



**Austin City Council
MINUTES**

**REGULAR MEETING
THURSDAY, SEPTEMBER 25, 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, September 25, 2003 in the Board Room at Lower Colorado River Authority Hancock Building, 3700 Lake Austin Boulevard.

Invocation: The Reverend Kathleen Jones, First United Methodist Church

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

CONSENT AGENDA

The following items were acted on by one motion. No separate discussion or action occurred on any of the items. The consent items were approved on Mayor Pro Tem Goodman's motion, Mayor Wynn's second on a 7-0 vote.

1. Approval of minutes from meetings of August 28, 2003, September 8, 2003 and September 9, 2003.
The minutes from the meetings of August 28, September 8, and September 9, 2003 were approved.
2. Approve a resolution authorizing Austin Energy to negotiate and execute a Memorandum of Understanding (MOU) with the World Wildlife Fund (WWF), to demonstrate a responsible approach to global warming by supporting essential CO2 emission reduction policies, including increasing the amount of renewables within the electric generation portfolio. (Recommended by the Electric Utility Commission.)
Resolution No. 030925-2 was approved.
3. Approve an ordinance authorizing acceptance of \$767,208 in additional grant funds from the Texas Department of Health Women, Infants and Children (WIC) Administration/Nutrition grant program; and amending Ordinance No. 020910-01, the approved Fiscal Year 2002-2003 Operating Budget, Health Human Services Special Revenue Fund by appropriating \$767,208 in additional grant funds for a total grant amount of \$3,367,208. (Funds are available from the Texas Department of Health for the Women, Infants, and Children (WIC) Administration/Nutrition Grant Program. The grant period is October 1, 2002 through September 30, 2003. No city match is required.)
Ordinance No. 030925-3 was approved.

4. Approve an ordinance authorizing acceptance of \$386,982 in grant funds from the U.S. Department of Health and Human Services, Technical Assistance and Capacity Development Demonstration Program for HIV/AIDS-Related Services in Highly Impacted Minority Communities grant program; amending Ordinance No. 020910-01, the approved Fiscal Year 2002-2003 Operating Budget, Health and Human Services Special Revenue fund, by appropriating \$386,982 in grant funds; and authorizing six (6.0) full-time equivalent (FTE) positions. (Funding in the amount of \$386,982 is available from the U.S. Department of Health and Human Services Technical Assistance and Capacity Development Demonstration program for HIV/AIDS-Related Services in Highly Impacted Minority Communities grant program. The grant period is from August 1, 2003 through July 31, 2004. No City match is required.)
Ordinance No. 030925-4 was approved.
5. Approve negotiation and execution of an outside counsel contract with COLETTE HOLT & ASSOCIATES, Chicago, IL, to provide legal counsel to the City regarding the City's Minority-Owned and Women-Owned Business Enterprise Program and Ordinance, in an amount not to exceed \$40,000. (Funding in the amount of \$40,000 is available in the 2002-2003 Approved Operating Budget of the Support Services Fund.)
The motion authorizing the negotiation and execution of an outside counsel contract was approved.
6. Authorize negotiation and execution of an amendment to the outside counsel contract with ANDREWS & KURTH, L.L.P., Austin, TX, to provide legal counsel to the City regarding the City's Minority-Owned and Women-Owned Business Enterprise Program and Ordinance and purchasing issues, for an increase of \$100,000, with a total contract amount not to exceed \$200,000. (Funding in the amount of \$100,000 is available in the 2002-2003 Approved Operating Budget of the Support Services Fund.)
The motion authorizing the negotiation and execution of an amendment to the outside counsel contract was approved.

