



**Austin City Council  
MINUTES**

**REGULAR MEETING  
THURSDAY, JANUARY 29, 2004**

**Invocation:** Bishop L.D.J. Leonard, visiting Austin from Victory in the Word, Houston, TX

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, January 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 10:20 a.m.

**CONSENT AGENDA**

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

1. Approval of minutes from the meeting of January 15, 2004.  
**The minutes from the meeting of January 15, 2004 were approved.**
2. Approve the negotiation and execution of a Lease Agreement with Temple-Inland Forest Products Corporation (Temple-Inland), Austin, TX, for a tract of 2.4 acres at Austin-Bergstrom International Airport to construct, operate, manage, maintain, finance and develop a minimum of one corporate aircraft hangar building. (Revenue generating contract. Fiscal Year 2003-2004 revenue is projected to be \$12,197.00. This revenue is not reflected in the Department of Aviation's (DOA) Approved Fiscal Year 2003-2004 budget. Revenue over the life of the initial thirty (30) year term of the lease is estimated at \$627,270.00 to the DOA.) (Recommended by Austin Airport Advisory Commission.)  
**The motion authorizing the negotiation and execution of a Lease Agreement was approved.**
3. Approve a resolution declaring the City of Austin's official intent to reimburse itself in the amount of \$5,300,000 for costs related to the settlement of *Christopher Ochoa v. City of Austin, et al.*, from the proceeds of General Obligation Refunding Bonds and to amend the two-year General Obligation Bond Sale Schedule. (The Internal Revenue Code provides that a municipality must declare its intent to finance a current expenditure with proceeds from the future sale of a specific tax-exempt obligation.) (\$5,300,000 to be reimbursed from the issuance of General Obligation Refunding Bonds in September 2004.)  
**Resolution No. 040129-03 was approved.**

4. Approve execution of a professional services agreement with EDWARD J. SHERWOOD, M.D., F.A.C.P., Lago Vista, TX, for medical consulting services for the 7-month period of February 1, 2004 through August 31, 2004, in an amount not to exceed \$60,000, with two 6-month extension options not to exceed \$50,000 per extension, for a total contract amount not to exceed \$160,000. (Funding in the amount of \$60,000 is included in the Fiscal Year 2003-2004 Approved Operating Budget of the Health and Human Services Department (HHSD) Special Revenue Fund, Public Health Preparedness and Response for Bioterrorism Grant Program.) 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 professional services agreement was approved.**
5. Approve designation of Adolfo Valadez, M.D., M.P.H., as Health Authority and designation of Linda Williams Dooley, M.D. and Edward J. Sherwood, M.D., F.A.C.P, each individually, as an Alternate Health Authority for Austin/Travis County Health and Human Services Department effective February 1, 2004.  
**The motion authorizing the designation of Adolfo Valadez, M.D., M.P.H., as Health Authority and designation of Linda Williams Dooley M.D. and Edward J. Sherwood, M.D., F.A.C.P. each individually as an alternate was approved.**
6. Authorize negotiation and execution of an amendment to the contract with MICHAEL SULLIVAN & ASSOCIATES, INC., Austin, TX, for services on behalf of the City of Austin as a consulting and/or expert witness in various dockets concerning water rights permitting matters, before the Texas Commission on Environmental Quality in the amount of \$80,000, with a total contract amount not to exceed \$395,500. (Funding in the amount of \$80,000 is available in the Fiscal Year 2003-2004 Amended Operating Budget of the Electric Utility Department.)  
**The motion authorizing the negotiation and execution of an amendment to the contract was approved.**
7. Approve a resolution to authorize the Housing Authority of Travis County, Texas to undertake a single family lease-to-own housing project within the city limits of the City of Austin to provide decent, safe, and sanitary housing that is affordable for low- to moderate-income residents, and to authorize the negotiation and execution of a three year Cooperative Agreement with the Housing Authority of Travis County with respect to the proposed housing project that will expire January 15, 2007.  
**This item was postponed indefinitely.**
8. Approve a resolution amending the City of Austin Citizen Participation Plan that outlines opportunities for citizen input on documents and actions relating to four federal entitlement grants (Community Development Block Grant, Housing Opportunities for People with AIDS, Emergency Shelter Grant, and HOME Investment Partnerships) as well as the City's annual Community Development Program under Chapter 373, Texas Local Government Code. (Recommended with amendments by the Community Development Commission.)  
**Resolution No. 040129-8 was approved.**

