



**Austin City Council
MINUTES**

**REGULAR MEETING
THURSDAY, AUGUST 14, 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, August 14, 2003 in the Board Room at Lower Colorado River Authority Hancock Building, 3700 Lake Austin Boulevard.

Invocation: H. Ed Calahan, Pastor, The Agape Baptist Church

Mayor Wynn called the Council Meeting to order at 9:09 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 Dunkerley's motion, Mayor Wynn's second on a 7-0 vote.

1. Approval of minutes from the meeting of August 7, 2003.
The minutes from the meeting of August 7, 2003 were approved.
2. Amend Ordinance No. 020909-02, the Fiscal Year 2002-2003 Community Care Services Capital Budget to appropriate \$1,036,278 for the acquisition and implementation of a practice management system. (\$1,036,278 is available in Disproportionate Share funds in the FQHC Fund.) (Related Item 19)
Ordinance No. 030814-2 was approved.
3. Approve a resolution appointing Council Member Brewster McCracken, and reappointing Mayor Will Wynn and Mayor Pro Tem Jackie Goodman, Council Members Alvarez, Dunkerley, Slusher and Thomas to the Board of Directors of Reinvestment Zone Number Fifteen, City of Austin, Texas, a Tax Increment Financing Reinvestment Zone, and appointing Mayor Will Wynn as Board Chair.
This item was postponed to August 28, 2003.
4. Authorize execution of a construction contract with TOTAL ROOFING SERVICES, INC., Austin, Texas for the Street & Bridge Administrative Office re-roof project in an amount not to exceed \$149,058. (Funding in the amount of \$99,372 is available in the 2002-2003 Approved Operating Budget for the Transportation Fund and \$49,686 is available in the 2002-2003 Approved Operating Budget for the Financial and Administrative Services Department.) Lowest bid of 3 received. 10.8% MBE and 2.51% WBE subcontractor participation.
The motion authorizing the execution of a construction contract was approved.

5. 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 negotiations with AMLI Residential on the terms and conditions of a Development Agreement for the Second Street Retail District, for an increase of \$130,000, with a total contract amount not to exceed \$398,000. (Funding is available in the 2002-2003 Amended Operating Budget for the Economic Growth & Redevelopment Services Office.)
The motion authorizing the negotiation and execution of an amendment to the legal services agreement was approved.
6. Approve a resolution to apply with the Office of the Attorney General for a Victim Assistance continuation grant in the amount of \$120,000. This grant will fund the City of Austin Office of Emergency Management's Center for Victim Assistance which coordinates community critical response and recovery services to victims, survivors, and emergency responders impacted by a catastrophic incident or terrorism event. (Funding is for a two year period beginning September 1, 2003, through August 31, 2005. No matching funds or in-kind services are required from the City of Austin.)
Resolution No. 030814-6 was approved.
- Item 7 was pulled for discussion.**
8. Approve a resolution authorizing the fee simple acquisition of Lot 47, Linda Vista Subdivision, locally known as 6807 FM 973 S, from Lisa Munoz for the Airport Noise Mitigation Program, in the amount of \$165,000 for the land and improvements and \$62,601 relocation benefits, plus closing costs and moving related expenses in the amount not to exceed \$14,000, for total amount not to exceed \$241,601. (Funding in the amount of \$241,601 is available in Fiscal Year 2002-2003 Capital Budget of the Department of Aviation using airport funds and available Federal Aviation Administration (FAA) Grants.)
Resolution No. 030814-8 was approved.
9. Approve an ordinance authorizing negotiation and execution of all documents necessary to vacate a portion of Bierce Street to 54 Rainey, L.P., or its assigns, including the terms for possible conveyance of real property in lieu of cash for the vacated property, and further including a twenty-five foot joint use access easement and a temporary construction easement for a driveway to the properties adjacent to the vacated portion of Bierce Street. (Recommended by Zoning & Platting Commission and Urban Transportation Commission.)
Ordinance No. 030814-9 was approved.
10. Authorize execution of a construction contract with JAY-REESE CONTRACTORS, INC., Austin, TX, for the Cesar Chavez Street Reconstruction and Utility Adjustments Project from IH 35 to Pleasant Valley Road in the amount of \$4,838,764 plus a \$483,876.40 contingency, for a total contract amount not to exceed \$5,322,640.40 (Funding in the amount of \$3,608,541.20 is available in the Fiscal Year 2002-2003 Approved Capital Budget of the Public Works Department; \$1,681,099.20 is included in the Fiscal Year 2002-2003 Amended Capital Budget of the Water & Wastewater Utility; \$33,000 is available in the Fiscal Year 2001-2002 Amended Capital Budget of the Transportation, Planning & Sustainability Department.) Lowest bid of three bids received. 26.9% MBE and 29.88% WBE subcontractor participation.
The motion authorizing the execution of a construction contract was approved.