Item 7 was pulled for discussion

8. Approve an ordinance approving the third amendment to the Agreement Concerning the Creation and Operation of Moore's Crossing Municipal Utility District relating to property to be dedicated to the public, wastewater and drainage facility maintenance, and roadway locations. (Recommended by the Planning Commission.) (Related Item 45)
Ordinance No. 030925-8 was approved.
9. Approve an ordinance issuing a free lifetime swim pass for Barton Springs Pool to George Seagert. (Parks Board recommended awarding swim passes to citizens 80 years of age or older who are active swimmers at Barton Springs Pool on November 9, 1993.)
Ordinance No. 030925-9 was approved.
10. Approve a resolution authorizing application and acceptance of \$88,437 in continuation grant funding from the State of Texas, Governor's Office, Criminal Justice Division to fund one full-time equivalent (FTE) Detective position and related equipment in the Sex Offender Apprehension and Registration (SOAR) Unit. (Funding is available from the State of Texas, Governor's Office, Criminal Justice Division, for the grant period September 1, 2003 to August 31, 2004. This is the second year of a five-year grant. There is no cash match this year.)
Resolution No. 030925-10 was approved.

11. Authorize negotiation and execution of a professional services agreement with the following four firms: INTERA, INC., Austin, TX; LOPEZ GARCIA GROUP (WBE/FH 65%), Austin, TX; TRC ENVIRONMENTAL CORPORATION, Austin, TX; and BROWN AND CALDWELL, Austin, TX, for environmental consultation, engineering and project management services for Austin Energy, for a period of approximately four years or until financial authorization is expended, each agreement in an amount not to exceed \$1,800,000, with a total amount of the four agreements not to exceed \$1,800,000. (Funding in the amount of \$450,000 is available in the Fiscal Year 2003-2004 Operating Budget of Austin Energy. Remaining authorization is contingent upon available funding in future budgets.) Best four qualification statements of twenty received. Intera, Inc. (9.20% MBE, 18.20% WBE); Lopez Garcia Group (8.70% MBE, 6.30% WBE); TRC Environmental Corp. (14.00% MBE, 24.00% WBE); Brown and Caldwell (8.70% MBE, 18.20%) WBE subconsultant participation. (Recommended by Electrical Utility Commission)
- The motion authorizing the negotiation and execution of a professional services agreement was approved.**

Item 12 was pulled for discussion

13. Authorize negotiation and execution of a professional services agreement with the following six firms: GEOMATRIX CONSULTANTS, INC., Austin, TX; BAER ENGINEERING & ENVIRONMENTAL CONSULTING, INC. (WBE/FR 55.0%), Austin, TX; HBC/TERRACON, Austin, TX; SHAW ENVIRONMENTAL, INC., Austin, TX; HILL COUNTRY ENVIRONMENTAL, INC. (WBE/FR 64.1%), Austin, TX; and PARSONS INFRASTRUCTURE & TECHNOLOGY, Austin, TX, for environmental consulting services for a period of two years or until financial authorization is expended, each agreement in an amount not to exceed \$2,400,000 with a total amount of the six agreements not to exceed \$2,400,000. (Funding is available in the Fiscal Year 2002-2003 Approved Capital budgets and/or Operating and Maintenance Budgets of the Public Works Department and various other departments for which services are needed.) Best six qualification statements of twenty-two received. Geomatrix Consultants, Inc. (8.7% MBE, 18.2% WBE); Baer Engineering & Environmental Consulting, Inc. (22% MBE, 0% WBE); HBC/Terracon (8.7% MBE, 18.2% WBE); Shaw Environmental, Inc. (12% MBE, 20% WBE); Hill Country Environmental, Inc. (8.7% MBE, 3% WBE); and Parsons Infrastructure & Technology Group (8.7% MBE, 18.2% WBE) subconsultant participation.
- The motion authorizing the negotiation and execution of a professional services agreement was approved.**
14. Authorize negotiation and execution of a professional services agreement with the following six firms: ENCOTECH ENGINEERING CONSULTANTS, INC. (MBE/MA 74.8%), Austin, TX; WAUGH ENGINEERING, INC. (WBE/FR 91.3%), Austin, TX; THE ARIZPE GROUP, INC. (MBE/MH 79%), Austin, TX; F.E.U.L.S., INC., Austin, TX; CARTER & BURGESS, INC., Austin, TX; and GOODWIN ENGINEERING, INC., Austin, TX, for professional mechanical, electrical and plumbing engineering consulting services for City of Austin projects, for a period of approximately two years or until financial authorization is expended, each agreement in an amount not to exceed \$900,000, with the total amount of the six agreements not to exceed \$900,000. (Funding in the amount of \$900,000 is available in Fiscal Year 2003-2004 Approved Capital budgets and/or Operating and Maintenance budgets of the Department of Public Works and various departments for which services are needed.) Best six qualification statements of fourteen received. Encotech Engineering Consultants, Inc. (7.0% MBE, 18.2% WBE); Waugh Engineering, Inc. (8.7% MBE, 0% WBE); The Arizpe Group, Inc. (2.8% MBE, 18.2% WBE); F.E.U.L.S., Inc. (8.7% MBE, 18.2% WBE); Carter & Burgess, Inc. (8.7% MBE, 18.2% WBE);

