



**Austin City Council  
MINUTES**

**REGULAR MEETING  
THURSDAY, APRIL 3, 2003**

**The following represents the actions taken by the Austin City Council in the order they occurred during the meeting. While the minutes are not in sequential order, all agenda items were discussed.**

**The City Council of Austin, Texas, convened in a regular meeting on Thursday, April 3, 2003 in the Board Room at Lower Colorado River Authority Hancock Building, 3700 Lake Austin Boulevard.**

**Invocation:** Sharon Bryant, Senior, Austin Presbyterian Theological Seminary

**Mayor Garcia called the Council Meeting to order at 12:04 p.m.**

**Mayor Garcia recessed the meeting at 12:07 p.m. to go into Executive Session**

**EXECUTIVE SESSION**

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

**Real Property - Section 551.072**

1. Discuss acquisition of an interest in real property for the Open Space Project (November 2000 Bond Election) through City's Agreement with Hill Country Conservancy ("HCC").

**Private Consultation With Attorney - Section 551.071**

2. Discuss legal issues related to lease of Brackenridge Hospital and Children's Hospital of Austin.  
**This item was postponed to April 10, 2003**

**Item 3 was discussed later in the meeting.**

4. Discuss legal issues related to appeal of the Watershed Protection and Development Review Director's drainage fee decision for Greenwood Towers. (Related Item 29)
5. Discuss legal issues related to *City of Austin v. Feaster & Associates, et al.*, Cause Number GN202546 in the 201st Judicial District Court of Travis County, Texas. (concerns the City's claim for additional costs incurred because of defective process in the COA v. Whittington condemnation case ).
6. Discuss legal issues related to *Save Our Springs Alliance and Circle C Neighborhood Association v. The City of Austin, Circle C Land Corporation and Stratus Properties, Inc.*, Cause Number

GN202018 in the 261st Judicial District Court of Travis County, Texas (concerns the state grandfathering statute, Chapter 245 of the Texas Local Government Code) and discuss legal issues related to *Save Our Springs Alliance v. The City of Austin and Circle C Land Corporation*, Cause Number GN 300095 in the 126th Judicial District Court of Travis County, Texas (concerns the settlement agreement between the City and Circle C Land Corporation concerning development of land in the Barton Springs Recharge Zone).

**Executive Session ended at 1:37 p.m.**

**Mayor Garcia called the regular Council meeting back to order at 1:38 p.m.**

**1:30 P.M. CITIZEN COMMUNICATIONS: GENERAL**

- Joaquin Fox - Early Candidacy and write-in status for Mayor this Election (May 3, 2003)  
**Not present when called.**
- Susana Almanza - Close Holly Power Plant - Protect Children. Reduce Industrial (LI) Zoning in East Austin. Remove Zoning that allows hazardous facilities near schools and residents.
- Sylvia Herrera - Rezoning of LI properties in East Austin to compatible zoning for residential areas. Limit C5 Zoning.
- Janice Cheung - Request City Council to write a letter to co-sign letter to President Bush about free Charles Li, American Citizen.
- Mary Ingle - Revisit Super-Duplexes
- Colleen Daly - Super-Duplexes
- Xiaodan Wang - Falun Da Fa/Father inside China was persecuted
- Jon Empey - Carson Creek, the law's delay and the insolence of office.
- Gus Pena - To Discuss City Issues and its Negative Impact on the Poor, Have Nots And Disenfranchised. **Not present when called.**

**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 7-0 vote.**

7. Approval of minutes from work session of March 26, 2003 and the regular meeting of March 27, 2003.  
**The minutes from the work session of March 26, 2003 and the regular meeting of March 27, 2003 were approved.**

**Item 8 was pulled for discussion.**

9. Approve an ordinance making non-substantive amendments to the City Code to correct clerical errors.  
**Ordinance No. 030403-09 was approved**
10. Authorize execution of an amendment to the legal services agreement with Rogers & Wright, P.C., for legal services concerning the City's condemnation case, City of Austin v. Harry M. Whittington, et al., Cause No. 2403, in the Travis County Court, for an increase of \$20,000, with a total amount not to exceed \$146,000. (Funding in the amount of \$10,000 is available in the 2002-2003 Approved Operating Budget of the Austin Convention Center, and \$10,000 in the Fiscal Year 2002-2003 Amended Operating Budget of the Electric Utility Department.)