Item 11 was pulled for discussion.

12. Authorize execution of a construction contract with SMITH CONTRACTING COMPANY, INC., Austin TX, for the Convention Center Trask House Parking Lot, in an amount not to exceed \$179,173. (Funding is available in the Fiscal Year 2002-2003 Capital Budget of the Austin Convention Center Department.) Lowest bid of seven bids received. 20.93% MBE and 7.32% WBE subcontractor participation.
The motion authorizing the execution of a construction contract was approved.
13. Authorize negotiation and execution of an amendment to the professional services agreement with GEOMATRIX CONSULTANTS, INC., Austin, TX, for additional engineering and environmental services as part of the Environmental Assessment Phase II project at the Robert Mueller Municipal Airport site, in the amount of \$686,760, for a total contract amount not to exceed \$3,418,868.73. (Funding in the amount of \$686,760 is available in Fiscal Year 2001-2002 Operating Budget of the Robert Mueller Municipal Airport Disposition Fund.) 29.18% DBE sub consultant participation to date.
The motion authorizing the negotiation and execution of an amendment to the professional services agreement was approved.
14. Authorize execution of change order # 3 to the construction contract with KIVA, INC., Buda, TX, for street improvements on 32nd Street between Red River and IH-35 in the amount of \$40,000, for a total contract amount not to exceed \$329,861.12. (Funding in the amount of \$40,000 is available in the Fiscal Year 2002-2003 Operating Budget of the Public Works Department.) 4.58% MBE and 0% WBE subcontractor participation to date.
The motion authorizing the execution of change order #3 to the construction contract was approved.
15. Authorize execution of change order #8 to the construction contract with THE BARR COMPANY (MBE/FH 31% to date), Austin, TX, for base material adjustments as part of the Caswell Tennis Center Renovation Project, in the amount of \$10,031.18, for a total contract amount not to exceed \$1,418,587.81. (Funding in the amount of \$10,031.18 is available in the Fiscal Year 2002-2003 Capital Budget of the Parks & Recreation Department.) 57.81% MBE and 12.48% WBE overall subcontractor participation to date.
The motion authorizing the execution of change order #8 to the construction contract was approved.
16. Authorize execution of change order #3 to the construction contract with CASH CONSTRUCTION COMPANY, LTD., Pflugerville, TX, for the Enfield Road Reconstruction and Utility Improvements Project, in an amount not to exceed \$520,000, plus \$140,000 to replace construction contingency, for a total contract amount not to exceed \$5,015,787.42. (Funding in the amount of \$440,000 is available in the Fiscal Year 2002-2003 Amended Capital Budget of the Water & Wastewater Utility; \$80,000 is available in the Fiscal Year 2002-2003 Capital Budget of the Watershed Protection & Development Review Department; \$140,000 is available in the Fiscal Year 2002-2003 Capital Budget of the Public Works Department.) 17.88% MBE and 11.08% WBE overall subcontractor participation prior to this change order.
The motion authorizing the execution of change order #3 to the construction contract was approved.

