant from CH2M Hill, Inc. for the purchase of maintenance equipment to benefit the Austin Clean Water Program.) Purchasing Cooperative.  
**The motion authorizing the execution of a contract was approved.**
19. Authorize execution of a 12-month supply agreement with SHERWIN-WILLIAMS CO., Austin, TX, for airport traffic striping paint in an amount not to exceed \$55,492.50, with two 12-month extension options in an amount not to exceed \$55,492.50 per extension option, for a total agreement amount not to exceed \$166,477.50. (Funding in the amount of \$18,497.50 is available in the Fiscal Year 2003-2004 Approved Operating Budget of the Aviation Department. Funding for the remaining eight months of the original contract period and extension options is contingent upon available funding in future budgets.) Lowest bid of five bids received. This contract will be awarded in compliance with Chapter 2-9 of the City Code (Minority-Owned and Women-Owned Business Enterprise Procurement Program). No subcontracting opportunities were identified; therefore, no goals were established for this solicitation.  
**The motion authorizing the execution of a supply agreement was approved.**

20. Authorize execution of a 12-month service agreement with AARON CONCRETE CONTRACTORS, LP, (MBE/MH-100%), Austin, TX, for milling services for the Public Works Department in an amount not to exceed \$78,475, with two 12-month extension options in an amount not to exceed \$78,475 per extension option, for a total agreement amount not to exceed \$235,425. (Funding in the amount of \$19,618 is available in Fiscal Year 2003-2004 Approved Operating Budget of the Public Works Department. Funding for the remaining nine months of the original contract period and extension options is contingent upon available funding in future budgets.) Lowest bid of 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.**
21. Authorize execution of 12-month service agreement with RDO EQUIPMENT COMPANY, Austin, TX, for rental of a motor grader for the Solid Waste Services Department in an amount not to exceed \$54,000, with two 12 -month extension options in an amount not to exceed \$54,000 per extension option, for a total agreement amount not to exceed \$162,000. (Funding in the amount of \$13,500 is available in the Fiscal Year 2003-2004 Approved Operating Budget of the Solid Waste Services Department. Funding for the remaining nine months of the original contract period and extension options is contingent upon available funding in future budgets.) Lowest bid of 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.**
22. Authorize execution of a contract with SOMERSET WELDING & STEEL, INC. T/A J&J TRAILERS, Somerset, PA, for the purchase of six 31 cubic yard hydraulic ejection semi-trailers in an amount not to exceed \$247,098. (Funding is available in the Fiscal Year 2003-2004 Approved Capital Budget of the Solid Waste Services Department.) 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 contract was approved.**
23. Authorize execution of a contract through the State of Texas, Texas Building and Procurement Commission, with HAWORTH INCORPORATED, Austin, TX, and its authorized distributor FURNITURE MARKETING GROUP, Austin, TX, for the purchase and installation of modular office systems for built-in cubicle arrangements including wall panels, desk tops, and cabinets in an amount not to exceed \$1,300,961.77. (Funding in the amount of \$673,000 is available in the Fiscal Year 2003-2004 Approved Operating Budget of the Watershed Protection and Development Review Department, Drainage Utility Fund. Funding in the amount of \$627,961.77 is available in the Fiscal Year 2003-2004 Approved Operating Budget of the Financial Services Department, One Texas Center Fund.) Purchasing Cooperative. (Related Item 24)  
**The motion authorizing the execution of a contract was approved.**

