



AUSTIN CITY COUNCIL  
MINUTES

REGULAR MEETING  
THURSDAY, MAY 27, 2004

Invocation: Dr. Marvin C. Griffin, Pastor, Ebenezer Baptist 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, May 27, 2004 in the Board Room at Lower Colorado River Authority Hancock Building, 3700 Lake Austin Boulevard.

Mayor Pro Tem Goodman called the Council Meeting to order at 10:21 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 Pro Tem Goodman's second on a 6-0 vote. Mayor Wynn was absent.

Item 1 was reconsidered later in the meeting.

2. Approve a resolution adopting revised purchasing procedures for the City's municipally-owned electric utility, Austin Energy, in accordance with provisions of the electric utility restructuring legislation (Senate Bill 7) enacted into law by the 76th Session of the Texas Legislature. (Recommended by the Electric Utility Commission.)  
**This item was postponed to June 10, 2004.**
3. Amend Ordinance No. 030908-04, the Fiscal Year 2003-2004 Approved Fees, Fines and Other Charges, that establishes Austin Energy's competitively priced electric utility products and services, to authorize Austin Energy to offer new wholesale market services in the Electric Reliability Council of Texas, Inc. ("ERCOT") wholesale market, including certain scheduling, dispatching, communication services, and a range of other services related to the ERCOT wholesale market. (Recommended by the Electric Utility Commission.)  
**Ordinance No. 040527-03 was approved.**
4. Approve execution of a new lease between the City of Austin, the Lower Colorado River Authority and Union Pacific Railroad Company for continued use of the Smithville Railroad Car Maintenance Facility serving the Fayette Power Project over a 20-year term in an amount not to exceed \$130,000. (Funding is included in the Fiscal Year 2003-2004 Approved Operating Budget of the Electric Utility Department.)

**The motion authorizing the execution of a new lease between the City of Austin, the Lower Colorado River Authority and Union Pacific Railroad Company was approved.**

5. Authorize negotiation and execution of an agreement with THE REALTY ASSOCIATES FUND V, L.P, a Delaware Partnership, c/o TA Associates Realty, Boston MA, for an eighty-four month lease renewal and expansion for 23,533 square feet of office space and an eighteen month lease for 5,271 square feet of office, located at 811 Barton Springs Road, in an amount not to exceed \$4,063,996.31. (Funding in the amount of \$23,719.50 is included in the Fiscal Year 2003-2004 Approved Operating Budget of Austin Energy. Additional funding is contingent upon available funding in future budgets.) (Recommended by the Electric Utility Commission.)  
**The motion authorizing the negotiation and execution of an agreement was approved.**
6. Approve a resolution authorizing Austin Energy's Solar Photovoltaic Rebate Incentive Program and associated rebate limits and rebate caps for residential and commercial customers. (Funding in the amount of \$933,000 is included in the Fiscal Year 2003-2004 Amended Operating Budget of the Austin Energy Conservation Rebates and Incentives Fund.) (Recommended by the Electric Utility Commission and the Resource Management Commission.)  
**Resolution No. 040527-6 was approved.**
7. Approve Service Extension Request No. 2335 for wastewater service not to exceed a peak wet weather flow of 1 gallon per minute (gpm) for a tract of approximately .4 acres owned by Ronald and Debbie Horne, located within the Drinking Water Protection Zone in the extraterritorial jurisdiction of Austin at 1303 Silver Hill Drive. (Recommended by the Water and Wastewater Commission)  
**The motion authorizing the Service Extension Request No. 2335 was approved.**
8. Approve Service Extension Request No. 2336 for water service not to exceed a peak hour flow of 2 gallon per minute (gpm) for a tract of approximately 1.57 acres owned by Henry O. Atkinson, located within the Drinking Water Protection Zone in the extraterritorial jurisdiction of Austin at 9727 #4 F.M. 1826. (Recommended by the Water and Wastewater Commission)  
**The motion authorizing the Service Extension Request No. 2336 was approved.**

**Items 9 and 10 were pulled for discussion.**

11. Approve execution of a construction contract with KEYSTONE CONSTRUCTION, INC, Austin, TX, for construction of Northeast Area Polybutylene Service Replacements in the amount of \$1,094,200.00. (Funding is included in the Fiscal Year 2002-2003 Amended Capital Budget of the Austin Water Utility.) 15.95% MBE and 7.15% WBE subcontractor participation (Recommended by the Water and Wastewater Commission)  
**The motion authorizing the execution of a construction contract was approved.**
12. Authorize the City Manager to negotiate and execute an agreement with Wells Branch Municipal Utility District and North I-35 Business Park, L.P. through its general partner North I-35 Business Park GP, L.L.C. to provide pass through wastewater service to the "Schultz 45 Acre" tract located 1,900 feet north of the IH-35 and Wells Branch Parkway intersection on the west side of IH-35. (No City funds are required by this action. The developer will construct the necessary water and wastewater infrastructure.) (Recommended by the Water and Wastewater Commission)  
**The motion authorizing the City Manager to negotiate and execute an agreement was approved.**