17. Authorize negotiation and execution of a contract with UNISYS CORPORATION, Tampa, Florida for a SoftCAR+ System upgrade including computer hardware, software, implementation services, and maintenance in an amount not to exceed \$178,972, with two 12-month extension options for maintenance services in an amount not to exceed \$23,403 for the first extension option, and \$25,744 for the second extension option, for a total agreement amount not to exceed \$228,119. (Funding in the amount of \$157,792 is available in the Fiscal Year 2002-2003 Amended Capital Budget of the Electric Utility Department. Funding in the amount of \$21,180 is available in the Fiscal Year 2002-2003 Amended Operating Budget of the Electric Utility Department. Funding for the extension options is contingent upon future budgets.) Sole Source. 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 negotiation and execution of a contract was approved.
18. Authorize negotiation and execution of a contract with MEDITECH INFORMATION TECHNOLOGY, INC., Westwood MA, for a hospital data medical management system in an amount not to exceed \$441,996, with four 12-month maintenance extension options in an amount not to exceed \$17,696 per extension option, for a total contract amount not to exceed \$512,780. (Funding in the amount of \$441,996 is available in the fiscal year 2002-2003 Capital Budget of the Community Care Services Department, Austin Women's Hospital. Funding for the maintenance options are contingent upon funding in future budgets.) Best proposals of nine proposals 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.
This item was postponed indefinitely.
19. Authorize negotiation and execution of a contract with NEXTGEN HEALTHCARE INFORMATION SYSTEMS INC., Horsham, PA for a practice management data medical management system in an amount not to exceed \$626,278, with four 12-month maintenance extension options in an amount not to exceed \$63,960 per extension option, for a total contract amount not to exceed \$882,122. (Funding in the amount of \$626,278 is available in the Fiscal Year 2002-2003 Amended Capital Budget of the Community Care Services Department.) Best proposal of nine proposals 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. (Related Item 2)
The motion authorizing the negotiation and execution of a contract was approved.
20. Authorize negotiation and execution of a 12-month service agreement with TEXAS LEGAL PROTECTION PLAN, Austin, TX for prepaid legal services for City employees in an amount not to exceed \$445,000, two 12-month extension options in an amount not to exceed \$534,000 for the first extension option and \$641,000 for the second extension option, for a total agreement amount not to exceed \$1,620,000. (Funding in the amount \$333,750 will be included in the 2003-2004 Proposed Operating Budget of the Employee Benefits Fund. Funding for the remaining three months of the original contract period and extension options is contingent upon available funding in future budgets. Costs are funded solely through contributions of employees who elect to participate.) Best proposal of two proposals 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 negotiation and execution of a service agreement was approved.

21. Authorize execution of a contract through the State of Texas, Texas Building and Procurement Commission with ROCKFORD BUSINESS INTERIORS, Austin, TX for modular systems furniture for the Austin Police Department Forensics Lab and Substation in an amount not to exceed \$555,051.28. (Funding is available in the Fiscal Year 2000-2001 Amended Capital Budget of the Austin Police Department.) Purchasing Cooperative. (Related Item 22)
The motion authorizing the execution of a contract was approved.
22. Authorize execution of a contract through the U. S. Communities Government Purchasing Alliance, Fairfax County with STEELCASE, INC., Grand Rapids, MI for systems furniture, freestanding furniture, seating, and filing equipment for the Austin Police Department Forensics Lab and Substation in an amount not to exceed \$54,355.72 (Funding is available in the Fiscal Year 2000-2001 Amended Capital Budget of the Austin Police Department.) Purchasing Cooperative. (Related Item 21)
The motion authorizing the execution of a contract was approved.

Item 23 was pulled for discussion.

24. Authorize the City Manager to negotiate and execute an amendment to the "Utility Construction Contract Between the City of Austin and North Austin Municipal Utility District No. 1" to acknowledge the completion of certain contract revenue bond facilities and authorize the use of surplus construction funds to retire a portion of outstanding contract bond debt. (No City funds are required by this action.) (Recommended by the Water and Wastewater Commission)
The motion authorizing the City Manager to negotiate and execute an amendment to the Utility Construction Contract was approved.
25. Set a public hearing to consider an ordinance repealing and replacing Article 4 of Chapter 25-12 of the City Code (Electrical Code) to adopt the 2002 National Electrical Code and local amendments, and repealing and replacing Article 18 of Chapter 2-4 of the Code relating to the Electrical Board. (Suggested date and time: August 28, 2003 at 6:00 p.m. at the Lower Colorado River Authority, Hancock Bldg.) (Recommended by Electrical Board.)
The public hearing was set for August 28, 2003 at 6:00 p.m. at the Lower Colorado River Authority, Hancock Building.
26. Set a public hearing to consider an ordinance to amend Sections 25-1-132, 25-1-181, and 25-5-114 of the City Code relating to notice requirements and standing to appeal in land use matters. (Suggested date and time: August 28, 2003 at 6:00 p.m. at the Lower Colorado River Authority, Hancock Bldg.) (To be reviewed by Planning Commission on August 13, 2003.)
The public hearing was set for August 28, 2003 at 6:00 p.m. at the Lower Colorado River Authority, Hancock Building.
27. Board and Commission Appointments
The following appointments were made:
- | <u>Board/
Appointee</u> | <u>Consensus/
Council Nominee</u> | <u>Appointment/
Reappointment</u> |
|-----------------------------|---------------------------------------|---------------------------------------|
| <u>Electrical Board</u> | | |
| Gordon Byram | Mayor Pro Tem Goodman's | Reappointment |
| <u>Environmental Board</u> | | |
| Mary Ruth Holder | Mayor Pro Tem Goodman's | Appointment |
| Mary Gay Maxwell | Council Member Dunkerley's | Reappointment |