9. Approve an ordinance authorizing acceptance of \$89,415 in grant funds from the U.S. Department of Housing and Urban Development, Economic Development Initiative Special Projects, and amend Ordinance No. 030909-01, the Fiscal Year 2003-2004 Operating Budget of the Neighborhood Housing and Community Development Special Revenue Fund by appropriating \$89,415 in the East 11<sup>th</sup> and 12<sup>th</sup> Street Redevelopment Project for continued redevelopment on East 11<sup>th</sup> and 12<sup>th</sup> Streets. (Funding is available in U.S. Department of Housing and Urban Development (HUD) funds authorized by Public Law 108-7, the Fiscal Year 2003 Appropriations Act for HUD and other agencies; and, House Report 108-10, the Conference Report of the Appropriations Act.)  
**Ordinance No. 040129-9 was approved.**
10. Approve an ordinance amending the Fiscal Year 2003-2004 Capital Budget of the Parks and Recreation Department of Ordinance No. 030908-02 to appropriate \$1,000,000 in proceeds from the settlement of *Lowe's Home Centers, Inc. v. City of Austin*, Cause No. GN300629 in the 98<sup>th</sup> Judicial District Court of Travis County, Texas to be used for the acquisition of mitigation land that may be used for the protection of water quality and for the construction of water quality improvements for existing developments. (Funding in the amount of \$1,000,000 is available from the settlement of *Lowe's Home Centers, Inc. v. City of Austin*, Cause No. GN300629 in the 98<sup>th</sup> Judicial District Court of Travis County, Texas.)  
**Ordinance No. 040129-10 was approved.**
11. Approve an ordinance adding a new Chapter 4-10 to the City Code relating to annual registration of off-duty peace officers and amending Ordinance 030908-4 to add off-duty peace officer permit and renewal fees to the police department fee schedule. (The estimated impact on the Austin Police Department Operating Budget is \$3,000 in revenue.)  
**Ordinance No. 040129-11 was approved.**
12. Approve a resolution authorizing application and acceptance of \$80,000 in grant funding from the State of Texas, Governor's Office, Criminal Justice Division, Violence Against Women Act for the renewal of Austin Police Department project entitled "Outreach to Female Victims of Domestic Violence and Stalking." (Funding is available from the State of Texas, Governor's Office, Criminal Justice Division, Violence Against Women Act for the grant period September 1, 2004 -August 31, 2005. An in-kind match of \$41,645 is required and will be met by continuing the existing salary funding and additional personnel expenses for grant funded FTEs to be proposed in the Fiscal Year 2004-2005 Operating Budget for the Austin Police Department (APD), Victim Services Program.)  
**Resolution No. 040129-12 was approved.**
13. Approve a resolution authorizing application and acceptance of \$80,000 in grant funding from the State of Texas, Governor's Office, Criminal Justice Division, Violence Against Women Act for the renewal of Austin Police Department project entitled "Assistance to Female Victims of Domestic Violence." (Funding is available from the State of Texas, Governor's Office, Criminal Justice Division, Violence Against Women Act for the grant period September 1, 2004 - August 31, 2005. An in-kind match of \$36,883 is required and will be met by continuing the existing salary funding and additional personnel costs of the two grant funded FTE's. The amount will be proposed in the Fiscal Year 2004-2005 Operating Budget for the Austin Police Department (APD), Victim Services Program.)  
**Resolution No. 040129-13 was approved.**

14. Approve a resolution authorizing application and acceptance of \$66,328 in continuation grant funding from the State of Texas, Governor's Office, Criminal Justice Division to fund one full-time equivalent (FTE) Detective position in the Sex Offender Apprehension and Registration (SOAR) Unit. (Funding is available from the State of Texas, Governor's Office, Criminal Justice Division, for the grant period September 1, 2004 to August 31, 2005. This is the third year of a five-year grant. A cash match of \$22,109 is required and will be proposed in the Fiscal Year 2004- 2005 Operating Budget of the Austin Police Department.)  
**Resolution No. 040129-14 was approved.**
15. Approve a resolution authorizing application and acceptance of \$159,511 in grant renewal funding from the State of Texas, Office of the Governor, Criminal Justice Division, Juvenile Accountability Incentive Block Grant Program, to continue enforcement of juvenile Class C criminal offenses and referral to support services. (Grant funding is available from the State of Texas, Office of the Governor, Criminal Justice Division, for the grant period of August 1, 2004 through July 31, 2005. A cash match of \$17,723 is required and is included in the Fiscal Year 2003-2004 Operating Budget and will be proposed in the Fiscal Year 2004-2005 Operating Budget of the Police Department. Continued operation of this program is contingent upon available funding in future budgets.)  
**Resolution No. 040129-15 was approved.**
16. Approve a resolution authorizing the filing of eminent domain proceedings to acquire a 1,945 square foot permanent wastewater line easement and a 3,193 square foot temporary working space easement out of Lot 1, Block 1, Racetrac Subdivision No. 2, Travis County, Texas, located at 408 East Rundberg Lane, from Pepperwood, Inc., in the amount of \$8,956 for the Austin Clean Water Program: Little Walnut/Buttermilk - North/Capital Project. (Funding in the amount of \$8,956 is included in the Fiscal Year 2003-2004 Capital Budget of the Austin Water Utility.)  
**Resolution No. 040129-16 was approved.**
17. Authorize negotiation and execution of a one hundred twenty month lease amendment for approximately 4,546 square feet of office space located at 1100 East 11th Street, from AUSTIN REVITALIZATION AUTHORITY, INC., Austin, TX, for the Neighborhood Housing and Community Development Office, in an amount not to exceed \$84,725.50 for the first twelve months and a total lease amount not to exceed \$1,195,779.61. (Funding in the amount of \$14,120.91 is included in the Fiscal Year 2003-2004 Approved Budget for Neighborhood Housing and Community Development. Funding for the remaining one hundred eighteen months of the original contract period is contingent upon available funding in future budgets.)  
**The motion authorizing the negotiation and execution of a lease amendment was approved.**
18. Authorize execution of a construction contract with SALAS CONSTRUCTORS, INC. (MBE/MH 86.56%), Buda, TX, for the Austin Clean Water Program: South Congress Avenue Wastewater Project in the amount of \$666,666 plus a \$66,666 contingency, for a total contract amount not to exceed \$733,332. (Funding in the amount of \$733,332 is included in the Fiscal Year 2003-2004 Capital Budget of the Austin Water Utility.) Lowest bid of six received. 6.08% MBE and 7.36% WBE subcontractor participation.  
**The motion authorizing the execution of a construction contract was approved.**

