



Austin City Council
MINUTES

REGULAR MEETING
THURSDAY, APRIL 4, 2002

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, April 4, 2002 in the Board Room at Lower Colorado River Authority Hancock Building, 3700 Lake Austin Boulevard.

12:00 P.M. – Invocation: Rev. Jeannie Whitehurst, Grace United Methodist Church

Mayor Garcia called the meeting to order at 12:17 p.m.

Mayor Garcia recessed the meeting at 12:20 p.m. to go into Executive session.

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.

1. Discuss legal issues related to *Kirk Mitchell v. Daryl Slusher and Shirley Brown* in her Official Capacity as City Clerk for the City of Austin, Cause No GN200979 in the 345th Judicial District Court of Travis County, Texas. (suit seeking to prevent the City from placing a council candidate's name on the May 4, 2002, election ballot).
2. Discuss legal issues related to Cause No. 97-08030, *Allissa M. Chambers v. Josie Valdez, dba Valdez Remodeling and the City of Austin*, in the 53rd Judicial District Court of Travis County, Texas.
3. Discuss legal issues relating to House Bill 1445 agreements with counties regarding subdivision regulations in the ETJ.
4. Discuss acquisition of approximately 100 acres of land in Southeast Austin, Travis County.

Mayor Garcia announced item #32 would also be discussed during Executive session.

Executive session ended at 1:40 p.m. Mayor Garcia called the meeting back to order.

CITIZEN COMMUNICATIONS

5. Dick Kallerman - TxDot & City Sidewalk Construction
7. Gus Pena – Open - ABSENT
8. Jennifer L. Gale - Ken Martin in The Good Life writes “Clean Campaign Proponents say experience in other jurisdictions with public campaign financing indicates Fringe candidates rarely qualify for public funding. “ This initiative discriminates. Austin City Clerk Shirley Brown failed to follow Municipal Term Limits Laws for verification amount. - ABSENT
9. M. L. Sloan - Springs & Wetland Features
10. Jack Howison - Notification Issues for Neighborhoods
11. Rolando Pina - To Announce Galindo Elementary Neighborhood Association (GENA) traffic calming for Garden Villa Lane and to announce the City of Austin Public Works Invitation to the G.E.N.A. membership to attend a meeting on Thursday, April 11, 2002 at 1100 Cumberland, Salvation Army Community Center at 7:00 PM to 8:00 PM about the South 1st Street Reconstruction Project.

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 Thomas’ motion, Mayor Garcia’s second by a 7-0 vote.

Item 13 was pulled for discussion.

14. Approve a resolution authorizing a lease with the TEXAS MILITARY FACILITIES COMMISSION for approximately sixty acres of land at Austin-Bergstrom International Airport for a term of fifty years, with two ten-year options. (Recommended by Austin Airport Advisory Commission)
Resolution No. 020404-14 was approved.
15. Approve an ordinance to amend Ordinance No. 010910-01, the 2001-2002 Operating Budget of the Liability Reserve Fund by increasing budgeted expenditures by \$243,000, for a total of \$3,743,000 and decreasing the approved ending balance by the same amount for a total of (\$625,015), correcting the ending and beginning balances of Ordinance No. 020307-15. (Funding in the amount of \$243,000 is available in the 2001-2002 Liability Reserve Fund ending balance.)
Ordinance No. 020404-15 was approved.
16. Adopt a resolution authorizing the procedures outlined in Texas Local Government Code 143.014 for the appointment and removal of persons in Civil Service positions classified immediately below department head.
Resolution No. 020404-16 was approved.
17. Approve a resolution authorizing Mutual Aid Agreements with Travis County Emergency Services District Numbers 1, 2, 3, 4, 5, 6, 7, 8, and 9 or with their associated Fire Departments, with Williamson County Emergency Services District Numbers 1 and 2 with their associated

Fire Departments, and with the City of Round Rock for a period of five years with a single two year renewal options.

Resolution No. 020404-17 was approved.

18. Approve a resolution authorizing execution of four one time 3-way contracts between the City of Austin, Travis County, and four social service contractors: ANY BABY CAN in an amount not to exceed \$80,000 (City \$40,000, County \$40,000); MEALS ON WHEELS AND MORE in an amount not to exceed \$230,000 (\$115,000 City, County \$115,000); AIDS SERVICES OF AUSTIN in an amount not to exceed \$70,000 (City \$35,000, County \$35,000); and CARITAS OF AUSTIN, INC. in an amount not to exceed \$620,000 (\$310,000 City; \$310,000 County), for a total City of Austin amount not to exceed \$500,000. (Funding in the amount of \$500,000 is available in the Fiscal Year 2002 Approved Operating Budget of the Health and Human Services Department for Social Services Contracts. The contract period is April 1, 2002 through December 30, 2002.)