13. Authorize negotiation and execution of an amendment to the existing Cost Reimbursement Agreement with Austin Revitalization Authority, a Texas non-profit corporation, to use \$25,000.00 of the approved "hard" construction cost dollars for "soft" construction costs and increase the "soft" construction costs total not to exceed \$149,635.00; and revise the cost reimbursement schedule. (Recommended by the Water and Wastewater Commission)  
**The motion authorizing the negotiation and execution of an amendment was approved.**
14. Authorize negotiation and execution of a cost participation agreement with Austin Blue Sky Investments, Inc., providing terms and conditions for construction of an appropriately sized wastewater lift station, force main, 12-inch gravity wastewater main and appurtenances to provide wastewater service to the Nelson 155 Acre Tract located in the 9000 block of F.M. 969, approximately 500 feet east of the F.M. 969 and Decker Lane intersection with City cost reimbursement in an amount not to exceed \$795,732, for 56.0% of the actual "hard" construction costs in an amount not to exceed \$694,680.00 whichever is less, and "soft" costs for engineering, design and project management in an amount not to exceed 15% of the "hard" construction costs or \$101,052 whichever is less; approve an Ordinance waiving the requirements of Section 25-9-61 of the City Code relating to eligible facilities and the maximum cost reimbursement of a facility; and waiving the requirements of Section 25-9-63 of the City Code relating to amount of cost reimbursement. (Funding in the amount of \$795,732 is included in the Fiscal Year 2003-2004 Capital Budget of the Austin Water Utility.) (Recommended by the Water and Wastewater Commission)  
**The motion authorizing the negotiation and execution of a cost participation agreement and Ordinance No. 040527-14 was approved.**
15. Authorize acceptance of grant funds in the amount of \$650,000 from the United States Health Resources and Services Administration Healthcare for the Homeless grant program; and amend the Fiscal Year 2003-2004 Community Care Services Department Operating Budget Special Revenue Fund of Ordinance No. 030909-01 to appropriate \$650,000 and create 10 full-time equivalent positions. (Funding is available in the United States Health Resources and Services Administration (HRSA) Healthcare for the Homeless grant program. The grant period is from March 1, 2004 to February 28, 2007. No City match is required.)  
**The motion authorizing the acceptance of grant funds and Ordinance No. 040527-15 was approved.**
16. Authorize execution of a construction contract with TOTAL ROOFING SERVICES, INC., Austin, TX, for the Fire Station #8 roof replacement project in an amount not to exceed \$90,598. (Funding is available in the 2003-2004 Approved Capital Budget of the Financial and Administrative Services Department.) Lowest bid of three received. 4.87% MBE and 1.27% WBE subcontractor participation.  
**The motion authorizing the execution of a construction contract was approved.**
17. Amend Ordinance No. 030909-01, the Fiscal Year 2003-2004 Operating Budget to increase revenue from Capital Metropolitan Transportation Authority by an amount of \$96,790 for a total of \$427,523 to the Combined Transportation Emergency & Communications Center (CTECC) Fund and appropriate \$96,790 for a total appropriation of \$7,747,656 for expenditures associated with additional computer equipment and other technology advancements associated with Capital Metro's operations at the the Combined Transportation Emergency & Communications Center (CTECC). (Funding in the amount of \$96,790 is available from the Capital Metropolitan Transportation Authority.) (Approved by the Capital Metropolitan Transportation Authority Board.)  
**Ordinance No. 040527-17 was approved.**

18. Approve a resolution confirming the reappointment of Gerald F. Henderson to Firefighters' and Police Officers' Civil Service Commission.  
**Resolution No. 040527-18 was approved.**
19. Authorize negotiation and execution of an amendment to the legal services agreement with BELL, NUNNALLY & MARTIN, PLLC, Dallas, TX, for legal services in connection with various real estate matters, including but not limited to assignment of the City's subleases with CSC (Computer Sciences Corporation) for development of the Second Street Retail District, for an increase of \$200,000, with a total contract amount not to exceed \$598,000. (Funding in the amount of \$200,000 is available in the Fiscal Year 2003-2004 Amended Operating Budget for the Economic Growth & Redevelopment Services Office.) (Related Item 65)  
**The motion authorizing the negotiation and execution of an amendment was approved.**
20. 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.)  
**This item was postponed to June 10, 2004.**
21. Accept \$420,000 in funds from the Austin Men's Soccer Association (AMSA) and amend Ordinance No. 030908-02 the Fiscal Year 2003-2004 Capital Budget of the Parks and Recreation Department by appropriating \$420,000 for costs related to the construction of the South Soccer Complex. (Funding is available from the Austin Men's Soccer Association.) (Related Item 29)  
**The motion accepting funds and Ordinance No. 040527-21 was approved.**
22. Approve the execution of an Interlocal Agreement to authorize the City to assume a lease agreement with Travis County for jointly occupied lease space at Austin State Hospital. The City agrees to pay the County \$250.00 per month for monthly lease and \$848.83 per month in associated costs for the period June 1, 2004 through April 30, 2005. This agreement shall automatically renew on October 1, 2004, for a term of one (1) year and shall automatically renew for one year terms thereafter for four (4) additional terms. (Funding is included in the Fiscal 2003-2004 Operating Budget for the Police Department.) (Related Item 25)  
**The motion authorizing the execution of an Interlocal Agreement was approved.**
23. Approve a resolution to authorize the acquisition of (1) a temporary working space easement comprised of 44,953 square-feet of land; (2) a temporary staging area and material storage site easement comprised of 7,586 square-feet of land, and (3) a temporary ingress and egress easement comprised of 15,747 square-feet of land, out of a portion of the Outlot 49, Division "B", City of Austin, in Travis County, TX, located at 0 East Martin Luther King, Jr. Boulevard, from BLT PROPERTIES, LTD. in the amount not to exceed \$127,600 for the Austin Clean Water Program. (Funding is included in the Fiscal Year 2003 - 2004 Capital Budget of the Austin Water Utility.)  
**Resolution No. 040527-23 was approved.**
24. Approve a resolution to authorize negotiation and execution of the sale of a permanent and temporary easement from the City of Austin to KINDER MORGAN TEXAS PIPELINE, L.P., Houston, TX, on Lots 17, 18, 19, 31, and 32 of the Linda Vista Subdivision in Travis County,