19. Approve a resolution authorizing the fee simple acquisition of approximately 2.996 acres, out of the N.M. Bain Survey, Abstract No. 61, locally known as 7516-A Towery Lane, from Joe Lee and Loma Woodworth, for the Airport Noise Mitigation Program, in the amount of \$100,000 for the land and improvements and \$52,721.50 relocation benefits, plus closing costs and moving related expenses in the amount of \$10,000, for an amount not to exceed \$162,721.50. The owner has elected to purchase the propane tank at salvage value. (Funding in the amount of \$162,721.50 is available in Fiscal Year 2003-2004 Capital Budget of the Department of Aviation using airport funds and available Federal Aviation Administration (FAA) Grants.)  
**Resolution No. 040129-19 was approved.**

**Items 20 and 21 were pulled for discussion.**

22. Authorize execution of a 12-month supply agreement with DECO PRESS, INC., Porter, TX for window envelopes printed on recycled paper for utility customer service billing in an amount not to exceed \$119,294.28, with two 12-month extension options in an amount not to exceed \$119,294.28 per extension option, for a total agreement amount not to exceed \$357,882.84. (Funding in the amount of \$89,471 is available in the Fiscal Year 2003-2004 Amended Operating Budget of the Electric Utility Department. Funding for the remaining three months of the original contract period and extension options is contingent upon available funding in future budgets.) Low bid of six bids received. This contract will be awarded in compliance with Chapter 2-9 of the City Code (Minority-Owned and Women-Owned Business Enterprise Procurement Program). No subcontracting opportunities were identified; therefore, no goals were established for this solicitation.  
**The motion authorizing the execution of a supply agreement was approved.**
23. Authorize negotiation and execution of a 12-month service agreement with VELOCITY CREDIT UNION, Austin, TX for administration of the Total Home Efficiency Loan Program in an amount not to exceed \$250,000, with three 12-month extension options in an amount not to exceed \$250,000 per option, for a total amount not to exceed \$1,000,000. (Funding in the amount of \$145,833 is available in the Fiscal Year 2003-2004 Amended Operating Budget of the Electric Utility Department. Funding for the remaining five months of the contract period and for the extension options is contingent upon funding in future budgets.) Best proposal of two 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). There are no subcontracting opportunities; therefore, no goals were established for this solicitation. (Recommended by the Resource Management Commission)  
**The motion authorizing the negotiation and execution of a service agreement was approved.**
24. Authorize execution of Amendment No. 1 to a professional services agreement with BUSINESSES INVEST IN GROWTH, Austin, TX to extend the contract on a month to month basis for nine months in an amount not to exceed \$108,000, to provide the technical assistance portion of the Micro-enterprise Technical Assistance and Lending Services Program, for a total contract amount not to exceed \$144,000. (Funding is included in the Fiscal Year 2003-2004 Neighborhood Housing and Community Development special revenue fund for the Community Development Block Grant.) 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.  
**The motion authorizing the execution of Amendment No. 1 to a professional services agreement was approved.**

25. Authorize execution of Amendment No. 8 to a professional services agreement with the GREATER AUSTIN HISPANIC CHAMBER OF COMMERCE, Austin, TX, to extend the agreement on a month to month basis for nine months in an amount not to exceed \$95,661, to provide technical assistance to small minority and women business owners, for a total contract amount not to exceed \$630,138. (Funding in the amount of \$95,661 is included in the Fiscal Year 2003-2004 Approved Operating Budget of Economic Growth and Redevelopment Services Office.) 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. 8 to a professional services agreement was approved.**
26. Authorize execution of Amendment No. 8 to a professional services agreement with the CAPITAL CITY AFRICAN-AMERICAN CHAMBER OF COMMERCE, Austin, TX, to extend the agreement on a month to month basis for nine months in an amount not to exceed \$119,289 to provide technical assistance to small minority and women business owners, for a total contract amount not to exceed \$775,405. (Funding in the amount of \$119,289 is included in the Fiscal Year 2003-2004 Approved Operating Budget of the Economic Growth and Redevelopment Services Office.) 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. 8 to a professional services agreement was approved.**
27. Authorize execution of Amendment No. 11 to a professional services agreement with BUSINESS RESOURCE CONSULTANTS (MBE/FB), Austin, TX, to extend the contract on a month to month basis for nine months in an amount not to exceed \$71,450 to provide African-American owned construction businesses with a support network and technical assistance for the Development Assistance Services Program, for a total contract amount not to exceed \$817,577. (Funding in the amount of \$71,450 is included in the Fiscal Year 2003-2004 Approved Operating Budget of the Economic Growth and Redevelopment Services Office.) 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. 11 to a professional services agreement was approved.**
28. Authorize execution of a 12-month supply contract with VULCAN MATERIALS, LP, San Antonio, TX for trap rock and manufactured sand for the Department of Public Works in an amount not to exceed \$589,147, with two 12-month extension options in an amount not to exceed \$589,147 per extension option, for a total contract amount not to exceed \$1,767,441 (Funding in the amount of \$392,783 is available in Fiscal Year 2003-2004 Approved Operating Budget of the Department of Public Works. Funding for the remaining four months of the original contract period and extension options is contingent upon available funding in future budgets.) Only bid received. This contract will be awarded in compliance with Chapter 2-9 of the City Code (Minority-Owned and Women-Owned Business Enterprise Procurement Program). There are no subcontracting opportunities; therefore, no goals were established for this solicitation.  
**The motion authorizing the execution of a supply contract was approved.**