**The motion authorizing the execution of an amendment to the legal services agreement was approved.**

11. C14-02-0182 - Skinner Nurseries - Approve second/third readings of an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 12500 Cameron Road (Harris Branch Creek Watershed) from DR, Development Reserve district zoning to IP, Industrial Park district zoning as originally requested by the applicant. City Council approved LO-CO, Limited Office-Conditionally Overlay Combining district zoning at first reading. First reading on February 27, 2003. Vote: 7-0. Conditions met as follows: Conditional Overlay incorporates the conditions imposed by Council on first ordinance reading. Applicant: Shelby Gunter. Agent: LOC Consultants (Mauricio Quintero/ Sergio Lozano). City Staff: Sherri Gager, 974-3057.

**Ordinance No. 030403-11 was approved.**

12. Approve a resolution authorizing execution of a six-month lease extension for 23,118 square feet of office space located at 114 W. 7th Street, from NORWOOD TOWER LP, 114 W. 7th Street, Suite 300, Austin, TX for the Law Department, in an amount not to exceed \$451,753.50. (Funding for the extension period is contingent upon available funding in future budgets.)

**Resolution No. 030403-12 was approved.**

13. Authorize execution of change order #5 to the construction contract with THE BARR COMPANY, Austin, TX, (MBE/FH, PRIME 52.01%) for Caswell Tennis Center Pro-Shop Addition and Renovation and additional base material in the amount of \$138,165, for a total contract amount not to exceed \$1,371,298.00. (Funding in the amount of \$138,165 is available in the Fiscal Year 2002-2003 Approved Capital Budget of the Parks & Recreation Department.) 4.56% MBE, 10.27% WBE subcontracting participation.

**The motion authorizing the execution of change order #5 to the construction contract was approved.**

14. Authorize execution of a construction contract with AARON CONCRETE CONTRACTORS, INC., (MH/MB, 35.39%) , Austin, TX for street improvements to Southwest Parkway from William Cannon Drive to the Austin City Limits, and at the intersection of Southwest Parkway and The Republic of Texas Boulevard, as the Southwest Parkway Street Reconstruction, Utility Adjustments and Bridge Rail Reconstruction Project in the amount of \$2,706,294, plus a \$135,314 contingency, for a total contract amount not to exceed \$2,841,608. (Funding in the amount of \$2,841,608 is included in Fiscal Year 2002-2003 Capital Budget of the Public Works Department.) Lowest of four bids received. 7.00% MBE, 10.45% WBE subcontracting participation.

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

15. Authorize execution of a construction contract with BARECKY CONSTRUCTION COMPANY, Wimberly, TX, for construction of three metal storage buildings and a vehicle wash bay at the Austin-Bergstrom International Airport, in an amount not to exceed \$740,381. (Funding in the amount of \$740,381 is included in the Fiscal Year 2002-2003 Capital Budget of the Aviation Department.) Lowest of eleven bids received. 18.77% MBE and 10.41% WBE subcontractor participation.

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

16. Authorize negotiation and execution of an amendment to the professional services agreement with TERRA-MAR, INC., Austin, TX, for soils and materials testing for streets and utilities on City of Austin and subdivision projects inspected by the City, and for a period of approximately

four months, or until authorized funding is expended, in an amount not to exceed \$100,000 for a total contract amount not to exceed \$1,842,000. (Funding in the amount of \$100,000 is available in the various Capital and/or Operating budgets of the various departments for which services are needed.) The MBE/WBE ordinance in effect at that time the contract was awarded exempted firms from good faith efforts if they could perform the work of the entire contract with their own forces. Terra-Mar will comply with the current ordinance requiring either meeting the goals or making good faith efforts.

**The motion authorizing the negotiation and execution of an amendment to the professional services agreement was approved.**

17. Authorize execution of a 12-month service agreement with AUSTIN RECLAIMED MATERIALS, LP, Austin, TX for (recycled Trap Rock) aggregate screening services in an amount not to exceed \$85,500, with two 12-month extension options in an amount not to exceed \$85,500 per extension option, for a total contract amount not to exceed \$256,500. (Funding in the amount of \$42,750 is available in 2002-2003 Approved Operating Budget of the Public Works. Funding for the remaining six 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 the 1996 MBE/WBE Ordinance, as amended. No subcontracting opportunities were identified; therefore, no goals were established for this solicitation.