Resolution No. 020404-18 was approved.

19. Approve a resolution authorizing an amendment to the legal services contract with BRACEWELL & PATTERSON, L.L.P., Austin, Texas, for legal services concerning the City's applications to the Texas Natural Resource Conservation Commission for Certificates of Convenience and Necessity to provide water and wastewater utility service within the City's extraterritorial jurisdiction for an increase of \$225,000, with a total contract amount not to exceed \$468,000. (Funding is available in the 2001-2002 Approved Operating Budget of the Water & Wastewater Utility.)

Resolution No. 020404-19 was approved.

20. Approve a resolution authorizing an amendment to the legal services contract with GEORGE & DONALDSON, L.L.P., Austin, Texas, for representation in Cause No. 97-08030, *Allissa M. Chambers v. Josie Valdez, dba Valdez Remodeling and the City of Austin*, in the 53rd Judicial District Court of Travis County, Texas, for an increase of \$40,000, resulting in a total contract limit of \$150,000. (Funding in the amount of \$40,000 is available in the 2001-2002 Approved Operating Budget of the Liability Reserve Fund.)

This item was postponed to April 11, 2002.

21. Approve a resolution authorizing an amendment to the legal services contract with SCOTT, DOUGLASS & MC CONNICO, L.L.P., Austin, Texas, for representing the City in negotiations and potential litigation with Stratus Properties, Inc., concerning development rights on its property located in the Barton Creek Zone, for an increase of \$125,000, resulting in a total contract limit of \$167,000. (Funding in the amount of \$125,000 is available in the 2001-2002 Approved Operating Budget of the Economic Development Fund.)

Resolution No. 020404-21 was approved.

22. Set a public hearing to consider a proposed neighborhood plan for the Bouldin Creek neighborhood (area bounded by Town Lake to the north, South Congress Avenue to the east, Oltorf Street to the south, and the Union Pacific Railroad Tracks to the west.) (Suggested Date and Time: April 18, 2002 at 4:00 p.m.)

Resolution No. 020404-22 was approved.

23. Set a public hearing to consider an appeal of the Zoning and Platting Commission's decision to deny an administrative amendment to the Harris Branch Planned Unit Development Land Use

Plan. The proposed site is located at 1375 U.S. Highway 290 East at Harris Branch Parkway. File # C814-90-0003.12. Appellant: John McCullough, HB Properties, Ltd., applicant for Harris Branch Planned Unit Development. Agent: Charles Steinman, 454-6777. City Staff: Susan Villarreal, Watershed Protection and Development Review Department, 974-6319. (Suggested Date and Time: April 18, 2002 at 6:00 P.M.)

Resolution No. 020404-23 was approved.

24. Approve a resolution to amend an amendment to the Interlocal Agreement with the AUSTIN INDEPENDENT SCHOOL DISTRICT for meal services to include the Summer Food Service Program for an additional \$116,000. (Funding for this agreement was included in the 2001-2002 Special Operating Budget for the Parks and Recreation Department, Ordinance No. 010910-01.)

Resolution No. 020404-24 was approved.

Item 25 was pulled for discussion.

26. Approve a resolution authorizing the negotiation and execution of a sixty-month lease of approximately 11,460.59 net rentable square feet of office space located at 1106 Clayton Lane, Suite 500E, from TWIN TOWERS LTD. PARTNERSHIP, Austin, Texas, to be used by Internal Affairs, and Accreditation and Inspection Unit of the Austin Police Department, in an amount not to exceed \$854,623.06. (Funding in the amount of \$69,547.25 was included in the Fiscal Year 2001-2002 Operating Budget of the Austin Police Department. Funding for the remaining fifty-five months of the original contract period is contingent upon available funding in future budgets.)

Resolution No. 020404-26 was approved.

27. Approve a resolution authorizing the negotiation and execution of a sixty-month lease of approximately 3,108.69 net rentable square feet of office space located at 1106 Clayton Lane, Suite 100E, from TWIN TOWERS LTD. PARTNERSHIP, Austin, Texas, to be used by the Police Monitor Program, in an amount not to exceed \$241,451.23. (Funding in the amount of \$36,666.26 was included in the Fiscal Year 2001-2002 Operating Budget of the Management Services Department. Funding for the remaining fifty-four months of the original contract period is contingent upon available funding in future budgets.)

Resolution No. 020404-27 was approved.

28. Approve a resolution authorizing the filing of eminent domain proceedings to acquire fee simple interest in 583 square feet for street right-of-way and two temporary working space easements that consist of 583 square feet and 1,734 square feet, located at 1615 Barton Springs Road, from Southwest Auto Chlor System, Inc., in the amount of \$8,859. (Funding is included in the 2000-2001 Amended Capital Budget of the Transportation Planning & Sustainability Department.)