29. Authorize execution of eight contracts through the Texas Local Government Purchasing Cooperative (BuyBoard) with their contract vendors: PROFESSIONAL TURF PRODUCTS, San Antonio, TX for the purchase of one multi-gang riding mower in an amount not to exceed \$63,088.67; COOPER EQUIPMENT COMPANY, INC., San Antonio, TX for the purchase of one variable width chip spreader and two asphalt distributor bodies in an amount not to exceed \$325,152.45; RDO EQUIPMENT COMPANY, Pflugerville, TX for the purchase of one articulating tractor/loader, two tractor/loader/backhoes and one motor grader in an amount not to exceed \$410,332.63; HARBEN, INC., Cumming, GA for the purchase of two trailer-mounted high pressure flushers in an amount not to exceed \$54,761.18; HOUSTON FREIGHTLINER, Houston, TX for the purchase of two truck-mounted catch basin cleaners in an amount not to exceed \$443,129.40; INDUSTRIAL DISPOSAL SUPPLY COMPANY, San Antonio, TX for the purchase of one street sweeper in an amount not to exceed \$124,474.00; EQUIPMENT SOUTHWEST, INC., Irving, TX for the purchase of five rear-load refuse collection bodies and two automated refuse collection bodies in an amount not to exceed \$332,647.50; LONGHORN INTERNATIONAL TRUCKS, LTD., Austin, TX for the purchase of seven truck chassis in an amount not to exceed \$700,330.99. (Funding in the amount of \$63,088.67 is available in the Fiscal Year 2003-2004 Approved Vehicle Acquisition Fund. Funding in the amount of \$735,485.08 is available in the Fiscal Year 2003-2004 Approved Transportation Fund of Public Works. Funding in the amount of \$54,761.18 is available in the Fiscal Year 2003-2004 Approved Capital Budget of Austin Water Utility. Funding in the amount of \$443,129.40 is available in the Fiscal Year 2003-2004 Approved Capital Budget of the Watershed Protection and Development Review Department. Funding in the amount of \$1,157,452.49 is available in the Fiscal Year 2003-2004 Approved Capital Budget of the Solid Waste Services Department.) Cooperative Purchasing.

**The motion authorizing the execution of contracts was approved.**

30. Authorize execution of a contract with LONE STAR BMW TRIUMPH, Austin, TX for the purchase of five police motorcycles in an amount not to exceed \$100,470. (Funding is available in the Fiscal Year 2003-2004 Approved Budget of the Vehicle Acquisition Fund of the Financial and Administrative Services Department.) Only bid received. This contract will be awarded in compliance with Chapter 2-9 of the City Code (Minority-Owned and Women-Owned Business Enterprise Procurement Program). No subcontracting opportunities were identified; therefore, no goals were established for this solicitation.

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

31. Authorize negotiation and execution of a contract with POLICE EXECUTIVE RESEARCH FORUM, Washington, D.C., to provide technical assistance in the assessment of training practices of the Austin Police Department in an amount not to exceed \$69,979. (Funding is included in the Fiscal Year 2003-2004 Approved 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 contract.

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

32. Authorize execution of two 20-month service agreements with AVNET NETWORK SOLUTIONS, Austin, TX through the State of Texas Department of Information Resources (DIR) Contract number DIR-VPC-04-025 for CISCO network products and services in an amount not to exceed \$5,944,000, with two 12-month extension options in an amount not to exceed \$874,500 for the first extension and \$891,500 for the second extension, for a total agreement amount not to exceed \$7,710,000; and for CISCO maintenance (SMARTnet) of this equipment and software in an amount not to exceed \$949,056, with two 12-month extension options in an amount not to exceed \$825,400 for the first extension and \$912,850 for the second extension, for total agreement amount not to exceed \$2,687,306. (Funding in the amount of \$623,184 is available in Fiscal Year 2003-2004 Operating Budgets; \$33,333 is available in Fiscal Year 2003-2004 Amended Operating Budget of the Electric Utility Department; \$42,500 is available in the Fiscal Year 2003-2004 Trust and Agency Budgets; and \$ 3,450,000 is available in Capital Budgets of participating Departments. (See attachment for Department breakdown). Funding for the remaining sixteen months of the original contract period and extension options is contingent upon available funding in future budgets.) Cooperative Purchasing.

**The motion authorizing the execution of service agreements was approved.**

33. Authorize negotiation and execution of a 12-month supply agreement with AVNET ENTERPRISE SOLUTIONS, Dallas, TX for CISCO network equipment and SMARTnet maintenance in an amount not to exceed \$115,278.50. (Funding in the amount of \$25,000 is available in Fiscal Year 2003-2004 Operating Budget of the Austin Public Library Department. Funding for the remaining nine month of the original contract is contingent upon available funding in future budgets.) Lowest bid of two received.