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

18. Authorize execution of a 12-month supply agreement with AUSTIN CRUSHED STONE COMPANY, INC., Austin, TX, for flexible base in an amount not to exceed \$55,760, with two 12-month extension options in an amount not to exceed \$55,760 per extension option, for a total agreement amount not to exceed \$167,280. (Funding in the amount of \$27,880 is available in 2002-2003 Approved Operating Budget for the Public Works Department, Transportation Fund. Funding for the remaining six months of the original contract period and extension option is contingent upon available funding in future budgets.) Only bid received. This contract will be awarded in compliance with the 1996 MBE/WBE Ordinance, as amended. There are no subcontracting opportunities; therefore, no goals were established for this solicitation.

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

19. Authorize execution of a 12-month supply agreement with KOCH MATERIALS COMPANY, Austin, TX, for asphalt emulsions in an amount not to exceed \$1,103,500, with two 12-month extension options in an amount not to exceed \$1,103,500 per extension option, for a total agreement amount not to exceed \$3,310,500. (Funding in the amount of \$551,750 is available in 2002-2003 Approved Operating Budget of the Public Works Department, Transportation Funds. Funding for the remaining six months of the original contract period and extension options is contingent upon available funding in future budgets.) Low bid of two bids received. This contract will be awarded in compliance with the MBE/WBE Ordinance as amended. There are no subcontracting opportunities; therefore, no goals were established for this solicitation.

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

20. Authorize execution of a contract through the Texas Local Government Purchasing Cooperative (BuyBoard) with their contract vendor COOPER EQUIPMENT CO., San Antonio, TX, for an asphalt transport trailer in an amount not to exceed \$85,038.34. (Funding is available in the Fiscal Year 2002-2003 Approved Operating Budget of the Public Works Department, Transportation Fund.) This unit has been competitively bid through the Texas Local Government Purchasing Cooperative.

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

21. Authorize execution of a 12-month supply agreement with WAYEST SAFETY, INC., Forney, TX for Scott Health & Safety self-contained breathing apparatus parts for the Austin Fire Department in an amount not to exceed \$250,000, with two 12-month extension options in an amount not to exceed \$250,000 per extension option, for a total agreement amount not to exceed \$750,000. (Funding in the amount of \$125,000 is available in the Fiscal Year 2002-2003 Approved Operating Budget of the Austin Fire Department. Funding for the remaining six months of the original contract period and extension options is contingent upon available funding in future budgets.) Low bid of three bids received. This contract will be awarded in compliance with the 1996 MBE/WBE Ordinance, as amended. No subcontracting opportunities were identified; therefore, no goals were established for this solicitation.  
**The motion authorizing the execution of a supply agreement was approved.**
22. Authorize execution of a 12-month supply agreement with MILLER UNIFORMS AND EMBLEMS, Austin, TX for uniforms for the Austin Police Department in an amount not to exceed \$46,086.40, with two 12-month extension options in an amount not to exceed \$46,086.40 per extension option, for a total agreement amount not to exceed \$138,259.20. (Funding in the amount of \$23,043.20 is available in 2002-2003 Approved Operating Budget of the Austin Police Department. Funding for the remaining six months of the original contract period and extension options is contingent upon available funding in future budgets.) Low bidder meeting specification of four bids received. This contract will be awarded in compliance with the 1996 MBE/WBE Ordinance, as amended. There is no opportunity for subcontracting, therefore, there were no goals established for this solicitation.  
**The motion authorizing the execution of a supply agreement was approved.**
23. Authorize execution of a 12-month service agreement with MASTEC NORTH AMERICA, INC., Austin, TX, for underground construction and maintenance services in an amount not to exceed \$4,957,355.79, with four 12-month extension options in an amount not to exceed \$4,957,355.79 per extension option, for a total agreement amount not to exceed \$24,786,778.95. (Funding in the amount of \$413,112.98 is available in 2002-2003 Amended Operating Budget of the Electric Utility Department and funding in the amount of \$1,652,451.93 is available in the Amended Capital Budget of the Electric Utility Department. Funding for the remaining seven months of the original contract period and extension options is contingent upon available funding in future budgets.) Low bid of 5 bids received. MBE 16.41% / WBE 5.68%. The prime contract met all good faith efforts in accordance with the MBE/WBE Ordinance.  
**The motion authorizing the execution of a service agreement was approved.**
24. Authorize execution of a 12-month supply agreement with NORSEMAN PLASTICS LTD, Rexdale, ONTARIO, for recycling bins in an amount not to exceed \$67,775, with two 12-month extension options in an amount not to exceed \$67,775 per extension option, for a total agreement amount not to exceed \$203,325. (Funding in the amount of \$33,888 is available in the 2002-2003 Approved Operating Budget of the Solid Waste Services Department. Funding for the remaining six months of the original contract period and extension options is contingent upon available funding in future budgets.) Low bid of four bids received. This contract will be awarded in compliance with the 1996 MBE/WBE Ordinance, as amended. There are no subcontracting opportunities; therefore, no goals were established for this solicitation.  
**The motion authorizing the execution of a supply agreement was approved.**
25. Authorize execution of a 12-month supply agreement with CARDINAL HEALTH, Roanoke, TX, for prescription and over-the-counter medications and supplies to the Public Health and Community Services Division of the Austin/Travis County Health and Human Services Department in an amount not to exceed \$105,000, with three 12-month extension options in an