Resolution No. 020404-28 was approved.

29. Approve a resolution authorizing execution of an Interlocal Agreement with the TEXAS DEPARTMENT OF TRANSPORTATION for the rehabilitation of an existing bridge across Hancock Creek on West North Loop, in an amount not to exceed \$60,000. (Project participation Cost is 90% TxDOT, 10% City of Austin. \$60,000 is included in the 2001-2002 Approved Capital Budget of the Department of Public Works.)

Resolution No. 020404-29 was approved.

30. Approve a resolution authorizing execution of Change Order #4 to the construction contract with A & R DEMOLITION, INC., Del Valle, Texas, for additional foundation demolition and material abatement for the Del Valle Schools and Cedars Golf Course at Austin Bergstrom International Airport Pro Shop Demolition Project, in the amount of \$49,805.41, for a total contract amount not to exceed \$792,400.33. (Funding in the amount of \$49,805.41 is available in the 2000-2001 Capital Budget of the Aviation Department.) 0.0% MBE, 5.86% WBE subcontracting participation.
Resolution No. 020404-30 was approved.

31. Approve a resolution authorizing execution of a construction contract with RAMMING PAVING COMPANY, INC., Austin, Texas, for resurfacing of asphalt areas at the Lions Municipal Golf Course, in the amount of \$97,125.80. (Funding is available in the Fiscal Year 2000-2001 Approved Capital Budget of the Parks & Recreation Department.) Lowest of six bids received. This contract will be awarded in compliance with the 1996 MBE/WBE Ordinance, as amended. No subcontracting opportunities were identified, therefore, no goals were established for this solicitation.
Resolution No. 020404-31 was approved.

Item 32 was pulled for discussion.

33. Approve a resolution authorizing execution of a service agreement with AUSTIN NUTRITION & WELLNESS, INC., Austin, Texas, and MARY MILLER, Austin, Texas, for dietician/nutrition services in a combined amount not to exceed \$31,200 with two 12-month extension option in an amount not to exceed \$31,200 per extension for a total contract amount not to exceed \$93,600. [Funding in the amount of \$13,000 was included in the 2001-2002 Special Revenue Fund Budget for the Health and Human Services Department (Ryan White Title I Grant). Funding for the remaining seven months of the original contract period and extension options is contingent upon available funding in future budgets.] Low bid/two bids received. This contract will be awarded in compliance with the 1996 MBE/WBE Ordinance, as amended. No subcontracting opportunities were identified, therefore, no goals were established for this solicitation.
Resolution No. 020404-33 was approved.

34. Approve a resolution authorizing execution of a 30-month service agreement with UNIVERSAL PROJECT MANAGEMENT, Houston, Texas, for the construction inspection services of the Combined Cycle Plant at the Sand Hill Energy Center, in an amount not to exceed \$2,500,000 with one 12-month extension option in an amount not to exceed \$500,000, for a total contract amount not to exceed \$3,000,000. (Funding in the amount of \$2,500,000 is available in the 2001-2002 Amended Capital Budget for the Electric Utility Department. Funding for the extension option is contingent upon available funding in future budgets.) Best evaluated proposal/four proposals received. 15.38% MBE, 8.73% WBE subconsultants participation.
Resolution No. 020404-34 was approved.

35. Approve a resolution authorizing execution of a contract with CROUCH/KST ENTERPRISES, LTD, Austin, Texas, to supply and install electrical infrastructure additions to the site security systems for the City's water distribution system in the amount of \$366,103.40 plus additional services and contingency in the amount of \$108,896.60, for a total contract amount not to exceed \$475,000. (Funding in the amount of \$475,000 is available in the 2001-2002 Amended Capital Budget of the Water and Wastewater Utility.) Only Bid. This contract will be awarded

in accordance with the 1996 MBE/WBE Ordinance, as amended. No subcontracting opportunities were identified, therefore, no goals were established.

Resolution No. 020404-35 was approved.

36. Approve a resolution authorizing the issuance of a Street Event Permit for a fee paid event in the 700 and 800 block of Congress Avenue for the "White Linen Night-2002" fundraiser. The event is scheduled to begin May 4, 2002 beginning at 7:00 a.m. and extend through May 5, 2002 at 7:00 a.m. (Percentage of admission fee collected is deposited in Great Streets CIP Fund.)

Resolution No. 020404-36 was approved.

37. Approve an ordinance to annex the Woods of Century Park for full purposes (Approximately 51 acres located in Travis County approximately four tenths of a mile east of the intersection of Burnet Rd and Century Park Blvd). (Funding necessary to provide general government services to this tract is available in the budgets of the departments who will be providing the services.)