- TX, located at 10806, 10808, 10900, 10809 and 10807 Linda Vista Drive, respectively, in an amount not less than \$9,673.23.  
**Resolution No. 040527-24 was approved.**
25. Authorize negotiation and execution of a fifty-two month lease with the Texas Department of Mental Health and Mental Retardation (TDMHMR), for approximately 3,600 square feet of office space at Austin State Hospital, Building 631, 4110 Guadalupe Street, Austin, TX, for use by the Crisis Intervention Team (CIS) of the Austin Police Department, in an amount not-to exceed \$52,743. (Funding in the amount of \$4,395.32 is available in the Fiscal Year 2003-2004 operating budget for the Austin Police Department. Funding for the remaining forty-eight months of the contract is contingent upon available funding in future budgets.) (Related Item 22)  
**The motion authorizing the negotiation and execution of a lease was approved.**
26. Approve an ordinance vacating Moffett Drive between Gilbert Street and Windsor Road to The Episcopal Church of the Good Shepherd, to consolidate their development and parking. (Approved by the Zoning and Platting Commission and the Urban Transportation Commission.)  
**This item was postponed to June 10, 2004.**
27. Approve a resolution authorizing negotiation and execution of a Community Facilities Contract (CFC) between Escarpment Village, L.P., and the City of Austin to reimburse the City of Austin for costs incurred in connection with the acquisition or condemnation of a portion of the Escarpment Boulevard right-of-way between Slaughter Lane and Salcon Cliff Drive, to be acquired by the City to complete the roadway section in Parcel 103, for an amount not to exceed \$190,000. (Funding will be provided by Escarpment Village, L.P. and placed in Escrow.)  
**Resolution No. 040527-27 was approved.**
28. Authorize execution of a construction contract with PRISM DEVELOPMENT, INC., (DBE 24%), Austin, TX, for Boggy Creek Trail Bridge Improvements in an amount not to exceed \$273,936.34. (Funding is available in the Fiscal Year 1998-1999 Amended Capital Budget of the Transportation, Planning and Sustainability Department.) Public Health & Safety Exemption. 24% DBE prime contractor participation.  
**The motion authorizing the execution of a construction contract was approved.**
- Item 29 was pulled for discussion.**
30. Authorize execution of a construction contract with THE BARR COMPANY, AIA, (MBE/FH 80.62%), Austin, TX, for the Spicewood Springs Branch Library Site Work Improvements Re-Bid in an amount not to exceed \$384,149.52. (Funding in the amount of \$384,149.52 is available in the Fiscal Year 2003-2004 Approved Capital Budget of the Library Department.) 80.62% MBE and 1.13% WBE subcontractor participation. (Approved by the Zoning and Platting Commission.)  
**The motion authorizing the execution of a construction contract was approved.**
31. Authorize execution of a construction contract with W. L. HAILEY AND COMPANY, INC., Nashville, TN, for the Austin Clean Water Program - Shoal Creek Wastewater Improvements, 29th to 34th Street Tunnel in the amount of \$8,917,265.85 plus a \$891,726 contingency, for a total contract amount not to exceed \$9,808,991.85. (Funding in the amount of \$9,808,991.85 is included in the Fiscal Year 2003-2004 Capital Budget of the Austin Water Utility.) Lowest bid of four received. 16.05% MBE and 6.25% WBE subcontractor participation.  
**The motion authorizing the execution of a construction contract was approved.**

32. Authorize execution of a construction contract with KM AND M JOINT VENTURE, Solon, OH, for the Austin Clean Water Program - Little Walnut - South Tunnel project in the amount of \$12,698,300 plus a \$1,269,830 contingency, for a total contract amount not to exceed \$13,968,130. (Funding in the amount of \$13,968,130 is included in the Fiscal Year 2003-2004 Capital Budget of the Austin Water Utility.) Lowest bid of three received. 12.49% MBE and 6.81% WBE subcontractor participation.  
**The motion authorizing the execution of a construction contract was approved.**
33. Authorize execution of a construction contract with TEXAS ROAD AND UTILITIES, INC., (WBE/FR 72.40 %), Buda, TX, for the Austin Clean Water Program - West Gate Neighborhood Wastewater Collection System Improvement Project in the amount of \$1,871,791.50 plus a \$187,179 contingency, for a total contract amount not to exceed \$2,058,970.50. (Funding in the amount of \$2,058,970.65 is included in the Fiscal Year 2003-2004 Capital Budget of the Austin Water Utility.) Lowest bid of four bids received. 16.25% MBE and 0.00% WBE subcontractor participation.  
**The motion authorizing the execution of a construction contract was approved.**
34. Authorize execution of a construction contract with AUTO GATE, Austin, TX, for security gates improvements at Austin-Bergstrom International Airport in an amount not to exceed \$240,180.04. (Funding is available in the Fiscal Year 2003-2004 Approved Capital Budget of the Department of Aviation and FAA Grant 3-48-0359-27-02.) Lowest bid of four responsive bids received. 21.88% DBE subcontractor participation.  
**The motion authorizing the execution of a construction contract was approved.**
35. Authorize execution of change order #3 to the construction contract with THE BARR COMPANY, AIA, Austin, TX, (MBE/FH 83.24%) for the HVAC system replacement and asbestos/mold remediation at the Webberville Service Center, located at 2600 Webberville Road in the amount of \$115,904, for a total contract amount not to exceed \$1,002,834. (Funding in the amount of \$115,904 is available in the Fiscal Year 2002-2003 Amended Capital Budget of the Austin Water Utility.) 31.95% MBE and 13.74% WBE project participation to date, including this change order.  
**The motion authorizing the execution of change order #3 to the construction contract was approved.**
36. Authorize negotiation and execution of a professional services agreement with URS CORPORATION, Austin, TX, for engineering services for the Austin-Bergstrom International Airport East Runway System Perimeter Road Project in an amount not to exceed \$100,000. (Funding is available in the Fiscal Year 2003-2004 Approved Capital Budget of the Aviation Department and anticipated FAA grant award.) Best qualification statement of nine received. 55% DBE subconsultant participation.  
**The motion authorizing the negotiation and execution of a professional services agreement was approved.**
37. Authorize an increase in the owner's contingency for the construction contract with Construction Manager at Risk, HENSEL PHELPS CONSTRUCTION COMPANY, Austin, TX, for change orders related to the New City Hall - Building and Public Plaza (Phase III) in the amount of \$625,854, for a total contract amount not to exceed \$33,912,854. (Funding in the amount of \$625,854 is available in the Fiscal Year 2003-2004 Capital Budget of the Economic Growth and Redevelopment Services Office.) 13.84% MBE and 12.75% WBE subcontractor participation to date.

**The motion authorizing an increase in the owner's contingency for the construction contract was approved.**

38. Authorize negotiation and execution of a claim for additional work outside the scope of the professional services agreement with COTERA + REED ARCHITECTS (MH/MBE, 35.14%), Austin, TX, for the New City Hall, Public Plaza and Parking Garage, in the amount of \$259,630, for a total contract amount not to exceed \$6,276,995. (Funding in the amount of \$259,630 is available in the Fiscal Year 2002-2003 Amended Capital Budget for Economic Growth & Redevelopment Services Office.) 40.88% MBE and 15.89% WBE subconsultant participation to date.