Goodwin Engineering, Inc.(9.1% MBE, 19.0% WBE) subconsultant participation.

The motion authorizing the negotiation and execution of a professional services agreement was approved.

15. Authorize execution of a construction contract with SMITH CONTRACTING COMPANY, INC., Austin, TX, for reconstruction of Freidrich Lane from Teri Road to St. Elmo Road as part of the Freidrich Lane Street and Drainage Improvements Project, in the amount of \$1,451,463.90 plus a \$72,573.20 contingency, for a total contract amount not to exceed \$1,524,037.10. (Funding in the amount of \$137,688.60 is included in Fiscal Year 2002-2003 Amended Capital Budget of the Water & Wastewater Utility; \$4,200 is available in Fiscal Year 1995-1996 Amended Capital Budget of the Water & Wastewater Utility; \$465,693.42 is available in Fiscal Year 2002-2003 Capital Budget of the Public Works Department; \$916,455.08 is available in Fiscal Year 2000-2001 Amended Capital Budget of the Transportation, Planning & Sustainability Department.) Lowest bid of six received. 20.08% MBE and 7.34% WBE subcontractor participation.
The motion authorizing the execution of a construction contract was approved.
16. Authorize execution of a construction contract with HUTCHISON CONSTRUCTION, INC., Austin, TX, for expansion of the Henry B. Terrazas Branch Library, in the amount of \$1,426,300 plus a \$70,000 contingency, for a total contract amount not to exceed \$1,496,300. (Funding in the amount of \$1,496,300 is available in Fiscal Year 2002-2003 Capital Budget of the Library Department.) Lowest bid of ten received. 19.58% MBE and 13.41% WBE subcontractor participation.
The motion authorizing the execution of a construction contract was approved.
17. Approve an ordinance authorizing the vacation of Bouldin Avenue between Barton Springs Road and Riverside Drive to be used for the Town Lake Park Community Events Center and Parking Garage. (Recommended by the Planning Commission and the Urban Transportation Commission.)
Ordinance No. 030925-17 was approved.
18. Approve an ordinance authorizing the vacation of Dawson Road between Barton Springs Road and Riverside Drive to be used for the Town Lake Park. The City will retain a public utility easement across the entire vacated portion of Dawson Road and the right to construct approximately eighty parking spaces on the southern one-third of the vacated portion of Dawson Road. (Recommended by the Planning Commission and the Urban Transportation Commission.)
Ordinance No. 030925-18 was approved.
19. Approve an ordinance authorizing the vacation of 5,520 square feet of an unimproved twenty-foot alley on Block 13, which lies between Red River Street and Sabine Street, to be ultimately used as additional parking for the Trask House and the Castleman-Bull House, and declaring an emergency. (Recommended by Zoning and Platting Commission, and Urban Transportation Commission.)
Ordinance No. 030925-19 was approved.
20. Authorize the City Manager, or her designee, to negotiate and execute a Cooperative Agreement between the United States of America Commodity Credit Corporation for the Farm and Ranch Lands Protection Program to continue the City's role in preserving land and protecting water quality for the Open Space Project (November 2000 Bond Election). (\$1,285,699 in grant funds will be deposited into the Parks & Recreation Department - Proposition 2 Open Space

Account.)