Ordinance No. 020404-37 was approved.

38. Approve an ordinance to annex the Decker Lake Rd Area for full purposes (Approximately 2 acres located in Travis County along Decker Lake Rd east of Blue Bluff Rd). (Funding necessary to provide general government services to this tract is available in the budgets of the departments who will be providing the services.)

Ordinance No. 020404-38 was approved.

39. Approve an ordinance to annex Brandt's Crossing Area for full purposes (Approximately 135 acres located in south central Travis County on the northwest corner of the intersection of Brandt Rd and E Slaughter Lane). (Funding necessary to provide general government services to this tract is available in the budgets of the departments who will be providing the services.)

Ordinance No. 020404-39 was approved.

40. Approve an ordinance to amend Section 16-4-32 of the City Code to add East St. Johns Avenue from Northcrest Blvd. (100 Block) to Berkman Drive (400 Block) and South Lamar Boulevard, from Treadwell Street (900 Block) to West Riverside Drive (100 Block) to a list of streets having a maximum speed limit of 35 miles per hour.

Ordinance No. 020404-40 was approved.

41. Set a public hearing to consider a variance request to waive dedication of a drainage easement to the full extent of the 100-year floodplain at Manor Road. (Suggested Date and Time: April 11, 2002 at 6:00 p.m.)

Resolution No. 020404-41 was approved.

42. Set a public hearing to consider an appeal of the Planning Commission's decision to approve a Conditional Use Permit for a day care service use with conditions. The proposed site is located at 4814 Red River Street. File # SPC-01-0026A. Sammy's House (Sylvia Odem). Appellants: Jeanne C. Simon, Julia J. Sawyer, Julia Sawyer Dill, Kerri McHugh, Doris Coward, Debbie Voelker, Patricia Kneten, John Kneten and Helen Kneten. City Staff: Thomas Bolt, Neighborhood Planning and Zoning Department, 974-2755. (Suggested Date and Time: April 18, 2002 at 6:00 P.M.)

Resolution No. 020404-42 was approved.

43. **Appointments to Boards and Commissions**Animal Advisory Commission

Mike McDonald (Official Shelter representative)

appointment Consensus

Bond Oversight Committee

Chien Lee (Water and Wastewater Commission appointee)

appointment Consensus

City of Austin Commission for Women

Valerie Malone

appointment

Goodman

Community Development Commission

Ivan Javier Naranjo

appointment

Alvarez

Resource Management Commission

Grace Hsieh

appointment

Slusher

44. Approve an ordinance closing certain streets and waiving certain requirements of Chapter 15-11 of the City Code for the Lance Armstrong Foundation Fundraising 5K Run/Walk to be held on Saturday, April 13, 2002 in the downtown area. (Council Member Beverly Griffith)
Ordinance No. 020404-44 was approved.

45. Approve a resolution directing the City Manager to negotiate and execute a license agreement with Edward Thomas of 2315 Island Wood Road for the construction of living quarters above Lake Austin under the authority created by Section 25-2-1176 (H) of the City Code. (Council Member Will Wynn and Council Member Danny Thomas)
This item was postponed indefinitely.

46. Approve an ordinance waiving the development fees associated with the construction of the Abundant Life Church of Praise, located at 4605 Manor Road, in an amount not to exceed \$3,861. (Council Member Danny Thomas)
Ordinance No. 020404-46 was approved.

47. Amend Resolution 020321-76 to change the location of the April 11, 2002 public hearing on the proposed "Parking Ordinance" from the Lower Colorado River Authority to the Conley-Guerrero Senior Activity Center, 808 Nile Street, Austin, Texas. (Council Member Danny Thomas)
Resolution No. 020404-47 was approved.

Z-1 through Z-10 were zoning items.

Items 48 and 49 were neighborhood plans.

Items 50 was a public hearing.

DISCUSSION ITEMS

12. Approval of minutes from Special Called Meeting of March 19, 2002, worksession of March 20, 2002 and regular meeting of March 21, 2002.

The minutes from the Special Called meeting of March 19, 2002, the Work Session of March 20, 2002 and the regular meeting of March 21, 2002 were approved on Council Member Thomas' motion, Council Member Wynn's second by a 7-0 vote.