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

39. Authorize execution of a contract with TECHLINE, INC., Austin, TX, for the purchase of drake transmission line conductor, ACSS-795 KCMIL, in an amount not to exceed \$1,127,670.76. (Funding is available in the Fiscal Year 2003-2004 Approved Capital Budget of the Austin Energy Department.) Lowest bidder meeting specification of seven 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.**

40. Ratify Amendment No. 2 to the contract with ORCOM SOLUTIONS, INC., Bend, OR, DBA ALLIANCE DATA SYSTEMS, for costs incurred for the Customer Information System's production services rendered in excess of authorized spending limits in an amount not to exceed \$261,337, for a revised total contract not to exceed \$52,389,937. (Funding in the amount of \$261,337 is available in the 2003-2004 Amended Operating Budget for the Electric Utility Department.) This contract was awarded in compliance with Chapter 2-9 of the City Code (Minority-Owned and Women-Owned Business Enterprise Procurement Program). No subcontracting opportunities were identified; therefore, no goals were established for this solicitation.

**The motion authorizing Amendment No. 2 to the contract was approved.**

41. Authorize negotiation and execution of Amendment No. 3 to the service agreement with ORCOM SOLUTIONS, INC., Bend, OR, DBA ALLIANCE DATA SYSTEMS, to purchase additional software modules and services (Online Customer Care and Electronic Bill Presentment and Payment) and to pay for increased volume and services to the Customer Information System in an amount not to exceed \$14,996,505, for a revised total agreement amount not to exceed \$67,386,442. (Funding in the amount of \$1,367,345 is available in the 2003-2004 Amended Operating Budget for the Electric Utility Department. Funding for future years is contingent upon available funding in future budgets.) This contract was awarded in compliance with Chapter 2-9 of the City Code (Minority-Owned and Women-Owned Business Enterprise Procurement Program). No subcontracting opportunities were identified; therefore, no goals were established for this solicitation.

**The motion authorizing the negotiation and execution of Amendment No. 3 to the service agreement was approved.**

42. Authorize execution of a contract with TRANS AMERICAN POWER PRODUCTS, INCORPORATED, Houston, TX, for the purchase of 137 steel transmission poles in an amount not to exceed \$3,299,035. (Funding is included in the Fiscal Year 2003-2004 Approved Capital Budget of the Electric Utility Department.) Lowest bid meeting specification of nine 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.**

43. Authorize execution of a 12-month supply agreement with SHADES OF GREEN (WBE/FR-100%), Austin, TX, for large locally grown trees in an amount not to exceed \$100,722, with four 12-month extension options in an amount not to exceed \$100,722 per extension option, for a total agreement amount not to exceed \$503,610. (Funding in the amount of \$33,574 is available in Fiscal Year 2003-2004 Amended Operating Budget for 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 two bids received. This contract will be awarded in compliance with Chapter 2-9 of the City Code (Minority-Owned and Women-Owned Business Enterprise Procurement Program). No subcontracting opportunities were identified; therefore, no goals were established for this solicitation.

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

44. Authorize execution of amendment No. 2 to increase the interlocal agreement between the City of Austin and NEW MEXICO STATE PURCHASING AGENT (NMSPA) to participate in the Western States Contracting Alliance (WSCA) for the purchase of servers, laptops, desktops, monitors, extended warranties and internal parts in an amount not to exceed \$3,360,589, for a revised total agreement amount not to exceed \$11,429,639. The City is in the final extension option of this agreement which ends on September 2, 2004. (Funding in the amount of \$830,451 is available in fiscal year 2003-04 Operating Budgets; \$149,800 is available in Grant Funding; and \$2,392,890 is available in Capital Budgets, of various City Departments.) Cooperative Purchasing.

**The motion authorizing the execution of amendment No. 2 to increase the interlocal agreement was approved.**

45. Authorize execution of a 11-month supply agreement through the TEXAS BUILDING AND PROCUREMENT COMMISSION with VALERO MARKETING AND SUPPLY COMPANY, San Antonio, TX, for the supply of ultra low sulfur motor vehicle diesel fuel for Fleet Services in an amount not to exceed \$2,750,000, with one 12-month extension option in an amount not to exceed \$3,000,000, for a total agreement amount not to exceed \$5,750,000. (Funding in the amount of \$1,000,000 is available in the Fiscal Year 2003-2004 Approved Operating Budget of the Financial and Administrative Services Department, Fleet Fund. Funding for the remaining seven months of the original contract period and extension option is contingent upon available funding in future budgets.) Cooperative Purchasing.

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

46. Authorize execution of three contracts with: LONGHORN INTERNATIONAL TRUCKS LTD., Austin, TX, for nine heavy trucks in an amount not to exceed \$635,601; FREIGHTLINER OF AUSTIN, Austin, TX, for six heavy trucks in an amount not to exceed \$973,458; and with POSTON EQUIPMENT SALES, INC., Pearland, TX, for one mini-derrick and trailer in an amount not to exceed \$70,599. (Funding in the amount of \$113,538 is available in the Fiscal Year 2003-2004 Approved Operating Budget of the Finance and Administrative Services Department, Vehicle Acquisition Fund. Funding in the amount of \$87,667 is available in the Fiscal Year 2003-2004 Approved Operating Budget of the Aviation Department. Funding in the amount of \$119,290 is available in the Fiscal Year 2003-2004 Approved Operating Budget of the Public Works Department, Transportation Fund. Funding in the amount of \$160,611 is available in the Fiscal Year 2003-2004 Approved Capital Budget of the Solid Waste Services Department.



Funding in the amount of \$133,604 is available in the Fiscal Year 2003-2004 Approved Capital Budget of the Watershed Protection and Development Review Department. Funding in the amount of \$1,064,948 is available in the Fiscal Year 2003-2004 Approved Capital Budget of the Electric Utility Department.) Lowest bids of eight bids received. This contract will be awarded in compliance with Chapter 2-9 of the City Code (Minority-Owned and Women-Owned Business Enterprise Procurement Program). No subcontracting opportunities were identified; therefore, no goals were established for this solicitation.

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

47. Authorize execution of a 12-month revenue agreement with AUSTIN METAL & IRON COMPANY, INC., Austin, TX, for the sale of scrap metal in an amount of \$216,873.58, with three 12-month extension options in an amount of \$216,873.58 per extension option, for a total agreement amount of \$867,494.32. (Revenue generated for the remainder of Fiscal Year 2003-2004 will be placed in the Operating Budgets of the following Departments: Electric Utility (\$188,879.19), Austin Water Utility (\$16,905.51), Public Works (\$8,532.04), and Financial and Administrative Services (\$2,556.84). Revenue for the extension options will be placed in Operating Budgets.) One bid received. This contract will be awarded in compliance with Chapter 2-9 of the City Code (Minority-Owned and Women-Owned Business Enterprise Procurement Program). No subcontracting opportunities were identified; therefore, no goals were established for this solicitation.