amount not to exceed \$105,000 per extension option, for a total agreement amount not to exceed \$420,000. (Funding in the amount of \$52,400 is available in the Fiscal Year 2002-2003 Approved Operating Budget of the Health and Human Services Department. Funding for the remaining six 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 the 1996 MBE/WBE Ordinance, as amended. No subcontracting opportunities were identified; therefore, no goals were established for this solicitation.

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

**Item 26 was pulled for discussion.**

27. Approve an ordinance to annex the Avery Ranch Area for full purposes. (Approximately 15 acres located in Williamson County south of Avery Ranch Blvd., approximately 1,134 feet east of the intersection of Parmer Lane and Avery Ranch Blvd.)

**Ordinance No. 030403-27 was approved.**

28. Approve an ordinance to annex the Sunset Valley Apartments for full purposes. (Approximately 42 acres located in Travis County east of Brodie Lane, approximately 490 feet north of the intersection of Brodie Lane and William Cannon.)

**Ordinance No. 030403-28 was approved.**

29. Consider action on appeal of the Watershed Protection and Development Review Director's drainage fee decision requested by Greenwood Towers.(Related Item 4)

**This item was postponed indefinitely.**

30. Board and Commission Appointments.

**The following appointments were made:**

<u>Board/ Appointee</u>	<u>Consensus/ Council Nominee</u>	<u>Appointment/ Reappointment</u>
<u>Bond Oversight Committee</u>		
Phil Moncada (Environmental Board Rep)	Consensus	Reappointment
<u>Community Development Commission</u>		
Alfreda Loving (Colony Park Neighborhood Rep)	Consensus	Appointment
<u>Environmental Board</u>		
Becky Morris (BSEACD Rep) <sup>1</sup>	Consensus	Appointment

**Item 31 was pulled for discussion.**

32. Approve an ordinance waiving certain fees and requirements under chapter 15-11 of City Code and approving the closure of East 5<sup>th</sup> Street for the "Mexic-Arte Great Taste of Mexico" 2003 Annual Event to be held May 1, 2003. (Council Member Raul Alvarez and Mayor Gus Gar
- This item was replaced by item number 36.**

33. Approve a resolution in support of House Bill 57 that accepts the Matricular Consular as documentation for a state driver's license or identification. (Council Member Raul Alvarez and Mayor Gus Garcia)  
**Resolution No. 030403-33 was approved.**
36. Approve an ordinance waiving certain fees and requirements under Chapter 15-11 of the City Code and approving the closure of a portion of East 5<sup>th</sup> Street for the "Mexic-Arte Great Taste of Mexico" 2003 annual event to be held May 1, 2003 (Council Member Raul Alvarez and Mayor Gus Garcia) .(This item replaces Item Number 32.)  
**Ordinance No. 030403-36 was approved.**
37. Approve a resolution supporting adequate funding for health care and criminal justice in the 78th Legislature Appropriation Bill. (Mayor Gus Garcia and Council Member Betty Dunkerley)  
**Resolution No. 030403-37 was approved.**

**Mayor Garcia recessed the meeting at 2:26 p.m. to go into Executive Session.**

3. Discuss legal issues concerning proposed legislation in the 78th Legislature, including issues relating to grandfathering, hospital districts, annexation, water rights, taxation, employment law, and land use and development law.