13. C14-01-0072 – Villas on Guadalupe - Approve third reading of an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 2701 and 2717 Guadalupe Street and 2804-2816 Hemphill Park (Waller Creek Watershed) from CS, General Commercial Services district, zoning to MF-6-CO, Multifamily Residence Highest Density-Conditional Overlay Combining district, with conditions on Tract 1 and CS-MU-CO, General Commercial Services-Mixed Use-Conditional Overlay Combining district, zoning with conditions on Tract 2. First reading January 10, 2002; Vote: 5-2, Alvarez and Griffith nay. Conditions met as follows: Conditional Overlay and Restrictive Covenant incorporates the conditions imposed or accepted by City Council at first ordinance reading. Applicant: Villas on Guadalupe L.P. Agent: Mike McHone. City Staff: Glenn Rhoades, 974-2775. (Continued from March 21, 2002)
The motion to waive the rules to allow 10 minutes of testimony for each was approved on Council Member Alvarez' motion, Council Member Wynn's second by a 7-0 vote.

Ordinance No. 020404-13 was approved with an amendment on Council Member Wynn's motion, Council Member Slusher's second by a 4-3 vote. Those voting aye were: Mayor Garcia and Council Members Slusher, Thomas and Wynn. Those voting nay were: Mayor Pro Tem Goodman and Council Members Alvarez and Griffith. The amendment was to change the wording on Part 2 (6) to read: Access to the parking garage shall be limited to a single driveway on 29th Street and a single driveway located between 29th Street and Guadalupe Street.

CITIZEN COMMUNICATIONS

6. Dr. Mae Harion Marion - Candidate for Silver Haired Legislature

The motion to recess the meeting to go into Executive session at 3:41 p.m. was approved on Council Member Griffith's motion, Council Member Slusher's second by a 7-0 vote.

EXECUTIVE SESSION

Mayor Garcia announced that item 32 would be discussed during Executive Session.

Executive session ended at 4:15 p.m. Mayor Garcia called the meeting back to order.

DISCUSSION ITEMS CONTINUED

25. Approve an ordinance to amend Ordinance No. 010910-01, the 2001-2002 Operating Budget by: (1) increasing the Hospital Fund Transfers Out by \$169,643, to the Federally Qualified Health Center Fund, and reducing the ending balance by \$169,643; and (2) increasing the Federally Qualified Health Center Fund Transfers In from the Hospital Fund by \$169,643 and increasing Operating Expenses for Primary Care by \$169,643. (Funding is available in the 2001-2002 Hospital Fund.)
Ordinance No. 020404-25 was approved on Council Member Wynn's motion, Council Member Thomas' second by a 4-0 vote. Mayor Pro Tem Goodman and Council Member Griffith and Thomas were off the dais.

The motion to reconsider this item because it was an ordinance and it requires five votes, was approved on Council Member Wynn's motion, Mayor Garcia's second by a 6-0 vote. Mayor Pro Tem Goodman was off the dais.

Ordinance No. 020404-25 was approved on Council Member Wynn's motion, Council Member Thomas' second by a 6-0 vote. Mayor Pro Tem Goodman was off the dais.

ZONING CONSENT

The following items were acted on by one motion. No separate discussion or action occurred on any of the items. The consent items were approved on Council Member Alvarez' motion, Council Member Griffith's second by a 6-0 vote. Mayor Pro Tem Goodman was off the dais.

- Z-1. C14-01-0077 – Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning the property locally known as 12700-12800 Block of North IH-35 Service Road southbound (Walnut Creek Watershed) from DR, Development Reserve district, zoning to CS, General Commercial Services district, zoning. Zoning and Platting Commission Recommendation: To grant GR-CO, Community Commercial-Conditional Overlay Combining district, zoning with conditions. Applicant: Bryan Snyder III. Agent: Doucet & Associates (Nancy Costa). City Staff: Sherri Gager, 974-3057.
This item was postponed to April 18, 2002 at staff's request.

Item Z2 was pulled for discussion.

- Z-3. C14-01-0184 – Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning the property locally known as 12500 Tomanet Trail (Walnut Creek Watershed) from NO, Neighborhood Office district, zoning to GR, Community Commercial district, zoning. Zoning and Platting Commission Recommendation: To grant GR-CO, Community Commercial-Conditional Overlay Combining district, zoning with conditions. Applicant: Perfect Shirt, Inc. (Long T. Chau). Agent: Jim Bennett. City Staff: Sherri Gager, 974-3057.
Ordinance No. 020404-Z3 was approved as recommended by the Zoning and Platting Commission.

Item Z4 was pulled for discussion.

- Z-5. C14-02-0003 – Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 2400 East Oltorf Street (Harper's Branch Watershed) from GR, Community Commercial district, zoning to CS-1, Commercial-Liquor Sales district. Zoning and Platting Commission Recommendation: To grant CS-1-CO, Commercial Liquor Sales-Conditional Overlay Combining district, zoning with conditions. Applicant: Newton Properties (Thao "Tom" Hnguyen). Agent: Jim Bennett. City Staff: Annick Beaudet, 974-2975.
Ordinance No. 020404-Z5 was approved as recommended by the Zoning and Platting Commission.