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

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

<b>Board/ Appointee</b>	<b>Consensus/ Council Nominee</b>	<b>Appointment/ Reappointment</b>
<u>Commission on Immigrant Affairs</u>		
Otilia Sánchez	Consensus	Appointment
<u>Downtown Commission</u>		
Andrew Clements (Urban Transportation Comm. Rep.)	Consensus	Appointment
<u>Library Commission</u>		
Benito Ornelas	Council Member Alvarez'	Reappointment
<u>MBE/WBE Advisory Committee</u>		
Joel Stone	Consensus	Appointment
<u>Resource Management Commission</u>		
Andrew Donoho	Council Member Thomas'	Appointment
<u>Sign Review Board</u>		
Cathy French	Consensus	Reappointment
Bruce Shelton	Consensus	Reappointment



35. Approve an ordinance appointing Joel Doran Stone to the MBE/WBE Advisory Committee, and waiving the residency requirement under Section 2-1-1 of the City Code, for that appointment. (Council Member Raul Alvarez, Council Member Betty Dunkerley and Council Member Danny Thomas)

**Ordinance No. 040129-35 was approved. Council Member Slusher voted nay.**

**Item 36 was pulled for discussion.**

37. Authorize the waiver and reimbursement of fees in an amount not to exceed \$1783 for the Independence Day Run and \$283 for the Celebrate Texas Parade to be held on February 28, 2004, and March 2, 2004 respectively. (For fees waived and reimbursed, see attached listing.) (Mayor Will Wynn, Mayor Pro Tem Jackie Goodman and Council Member Brewster McCracken)

**The motion authorizing the waiver and reimbursement of fees was approved.**

Items 38 through 40 were Executive Session items.

Item 41 and 42 were Briefing items.

Items 43 through 45 and Z-1 through Z-13 were Zoning items set for 4:00 p.m.

Items 46 and 47 were public hearings set for 6:00 P.M.

#### **DISCUSSION ITEMS**

20. Authorize negotiation and execution of amendment No. 1 to extend the term of the interlocal agreement with the LOWER COLORADO RIVER AUTHORITY (LCRA), Austin, TX, to reimburse the LCRA for the cost of meeting accommodations for the City Council at the LCRA Hancock Building. Anticipated costs are \$2,000 per meeting. (Funding is included in the Fiscal Year 2003-2004 Approved Operating Budget of the Financial and Administrative Services Department, Building Services Division. Funding for the remaining two months of the contract is contingent upon available funding in future budgets.)

**The motion authorizing the negotiation and execution of amendment No. 1 to extend the term of the interlocal agreement was approved on Mayor Pro Tem Goodman's motion, Mayor Wynn's second on a 6-0 vote. Council Member Thomas was absent.**

21. Approve execution of contracts through the Houston-Galveston Area Council of Governments (H-GAC) with their contract vendors PHILPOTT MOTORS, INC., Port Neches, TX for the purchase of 67 light duty vehicles in an amount not to exceed \$1,791,670.50 and LAWRENCE MARSHALL CHEVROLET, Hempstead, TX for the purchase of nine light duty vehicles in an amount not to exceed \$131,118.03. (Funding in the amount of \$356,724.93 is available in the Fiscal Year 2003-2004 Approved Vehicle Acquisition Fund. Funding in the amount of \$105,326.57 is available in the Fiscal Year 2003-2004 Approved Police Seized Fund. Funding in the amount of \$134,405.71 is available in the Fiscal Year 2003-2004 Approved Operating Budget of the Austin Police Department. Funding in the amount of \$110,783.45 is available in the Fiscal Year 2003-2004 Approved Operating Budget of the Aviation Department. Funding in the amount of \$332,440.66 is available in the Fiscal Year 2003-2004 Approved Operating Budget of Public Works. Funding in the amount of \$19,252.55 is available in the Fiscal Year 2003-2004 Approved Operating Budget of the Transportation, Planning & Sustainability Department. Funding in the amount of \$495,722.94 is available in the Fiscal Year 2003-2004 Approved Capital Budget of Austin Energy. Funding in the amount of \$81,842.40 is available in the Fiscal Year 2003-2004 Approved Capital Budget of the Solid Waste Services Department. Funding in the amount of \$180,377.86 is available in the Fiscal Year 2003-2004 Approved Capital Budget of the Watershed Protection & Development Review Department. Funding in the amount of \$105,911.46 is available in the Fiscal Year 2003-2004 Approved Capital Budget of the Austin Water Utility.)
- The motion authorizing the execution of contracts was approved on Council Member Slusher's motion, Council Member Alvarez' second on a 6-0 vote. Council Member Thomas was absent.**
36. Approve a resolution directing the City Manager to establish and designate an Austin Clean Economy Team, to be comprised of City of Austin staff members. (Mayor Will Wynn, Council Member Betty Dunkerley and Council Member Brewster McCracken)
- Resolution No. 040129-36 was approved on Council Member Alvarez' motion, Council Member McCracken's second on a 6-0 vote. Council Member Thomas was absent.**

Mayor Wynn recessed the Council Meeting to go into Executive Session at 10:46 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

38. Discuss legal issues relating to the labor negotiations for a Meet and Confer contract with the Austin Police Association.
- No discussion was held on this item.**
39. Discuss legal issues in *Walter Session, et al. v. Rick Perry, et al.*, Cause No. 2:03-CV-254 in the U.S. District Court, Eastern District of Texas. (Concerns Congressional redistricting)
40. Discuss legal issues related to *Northwest Austin Municipal Utility District No. 1, et al. v. City of Austin, et al.*, Cause No. GN203378 in the 53<sup>rd</sup> Judicial District Court of Travis County, Texas.