Item 28 was set for a time certain of 10:00 a.m.

Items 29-35 were Executive Session and related action items.

Item 36 was a staff briefing set for a time certain of 2:00 p.m.

Items 37, 38 and Z-1 to Z-3 were zoning items set for a time certain of 4:00 p.m.

Items 39-47 were public hearings set for 6:00 p.m.

DISCUSSION ITEM

11. Authorize execution of a construction contract with FRU-CON CONSTRUCTION CORPORATION, Woodbridge, VA, for the South Austin Regional Wastewater Treatment Plant - Train C North Project, in the amount of \$23,965,755 plus a \$800,000 contingency, for a total contract amount not to exceed \$24,765,755. (Funding in the amount of \$24,765,755 is available in the Fiscal Year 2000-2001 Amended Capital Budget of the Water & Wastewater Utility.) Lowest bid of two bids received. 18.65% MBE and 4.93% WBE subcontractor participation. (Recommended by Water & Wastewater Commission.)
The motion authorizing the execution of a construction contract was approved on Council Member Dunkerley's motion, Council Member Alvarez' second on a 7-0 vote.
7. Approve the negotiation and execution of a subordinate loan to PLATIMEX INC., in an amount not to exceed \$240,000 through the Neighborhood Commercial Management Loan Program for the acquisition of the real estate located at 1713 East Riverside Drive and the equipment necessary to outfit the restaurant to be constructed on the site. (Funding is available in the Neighborhood Housing and Community Development Special Revenue Fund - Section 108.)
The motion authorizing the negotiation and execution of a subordinate loan was approved on Council Member Alvarez' motion, Council Member Slusher's second on a 7-0 vote.
23. Approve a resolution authorizing the City Manager to submit roadway, bicycle and pedestrian-related projects for consideration by Capital Area Metropolitan Planning Organization (CAMPO) for Federal funding under the Federal Surface Transportation Program Metropolitan Mobility (STP MM) fund. (No anticipated fiscal impact until 2004-2005 at the earliest. Council approval for local match for successful applications would be made in conjunction with an interlocal agreement with the Texas Department of Transportation.) (Reviewed by Urban Transportation Commission.)
Resolution No. 030814-23 was approved on Council Member Dunkerley's motion, Council Member Thomas' second on a 7-0 vote.

Mayor Wynn recessed the Council Meeting at 9:50 a.m.

Mayor Wynn called the Council Meeting back to order at 10:05 a.m.

28. Discussion and possible action on a resolution regarding the Patriot Act. (Mayor Pro Tem Jackie Goodman, Council Member Raul Alvarez and Council Member Danny Thomas)
This hearing was continued to 6:00 p.m. on September 25, 2003 on Council Member Slusher's motion, Council Member Dunkerley's second on a 7-0 vote.

CITIZEN COMMUNICATIONS: GENERAL

Jimmy Castro - Back to School for A.I.S.D.

Jon Empey – FEMA Hazard Mapping

Grace Lehto - Floods

Jennifer Gale - "Jennifer Gale for Governor of the Lone Star"

Jose Quintero - Proceed with Caution on Sattillo District Development Plan

Ann del Llano - Public Safety

Sylvia Herrera - Holly Power Plant Endangers Health

Silvia Ybarra - Holly Power Plant. She was not present when her name was called.

Susana Almanza - Protect the health of our children & residents - Close Holly Power Plant!

Richard Brock - Code Enforcement Policies Regarding Zoning & Illegal Uses.

Mayor Wynn recessed the Council Meeting at 12:40 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.

Private Consultation with Attorney - Section 551.071

Item 29 was discussed later in Executive Session.