- Z-6. C14-02-0006 SH – Campbell-Hogue Apartments - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known

as 5800 Techni Center Drive (Walnut Creek Watershed) from MF-2-CO, Multifamily Residence Low Density district, zoning to MF-2-CO, Multifamily Residence Low Density district, zoning in order to change a condition of zoning. Zoning and Platting Commission Recommendation: To grant MF-2-CO, Multifamily Residence Low Density district, zoning with conditions. Applicant: Fort Branch General Corporation (Terry N. Campbell). Agent: Brown McCarroll, LLP (Nikelle Meade). City Staff: Annick Beaudet, 974-2975. (continued from 2/28/01)

Ordinance No. 020404-Z6 was approved as recommended by the Zoning and Platting Commission.

- Z-7. C14-02-0007 – Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 5800-5900 Cameron Road (Fort/Tannehill Branch Watershed) from SF-3, Family Residence district, zoning and LR-CO, Neighborhood Commercial-Conditional Overlay Combining district, zoning to GR, Community Commercial district, zoning. Zoning and Platting Commission Recommendation: To grant GR-CO, Community Commercial-Conditional Overlay Combining district, zoning with conditions. Applicant: Mount Sinai Missionary Church (James Wilson). Agent: Fox Consulting (John Fox). City Staff: Annick Beaudet, 974-2975.

Ordinance No. 020404-Z7 was approved as recommended by the Zoning and Platting Commission.

- Z-8. C14-02-0014 – Concordia University – Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning the property locally known as 3400 North IH-35 Service Road Southbound (Boggy and Waller Creek Watershed) from MF-4, Multifamily Residence Moderate High Density district, zoning to GO, General Office district, zoning. Zoning and Platting Commission Recommendation: To grant GO, General Office district, zoning. Applicant: Concordia University (Robert Greene). Agent: Lopez-Phelps and Vaughn (Amelia Lopez-Phelps). City Staff: Glenn Rhoades, 974-2775.

Ordinance No. 020404-Z8 was approved as recommended by the Zoning and Platting Commission.

- Z-9. C14-02-0015 – Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 6509-6519 U.S. Highway 290 West (Williamson Creek Watershed) from SF-2, Single Family Residence Standard Lot district, zoning to CS-CO, General Commercial Services-Conditional Overlay Combining district, zoning with conditions. Zoning and Platting Commission Recommendation: To grant CS-CO, General Commercial Services-Conditional Overlay Combining district, zoning with conditions. Applicant: Capitol City Oil Company (Don Burnett). Agent: Consort, Inc. (Ben Turner). City Staff: Wendy Walsh, 974-7719.

Ordinance No. 020404-Z9 was approved as recommended by the Zoning and Platting Commission.

- Z-10. C14-02-0017 - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by zoning property locally known as 12881 Pond Springs Road (Rattan Creek Watershed) from I-RR, Interim-Rural Residence district, zoning to GR, Community Commercial district, zoning. Zoning and Platting Commission Recommendation: To grant GR-CO, Community Commercial-Conditional Overlay Combining district, zoning with conditions. Applicant: Philip Hogan, Inc. (Philip Hogan). Agent: Land Answers (Jim Witliff). City Staff: Sherri Gager, 974-3057.

Ordinance No. 020404-Z10 was approved as recommended by the Zoning and Platting Commission.

ZONING DISCUSSION

Z-2. C14-01-0177 – Cedar Door Lounge - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning the property locally known as 1600 Block of Toomey Road (Town Lake Watershed) from CS, General Commercial Services to CS-1-CO, Commercial-Liquor Sales-Conditional Overlay Combining district, zoning with conditions. Zoning and Platting Commission Recommendation: To forward this request to City Council without a recommendation. Applicant: Toomey Road Partners (Susan Toomey Frost). Agent: Jim Bennett. City Staff: Glenn Rhoades, 974-2775.

The motion to close the public hearing was approved on Council Member Griffith's motion, Council Member Slusher's second by a 6-0 vote. Mayor Pro Tem Goodman was off the dais.

The first reading of this ordinance was approved, as recommended by the Zoning and Platting Commission, on Council Member Slusher's motion, Council Member Alvarez' second by a 5-1-1 vote. Mayor Pro Tem Goodman was off the dais. Council Member Thomas voted no.