24. Authorize execution of a contract through the U.S. COMMUNITIES GOVERNMENT PURCHASING ALLIANCE with HAWORTH INCORPORATED, Austin, TX, and its authorized distributor Furniture Marketing Group, Austin, TX, for the purchase and installation of moveable wall panels/doors, office chairs and keyboard trays for the relocation of City offices from lease space to the One Texas Center in an amount not to exceed \$161,417.24. (Funding is available in the Fiscal Year 2003-2004 Approved Operating Budget of the Financial Services Department, One Texas Center Fund.) Purchasing Cooperative. (Related Item 23)  
**The motion authorizing the execution of a contract was approved.**
25. Ratify legal services contract with CROWELL & MORING, L.L.P., Washington, DC, for legal services related to the filing of claims in the United States District Court for the District of Columbia, to recover an increase in the Medicare Cost Report reimbursement amounts for Brackenridge Hospital for Fiscal Years ended 1992, 1993, and 1994, in an amount equal to ten percent (10%) of the total reimbursement amount. 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 26)  
**The motion authorizing the legal services contract was approved.**
26. Ratify a consulting services contract with LANDMARK REIMBURSEMENT, Spring, TX, for services to document claims needed to obtain an increase in the Medicare Cost Report reimbursement amount for Brackenridge Hospital for Fiscal Years ended 1992, 1993, and 1994, in an amount equal to twenty percent (20%) of the total reimbursement amount. 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 25)  
**The motion authorizing a consulting services contract was approved.**
27. Authorize negotiation and execution of a contract with the AUDIO FIDELITY COMMUNICATIONS CORPORATION, d/b/a THE WHITLOCK GROUP, Irving TX, for the supply, installation, and enhanced maintenance of audio video, television production, broadcast systems and networks for the new City Hall and public plaza complex in an amount not to exceed \$2,824,000 (Phase 1) plus a \$276,000 contingency, with two 12-month extension options for maintenance in an amount not to exceed \$36,000 for the first extension option and \$40,000 for the second extension option; in conjunction with Phases II (\$900,000) and III (\$1,800,000) for the complete implementation of the equipment and technological functions, for a total contract amount not to exceed \$5,876,000. (Funding in the amount of \$2,300,000 is available in the Fiscal Year 2003-2004 Approved Capital Budget for the new City Hall; \$800,000 will be reimbursed by Time Warner and Grande Communications, the cable channel providers; funding for Phases II and III supply agreement is contingent upon approval of future budgets.) Best proposal of six proposals received. 6.5% MBE and 5.68% WBE subcontractor participation proposed.  
**The motion authorizing the negotiation and execution of a contract was approved.**

28. Approve a resolution authorizing the City Manager to negotiate and execute two multi-year agreements one an interlocal agreement with the University of North Texas (UNT) and one a cooperative agreement with the U.S. Army Engineer Research and Development Center, Environmental Laboratory (ERDC-EL) for a native vegetation restoration project to be conducted in Lake Austin and Town Lake for prevention of nuisance hydrilla growth in an aggregate amount not to exceed \$360,000. (Funding in the amount of \$160,000 is available in the Fiscal Year 2001-2002 CIP Budget of the Watershed Protection and Development Review Department. In addition, \$200,000 is available in the Fiscal Year 2002-2003 CIP Budget of Watershed Protection and Development Review Department.)  
**Resolution No. 040617-28 was approved.**
29. Approve a resolution authorizing the City Manager to negotiate and execute an interlocal agreement with the Barton Springs Edwards Aquifer Conservation District (BS/EACD) for federal habitat conservation planning assistance grant matching funds for a total amount not to exceed \$40,000. (Funding totaling \$30,000 over a three-year period is available in the Fiscal Year 2003-2004 Approved Operating Budget and will be requested in the Fiscal Year 2004-2005 and Fiscal Year 2005-2006 Proposed Operating Budgets of the Austin Water Utility; Funding for in-kind services totaling \$10,000 over a three-year period is available in the Fiscal Year 2003-2004 Approved Operating Budget and will be requested in the Fiscal Year 2004-2005 and 2005-2006 Proposed Operating Budgets of the Watershed Protection and Development Review Department.)  
**Resolution No. 040617-29 was approved.**
30. Board and Commission Appointments.  
**The following appointments were made:**

| <u>Board/<br/>Appointee</u>                                    | <u>Consensus/<br/>Council Nominee</u> | <u>Appointment/<br/>Reappointment</u> |
|--|---------------------------------------|---------------------------------------|
| <u>Downtown Commission</u>                                     |                                       |                                       |
| Bob Woody (Representing East 6 <sup>th</sup> Street Merchants) | Consensus                             | Reappointment                         |
| <u>Music Commission</u>  |                                       |                                       |
| Lon Bozarth  | Mayor Wynn's                          | Appointment                           |
| <u>Parks and Recreation Board</u>                              |                                       |                                       |
| Marilyn Bostick  | Council Member Thomas'                | Reappointment                         |
| Leonard Lyons  | Mayor Pro Tem Goodman's               | Reappointment                         |
| Hector Ortiz   | Consensus                             | Reappointment                         |
| <u>Urban Forestry Board</u>                                    |                                       |                                       |
| Tim Mahoney  | Council Member Alvarez'               | Appointment                           |

31. Set a public hearing to amend the North Loop Neighborhood Plan for 100-104 E. 51<sup>st</sup> St. and change the Future Land Use Map from single-family residential to commercial-mixed use. (Suggested date and time: June 24, 2004 at 6:00 p.m., Lower Colorado River Authority, Hancock Building.)  
**The public hearing was set for June 24, 2004 at 6:00 p.m., Lower Colorado River Authority, Hancock Building.**