The motion authorizing the City Manager, or her designee, to negotiate and execute a Cooperative Agreement was approved.

21. Authorize negotiation and execution of a 12-month service agreement with CREATIVE CONSUMER RESEARCH, Stafford, TX, for market research studies regarding customer service and deregulation in an amount not to exceed \$300,000, with one 12-month extension option in an amount not to exceed \$300,000, for a total agreement amount not to exceed \$600,000. (Funding in the amount of \$300,000 is available in the Fiscal Year 2003-2004 Approved Operating Budget of the Electric Utility Department. Funding for the extension option is contingent upon available funding in future budgets.) Best proposal of nine proposals received. MBE 8.6%; WBE 18.2% Subcontractor participation.
The motion authorizing the negotiation and execution of a service agreement was approved.
22. Authorize execution of a contract with PHILPOTT MOTORS, INC., Port Neches, TX, for the purchase of three light duty trucks with mounted service bodies for Austin Energy in an amount not to exceed \$123,789. (Funding is available in the Fiscal Year 2002-2003 Amended Capital Budget of the Electric Utility Department.) Low bidder of two bids received. This contract will be awarded in compliance with the 1996 MBE/WBE Ordinance, as amended. No subcontracting opportunities were identified; therefore, no goals were established for this solicitation.
The motion authorizing execution of a contract was approved.
23. Authorize execution of a 12-month service agreement through the WESTERN STATES CONTRACTING ALLIANCE (WSCA) purchasing cooperative with its vendor AWS NATIONAL ACCOUNTS, LLC, SUBSIDIARY OF AT&T WIRELESS, Dallas, TX for wireless data services in an amount not to exceed \$70,000, with three 12-month extension options in an amount not to exceed \$70,000 per extension option, for a total agreement amount not to exceed \$280,000. (Funding in the amount of \$70,000 is included in the Fiscal Year 2003-2004 Approved Operating Budget of the Electric Utility Department. Funding for the extension options is contingent upon available funding in future budgets.) Cooperative Purchase.
The motion authorizing the execution of a service agreement was approved.
24. Authorize execution of a 12-month supply agreement with KBS ELECTRICAL DISTRIBUTION, Austin, TX for multi-conductor control copper cable/wire in an amount not to exceed \$312,043, with three 12-month extension options in an amount not to exceed \$312,043 per extension option, for a total agreement amount not to exceed \$1,248,172. (Funding in the amount of \$312,043 is included in the Fiscal Year 2003-2004 Approved Operating Budget of the Electric Utility Department. Funding for the extension options is contingent upon available funding in future budgets.) Lowest bid meeting specifications. 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.
25. Authorize negotiation and execution of a 12-month supply agreement with GARNER ENVIRONMENTAL, San Antonio, TX for emergency response and remediation services in an amount not to exceed \$385,514.08, with four 12-month extension options in an amount not to exceed \$385,514.08, for a total agreement amount not to exceed \$1,927,570.40. (Funding in the amount of \$385,514.08 is available in Fiscal Year 2003-2004 Approved Operating Budget of the Electric Utility Department. Funding for the extension options is contingent upon available

funding in future budgets.) Best proposal of two proposals received. 14.10% MBE and 15.0% WBE subconsultant participation.