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

48. Authorize execution of Amendment No. 2 for the purchase of an additional 40 Megawatts (MW) of wind power over a 12-year term with RES NORTH AMERICA LLC, Palm Beach Gardens, FL, in an amount not to exceed \$18,000,000, for a revised total contract amount not to exceed \$110,000,000. (Funding will be provided through future GreenChoice Power charge revenue.) This contract was awarded in compliance with Chapter 2-9 of the City Code (Minority-Owned and Women-Owned Business Enterprise Procurement Program). No subcontracting opportunities were identified; therefore, no goals were established for this solicitation.

**The motion authorizing the execution of Amendment No. 2 was approved.**

49. Approve an ordinance amending City Code Section 12-4-42 by adding Old Bee Caves Road from William Cannon Drive (West) to Travis County Line (2,075 feet from SH 71) to the list of streets having a maximum speed limit of 40 miles per hour. (Funding in the amount of \$900 is available in the Fiscal Year 2003-2004 Operating Budget of the Transportation, Planning & Sustainability Department for the installation of necessary signs.)

**Ordinance No. 040527-49 was approved.**

50. Amend Ordinance No. 030908-02, the Fiscal Year 2003-2004 Capital Budget of the Transportation, Planning & Sustainability Department by appropriating \$21,619,500 in Capital Metro Transit Authority funding for regional mobility, roadway improvement, sidewalk, bicycle and traffic signalization projects; amend Ordinance No. 030908-02, the Fiscal Year 2003-2004 Capital Budget of the Public Works Department by appropriating \$4,500,000 for roadway improvements. (Funding is available from an Interlocal Agreement with Capital Metropolitan Transportation Authority (1/4 cent of each cent collected within the City's jurisdiction).)

**Ordinance No. 040527-50 was approved.**

51. Approve execution of an Interlocal Agreement with governmental entities in the Colorado River basin for membership in the Texas Colorado River Floodplain Coalition. (Funding in the amount of \$1,500 is included in the Fiscal Year 2003-2004 Operating Budget of the Watershed Protection and Development Review Department.)

The motion authorizing the execution of an Interlocal Agreement was approved.

52. Board and Commission Appointments.  
The following appointments were made:

<u>Board/ Appointee</u>	<u>Consensus/ Council Nominee</u>	<u>Appointment/ Reappointment</u>
<u>Firefighters' and Police Officers' Civil Service Commission</u>		
Gerald Henderson	Consensus	Reappointment
<u>Human Rights Commission</u>		
James Eccles	Council Member McCracken's	Appointment
Delia Meyer	Council Member Alvarez'	Appointment
<u>MBE/WBE Advisory Committee</u>		
Sylvia Acevedo	Consensus	Appointment
<u>RMMA Plan Implementation Advisory Commission</u>		
Rob Carruthers	Consensus	Reappointment
<u>Zoning and Platting Commission</u>		
Teresa Rabago	Council Member Alvarez'	Appointment

53. Approve waiver of certain fees and authorize payment of certain costs for the Lesbian Gay Rights Lobby Gay Pride Festival to be held at Fiesta Gardens on June 5th and 6th, 2004. (Council Member Brewster McCracken, Mayor Pro Tem Jackie Goodman and Council Member Raul Alvarez)

The motion authorizing the waiver of certain fees and payment of certain costs was approved. Council Member Thomas voted no.

54. Approve an ordinance authorizing the payment of an amount not to exceed \$3,818.80 for the employment of off-duty peace officers in connection with the Austin Gay and Lesbian Chamber of Commerce's Gay Pride Parade to be held on June 5, 2004. (Council Member Brewster McCracken and Mayor Pro Tem Jackie Goodman)

Ordinance No. 040527-54 was approved. Council Member Thomas voted no.

Item 55 was set for a 6:00 p.m. time certain.

56. Approve a resolution directing the City Manager to initiate the renaming process for the Southeast Service Center located at 3907 South Industrial Drive, in honor of former City employee Glen Bell. (Mayor Pro Tem Jackie Goodman and Council Member Betty Dunkerley)  
Resolution No. 040527-56 was approved.

57. Approve a resolution establishing an interim City/County Healthcare Subcommittee to establish conflict of interest standards for the appointment of the Travis County Hospital District Board of Managers and to consider Hospital District transition issues and appoint two City Council members to the Subcommittee. (Approved by the Council Healthcare Subcommittee on May 25, 2004) (Council Member Betty Dunkerley and Mayor Pro Tem Jackie Goodman)

Resolution No. 040527-57 appointing Mayor Pro Tem Goodman and Council Member Dunkerley to the Subcommittee was approved.

58. Set a public hearing 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. (Suggested date and time: June 17, 2004 at 6:00 p.m., Lower Colorado River Authority, Hancock Building) (Denied by the Planning Commission.)  
**The public hearing was set for June 17, 2004 at 6:00 p.m., Lower Colorado River Authority, Hancock Building.**
59. Set a public hearing to consider a request for a waiver from the minimum distance requirement of City Code Section 4-9-4(A) which requires 300 feet between a business, Baja Fresh, that proposes to sell alcoholic beverages at 2100 Guadalupe and a church, St. Austin's Catholic Parish, located at 2026 Guadalupe. (Suggested date and time: June 10, 2004 at 6:00 p.m., Lower Colorado River Authority, Hancock Building.)  
**The public hearing was set for June 10, 2004 at 6:00 p.m., Lower Colorado River Authority, Hancock Building.**
60. Set a public hearing to consider amendments to Chapter 25-2, 25-3, and 25-6 of the City Code to modify the definitions for custom manufacturing and general retail sales (convenience); 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. (Suggested date and time: June 17, 2004 at 6:00 p.m., Lower Colorado River Authority, Hancock Building.)  
**The public hearing was set for June 17, 2004 at 6:00 p.m., Lower Colorado River Authority, Hancock Building.**
61. Set a public hearing to receive public comment regarding proposed modifications to the Brackenridge Urban Renewal Plan, the Blackshear Urban Renewal Plan, and Glen Oaks Urban Renewal Plan which will terminate the plans and the project controls with respect to each of these urban renewal plans. (Suggested date and time: August 5, 2004 at 6:00 p.m., Lower Colorado River Authority, Hancock Building.) (Recommended by the Urban Renewal Board. The Planning Commission will make recommendations on June 22, 2004.)  
**The public hearing was set for August 5, 2004 at 6:00 p.m., Lower Colorado River Authority, Hancock Building.**
62. Set a public hearing regarding changing the building heights, setbacks, impervious cover and parking requirements along the East Twelfth Street corridor and changing definitions in the plan to exempt single story buildings with less than 2,000 square feet on East Twelfth Street of single story buildings on East Eleventh Street from the mixed use requirements, to allow personal services in the downtown and entertainment oriented retail use and to provide publicly-funded community parking in the East 11<sup>th</sup> and 12<sup>th</sup> Streets Urban Renewal Plan. (Suggested date and time: August 5, 2004 at 6:00 p.m., Lower Colorado River Authority, Hancock Building.) (Urban Renewal Board will make recommendations on June 21, 2004; the Planning Commission will make recommendations on June 22, 2004.)  
**The public hearing was set for August 5, 2004 at 6:00 p.m., Lower Colorado River Authority, Hancock Building.**