32. Set a public hearing to consider a request for a waiver of the 300 foot minimum distance requirement of Section 4-9-4(A) of the City Code, between Asahi Imports, a business that proposes to sell alcoholic beverages at 6105 Burnet Road, and a public school, Lamar Middle School at 6201 Wynona Avenue. (Suggested date and time: June 24, 2004 at 6:00 p.m., Lower Colorado River Authority, Hancock Building.  
**The public hearing was set for June 24, 2004 at 6:00 p.m., Lower Colorado River Authority, Hancock Building.**
33. Set a public hearing to receive public comment regarding the proposed amendment to the Large Primary Service Special Contract Rider in the Electric Rate Schedule in Exhibit A of Ordinance 030908-4. (Suggested date and time: June 24, 2004 at 6:00 p.m., Lower Colorado River Authority, Hancock Building.)  
**This item was withdrawn.**
34. Approve Service Extension Request No. 2337 for water service not to exceed a peak hour flow of 2,504 gallons per minute (gpm) for a tract of approximately 747.78 acres owned by the Ribelin Ranch Partnership, Ltd., located within the Drinking Water Protection Zone in the extraterritorial jurisdiction of Austin at 9818 R.M. 2222 at McNeil Road. (Recommended by Water and Wastewater Commission) (Related Items 35, 36, 37, 38)  
**The motion authorizing the Service Extension Request No. 2337 was approved.**
35. Approve Service Extension Request No. 2338 for wastewater service not to exceed a peak wet weather flow of 869 gallons per minute (gpm) for a tract of approximately 747.78 acres owned by the Ribelin Ranch Partnership, Ltd., located within the Drinking Water Protection Zone in the extraterritorial jurisdiction of Austin at 9818 R.M. 2222 at McNeil Road. (Recommended by Water and Wastewater Commission) (Related Items 34, 36, 37, 38)  
**The motion authorizing the Service Extension Request No. 2338 was approved.**
36. Approve second and third readings of an ordinance to annex the Ribelin Ranch Area for limited purposes of planning and zoning. (Approximately 750 acres in Travis County north of the intersection of McNeil Drive and FM 2222) (Limited purpose annexation does not have a significant fiscal impact.) (Related Items 34, 35, 37, 38)  
**Ordinance No. 040617-36 was approved.**
37. Adopt an ordinance to approve a regulatory plan for the Ribelin Ranch Area being annexed for limited purposes of planning and zoning (Approximately 750 acres in Travis County north of the intersection of McNeil Drive and FM 2222). (Limited purpose annexation does not have a significant impact.) (Related Items 34, 35, 36, 38)  
**Ordinance No. 040617-37 was approved.**
38. C814-04-0061 - Ribelin Ranch PUD - Approve second/third readings of an ordinance amending Chapter 25-2 of the Austin City Code by zoning property locally known as R.M. 2222 Road (Bull Creek West and Bull Creek Watersheds) from interim-rural residence (I-RR) district zoning to planned unit development (PUD) district zoning, with conditions. First reading on June 10, 2004. Vote: 7-0. Conditions met as follows: Ordinance and restrictive covenant incorporates the conditions imposed or accepted by Council on first ordinance reading. Applicant: Ribelin Ranch Partners, Ltd. (Frank Ribelin), Charles & Martha Ribelin, Tom & Lucia Francis. Agent: Thrower Design (Ron Thrower). City Staff: Sherri Gager, 974-3057. (Related Items 34, 35, 36, 37)  
**Ordinance No. 040617-38 was approved.**