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

26. Authorize negotiation and execution of Amendment No. 2 to the rail transportation agreement with the BURLINGTON NORTHERN AND SANTA FE RAILWAY COMPANY, Fort Worth, TX, to extend the term of the agreement for an additional year in an amount not to exceed \$10,000,000, for a revised agreement amount not to exceed \$38,500,000. (Funding in the amount of \$7,500,000 is available in the 2003-2004 Approved Operating Budget, Utility Fuel Charge Revenue of the Electric Utility Department. Funding for the remaining three months of the contract period is contingent upon available funding in future budgets.) This contract was 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 Amendment No. 2 to the rail transportation agreement was approved.
27. Authorize execution of an amendment to the 10-year wind power purchase agreement with CIELO WIND POWER LLC, Austin TX, to purchase an additional 15 MW of wind power in an amount not to exceed \$10,000,000, for a total amended agreement amount not to exceed \$32,900,000. (Funding in the amount of \$2,000,000 is included in the 2003 - 2004 Approved Operating Budget of the Electric Utility Department. Funding for the remaining 108 months of the original contract is contingent upon available funding in future budgets.) This contract was 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 an amendment to the wind power purchase agreement was approved.
28. Authorize negotiation and execution of a power purchase agreement(s) for up to twenty years with RES NORTH AMERICA LLC, Palm Beach Gardens, FL or CIELO WIND POWER LLC, Austin Texas, or both, for the purchase of up to 53 MW of wind power in an amount not to exceed \$92,000,000. (Funding in the amount of \$3,000,000 is included in the Fiscal Year 2003-2004 Approved Operating Budget of the Electrical Utility Department. Funding for the remaining 228 months of the original contract period is contingent upon available funding in future budgets.) Best evaluated proposals of sixteen 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 power purchase agreement(s) was approved.
29. Authorize execution of a 12-month supply agreement with TEXAS ALTERNATOR STARTER SERVICE, Austin, TX for the purchase of rebuilt starters and alternators in an amount not to exceed \$150,000, with three 12-month extension options in an amount not to exceed \$150,000, for a total agreement amount not to exceed \$600,000. (Funding in the amount of \$150,000 is available in the Fiscal Year 2003-2004 Approved Operating Budget of the Financial and Administrative Services Department, Fleet Services. Funding for the extension options is contingent upon available funding in future budgets.) Low bid of three bids received. This contract will be awarded in accordance with the 1996 MBE/WBE Ordinance, as amended. No subcontracting opportunities were identified; therefore, no goals were established for this solicitation.

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

30. Ratify execution of a contract through the TEXAS BUILDING AND PROCUREMENT COMMISSION COOPERATIVE PURCHASING PROGRAM with their contract vendor VALERO MARKETING AND SUPPLY COMPANY, San Antonio, TX for the purchase of ultra low sulfur motor vehicle diesel fuel for Fleet Services in an estimated amount of \$300,000. (Funding is available in the Fiscal Year 2002-2003 Operating Budget of the Financial and Administrative Services Department, Fleet Services Division.) Purchasing Cooperative.

The motion ratifying the execution of a contract was approved.

31. Authorize execution of an 11-month Interlocal Agreement with the State of Texas Energy Conservation Office for funding for decals on alternatively-fueled trucks to advertise the City's participation in the Central Texas Clean Cities program in the amount of \$25,000. (Funding in the amount of \$25,000 is available from a grant from the State of Texas Energy Conservation Office.) Interlocal Agreement.

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

32. Authorize execution of a 12-month service agreement with SPECIALIZED MAINTENANCE SERVICES, INC., Pasadena, TX for the Cleaning and TV Inspection of Sanitary Sewer Collection System Pipes for the Water and Wastewater Utility in an amount not to exceed \$1,500,000, with three 12-month extension options in an amount not to exceed \$1,500,000 per extension option, for a total amount not to exceed \$6,000,000. (Funding in the amount of \$1,500,000 is included in the Fiscal Year 2003-2004 Approved Operating Budget of the Water and Wastewater Utility. Funding for the extension options is contingent upon available funding in future budgets.) Lowest bid of four bids received 11% MBE and 15.3% WBE Subcontractor Participation.