**Executive Session ended at 3:57 p.m.**

**Mayor Garcia called the regular Council meeting back to order at 3:59 p.m.**

**ZONING HEARINGS AND APPROVAL OF ORDINANCES/RESTRICTIVE COVENANTS**

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

- Z- 1 C14-02-0081 - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by zoning property locally known as 515 East Slaughter Lane (Onion Creek Watershed) from I-RR, Interim-Rural Residence district zoning to MF-2, Multi-Family Residence Low district zoning. Zoning and Platting Commission Recommendation: To grant MF-2, Multi-Family Residence Low district zoning. Applicant: South Austin Land Venture (Michael D. Atlas). Agent: The Faust Group (William Faust). City Staff: Wendy Walsh, 974-7719  
**Ordinance 030403-Z1 was approved.**
- Z- 2 Conduct a public hearing on and consider action on an amendment to the Holly Neighborhood Plan, part of the Austin Tomorrow Comprehensive Plan, to change the Future Land Use Map at 613 Chicon St. from industrial to mixed use; at 1914 6 ST E from civic to mixed-use; at 2000 6 ST E from industrial to mixed-use; at 2201 HIDALGO ST from industrial to commercial; at 2406 HIDALGO ST from mixed-use to industrial; at 2200 6 ST E from industrial to commercial; at 0 6 ST E (Acr .236 Blk 1 Olt 9 Blk 2 Olt 10 Division A) from transportation to commercial; at 411 CHICON ST from multi-family to mixed-use; at 505 ROBERT MARTINEZ JR from mixed-use to industrial; at 2235 6 ST E from mixed-use to industrial; at 0 5 ST E (Acr 2.244\* of Blk 3 Olt 10 Blk 4 Olt 9 H & TC Addition) from transportation to commercial; at 607 PEDERNALES ST from single-family residential to mixed-use; at 501 PEDERNALES ST from industrial to mixed-use; at 2615 6 ST E from industrial to mixed-use; at 507 CALLES ST from industrial to mixed-use; at 622 PLEASANT VALLEY RD N from industrial to mixed-use; at 624 PLEASANT

VALLEY RD N from office to mixed-use; at 2415 5 ST E from industrial to mixed-use; at 2419 5 ST E from industrial to mixed-use; at 2421 5 ST E from industrial to mixed-use; at 2716 5 ST E from industrial to mixed-use; at 2726 5 ST E from industrial to mixed-use; at 2701 7 ST E from industrial to mixed-use. The following addresses have an industrial future land use designation on the current Holly future land use map adopted in December of 2001: 1902 6 ST E, 2010 6 ST E, 2100 6 ST E, 2118 6 ST E, 2406 HIDALGO ST, 2422 HIDALGO ST, and 2416 6 ST E. These properties would not require a plan amendment if staff recommendation were adopted. They are included in The Holly Plan Amendment Case# NPA-03-0010.01 since they are part of the Holly rezoning cases (C14-01-0166.001-.005) and adoption of a designation other than staff's could necessitate a plan amendment. (November 28, 2001 - The Planning Commission unanimously recommended the Holly Neighborhood Plan for adoption at City Council; March 26, 2003 - The plan amendment is scheduled to go before Planning Commission on this date.)