**Items 39 – 41 were pulled for discussion.**



**DISCUSSION ITEMS**

2. Approve negotiation and execution of a contract with THE STATE OF TEXAS, MENTAL HEALTH AND MENTAL RETARDATION (MHMR), for the purchase of a 0.377 acre transmission/distribution easement located at the southwest corner of West 45th Street and Guadalupe Street, on the Austin State Hospital land, in an amount not to exceed \$87,000 including closing costs. (Funding is available in the Fiscal Year 2003-2004 Approved Capital Budget of the Electric Utility Department.)  
**The motion authorizing the negotiation and execution of a contract was approved on Council Member Slusher's motion, Council Member McCracken's second on a 7-0 vote.**
7. Approve the negotiation and execution of a deferred forgivable loan to SOUTHWEST KEY PROGRAM, INC., Austin, TX, or its affiliate in an amount not to exceed \$367,108 under the Public Facilities Program for costs associated with the proposed construction of the East Side Community Development Project which is designed to provide various resources to at-risk youth and families, including workforce skills development, G.E.D. preparatory classes, pre-vocational training, college preparation, and adult education classes. (Funding is available in Community Development Block Grant Funds (CDBG) in the Fiscal Year 2003-2004 Neighborhood Housing and Community Development budget allocation under the Public Facilities Program.)  
**The motion authorizing the negotiation and execution of a deferred forgivable loan was approved on Council Member Alvarez' motion, Council Member Thomas' second on a 7-0 vote.**
8. Approve the negotiation and execution of a deferred forgivable loan to FOUNDATION COMMUNITIES, INC., Austin, TX, or its affiliate in an amount not to exceed \$150,000 under the Public Facilities Program for construction of a learning center in the Vintage Creek Apartments, 7224 Northeast Drive, to provide various resources to at-risk youth, including tutoring, job-readiness classes and mentoring activities. (Funding is available in Community Development Block Grant Funds (CDBG) in the Fiscal Year 2004-2005 Neighborhood Housing and Community Development budget allocation under the Public Facilities Program.)  
**The motion authorizing the negotiation and execution of a deferred forgivable loan was approved on Council Member Alvarez' motion, Council Member Thomas' second on a 7-0 vote.**

Mayor Wynn recessed the Council Meeting to go into Executive Session at 11:16 a.m.

**EXECUTIVE SESSION**

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

**Private Consultation with Attorney - Section 551.071**

42. Discuss legal issues related to implementation of the Travis County Hospital District.  
**There was no discussion held on this item.**

Executive Session ended and Mayor Wynn called the Council Meeting back to order at 12:08 p.m.

**CITIZEN COMMUNICATIONS: GENERAL**

Pat Johnson - Possible Solution to the Problem

Robert Singleton - Mueller Issues

Mary Lehmann - Mueller Issues

Susana Almanza - Home ownership is a primary way for low income persons to build their Community, Stability, and Wealth

James Medina - In Support of Legal Liaison Position - Zoning Enforcement

John Gould - Share the Road Campaign; representing the Texas Motorcycle Rights Association. **He was not present when his name was called.**

Michael Von Ohlen - MWBE Program and Bonding & Technician Support Program

Cindy Caroccio - Animal Issues

Joanne Neto - Animal Issues

**Mayor Wynn recessed the Council Meeting to go into Executive Session at 12:36 p.m.**

**Private Consultation with Attorney - Section 551.071**

43. 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 2:35 p.m.**

**Bond Sales**

44. Approve an ordinance authorizing a forward interest rate swap transaction in connection with a proposed refunding of Airport System Prior Lien Bonds, Series 1995A through the issuance of approximately \$280,360,000 City of Austin, Texas, Airport System Variable Rate Revenue Refunding Bonds, Series 2005, including approval and authorization of all necessary documents relating to the swap transaction, only if the swap transaction is executed not later than September 16, 2004, and in accordance with parameters specified in the ordinance. (No fiscal impact during Fiscal Year 2003-2004. No debt service requirement and annual paying agent/registrar fee will be included in the Fiscal Year 2004-2005 Proposed Budget of the Airport Revenue Bond Redemption Fund because the bonds will not be called until November 15, 2005.)  
**Ordinance No. 040617-44 in the amount of \$310,000,000 was approved on Council Member Slusher's motion, Council Member Dunkerley's second on a 7-0 vote.**

45. Approve an ordinance authorizing an interest rate swap agreement related to the issuance of approximately \$140,000,000 City of Austin, Texas, Water and Wastewater System Variable Rate Revenue Bonds, Series 2004; providing for payments thereunder by a lien on and pledge of the net revenues of the City's Water & Wastewater System; establishing funds and accounts related to the payment of such interest rate swap agreement; enacting other provisions incident thereto; and providing for an effective date. (No fiscal impact during Fiscal Year 2003-2004. \$1,735,000 estimated debt service requirement and \$600 estimated annual paying agent/registrar fee will be included in the Fiscal Year 2004-2005 Proposed Budget of the Utility Revenue Bond Redemption Fund.)
- Ordinance No. 040617-45 was approved on Mayor Pro Tem Goodman's motion, Council Member Alvarez' second on a 7-0 vote**

### **BRIEFINGS**

46. Presentation of the Traffic Signal System Peer Review.
- The presentation was given by Austan Librach, Transportation, Planning and Sustainability; Marshall Elizer, Chief Transportation Engineer for Gresham, Smith and Partners; Wayne Gisler, Transportation Operations Manager for Harris County.