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

33. Approve execution of a 12-month supply agreement with DXI INDUSTRIES INC., Houston, TX to provide liquid sulfur dioxide for the Water and Wastewater Utility, in an amount not to exceed \$108,544, with two 12-month extension options in an amount not to exceed \$108,544 per extension option, for a total contract amount not to exceed \$325,632. (Funding in the amount of \$108,544 is available in the Fiscal Year 2003-2004 Approved Operating Budget of the Water and Wastewater Utility. Funding for the extension options will be contingent upon available funding in future budgets.) Sole bid received. This contract will be awarded in compliance with the 1996 M/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.

34. Authorize execution of a 6-month service agreement with NEC BUSINESS NETWORK SOLUTIONS, INC., Irving, TX to provide continued telecommunications services for the Austin-Bergstrom International Airport in an amount not to exceed \$140,000. (Funding in the amount of \$140,000 is included in the Fiscal Year 2003-2004 Approved Operating Budget of the Aviation Department.) Public Safety Exemption. 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. (Recommended by Austin Airport Advisory Commission.)

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

35. Authorize negotiation and execution of a 12-month service agreement with TEXAS MIGRANT COUNCIL, Austin, TX for child care referral and program services for City of Austin employees in an amount not to exceed \$300,000, with two 12-month extension options in an amount not to exceed \$300,000 per extension option, for a total agreement amount not to exceed \$900,000. (Funding in the amount of \$300,000 is available in the Fiscal Year 2002-2004 Approved Operating Budget for the Employee Benefits Fund of the Human Resources Department. Funding for the remaining 11 months of the original contract period and extension options is contingent upon available funding in 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 service agreement was approved.

36. Approve execution of Amendment No. 9 for Phase II of the contract with ANACAPA SCIENCES, INC., Santa Barbara, CA, for the purchase of twenty electronic ticket writers for the Municipal Court in an amount not to exceed \$158,250, for a revised total contract amount of \$267,240. (Funding in the amount of \$158,250 is included in the Fiscal Year 2003-2004 Approved Operating Budget of Municipal Court, Municipal Court Technology Fund.) This contract was awarded in compliance with the 1996 M/WBE Ordinance as amended. No subcontracting opportunities were identified, therefore, no goals were established for this solicitation.
The motion authorizing the execution of Amendment No. 9 for Phase II of the contract was approved.

Item 37 was pulled for discussion.

38. Approve an ordinance amending Sections 16-4-35 of the City Code to add a portion of Dessau Road from 580 feet north of Brighton Lane to Parmer Lane (F.M. 734) as a street having a maximum speed limit of 50 miles per hour.
Ordinance No. 030925-38 was approved.
39. Approve an ordinance to amend Section 16-4-15 (43) of the City Code by extending the existing reduced speed zone portion of Comal Street from Holly Street to 300 feet south of Robert Weaver Avenue and add that portion to the list of streets having a maximum speed limit of 20 mph during certain times to increase the safety of students attending Sanchez Elementary School and Martin Middle School (Funding in the amount of \$7,000 is available in the Fiscal Year 2003-2004 Child Safety Fund Budget of the Transportation, Planning & Sustainability Department for the relocation of the school zone flasher.)
Ordinance No. 030925-39 was approved.
40. Approve an ordinance repealing Division 3, Article 1 of Chapter 4-3, and amending Sections 4-3-11 and 4-3-30 of the City Code related to the standards and permitting procedures for the sale of ozone depleting substances used in motor vehicle air conditioning equipment, refrigerants or refrigeration systems. (These standards and permitting procedures are required by Federal Law.)
Ordinance No. 030925-40 was approved.
41. Authorize execution of a construction contract with SALAS CONSTRUCTORS, INC, (MBE/MH 85.72%), Buda, TX, for street and drainage improvements at the intersection of 45th Street and Guadalupe Street, in the amount of \$710,031.62. (Funding is available in the Amended 2000-2001 Capital Budget of the Transportation, Planning and Sustainability

Department.) Low bid of six received. 2.48% MBE, 11.40% WBE Subcontractor participation.
The motion authorizing the execution of a construction contract was approved.