**This item was postponed to April 24, 2003 at staff's request.**

- Z- 3 C14-02-0161.SH - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by zoning property locally known as the south terminus of Fall Meadow Lane and Winter Haven Road (Marble Creek Watershed) from I-RR, Interim-Rural Residence district zoning to SF-4A-CO, Single Family Residence Small lot - Conditional Overlay Combining district zoning. Zoning and Platting Commission Recommendation: To grant SF-4A-CO, Single Family Residence Small lot - Conditional Overlay Combining district zoning. Applicant: Thaxton, Ltd. (John Biggar and Craig Biggar). Agent: Longaro & Clarke, Inc. (Alex Clarke). City Staff: Wendy Walsh, 974-7719  
**Ordinance No. 030403-Z3 was approved.**
- Z- 4 C14-02-0140 - Ann Cook McCullick Estate - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 9122 Balcones Club Drive (Bull Creek and Lake Creek Watersheds) from RR, Rural Residence district zoning to SF-6, Townhouse & Condominium Residence district zoning. Zoning and Platting Commission Recommendation: To grant SF-6-CO, Townhouse & Condominium Residence-Conditional Overlay Combining district zoning. Applicant: Ann Cook McCullick Estate (Terry Miller, Trustee). Agent: Lopez-Phelps & Vaughn Professional Consultants (Amelia Lopez-Phelps). City Staff: Sherri Gager, 974-3057.  
**Ordinance No. 030403-Z4 was approved.**
- Z- 5 C14-03-0020 - Taqueria Aranda's #5 - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 2510 South First Street (East Bouldin Creek Watershed) from SF-3, Family Residence district zoning to CS, General Commercial Services district zoning. Zoning and Platting Commission Recommendation: To grant CS-CO, General Commercial Services-Conditional Overlay Combining district zoning for Tract 1, and GO-CO, General Office-Conditional Overlay Combining district zoning for Tract 2. Applicant: Daniel Camarena. Agent: LOC Consultants (Sergio Lonzano-Sanchez). City Staff: City Staff: Annick Beaudet, 974-2975  
**The first reading of the ordinance was approved.**

### **DISCUSSION ITEMS**

31. Consider approval of a resolution authorizing execution of the revised Capital Area Metropolitan Planning Organization Joint Powers Agreement, to make changes including expansion of the board membership to include one additional representative from Hays County, certain clarifications regarding voting membership, and changes in the non-voting affiliate membership. (Mayor Gus Garcia)



Resolution No. 030403-31 was approved on Council Member Slusher's motion, Mayor Garcia's second on a 5-0 vote. Mayor Pro Tem Goodman and Council Member Wynn were off the dais.

**THE FOLLOWING AMENDMENT(S) WERE MADE**

The motion to postpone action on the revised JPA pending a meeting and discussion with other JPA signatories regarding certain issues, including weighted voting, was approved on Council Member Slusher's motion, Mayor Garcia's second on a 5-0 vote. Mayor Pro Tem Goodman and Council Member Wynn were off the dais.

Mayor Garcia recessed the Council Meeting at 4:15 p.m.

Mayor called the regular Council Meeting back to order at 4:17 p.m.

8. Approve an ordinance amending Title 25 of the City Code relating to development around hazardous liquid pipelines, creating a new Chapter 8-18 of the City Code relating to insurance requirements for hazardous pipelines, amending Ordinance 020910-04 to add to the Building Plan Review Fee, a new Hazardous Pipeline Review Fee, and creating offenses. (2<sup>nd</sup> and 3<sup>rd</sup> reading) (Recommended by Environmental Board; Planning Commission; and no recommendation made by Building and Fire Code Board.)

The second reading of the ordinance was approved with the following amendments on Council Member Dunkerley's motion, Mayor Pro Tem Goodman's second on a 7-0 vote.

The motion to include in the second reading of the ordinance the provisions to add a definition of "Use Requiring Evacuation Assistance" to 25-2-516(A) and delete section 25-2-516(B) and add a new section 25-2-516(B) to prohibit within 200 feet of a pipeline structures intended for human occupancy for uses requiring evacuation, and to allow such uses between 200 and 500 feet of a pipeline only with fire department safety certification was approved on Council Member Dunkerley's motion, Council Member Wynn's second on a 7-0 vote.

The motion to include in the second reading of the ordinance the provisions to add a new part to clarify that a use that is nonconforming due to its proximity to a pipeline may use the Group D nonconforming use regulations regarding expansion of the use was approved on Mayor Pro Tem Goodman's motion, Council Member Dunkerley's second on a 7-0 vote.