Mayor Wynn recessed the Council Meeting at 3:21 p.m.

Mayor Wynn called the Council Meeting back to order at 4:05 p.m.

### **ZONING CONSENT ITEMS**

The following zoning items were acted on by one motion. No separate discussion or action occurred on any of the items. The consent items were approved on Council Member Dunkerley's motion, Council Member Thomas' second on a 7-0 vote.

47. C14-04-0039 - Detour - Approve second/third readings of an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 6705 U.S. Highway 290 West (Williamson Creek Watershed-Barton Springs Zone) from community commercial (GR) district zoning to commercial liquor sales (CS-1) district zoning. First reading on May 6, 2004. Vote: 7-0. Conditions met as follows: no conditions were imposed by Council of first ordinance reading. Applicant: Jack Lieberman. Agent: Jim Bennett. City Staff: Glenn Rhoades, 974-2775.
- Ordinance No. 040617-47 was approved.**
48. C14-04-0064 - Episcopal Theological Seminary of the Southwest - Approve second/third readings of an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 500 and 606 Rathervue Place and 3105 and 3113 Duval Street (Shoal Creek Watershed) from multi-family residence low density-conditional overlay (MF-2-CO) combining district zoning to general office-mixed use-conditional overlay (GO-MU-CO) combining district zoning. First reading on June 10, 2004. Vote: 7-0. Conditions met as follows: Conditional Overlay incorporates the conditions imposed by City Council at first ordinance reading. Applicant: City of Austin. Agent: Neighborhood Planning and Zoning Department (Glenn Rhoades). Property Owner: Episcopal Theological Seminary of the Southwest. City Staff: Glenn Rhoades, 974-2775.
- Ordinance No. 040617-48 was approved with amendments to add accessory off-site parking as a conditional use for Tract 1 and replace 80 ft. wide with 50 ft. wide in the legal description for Tract 2.**

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 McCracken's second on a 7-0 vote.

Item Z-1 was set for a time certain of 6:00 p.m.

- Z-2 C814-04-0055 - RMMA Redevelopment PUD - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as North I.H. 35 at East 51<sup>st</sup> Street (Boggy Creek and Tannehill Creek Watersheds) from aviation services (AV) district and planned unit development (PUD) 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: City of Austin. Agent: Economic Growth and Redevelopment Services Office (Pam Hefner). City Staff: Sherri Gager, 974-3057.

**This item was postponed to June 24, 2004 at staff's request.**

- Z-3 C14-04-0047 - Brodie Lane Zoning Change - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 8001 Brodie Lane; 3425 Dalton Street; and 3424 and 3426 Thomas Kincheon Street (Williamson Creek Watershed-Barton Springs Zone) from family residence (SF-3) district zoning to neighborhood office-mixed use (NO-MU) combining district zoning. Zoning and Platting Commission Recommendation: To grant neighborhood office-mixed use-conditional overlay (NO-MU-CO) combining district zoning. Applicants: Tamara and James Piper; Teresa L. Hankins Agent: Tamara Piper. City Staff: Wendy Walsh, 974-7719.

**Ordinance No. 040617-Z-3 for neighborhood office-mixed use-conditional overlay (NO-MU-CO) combining district zoning was approved.**

- Z-4 C14-84-092 (RCA) - Rosewood Congregation - Conduct a public hearing and approve a restrictive covenant amendment for the property locally known as 6200 Bolm Road (Boggy Creek Watershed). Planning Commission Recommendation: To grant the restrictive covenant amendment. Applicant: Rosewood Congregation of Jehovah's Witnesses (Johnny M. Holmes). Agent: Austin Civil Engineering, Inc. (Andy Dodson). City Staff: Wendy Walsh, 974-7719.

**The motion authorizing approval of a restrictive covenant amendment was approved.**

- Z-5 C14-04-0027 - Twin Liquors - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 11521 RM 620 Road North (Bull Creek Watershed) from community commercial-conditional overlay (GR-CO) combining district zoning to commercial-liquor sales (CS-1) district zoning. Zoning and Platting Commission Recommendation: To grant commercial-liquor sales (CS-1) district zoning. Applicant: Plaza V 620, Ltd. (James H. Matoushak). Agent: Crocker Consultants (Sarah Crocker). City Staff: Sherri Gager, 974-3057.