Z-4. C14-01-0186 – Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by zoning and rezoning the property locally known as 3039-3101 State Highway 71 East and 2908-3004 Meldrum Road (Colorado River Watershed) from I-SF-2, Interim-Single Family Residence Standard Lot district, zoning for Tracts 1 & 2 and RR, Rural Residence district, zoning for Tract 3 to Limited Industrial Services district, zoning for Tracts 1, 2 and 3. Zoning and Platting Commission Recommendation: To grant CS-CO, General Commercial Services-Conditional Overlay Combining district, zoning with conditions. Applicant: Bruce and Cherry Hyde, Wayne Wright and Jessie Reveile. Agent: Mike McHone. City Staff: Annick Beaudet, 974-2975.

The first reading of this ordinance was approved as recommended by the Zoning and Platting Commission with a friendly amendment, on Council Member Wynn's motion, Council Member Thomas' second by a 5-0 vote. The friendly amendment by Council Member Alvarez was to delete convenient store and warehouse distribution use from the list of prohibited uses. This was accepted by the maker of the motion and by Council Member Thomas who seconded.

48. Conduct a public hearing and consider for possible action an ordinance amending the Austin Tomorrow Comprehensive Plan by adopting the North Loop Neighborhood Plan for the area bounded by Lamar Boulevard on the west, Koenig Lane on the north, Interstate Highway 35 on the east, and 45th Street/ Red River Street/51st Street on the south. [There is no fiscal impact associated with adopting the North Loop Neighborhood Plan. An estimate of the fiscal impact to implement all of the recommendations in the plan is \$890,570 (plus \$10,000 annual maintenance costs). This plan is advisory and does not legally obligate the Council to implement any particular recommendation.]

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

The first reading of this ordinance was approved on Council Member Slusher's motion, Council Member Wynn's second by a 6-0 vote. Council Member Griffith was off the dais.

49. C14-02-0009 – North Loop Neighborhood Plan Rezoning - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as the North Loop Neighborhood Plan area bounded on the north by Koenig Lane, on the east by Interstate Highway 35, on the south by 45th Street/ Red River Street/ 51st Street, and on the west by Lamar Boulevard (Waller Creek and Boggy Creek Watersheds). The proposed zoning change will; 1) add a NP, Neighborhood Plan Combining District (NPCD) to each base zoning district in the plan area; 2) permit the secondary apartment, small lot amnesty, and corner store special uses as permitted uses on any lot in the area; 3) permit a neighborhood mixed use building special use for Tracts 2, 3, 4a, 4b, 4c, 5a, 5b, 9-22, 24, 25a, 25b, 26a, 26b, 26c, 27a, 27b, 28-35, 36a, 36b, 36c, 37, 38, 39a, 39b, 39c, 40, 41a, 41b, 42-49, 51-58, 59a, 59b, 60, 61, 66-69, 84, and 99; 4) permit neighborhood urban center special use for Tracts 1a, 1b, 1c, 11-22, 24, 25a, and 25b; 5) add a conditional overlay (CO) combining district for 95 tracts, including Tracts 1-5, 7-56, 58-76, 77b, 80-99 and 101; and 6) change the base zoning districts on 101 tracts of land: from: Family Residence (SF-3) district; Multi-Family Residence-Low Density (MF-2) district, Multi-Family Residence-Medium Density (MF-3) district, Limited Office (LO) district, General Office (GO) district, Neighborhood Commercial (LR) district, Community Commercial (GR) district, General Commercial Services (CS) district, Commercial-Liquor Sales (CS-1) district, Commercial Liquor Sales-Conditional Overlay (CS-1-CO) district; to: Family Residence-Neighborhood Plan Combining (SF-3-NP) district, Multifamily Residence-Medium Density-Neighborhood Plan Combining (MF-3-NP) district, Multifamily Residence Moderate-High Density-Conditional Overlay-Neighborhood Plan Combining (MF-4-CO-NP) district, Neighborhood Office-Neighborhood Plan Combining (NO-NP) district, Limited Office-Mixed Use-Neighborhood Plan Combining (LO-MU-NP) district, Limited Office-Conditional Overlay-Neighborhood Plan Combining (LO-CO-NP) district, Limited Office-Mixed Use-Conditional Overlay-Neighborhood Plan Combining (LO-MU-CO-NP) district, General Office-Mixed Use-Conditional Overlay-Neighborhood Plan Combining (GO-MU-CO-NP) district, Neighborhood Commercial-Conditional Overlay-Neighborhood Plan Combining (LR-CO-NP) district, Neighborhood Commercial-Mixed Use-Conditional Overlay-Neighborhood Plan Combining (LR-MU-CO-NP) district, Community Commercial-Mixed Use-Conditional Overlay-Neighborhood Plan Combining (GR-MU-CO-NP) district, Community Commercial-Conditional Overlay-Neighborhood Plan Combining (GR-CO-NP) district, General Commercial Services-Conditional Overlay-Neighborhood Plan Combining (CS-CO-NP) district, General Commercial Services-Mixed Use-Conditional Overlay-Neighborhood Plan Combining (CS-MU-CO-NP) district, Commercial Liquor Sales-Conditional Overlay-Neighborhood Plan Combining (CS-1-CO-NP) district, and Public-Neighborhood Plan Combining (P-NP) district. Planning Commission Recommendation: To grant Family Residence-Neighborhood Plan Combining (SF-3-NP) district, Multifamily Residence-Medium Density-Neighborhood Plan Combining (MF-3-NP) district, Multifamily Residence Moderate-High Density-Conditional Overlay-Neighborhood Plan Combining (MF-4-CO-NP) district, Neighborhood Office-Neighborhood Plan Combining (NO-NP) district, Limited Office-Mixed Use-Neighborhood Plan Combining (LO-MU-NP) district, Limited Office-Conditional Overlay-Neighborhood Plan Combining (LO-CO-NP) district, Limited Office-Mixed Use-Conditional Overlay-Neighborhood Plan Combining (LO-MU-CO-NP) district, General Office-Mixed Use-Conditional Overlay-Neighborhood Plan Combining (GO-MU-CO-NP) district, Neighborhood Commercial-Conditional Overlay-Neighborhood Plan Combining (LR-CO-NP) district, Neighborhood Commercial-Mixed Use-Conditional Overlay-Neighborhood Plan Combining