30. Discuss legal issues regarding proposed amendments to Chapter 18-4 of the City Code relating to the City's Utility Service Regulations.
31. Discuss possible settlement of *Lowe's Home Centers, Inc. v. City of Austin*, Cause No. GN300629, in the 98th Judicial District Court of Travis County, Texas (concerning development of the proposed Garza Brodie Subdivision, also known as the Lowe's tract, approximately 31 acres in the Barton Springs Zone located at the Northwest corner of Brodie Lane and Allegro Lugar). (Related Item 34)

32. Discuss proposed settlement in the amount of \$1,013,292.67 of *CenterPoint Energy, Inc., v. Big Country Electric Cooperative, Inc., et al.*, Cause No. GN-200090 in the 353rd Judicial District Court of Travis County, Texas, and *City of San Antonio, acting by and through City Public Service Board of San Antonio, v. Brazos Electric Power Cooperative, et al.*, Cause No. GN-200100 in the 353rd Judicial District Court of Travis County, Texas, wherein plaintiffs seek to recover from various utilities, including Austin Energy, payments made for wholesale transmission service under Public Utility Commission rules invalidated by the Texas Supreme Court. (Related Item 35)

Item 33 was discussed later in Executive Session.

Executive Session ended at 2:04 p.m.

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

DISCUSSION ITEMS CONTINUED

34. Consider possible settlement of *Lowe's Home Centers, Inc. v. City of Austin*, Cause No. GN300629, in the 98th Judicial District Court of Travis County, Texas (concerning development of the proposed Garza Brodie Subdivision, also known as the Lowe's tract, approximately 31 acres in the Barton Springs Zone located at the Northwest corner of Brodie Lane and Allegro Lugar). (Related Item 31)

There was no action taken on this item.

35. Big Country Electric Cooperative, Inc., et al., Cause No. GN-200090 in the 353rd Judicial District Court of Travis County, Texas, and City of San Antonio, acting by and through City Public Service Board of San Antonio, v. Brazos Electric Power Cooperative, et al., Cause No. GN-200100 in the 353rd Judicial District Court of Travis County, Texas, wherein plaintiffs seek to recover from various utilities, including Austin Energy, payments made for wholesale transmission service under Public Utility Commission rules invalidated by the Texas Supreme Court. (Related Item 32)

The motion to approve the settlement was approved on Council Member Dunkerley's motion, Council Member Alvarez' second on a 4-0 vote. Mayor Pro Tem Goodman and Council Members McCracken and Slusher were off the dais.

ZONING CONSENT ITEMS

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, Mayor Wynn's second on a 7-0 vote.

37. C14-03-0080 - Goodson 4.4 Acres - Approve second/third readings of an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 450 feet along the south side of San Felipe Boulevard, east from its intersection with Pond Springs Road (Rattan Creek watershed) from multi-family residence medium density-conditional overlay (MF-3-CO) combining district zoning to community commercial-conditional overlay (GR-CO) combining district zoning. First reading on July 17, 2003. Vote: 7-0. Conditions met as follows: Conditional Overlay incorporates the conditions imposed by Council on first ordinance reading. Applicant: Admiralty Fund of America (Ralph Goodson). Agent: Land Answers (Jim Wittliff). City Staff: Sherri Gager, 974-3057.

Ordinance No. 030814-37 was approved.

38. C14-02-0085 - Approve second/third readings of an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 7415 Brodie Lane (Williamson Creek Watershed-Barton Springs Zone) from single family residence small lot (SF-4A) district zoning and rural residence (RR) district zoning to neighborhood office-conditional overlay (NO-CO) combining district zoning for Tracts 1 and 2 and rural residence (RR) district zoning for Tract 3. First reading on October 10, 2002. 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: Joe W. McDaniel. Agent: The Faust Group (William Faust). City Staff: Wendy Walsh, 974-7719.
Ordinance No. 030814-38 was approved.

ZONING CONSENT ITEMS CONTINUED

The following 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 approved on Council Member Thomas' motion, Council Member McCracken's second on a 7-0 vote.

- Z-1 C14-03-0093 - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 508 East Braker Lane (Walnut Creek Watershed) from family residence (SF-3) district zoning to limited office-mixed use (LO-MU) combining district zoning. Zoning and Platting Commission Recommendation: To grant neighborhood office-mixed use (NO-MU) combining district zoning. Applicant: Jose I. Gutierrez. Agent: AIC Designs (Marco E. Castaneda). City Staff: Sherri Gager, 974-3057.
Ordinance No. 030814-Z-1 for neighborhood office-mixed use (NO-MU) combining district zoning was approved.