**Ordinance No. 040617-Z-5 for commercial-liquor sales (CS-1) district zoning was approved.**

- Z-6 C14-04-0018 - Double Creek Village, Tract 2 - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by zoning property locally known as 11001 - 11119 South First Street (Onion Creek Watershed) from interim-rural residence (I-RR) district zoning to community commercial (GR) district zoning. Zoning and Platting Commission Recommendation: To grant community commercial-conditional overlay (GR-CO) combining district zoning, with conditions. Applicant: Riddell Family Limited Partnership (Wayne Riddell). Agent: Drenner Stuart Wolff Metcalfe von Kreisler, LLP (Michele Rogerson Allen). City Staff: Wendy Walsh, 974-7719.  
**Ordinance No. 040617-Z-6 for community commercial-conditional overlay (GR-CO) combining district zoning, with conditions was approved.**
- Z-7 C14-04-0019 - Double Creek Village, Phase II - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by zoning property locally known as 11000 - 11100 South IH-35 Service Road Southbound (Onion Creek Watershed) from interim-rural residence (I-RR) district zoning to general commercial services (CS) district zoning. Zoning and Platting Commission Recommendation: To grant general commercial services-conditional overlay (CS-CO) combining district zoning, with conditions. Applicant: Old San Antonio Road, L.P. (William S. Walters III). Agent: Drenner Stuart Wolff Metcalfe von Kreisler, LLP (Michele Rogerson Allen). City Staff: Wendy Walsh, 974-7719.  
**Ordinance No. 040617-Z-7 for general commercial services-conditional overlay (CS-CO) combining district zoning, with conditions was approved.**
- Z-8 C14-04-0020 - Double Creek Village, Phase II, Tracts 1 and 2 - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by zoning property locally known as 11200-11300 South IH-35 Service Road Southbound (Onion Creek Watershed) from interim-rural residence (I-RR) district zoning to general commercial services-mixed use (CS-MU) combining district zoning for Tract 1 and multi-family residence medium density (MF-3) district zoning for Tract 2. Zoning and Platting Commission Recommendation: To grant general commercial services-mixed use-conditional overlay (CS-MU-CO) combining district zoning, with conditions for Tract 1 and multi-family residence low density (MF-2) district zoning, with conditions for Tract 2. Applicants: Old San Antonio Road, L.P. (William S. Walters III) and Haviland Lake Partners L.L.P. (Jeffrey N. Drinkard). Agent: Drenner Stuart Wolff Metcalfe von Kreisler, LLP (Michele Rogerson Allen). City Staff: Wendy Walsh, 974-7719.  
**Ordinance No. 040617-Z-8 for general commercial services-mixed use-conditional overlay (CS-MU-CO) combining district zoning, with conditions for Tract 1 and multi-family residence low density (MF-2) district zoning, with conditions for Tract 2 was approved.**
- Z-9 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 June 24, 2004 at the applicant's request.**

**Item Z-10 was pulled for discussion.**

- Z-11 C14-03-0157 - Harris Ranch - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as south side of Davis Lane, between Brodie Lane and Westgate Boulevard (Slaughter Creek Watershed-Barton Springs Zone) from development reserve (DR) district zoning and rural residence (RR) district zoning to community commercial (GR) district zoning for Tract 1; multi-family residence low density (MF-2) district zoning for Tract 2; and townhouse and condominium residence (SF-6) district zoning for Tract 3. Zoning and Platting Commission Recommendation: To grant community commercial-conditional overlay (GR-CO) combining district zoning for Tract 1 and single family residence standard lot (SF-2) district zoning for the remainder of the property, with conditions. Applicants: Robert Brent Harris; John Weldon Harris and Darrow Dean Harris. Agent: Weynand Development, Ltd. (Mike Weynand). City Staff: Wendy Walsh, 974-7719.  
This item was postponed to June 24, 2004 at the neighborhood's request.

Item Z-12 was pulled for discussion.

Mayor Wynn recessed the Council Meeting at 5:40 p.m.

### LIVE MUSIC

John Deery and The Mean Gruene Machine

### PROCLAMATIONS

Certificates of Appreciation - Clean Air Coalition Members - to be presented by Mayor Will Wynn and to be accepted by the honorees

Proclamation - International Institute of Culture and Language Recognition Week - to be presented by Mayor Will Wynn and to be accepted by Elsa Potter

Distinguished Service Award - Lisa Gordon - to be presented by Mayor Will Wynn and to be accepted by the honoree

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

Mayor Wynn called the Council Meeting back to order at 6:37 p.m.