Items 63 through 71 were Executive Session items.

Items 72 through 73 were action on Executive Session items.

Item 74 was a briefing item set for a time certain at 2:00 p.m.

Items AHFC-1 through AHFC-2 were set for a time certain at 3:00 p.m.

Items 75 through 78 and Z-1 through Z-5 were Zonings set for a time certain at 4:00 p.m.

Items 79 through 80 were Public Hearing items set for a time certain at 6:00 p.m.

### **DISCUSSION ITEMS**

9. Approve Service Extension Request No. 2246 for wastewater utility service not to exceed a peak wet weather flow of 36 gallons per minute (gpm) for a tract of approximately 12.26 acres owned by Leon Schmidt, located within the Drinking Water Protection Zone in the extraterritorial jurisdiction of Austin in the 2500 block of Loop 360. (Recommended by the Water and Wastewater Commission) (Related Item 10)  
**The motion authorizing the Service Extension Request No. 2246 was approved on Council Member Slusher's motion, Council Member Alvarez' second on a 5-0 vote. Mayor Wynn was absent. Council Member Dunkerley was off the dais.**
10. Approve Service Extension Request No. 2309 for water utility service not to exceed a peak hour flow of 92 gallon per minute (gpm) for a tract of approximately 12.26 acres owned by Leon Schmidt, located within the Drinking Water Protection Zone in the extraterritorial jurisdiction of Austin in the 2500 block of Loop 360. (Recommended by the Water and Wastewater Commission) (Related Item 9)  
**The motion authorizing the Service Extension Request No. 2309 was approved on Council Member Slusher's motion, Council Member Alvarez' second on a 5-0 vote. Mayor Wynn was absent. Council Member Dunkerley was off the dais.**

Mayor Pro Tem Goodman recessed the Council Meeting to go into Executive Session at 11:32 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**

Mayor Pro Tem announced that Council would discuss item number 29 on the regular agenda during Executive Session.

Executive Session ended and Mayor Pro Tem Goodman called the Council Meeting back to order at 12:24 p.m.

### **CITIZEN COMMUNICATIONS: GENERAL**

Jimmy Castro - Children's Miracle Network Celebration

Pat Johnson - Why is this continuing to happen?

Robert Singleton - What 's next for Mueller?

Mary Lehmann - Mueller

Mary Peace Kirksey - Full Inquiry into Chief Knee's Refusal to give case number or take any other action to Protect My Rights! **She was not present when her name was called.**

Jennifer L. Gale – **She spoke later in the meeting.**

### **DISCUSSION ITEM**

29. Authorize execution of a construction contract with CAPITAL EXCAVATION COMPANY, Austin, TX, for (1) street reconstruction of East William Cannon Drive from east of the intersection of South Pleasant Valley Road / East William Cannon Drive to east of the intersection of East William Cannon Drive / Running Water Drive and (2) the construction of the South Austin Soccer Complex east of Onion Creek and north of East William Cannon Drive in the amount of \$5,887,527.68 plus a \$294,376.38 contingency, for a total contract amount not to exceed \$6,181,904.06. (Funding in the amount of \$5,355,625.24 is available in the Fiscal Year 2002-2003 Amended Capital Budget for the Transportation, Planning, and Sustainability Department; \$826,278.82 is available in the Fiscal Year 2002-2003 Amended Capital Budget of the Parks and Recreation Department, with \$420,000 available from the Austin Men's Soccer Association private contribution.) Lowest compliant bid of six received. 9.08% DBE subcontractor participation. (Related Item 21)

**The motion accepting staff recommendation was approved on Council Member Alvarez' motion, Mayor Pro Tem Goodman's second on a 5-0 vote. Mayor Wynn was absent. Council Member Dunkerley was off the dais.**

**Mayor Pro Tem Goodman recessed the Council Meeting to go into Executive Session at 12:50 p.m.**

63. Discuss legal issues related to a proposed amendment to the regulations applicable to the Mission Bethany Subdivision to allow the transfer of impervious cover within the subdivision and to extend the expiration date of Ordinance No. 980507-A which established regulations for the subdivision. The subdivision is generally located at the intersection of Slaughter Lane and Wolftrap Drive in the area subject to the Save Our Springs Initiative.  
**No discussion was held on this item.**

**Executive Session ended and Mayor Pro Tem Goodman called the Council Meeting back to order at 2:22 p.m.**

### **CITIZEN COMMUNICATION CONTINUED**

Jennifer L. Gale - City of Austin Holiday for Judge Coronado, Cecilia M. Wood, Christopher Lyon and Christopher Standage for fighting for our Constitutional Right to Sleep.

1. Approval of minutes from the meetings of April 15, and May 20, 2004.  
**The minutes from the meetings of April 15, and May 20, 2004 were approved.**

**A motion to reconsider Item 1 was approved on Council Member Alvarez' motion, Mayor Pro Tem Goodman's second on a 5-0 vote. Mayor Wynn was absent. Council Member McCracken was off the dais.**

The minutes from the meetings of April 15, and May 13, 2004 were approved on Council Member Alvarez' motion, Mayor Pro Tem Goodman's second on a 5-0 vote. Mayor Wynn was absent. Council Member McCracken was off the dais.