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

**Executive Session ended and Mayor Wynn recessed the Council Meeting at 11:16 a.m.**

**Mayor Wynn called the Council Meeting back to order at 12:01 p.m.**

**CITIZEN COMMUNICATIONS: GENERAL**

Richard Buratti - Del Valle Utility Expansion Plan. **He was not present when his name was called.**

Lawrence Cranbert, Ph. D. - (1) Police Monitor  
(2) Grave Robbing. **He was not present when his name was called.**

Ramona Galvan - Please adopt Proposition 13

Gavino Fernandez, Jr. - Property taxes before Smart Growth and Property taxes after Smart Growth. Please enact Proposition 13

Sheryl Perier - Austin Energy policy regarding requirement that international students w/passport for ID appear in person at Zaragosa Ctr. (with deposit to receive service although they claim they don't require one). **She was not present when her name was called.**

Akwasi Evans - Police Abuse & Unjust Taxation. **He was not present when his name was called.**

Nelson Linder - Police Brutality. **He was not present when his name was called.**

Richard Troxell - Homelessness – Solutions. **He was not present when his name was called.**

Mary L. Lehmann - Mueller Update

**Mayor Wynn recessed the Council Meeting at 12:16 p.m.**

**Mayor Wynn called the Council Meeting back to order at 2:05 p.m.**

**CITIZEN COMMUNICATIONS: GENERAL CONTINUED**

Jennifer L. Gale - Why Capital Metropolitan Transportation Authority needs to run one minute down for a total of two minutes.

**BRIEFINGS**

41. Presentation of the results of the October 2003 "Regional Vision Survey" by Envision Central Texas.  
**The presentation was made by Neil Kurserek and Beverly Silas of Envision Central Texas.**
42. Briefing on the City's traffic light synchronization system.  
**The presentation was made by Austan Librach, Transportation Planning and Sustainability Department.**

**ZONING CONSENT ITEMS**

The following zoning items were acted on by one motion. No separate discussion or action occurred on any of the items. The second and third readings were approved on Council Member Alvarez' motion, Council Member Dunkerley's second on a 5-0 vote. Mayor Wynn was off the dais. Council Member Thomas was absent.

43. C814-01-0114 - Comanche Canyon Ranch P.U.D. - Approve second/third readings of an ordinance amending Chapter 25-2 of the Austin City Code by rezoning approximately 3.63 acres located east of Oasis Pass, near its intersection with Oasis View from single family residence standard lot (SF-2) district zoning to Planned Unit Development (PUD) district zoning; and approving a PUD agreement for approximately 468 acres located in the Extraterritorial Jurisdiction locally known as Comanche Trail and Bullick Hollow Road at Oasis Bluff Drive (Lake Travis Watershed). First Reading: October 30, 2003. Vote: 7-0. Conditions met as follows: Restrictive Covenant incorporates the conditions accepted by City Council at first ordinance reading. Applicant: Robert Theriot. Agent: Brown and McCarroll, LLP (Jerry Harris). City Staff: Glenn Rhoades, 974-2775.

**Ordinance No. 040129-43 was approved.**

44. C14-03-0166.SH - Red Willow Drive - Approve second/third readings of an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 8422-8504 Red Willow Drive (Williamson Creek-Barton Springs Zone) from rural residence (RR) district zoning to single family residence standard lot (SF-2) district zoning. First reading on January 15, 2004. Vote: 6-0, McCracken off the dais. Conditions met as follows: Restrictive Covenant incorporates the conditions accepted by City Council at first ordinance reading. Applicant: DSJ, Land Group, LTD. Agent: Steve Jensen. City Staff: Annick Beaudet, 974-2975.

**Ordinance No. 040129-44 was approved.**

**DISCUSSION ITEM**

45. C14-03-0141 - Bouldin Rezoning - Approve second/third readings of an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 1505 Bouldin Avenue (West Bouldin Creek Watershed) from family residence-neighborhood plan (SF-3-NP) combining district zoning to single family residence small lot-neighborhood plan (SF-4A-NP) combining district zoning. First reading January 8, 2004. Vote: 7-0. Conditions met as follows: No conditions were imposed. Applicant: Mahen, LLC. Agent: Vincent Gerard & Associates (Vincent Huebinger). City Staff: Annick Beaudet, 974-2975. Note: A valid petition has been filed in opposition to this rezoning request.

**The second reading of the ordinance to divide the property into two lots, SF-4A with 50% impervious cover for Bouldin property, SF-3A with 45% impervious cover for 3<sup>rd</sup> Street property was approved on Council Member Alvarez' motion, Council Member Dunkerley's second on a 5-0 vote. Mayor Wynn was off the dais. Council Member Thomas was absent.**

**ZONING CONSENT ITEMS**

The following zoning items were acted on by one motion. No separate discussion or action occurred on any of the items. The public hearings were closed and consent items were approved on Council Member Alvarez's motion, Mayor Pro Tem Goodman's second on a 5-0 vote. Mayor Wynn was off the dais. Council Member Thomas was absent.