The motion to include in the second reading of the ordinance the provisions to add a new part to provide a 120 days grace period for a proposed development project to receive a building permit without the need to comply with this ordinance.

26. Amend Ordinance 020910-04, the Fiscal Year 2002-2003 Fee Ordinance, by increasing the parking meter fee from \$0.75 per hour to \$1.00 per hour. (Increase General Fund net revenue by \$220,932 for remainder of Fiscal Year 2003 and by \$526,528 for Fiscal Year 2004. Total parking meter revenue including this fee increase for Fiscal Year 2003 is currently estimated at \$2,460,482 and for Fiscal Year 2004 at \$2,955,427.)

Ordinance No. 030403-26 was approved on Council Member Slusher's motion, Council Member Wynn's second on a 6-1 vote. Mayor Pro Tem Goodman voted No.

Mayor Garcia recessed the meeting at 5:15 p.m.

**LIVE MUSIC**

**PROCLAMATIONS**

Proclamation - Fair Housing Month - to be presented by Mayor Gus Garcia

Proclamation - Week of the Young Child - to be presented by Mayor Gus Garcia and to be accepted by Amanda Hernandez and Sue Gartner

Proclamation - Austin-Ireland Friendship Day - to be presented by Council Member Will Wynn and to be accepted by Barry Williamson

Proclamation - Child Abuse Prevention Month - to be presented by Mayor Pro Tem Jackie Goodman

Proclamation - Community Development Block Grant Month - to be presented by Mayor Gus Garcia and to be accepted by Paul Hilgers

Proclamation - MLK Commemoration Day - to be presented by Mayor Gus Garcia and to be accepted by Willie Rhodes and Distinguished Service Awards for SWS Drivers with 25+ years of Perfect Driving to be accepted by the honorees

**Mayor Garcia called the regular Council Meeting back to order at 6:24 p.m.**

**PUBLIC HEARINGS AND POSSIBLE ACTION**

34. Conduct a public hearing and approve an ordinance to amend Section 25-2-773 of the City code related to duplex residential use and repealing Ordinance No. 030227-28 related to the duplex residential use moratorium. (Reviewed by Planning Commission.)

**The public hearing was closed on Council Member Slusher's motion, Council Member Dunkerley's second on a 7-0 vote.**

**There was a motion to adopt staff recommendation that was made by Council Member Dunkerley and seconded by Mayor Pro Tem Goodman.**

**The substitute motion to postpone action to April 10, 2003 was approved on Council Member Slusher's motion, and Mayor Pro Tem Goodman's second on a 7-0 vote.**

35. Conduct a public hearing and approve an ordinance amending Subchapter D of 25-2 of the City code related to Neighborhood Planning Combining District infill and redevelopment options. (Recommended by Planning Commission with additional amendment.)

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

**This item was postponed to April 24, 2003, on Council Member Slusher's motion, Council Member Wynn's second on a 7-0 vote.**

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

**The minutes for the regular meeting of April 3, 2003 were approved on April 10, 2003 on Mayor Pro Tem Goodman's motion, Council Member Thomas' second on a 6-0 vote. Council Member Dunkerley was off the dais.**

**The minutes for the regular meeting of April 3, 2003 were amended and approved on May 15, 2003 on Council Member Wynn's motion, Council Member Thomas' second on a 7-0 vote. The following amendments were made:**

31. Consider approval of a resolution authorizing execution of the revised Capital Area Metropolitan Planning Organization Joint Powers Agreement, to make changes including expansion of the board membership to include one additional representative from Hays County, certain clarifications regarding voting membership, and changes in the non-voting affiliate membership. (Mayor Gus Garcia)

**PREVIOUS ACTION**

**Resolution No. 030403-31 was approved on Council Member Slusher's motion, Mayor Garcia's second on a 5-0 vote. Mayor Pro Tem Goodman and Council Member Wynn were off the dais.**

**NEW ACTION**

**The motion to postpone action on the revised JPA pending a meeting and discussion with other JPA signatories regarding certain issues, including weighted voting, was approved on Council Member Slusher's motion, Mayor Garcia's second on a 5-0 vote. Mayor Pro Tem Goodman and Council Member Wynn were off the dais.**