### BRIEFINGS

74. Update on the activities of the Community Action Network.  
The presentation was made by Fred Butler, Community Action Network.

### BOARD OF DIRECTORS MEETING OF AUSTIN HOUSING FINANCE CORPORATION.

Mayor Pro Tem Goodman recessed the Council Meeting at 3:04 p.m. to go into the Board of Director's Meeting of the Austin Housing Finance. See separate minutes.

AHFC adjourned and the regular Council meeting was called back to order at 3:06 p.m.

Mayor Pro Tem Goodman recessed the Council Meeting to go into Executive Session at 3:07 p.m.

Executive Session ended and Mayor Pro Tem Goodman called the Council Meeting back to order at 4:34 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 Alvarez' motion, Mayor Pro Tem Goodman's second on a 6-0 vote. Mayor Wynn was absent.

75. C14-03-0147 - Rich Retail Center - Approve second/third readings of an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 8700 Block of South First Street (Slaughter Creek Watershed) from development reserve (DR) district zoning to community commercial-conditional overlay (GR-CO) combining district zoning for Tract 3; neighborhood commercial-conditional overlay (LR-CO) combining district zoning for Tract 2; townhouse & condominium residence (SF-6) district zoning for Tract 1, with conditions. First reading on March 25, 2004. Vote: 7-0. Conditions met as follows: Conditional Overlay and Restrictive Covenant incorporates the conditions imposed or accepted by City Council at first ordinance reading. Applicant: Mickey Rich Plumbing and Heating (Mickey Rich). Agent: Land Answers (Jim Wittliff). City Staff: Wendy Walsh, 974-7719.  
**Ordinance No. 040527-75 was approved.**
76. Amend Ordinance No. 040226-Z-4, to clarify the conditions of zoning for the property known as 13497 U.S. Highway 183 North, further described in file number C14-03-0180. Applicant: Pecan Center (Louis R. Williams). Agent: Richard H. Crank, ASLA. City Staff: Sherri Gager, 974-3057.  
**Ordinance No. 040527-76 was approved.**
77. C14-03-0098 - Southwest Parkway II - Approve second/third readings of an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as Southwest Parkway at Terravista Drive (Barton Creek Watershed-Barton Springs Zone) from community commercial (GR) district zoning, general office (GO) district zoning and limited office (LO) district zoning to townhouse and condominium residence (SF-6) district zoning with conditions. First reading on August 28, 2003. Vote: 7-0. Conditions met as follows: Restrictive Covenant incorporates the conditions accepted by Council on first ordinance reading. Applicant: Hilltop Joint Venture (Mac Spellman Jr.). Agent: Urban Design Group (Laura Toups). City Staff: Glenn Rhoades, 974-2775.

**Ordinance No. 040527-77 was approved.**

78. C14-04-0004.002 (PART) - Approve third reading of an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 7700-7720 North Lamar Boulevard and 822 Taulbee Lane (Tract 123) (Waller Creek Watershed.) The Neighborhood Mixed Use Building special use is proposed for Tract 123. The proposed zoning change will also change the base district on the tract of land from general commercial services (CS) to general commercial services-mixed use-conditional overlay-neighborhood plan (CS-MU-CO-NP) combining district zoning. First reading on March 4, 2004. Vote: 6-0, McCracken off the dais. Second Reading on April 1, 2004. Vote: 6-0, Goodman off the dais. Conditions met as follows: Conditional Overlay incorporates the conditions imposed by Council on second ordinance reading. Applicant: City of Austin. Agent: Neighborhood Planning and Zoning Department. City Staff: Wendy Walsh, 974-7719 and Scott Whiteman, 974-2865.  
**This item was postponed to July 29, 2004.**

### **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 McCracken's motion, Council Member Alvarez' second on a 6-0 vote. Mayor Wynn was absent.

- Z-1 Conduct a public hearing and approve an ordinance to amend the Montopolis Neighborhood Plan for a portion of 900 Bastrop Hwy and a portion of 7300-7320 Riverside Drive, to change the Future Land Use Map from commercial to single family residential. (Planning Commission supported staff recommendation to deny the plan amendment request.) (Related Item Z-2)  
**This item was postponed to July 29, 2004.**
- Z-2 C14-03-0154.SH - Steiner Tract - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 7300-7320 Riverside Drive and 900 Bastrop Highway (Tract 3) (Carson Creek Watershed) from general commercial services-conditional overlay-neighborhood plan (CS-CO-NP) combining district zoning to single-family residence small lot (SF-4A) district zoning. Planning Commission Recommendation: To deny single-family residence small lot (SF-4A) district zoning. Applicant: Robert Steiner. Agent: Minter, Joseph, and Thornhill, P.C. (John Joseph, Jr.). City Staff: Annick Beaudet, 974-2975. (Related Item Z-1)  
**This item was postponed to July 29, 2004.**
- Z-3 C14-04-0054 - Manchaca Heights - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by zoning property locally known as 11003 Manchaca Road (Slaughter Creek Watershed) from interim-rural residence (I-RR) district zoning to single family residence small lot (SF-4A) district zoning. Zoning and Platting Commission Recommendation: To grant single family residence small lot - conditional overlay (SF-4A-CO) combining district zoning. Applicant: Samuel Alexander. Agent: Waterloo Development, Inc. (Chris Blackburn). City Staff: Wendy Walsh, 974-7719.  
**This item was postponed to June 10, 2004.**
- Z-4 C14-04-0043 - Attal Site - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as Zimmerman Lane, east of R.M. 620 (Bull Creek Watershed) from development reserve (DR) district zoning to single family residence standard lot (SF-2) district zoning. Zoning and Platting Commission Recommendation:

To grant single family residence standard lot (SF-2) district zoning. Applicant: Wolfred Attal. Agent: Trammell Crow Company (Jill Allison). City Staff: Sherri Gager, 974-3057.  
**Ordinance No. 040527-Z-4 for single family residence standard lot (SF-2) district zoning was approved.**

### DISCUSSION ITEM

- Z-5 C14H-04-0001 - Driver-Metcalf House. Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 1204 Travis Heights Boulevard from family residence (SF-3) district to family residence-historic (SF-3-H) combining district. Historic Landmark Commission Recommendation: To grant family residence-historic (SF-3-H) combining district. Planning Commission Recommendation: To deny family residence-historic (SF-3-H) combining district. Applicant: Historic Landmark Commission. City Staff: Steve Sadowsky, Historic Preservation Office, Transportation, Planning and Sustainability Department, 974-6454.  
**This item was postponed to June 10, 2004 with direction to staff to mediate between the neighborhood and property owner on Council Member McCracken's motion, Mayor Pro Tem Goodman's second on a 6-0 vote. Mayor Wynn was absent.**

Mayor Pro Tem Goodman recessed the Council Meeting to go into Executive Session at 5:15 p.m.