- Z-1 Conduct a public hearing and approve an ordinance to amend the Central East Austin Neighborhood Plan, an element of the Austin Tomorrow Comprehensive Plan, to establish the areas in which certain special uses are permitted. (December 9, 2003: The Planning Commission voted to recommend the sub-district amendment. Vote: 6-0, M. Casias abstained, L. Ortiz on leave.) (Related Item Z-7)  
**Ordinance No. 040129-Z-1 was approved.**
- Z-2 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 hearing postponed to February 10,, 2004. )  
**This item was postponed to February 26, 2004 at staff's request.**
- Z-3 C14-03-0170 - Bell 209 - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by zoning property locally known as 7008 RR 620 North (Lake Travis Watershed) from interim-single family residence standard lot (I-SF-2) 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: Hal Bell. Agent: Crocker Consultants (Sarah Crocker). City Staff: Glenn Rhoades, 974-2775.  
**Ordinance No. 040129-Z-3 for community commercial-conditional overlay (GR-CO) combining district zoning was approved.**
- Z-4 C14-03-0164 - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 4810 Spicewood Springs Road (Bull Creek Watershed) from family residence (SF-3) district zoning to limited office (LO) district zoning. Zoning and Platting Commission Recommendation: To grant limited office (LO) district zoning. Applicant: 4810 Spicewood Ltd. (Scott Morledge). Agent: Land Creek Development (Rick Lindley). City Staff: Glenn Rhoades, 974-2775.  
**Ordinance No. 040129-Z-4 for grant limited office (LO) district zoning was approved.**
- Z-5 C14-03-0163 - 26<sup>th</sup> Street Partners - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 713 West 26<sup>th</sup> Street (Shoal Creek Watershed) from multifamily residence moderate-high density (MF-4) district zoning to multifamily residence highest density-conditional overlay (MF-6-CO) combining district zoning. Planning Commission Recommendation: To grant multifamily residence highest density (MF-6-CO) combining district zoning. Applicant: 26<sup>th</sup> Street Partners LLC (James Martindale). Agent: Jim Bennett. City Staff: Glenn Rhoades, 974-2775.  
**This item was postponed to February 12, 2004 at the neighborhood association's request.**

- Z-6 C14-03-0162 - Ruffi's Taqueria - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 11800 North Lamar Boulevard (Walnut Creek Watershed) from limited office (LO) 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: Lamar Ventures Partners Limited. Agent: Land Answers: (Jim Whitliff). City Staff: Glenn Rhoades, 974-2775.  
**Ordinance No. 040129-Z-6 for community commercial-conditional overlay (GR-CO) combining district zoning was approved.**
- Z-7 C14-03-0175 - Central East Austin Neighborhood Plan Area Sub-District 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 Central East Austin Neighborhood Plan Area, bounded by East Martin Luther King Jr. Boulevard on the north, Chicon Street and Northwestern Avenue on the east, East 7<sup>th</sup> Street on the south, and IH-35 on the west (Town Lake Watershed). The proposed zoning change will create a subdistrict in the Plan Area in which certain special uses are permitted. Planning Commission Recommendation: To forward the request without a recommendation. Applicant: Organization of Central East Austin Neighborhoods (OCEAN). Agent: Neighborhood Planning and Zoning Department. City Staff: Annick Beaudet, 974-2975. (Related Item Z-1)  
**Ordinance No. 040129-Z-7 for sub-district request was approved.**
- Z-8 C14-03-0144 - 37<sup>th</sup> Street Houses - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 609 West 37<sup>th</sup> Street (Waller Creek Watershed) from limited office (LO) district zoning to single family residence small lot (SF-4A) district zoning. Planning Commission Recommendation: To grant single family residence small lot (SF-4A) district zoning. Applicant: Lee Properties (Robert Lee). Agent: Lopez-Phelps and Associates (Amelia Lopez-Phelps). City Staff: Glenn Rhoades, 974-2775.  
**This item was postponed to February 12, 2004 at the applicant's request.**
- Z-9 C14-03-0176.SH - Pleasant Valley Courtyards - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 4503 - 4511 East St. Elmo Road (Williamson Creek Watershed) from multi-family residence medium density-conditional overlay-neighborhood plan (MF-3-CO-NP) combining district zoning to multi-family residence medium density-conditional overlay-neighborhood plan (MF-3-CO-NP) combining district zoning in order to change a condition of zoning. Planning Commission Recommendation: To grant multi-family residence medium density-conditional overlay neighborhood plan (MF-3-CO-NP) combining district zoning, with conditions. Applicant: Pleasant Valley Courtyards, L.P. (Craig Alter on behalf of Carlos Herrera). Agent: Brown McCarroll, L.L.P. (Nikelle Meade). City Staff: Wendy Walsh, 974-7719.  
**This item was postponed to February 5, 2004 at the neighborhood association's request.**

- Z-10 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 (Carson Creek Watershed) from townhouse and condominium residence-conditional overlay-neighborhood plan (SF-6-CO) combining district zoning, multi-family residence medium density-conditional overlay-neighborhood plan (MF-3-CO) combining district zoning, and 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 be considered by the Commission on February 10, 2004. Applicant: Robert Steiner. Agent: Minter, Joseph, and Thornhill, P.C. (John Joseph, Jr.). City Staff: Annick Beaudet, 974-2975.  
**This item was postponed to February 26, 2004 at the staff's request.**