(LR-MU-CO-NP) district, Community Commercial-Mixed Use-Conditional Overlay-Neighborhood Plan Combining (GR-MU-CO-NP) district, Community Commercial-Conditional Overlay-Neighborhood Plan Combining (GR-CO-NP) district, General Commercial Services-Conditional Overlay-Neighborhood Plan Combining (CS-CO-NP) district, General Commercial Services-Mixed Use-Conditional Overlay-Neighborhood Plan Combining (CS-MU-CO-NP) district, Commercial Liquor Sales-Conditional Overlay-Neighborhood Plan Combining (CS-1-CO-NP) district, and Public-Neighborhood Plan Combining (P-NP) district. City Staff: Steve Barney, Neighborhood Planning & Zoning Department, 974-6389; Sherri Gager, Neighborhood Planning & Zoning Department, 974-3057. Note: A valid petition has been filed by a property owner in opposition to this rezoning request.

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

The first reading of this ordinance was approved on Council Member Slusher's motion, Council Member Thomas' second by a 6-0 vote. Council Member Griffith was off the dais.

Mayor Garcia recessed the meeting at 6:13 p.m. to go into Proclamations and Live Music.

Mayor Garcia called the meeting back to order at 7:10 p.m.

DISCUSSION ITEMS CONTINUED

50. Conduct a public hearing and discuss a possible ordinance to adopt a division of the City into eight council districts for the election of councilmembers in the event that the proposed charter amendment for a City Council made up of eight council members elected from single-member districts, two council members elected from the City at large, and a Mayor elected from the City at large is adopted by the voters.

The public hearing was closed on Council Member Wynn's motion, Council Member Griffith's second by a 7-0 vote.

32. Approve a resolution authorizing negotiation and execution of a professional services agreement with CAROLLO ENGINEERS, Austin, Texas, for engineering services for the Travis Water Treatment Plant, in an amount not to exceed \$3,500,000. (Funding is available in the 1995-1996 Amended Capital Budget of the Water & Wastewater Utility.) Best of five RFQs submitted. 12.30% MBE, 18.35% WBE subconsultant participation. (Recommended by Water & Wastewater Commission)

The motion to approve, adopting the alternate team of engineers, CH2M Hill, failed on Council Member Wynn's motion, Mayor Pro Tem Goodman's second by a 3-4 vote. Those voting aye were: Mayor Garcia, Mayor Pro Tem Goodman and Council Member Wynn. Those voting nay were: Council Members Alvarez, Griffith, Slusher and Thomas.

Resolution No. 020404-32 was approved, adopting staff recommendation to award the contract to Carollo Engineers, on Council Member Alvarez' motion, Council Member Griffith's second by a 7-0 vote.

The motion to adjourn the meeting at 8:47 p.m. was approved on Council Member Thomas' motion, Council Member Wynn's second by a 7-0 vote.

The minutes of the worksession of April 3, 2002 and the regular meeting of April 4, 2002 were approved on Council Member Wynn's motion, Mayor Garcia's second by a 4-0 vote. Council Members Alvarez, Griffith and Slusher were off the dais.

The minutes from the worksession of April 24, 2002 and the regular meeting of April 4, 2002 and April 25, 2002 were approved on Council Member Thomas' motion, Mayor Garcia's second by a 7-0 vote.