Z-2 was pulled for discussion

- Z-3 C14H-03-0002 - HAMPTON ROAD CALCASIEU HOUSES - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 3403 and 3407 Hampton Road (Waller Creek Watershed) from family residence (SF-3) district, to family residence (SF-3-II) historic combining district. Planning Commission recommendation: Forward without a recommendation. Historic Landmark Commission recommendation: To grant family residence (SF-3-II) historic combining district. Applicant: Historic Landmark Commission. Property Owner: Nick Cochrane. Agent: Chris Pezold. City Staff: Steve Sadowsky, Transportation, Planning and Sustainability Department, 974-6454. (First reading only.)
This item was postponed to August 28, 2003 at the neighborhood's request.

ZONING DISCUSSION ITEM

- Z-2 C14H-03-0008 - HERBERT STUDER HOUSE - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 303 E. 38th Street (Waller Creek Watershed) from SF-3 family residence zoning to family residence (SF-3-II) historic combining district. Planning Commission recommendation Forwarded without a recommendation. Historic Landmark Commission recommendation. To grant family residence (SF-3-II) historic combining district. Applicant: Historic Landmark Commission. Property Owner: Paul and Susan Glover. City Staff: Steve Sadowsky, Transportation, Planning and Sustainability Department, 974-6454. (First reading only)

The motion to close the public hearing and deny historic zoning was approved on Council Member Slusher's motion, Council Member Thomas' second on a 7-0 vote.

Mayor Wynn recessed the Council Meeting at 4:22 p.m. to go into Executive Session

EXECUTIVE SESSION CONTINUED

33. Discuss legal issues relating to the labor negotiations for Meet and Confer agreements with the Austin Police Association and the Austin Fire Association.

Executive Session ended at 5:14 p.m.

BOARD OF DIRECTORS MEETING OF AUSTIN HOUSING FINANCE CORPORATION.

Mayor Wynn recessed the Council Meeting at 5:17 p.m. to go into the Board of Director's Meeting of the Austin Housing Finance. See separate minutes.

AHFC adjourned at 5:20 p.m. and the regular Council meeting was called back to order at 5:21 p.m.

DISCUSSION ITEMS CONTINUED

42. Conduct a public hearing and approve an ordinance concerning amendments to the residential site development regulations in Subchapter (D) of Chapter 25-2 (Neighborhood Plan Combining District) of the City Code relating to garage placement, parking placement, and extensions into the front setback; and amendments to Chapter 25-2 to allow front setback averaging on a city-wide basis. (Recommended by the Planning Commission, with an amendment to add an additional option.)
This item was postponed to September 25, 2003 on Council Member Thomas' motion, Council Member McCracken's second on a 7-0 vote.

Mayor Wynn recessed the Council Meeting at 5:22 p.m. to go into Executive Session and do Live Music and Proclamations at the same time.

EXECUTIVE SESSION CONTINUED

29. Discuss legal issues related to Hyde Park Baptist Church v. The City of Austin, Defendant, and Hyde Park Neighborhood Association, Defendant Intervenor, Cause Number GN202015, in the 98th Judicial District Court of Travis County, Texas. (Concerns the church's construction of a parking garage near 39th Street and Avenue D).

LIVE MUSIC

The New Horizons Band

PROCLAMATIONS

Proclamation - National Payroll Week - to be presented by Mayor Will Wynn and to be accepted by Donna Epperson

Proclamation - Ty Runyan Day- to be presented by Mayor Will Wynn and to be accepted by the honoree.

Executive Session ended at 6:09 p.m.

Mayor Wynn called the Council Meeting back to order at 6:10 p.m.