### EXECUTIVE SESSION CONTINUED

64. Discuss legal issues concerning violations of Chapter 25-8 of the City Code related to development of the tract located at 4110 Bunny Run, Austin, Texas (concerns the Bunnybend Condominiums). (Related Item 72)
65. Discuss legal issues regarding the City's subleases with CSC (Computer Sciences Corporation) for development of the Second Street Retail District and the legal services agreement with Bell, Nunnally & Martin, PLLC. (Related Item 19)  
**No discussion was held on this item.**
66. Discuss legal issues regarding the terms of a lease, irrigation and maintenance agreement between Northwest Travis County Municipal Utility District No. 2, Balcones Country Club Membership Association, Inc., and Technology Hydraulics, Inc.
67. Discuss legal issues regarding wastewater utility service to customers in Davenport Ranch area located generally east of Capital of Texas Highway (Loop 360) and south of Lake Austin in the vicinity of intersection of Capital of Texas Highway (Loop 360), Westlake Drive, and Ravine Ridge in northwest Travis County.
68. Discuss legal issues in *City of Austin, et al. v. Les Brownlee, Acting Secretary of the Army, et al.*, No. 03-1428, in the United States Supreme Court. (regarding operation of the Longhorn Pipeline)
69. Discuss legal issues in *Cypress Construction v. City of Austin*, Cause No. GN103911, in the 250<sup>th</sup> Judicial District Court of Travis County, Texas. (relating to William Cannon Bridge Project, Westover Drive Storm Sewer Project, and the East Austin Sidewalk Project construction contracts) (Related Item 73)



**Real Property - Section 551.072**

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

**Public Power Utility Competitive Matters - Section 551.086**

71. Discuss the performance review of the Energy Risk Management Pilot Program of Austin Energy.

**LIVE MUSIC**

Ginger Leigh

**PROCLAMATIONS**

Certificates of Appreciation - Clean Air Action Plan - to be presented by Mayor Pro Tem Jackie Goodman and to be accepted by the honorees

Certificates of Congratulations - Lonestar Council Women of Distinction Award Winners - to be presented by Mayor Pro Tem Jackie Goodman and to be accepted by the honorees

Proclamation - National Public Works Week - to be presented by Mayor Pro Tem Jackie Goodman and to be accepted by Sondra Creighton and Public Works employees

Proclamation - Jeannette Watson Day - to be presented by Mayor Pro Tem Jackie Goodman and to be accepted by Rhonda Paver

**Executive Session ended and Mayor Pro Tem Goodman called the Council Meeting back to order at 7:00 p.m.**

**Action on Executive Session**

73. Approve a settlement in *Cypress Construction v. City of Austin*, Cause No. GN103911, in the 250<sup>th</sup> Judicial District Court of Travis County, Texas. (relating to William Cannon Bridge Project, Westover Drive Storm Sewer Project, and the East Austin Sidewalk Project construction contracts)(Related Item 69)

**The motion authorizing a settlement in *Cypress Construction v. City of Austin* in the amount of \$300,000 was approved on Council Member McCracken's motion, Council Member Thomas' second on a 5-0 vote. Mayor Wynn was absent. Council Member Alvarez was off the dais.**

72. Approve an ordinance adopting a settlement agreement regarding development tract located at 4110 Bunny Run, Austin, Texas; and granting variances to Sections 25-8-211 and 25-8-454 of the City Code to implement the settlement.(Related Item 64)

**Ordinance No. 040527-72 was approved on Council Member Slusher's motion, Council Member Dunkerley's second on a 6-0 vote. Mayor Wynn was absent.**

**PUBLIC HEARINGS AND POSSIBLE ACTION**

80. Conduct a public hearing and consider action on an appeal by Mike McHone of the Planning Commission's decision to deny a conditional use permit for transitional housing at 5117 North Lamar. (Not Recommended by the Planning Commission.)  
**This item was postponed to June 24, 2004 on Council Member Thomas' motion, Council Member Dunkerley's second on a 6-0 vote. Mayor Wynn was absent.**
55. Approve a resolution directing the City Manager to initiate the renaming of Ft. Branch Boulevard in honor of Reverend J. R. Williams. (Mayor Pro Tem Jackie Goodman and Council Member Danny Thomas)  
**Resolution No. 040527-55 was approved on Council Member Thomas' motion, Mayor Pro Tem Goodman's second on a 6-0 vote. Mayor Wynn was absent.**
79. Conduct a public hearing and amend the Electric Rate Schedule in Exhibit A of Ordinance No. 030908-04 to add a Distributed Generation from Renewable Sources Rider for customers who own and operate on-site generating systems powered by renewable resources and that produce 20 kilowatts (kW) or less (this proposed rider would establish rates and terms and conditions for renewable generation interconnected with the Austin Energy system).  
**The public hearing was closed on Council Member Slusher's motion, Mayor Pro Tem Goodman's second on a 6-0 vote. Mayor Wynn was absent.**

**Ordinance No. 040527-79 with the following friendly amendment was approved on Council Member Slusher's motion, Council Member McCracken's second on a 6-0 vote. Mayor Wynn was off the dais. The friendly amendment to the ordinance from Council Member Slusher was for the utility to come back to Council with the recommendation on the lead certified buildings issue.**

**The motion to adjourn the meeting at 8:02 p.m. was approved on Council Member Slusher's motion, Mayor Pro Tem Goodman's second on a 6-0 vote. Mayor Wynn was absent.**

**The minutes for the Regular Meeting of May 27, 2004 were approved on this the 10th day of June, 2004 on Council Member Alvarez' motion, Council Member Dunkerley's second on a 6-0 vote. Mayor Pro Tem Goodman was off the dais.**