### DISCUSSION ZONING ITEMS

39. Approve an ordinance adopting the Robinson Ranch Annexation and Development Agreement, concerning annexation and development of approximately 6300 acres of land in Travis and Williamson Counties, (known as the "Robinson Properties"), including waiving and modifying certain development regulations, fees, and procedures, for land generally located north and east of West Parmer Lane, west of FM 1325, south and southeast of RM 620. (Lake Creek, Rattan Creek and Walnut Creek Watersheds). (Recommended with conditions by the Environmental Board. The Zoning and Platting Commission will consider the development agreement on June 15, 2004.) (Related Items 40, 41)  
Ordinance No. 040617-39 was approved with the following amendments to the agreement on Council Member Slusher's motion, Council Member Thomas' second on a 6-0 vote. Council Member Alvarez was off the dais.

The amendments were:

(1) provide for minimum setbacks of 75 feet from surface parking facilities adjacent to single family residential subdivisions; (2) provide for the screening of all dumpsters; (3) to prohibit the use of coal tar products and other pavement sealers when such prohibitions are added to the code; and (4) additional provisions for stormwater treatment encouraging sheet flow over vegetated areas.

40. Approve second and third readings of an ordinance for the annexation of the Robinson Property Area for limited purposes of planning and zoning. (Approximately 6,300 acres in Travis County and Williamson County between FM 1325, Parmer Lane and FM 620). (Limited purpose annexation does not have a significant impact on the general fund.) (Related Items 39, 41)

**Ordinance No. 040617-40 was approved on Council Member Slusher's motion, Mayor Pro Tem Goodman's second on a 6-0 vote. Council Member Alvarez was off the dais.**

41. Approve an ordinance to adopt a regulatory plan for the Robinson Property, which is being annexed for limited purposes. (Approximately 6,300 acres in Travis County and Williamson County between FM 1325, Parmer Lane and FM 620) (Limited purpose annexation does not have a significant impact on the general fund.) (Related Items 39, 40)

**Ordinance No. 040617-41 was approved on Council Member Slusher's motion, Mayor Pro Tem Goodman's second on a 6-0 vote. Council Member Alvarez was off the dais.**

- Z-12 C814-04-0066 - Robinson Properties - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by zoning and rezoning property locally known as several parcels of land generally located north and east of West Parmer Lane, west of FM 1325, south and southeast of RM 620, and further described as approximately 6300 acres, more or less, of land out of the of the Thomas P. Davy Survey No. 3, the Jacob M. Harrell Survey, the Malcolm M. Hornsby Survey No. 2, the Malcolm M. Hornsby Survey No. 4, the William Gorham Survey No. 1, the R.P. Trabue Survey, the Michael Pevetoe Survey, the Louis Kincheloe Survey No. 60, the Richard West Survey and unplatted land located in Williamson County, TX; the William J. Baker Survey No. 10, the John McQueen Survey, the Phillip J. Allen Survey, the William W. Hornsby Survey No. 22, the William W. Hornsby Survey No. 77, the Malcolm M. Hornsby Survey No. 76, the Arthur Garner Survey and unplatted land located in Williamson and Travis County, TX; and the Louis Kincheloe Survey No. 21, the Francisco Garcia Survey No. 60, the Peter Conrad Survey No. 112, the Memucan Hunt Survey No. 105, the Memucan Hunt Survey No. 107 and unplatted land located in Travis County, TX. (Lake Creek, Rattan Creek and Walnut Creek Watersheds) from interim-rural residence (I-RR) district zoning, limited industrial services-planned development area (LI-PDA) combining district zoning and development reserve (DR) district zoning to planned unit development (PUD) district zoning. Zoning and Platting Commission Recommendation: To be considered by the Commission on June 15, 2004. Applicant: City of Austin. Agent: Neighborhood Planning and Zoning Department. City Staff: Greg Guernsey, 974-2387

**The public hearing was closed and Ordinance No. 040617-Z-12 was approved with the amendment to the ordinance to provide for minimum setbacks of 75 feet from surface parking facilities adjacent to single family residential subdivisions and to provide for screening of all dumpsters on Council Member Thomas' motion, Council Member Slusher's second on a 7-0 vote.**