PUBLIC HEARINGS AND POSSIBLE ACTION

39. Conduct a public hearing and approve a resolution to approve a 40 foot wide waterline use area (1.879 acre) and a 40 foot wide (1.917 acre) temporary construction area to allow the construction of a water line through dedicated parkland known as Greenway and Destination Parkland located at F.M. 969 and Walnut Creek in accordance with Sec. 26.001 et seq. of the Texas Parks and Wildlife code. (All costs associated with the line, as well as any parkland restoration will be paid by the City of Pflugerville.) (Recommended by Parks & Recreation Board.)
The hearing was closed and Resolution No. 030814-39 was approved on Council Member Thomas' motion, Council Member McCracken's second on a 5-0 vote. Mayor Pro Tem Goodman and Council Member Alvarez were off the dais.
40. Conduct a public hearing and approve a resolution to approve a 40 foot wide waterline use area (1.39 acre) and a 60 foot wide (2.19 acre) temporary construction area to allow the construction of a water line through dedicated parkland known as Greenway and Destination Parkland located along Johnny Morris Road in accordance with Sec. 26.001 et seq. of the Texas Parks and Wildlife code. (All costs associated with the line, as well as any parkland restoration will be paid by the City of Pflugerville.) (Recommended by Parks & Recreation Board.)
The hearing was closed and Resolution No. 030814-40 was approved on Council Member Thomas' motion, Council Member McCracken's second on a 5-0 vote. Mayor Pro Tem Goodman and Council Member Alvarez were off the dais.
41. Conduct a public hearing and approve a resolution to approve a 40 foot wide waterline use area (1.33 acre) and a 60 foot wide (2.00 acre) temporary construction area to allow the construction of a water line through dedicated parkland known as Greenway and Destination Parkland located along Johnny Morris Road in accordance with Sec. 26.001 et seq. of the Texas Parks and Wildlife code. (All costs associated with the line, as well as any parkland restoration will be paid by the City of Pflugerville.) (Recommended by Parks & Recreation Board.)
The hearing was closed and Resolution No. 030814-41 was approved on Council Member Thomas' motion, Council Member McCracken's second on a 5-0 vote. Mayor Pro Tem Goodman and Council Member Alvarez were off the dais.

Budget Briefings

36. Presentation of the Proposed Fiscal Year 2003-2004 Budgets of the Parks and Recreation, Health and Human Services, Community Care Services, and Library Departments.
The presentation was made by City Manager Toby Futrell, Paul Hilgers, Neighborhood Housing; Chief Michael McDonald; Brenda Branch, Director of Libraries; Jesus Oliveras, Director Parks and Recreation; Trish Young, Community Care Services Department; and David Lurie, Health and Human Services.

Budget Public Hearings & Possible Action

43. Conduct a public hearing to receive public comment on the proposed revisions to the Electric Fee Schedule for Austin Energy, the Electric Utility Department, as part of the 2003-2004 Proposed Budget.
The public hearing was closed on Mayor Pro Tem Goodman's motion, Council Member Slusher's second on a 7-0 vote.
44. Conduct a public hearing and receive public comment on the proposed rate and fee changes for the Solid Waste Services Department as part of the Fiscal Year 2003-2004 Proposed Budget.
The public hearing was closed on Mayor Pro Tem Goodman's motion, Council Member Slusher's second on a 7-0 vote.
45. Conduct a public hearing to receive public comment on the proposed rate and fees changes for the Water and Wastewater Utility as part of the Fiscal Year 2003-2004 Proposed Budget.
The public hearing was closed on Mayor Pro Tem Goodman's motion, Council Member Slusher's second on a 7-0 vote.
46. Conduct a public hearing to receive public comment on the proposed rate and fee increases for the Drainage Fee of the Watershed Protection and Development Review Department as part of the 2003-2004 Proposed budget.
The public hearing was closed on Mayor Pro Tem Goodman's motion, Council Member Slusher's second on a 7-0 vote.

The motion to waive the rules and allow Council to meet after 10 p.m. was approved on Council Member Alvarez' motion, Council Member Dunkerley's second on a 5-0 vote. Council Members Slusher and Thomas were off the dais.

47. Conduct a public hearing to receive public comment on the City of Austin FY 2003-2004 proposed budget including Community Care, the Health and Human Services Department, Library, Housing, and the Parks and Recreation Department.
The public hearing was closed on Council Member Slusher's motion, Mayor Wynn's second on a 6-0 vote. Council Member Thomas was off the dais.

The motion to adjourn the meeting at 11:21 p.m. was approved on Council Member Slusher's motion, Council Member Alvarez' second on a 6-0 vote. Council Member Thomas was off the dais.

The minutes for the meeting of August 14, 2003 were approved on this the 28th day of August, 2003 on Council Member Dunkerley's motion, Council Member Thomas' second on a 6-0 vote. Council Membere McCracken was off the dais.