**Item Z-11 was pulled for discussion.**

- Z-12 C14-03-0049 - House of Tutors - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 2400 Pearl Street (Shoal Creek Watershed) from general office-mixed use (GO-MU) combining district zoning to general commercial services-mixed use-conditional overlay (CS-MU-CO) combining district zoning and multi-family residence highest density-conditional overlay (MF-6-CO) combining district zoning. Planning Commission Recommendation: To grant general commercial services-mixed use-conditional overlay (CS-MU-CO) combining district zoning and multi-family residence highest density-conditional overlay (MF-6-CO) combining district zoning. Applicant: House of Tutors Inc. (Hussain Malik). Agent: Holland Architectural (James Holland). City Staff: Glenn Rhoades, 984-2775.  
**This item was postponed to March 11, 2004 at the applicant's request.**

**Item Z-13 was pulled for discussion.**

**Mayor Wynn recessed the Council Meeting at 5:25 p.m.**

#### **LIVE MUSIC**

Foscoc Jones

#### **PROCLAMATIONS**

Certificates of Appreciation - Xeriscape Advisory Board - to be presented by Mayor Will Wynn and to be accepted by the honorees

Honorary Citizen Certificates - Chinese Youth Folk Sports Troupe - to be presented by Mayor Will Wynn and to be accepted by the honorees

Distinguished Service Award - Page Graves - to be presented by Mayor Will Wynn and to be accepted by the honoree

Distinguished Service Award - Jesus Olivares - to be presented by Mayor Will Wynn and to be accepted by the honoree

**Mayor Wynn called the Council Meeting back to order at 6:29 p.m.**

**ZONING DISCUSSION ITEMS**

- Z-11 C14-03-0150 - Gilleland Zoning Change - Approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 606 West Grady Drive (Little 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 deny general commercial services (CS) district zoning. Applicant: Carl J. Gilleland. City Staff: Sherri Gager, 974-3057.

**Motion to deny the rezoning request was approved on Council Member Slusher's motion, Council Member Dunkerly's second on a 4-0 vote. Mayor Pro Tem Goodman and Council Member McCracken were off the dais. Council Member Thomas was absent.**

**PUBLIC HEARINGS AND POSSIBLE ACTION**

46. Conduct a public hearing to approve a land exchange with Travis County consisting of approximately 0.714 acres along the eastern perimeter of the City of Austin Balcones Canyonlands Preserve (COA-BCP) property known as Lime Creek, located at 13024 Lime Creek Road, to be used as right-of-way to allow Travis County to construct a new portion of Anderson Mill Road that will intersect with a relocated Lime Creek Road. After construction of both roads by Travis County is completed, the County will vacate an existing portion of Lime Creek Road, adjacent to the eastern perimeter of the Lime Creek COA-BCP property, and west of the proposed new Anderson Mill Road section, and dedicate that vacated road to the City. The Lime Creek COA-BCP property, the proposed new section of Anderson Mill Road and the re-alignment of Lime Creek Road are all located in northwest Travis County, close to the county line with Williamson County. (All costs associated with the right-of-way, as well as any preserve restoration will be paid by Travis County) (Recommended by the Balcones Canyonlands Conservation Plan Coordinating Committee.)

**The public hearing was closed and a land exchange was approved on Council Member Alvarez' motion, Mayor Wynn's second on a 4-0 vote. Mayor Pro Tem Goodman and Council Member McCracken were off the dais. Council Member Thomas was absent.**

47. Conduct a public hearing to consider a request for a waiver from the minimum distance requirement of City Code Section 4-9-4(A) between a proposed bar at 121 E. 5th Street and a school, American Youthworks, located at 216 E. 4th Street.

**The public hearing was closed and Resolution No. 040129-47 was approved on Council Member Slusher's' motion, Mayor Wynn's second on a 5-0 vote. Council Member McCracken was off the dais. Council Member Thomas was absent.**

**ZONING DISCUSSION ITEM**



- Z-13 C14-03-0168 - Nokonah - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 721-729 North Lamar Boulevard (Shoal Creek Watershed) from downtown mixed use-central urban redevelopment (DMU-CURE) combining district zoning to downtown mixed use-conditional overlay-central urban redevelopment (DMU-CO-CURE) combining district in order to change a condition of zoning. Zoning and Platting Commission Recommendation: To forward this rezoning request without a recommendation. Applicant: Nokonah Partners Limited (Robert Trimble). Agent: LS Johnston Architects (Linda Johnston). City Staff: Glenn Rhoades, 974-2775.
- The public hearing was closed and first reading of the ordinance was approved on Council Member Dunkerley's motion, Council Member Slusher's second on a 5-0 vote. Council Member McCracken was off the dais. Council Member Thomas was absent.**

**The motion to adjourn the meeting at 7:35 p.m. was approved on Council Member Slusher's motion, Council Member Alvarez' second on a 5-0 vote. Council Member McCracken was off the dais. Council Member Thomas was absent.**

**The minutes for the Regular Meeting of January 29, 2004 were approved on this the 5th day of February, 2004 on Council Member McCracken's motion, Council Member Dunkerley's second on a 7-0 vote.**