- Z-10 C14-03-0125 - Wagner Tract - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 13801-14409 North I.H. 35 Service Road North Bound (Walnut Creek Watershed) from single family residence standard lot (SF-2) district zoning to general commercial services (CS) district zoning. Zoning and Platting Commission Recommendation: To grant community commercial-conditional overlay (GR-CO) combining district zoning, with conditions. Applicant: Karl B. Wagner, Jr., Mary Ella Wagner Jones, JP Morgan Chase Bank (Terry Anderson, Trust Officer). Agent: Doucet & Associates (Carol M. Stewart). City Staff: Sherri Gager, 974-3057.  
**The first reading of the ordinance was approved on Council Member Goodman's motion, Council Member Alvarez' second on a 7-0 vote.**

#### **PUBLIC HEARINGS AND POSSIBLE ACTION**

- Z-1 Conduct a public hearing and approve an ordinance amending Chapters 25-2, 25-3, and 25-6 of the City Code to modify the definition for custom manufacturing; delete the definitions related to art and craft studios; and to add definitions and associated parking requirements for art gallery, art workshop, food production, and printing and publishing services. (Recommended by the Planning Commission.)  
**The public hearing was closed and Ordinance No. 040617-Z-1 was approved on Council Member Slusher's motion, Council Member Dunkerley's second on a 7-0 vote.**
49. Conduct a public hearing and approve an ordinance amending the City of Austin Comprehensive Plan, 2025 Austin Metropolitan Area Transportation Plan (AMATP), to designate: 1. Escarpment Blvd as a Major Arterial Divided roadway with four lanes (MAD 4) from William Cannon Dr. to Davis Ln.; 2. Escarpment Blvd. as a Major Arterial Divided roadway with four lanes (MAD 4) and bike lane striping from Davis Ln. to Salcon Cliff Dr.; 3. Escarpment Blvd. as a Major Arterial Divided roadway with four lanes (MAD 4), bike lane striping and establish a design speed to 40 mph from Salcon Cliff Dr. to Slaughter Ln; 4. Escarpment Blvd as a Major Arterial Divided roadway with two lanes (MAD 2), and a Major Arterial Undivided roadway with two lanes (MAU 2), and bike lanes from Slaughter Ln. to Aden Ln.; 5. Escarpment Blvd. as a Major Arterial Divided roadway with two lanes (MAD 2), and bike lanes from Aden Ln. to SH 45: Case No. C2-03-07); 6. Delete North Lake Creek Parkway, from the existing terminus north of Lakeline Blvd. to Avery Ranch Rd. (Case No. C2-04-02); 7. Downgrade Manor Rd., between Airport Blvd. And 51st St., to a Major Arterial Undivided roadway with four lanes (MAU 4) (Case No. C2-04-03). (Recommended by the Urban Transportation Commission, the Environmental Board and the Planning Commission.)  
**This item was postponed to August 5, 2004 on Council Member Thomas' motion, Mayor Pro Tem Goodman's second on a 6-0 vote. Council Member McCracken was off the dais.**
52. Conduct a public hearing and approve an ordinance for a variance from the Land Development Code to allow construction of a bathroom and kitchen addition to the residence at 2713 Cascade Drive in the 100-year floodplain of Shoal Creek.  
**The public hearing was closed and Ordinance No. 040617-52 was approved on Council Member Dunkerley's motion, Mayor Wynn's second on a 6-0 vote. Council Member Slusher was off the dais.**



50. Conduct a public hearing and consider action on an appeal by Richard Mathias of the Planning Commission's denial of a conditional use permit for a convenience storage facility at 1304 West 5th Street. (Denied by the Planning Commission.)  
The public hearing was closed on Council Member Slusher's motion, Council Member McCracken's second on a 6-0 vote. Mayor Pro Tem Goodman was off the dais.

The motion to deny the appeal was approved on Council Member McCracken's motion, Mayor Pro Tem Goodman's second on a 7-0 vote.

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

51. Conduct a public hearing and 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. (Denied by the Planning Commission.)  
The public hearing was closed on Council Member Slusher's motion, Council Member Alvarez' second on a 7-0 vote.

This item was postponed to June 24, 2004 with direction to staff to request engineer report on the safety of the structure and neighborhood input on Mayor Pro Tem Goodman's motion, Council Member Thomas' second on a 7-0 vote.

The motion to adjourn the meeting at 10:03 p.m. was approved on Council Member Slusher's motion, Council Member Thomas' second on a 7-0 vote.

The minutes for the Regular Meeting of June 17, 2004 were approved on this the 24th day of June, 2004 on Council Member McCracken's motion, Mayor Wynn's second on a 7-0 vote.