42. Authorize execution of a construction contract with MUNIZ CONCRETE AND CONTRACTING, INC., (MBE/MH 52.51%), Austin, TX, for street and drainage improvements at the intersection of Braker Lane and Metric Boulevard, in the amount of \$524,285.65. (Funding in the amount of \$513,725.65 is available in the Amended 2000-2001 Capital Budget of the Transportation, Planning and Sustainability Department; \$10,560 is available in the 1995-96 Amended Capital Budget of the Water and Wastewater Utility.) Low bid of six received. 6.11% MBE, 21.35% WBE Subcontractor participation.
The motion authorizing the execution of a construction contract was approved.
43. Authorize negotiation and execution of an amendment to the existing Cost Reimbursement Agreement with Del Valle Independent School District, deleting the requirement for the District to post fiscal security; adopt an ordinance waiving the requirement of Section 25-9-39, of the City Code, relating to the posting of fiscal security. (Recommended by Water and Wastewater Commission)
The motion authorizing the negotiation and execution of an amendment to the existing Cost Reimbursement Agreement and Ordinance No. 030925-43 were approved.
44. Authorize execution of a construction contract with THOMAS INDUSTRIAL COATINGS, Pevely, MO, for construction of Leuthan Lane and Forest Ridge Reservoirs Exterior & Interior Re-coating and Safety Improvements Project for the Water and Wastewater Utility in the amount of \$804,923.00 plus an \$80,492.30 contingency, for a total contract amount not to exceed \$885,415.30. (Funding in the amount of \$885,415.30 is included in Fiscal Year 2002-2003 Amended Capital Budget of the Water and Wastewater Utility.) Lowest bid of seven received. 0% MBE and 20.99% WBE subcontractor participation (Recommended by Water and Wastewater Commission)
The motion authorizing the execution of a construction contract was approved.
45. Approve a resolution authorizing issuance by Moore's Crossing Municipal Utility District of Unlimited Tax Bonds, Series 2003, in an amount not to exceed \$1,670,000; approving a substantial draft of the District's Bond Resolution and Preliminary Official Statement. (No fiscal impact to the City. The City has no responsibility for payment on District bonds unless the District is annexed for full purposes by the City.) (Recommended by Water and Wastewater Commission)
Resolution No. 030925-45 was approved.
46. Approve a resolution authorizing issuance by Northtown Municipal Utility District (MUD) of Unlimited Tax and Revenue Bonds, Series 2003, in an amount not to exceed \$3,770,000; approving a substantial draft of the District's Bond Order, and Preliminary Official Statement; authorize negotiation and execution of agreements with Northtown MUD, Continental Homes dba Milburn Homes, and Wells Fargo Bank Texas, N.A., concerning the escrow of bond proceeds pending the developer's completion of required park and school site dedications and mitigation for the placement of overhead power lines on a portion of the parkland. (No fiscal impact to the City. The City has no responsibility for payment on District bonds unless the City annexes the District.) (Recommended by Water and Wastewater Commission)
Resolution No. 030925-46 was approved.

47. Authorize negotiation and execution of a 12-month State Use Agreement with the TEXAS INDUSTRIES FOR THE BLIND AND HANDICAPPED, Austin, TX for vegetation control in creeks and detention/water quality ponds, and for the hauling of excessive vegetation and debris from specified job site locations to an acceptable landfill in an amount not to exceed \$1,600,000. (Funding is included in the Fiscal Year 2003-2004 Approved Operating Budget of the Watershed Protection and Development Review Department.)

The motion authorizing the negotiation and execution of a State Use Agreement was approved.

48. Board and Commission Appointments
The following appointments were made.

<u>Board/ Appointee</u>	<u>Consensus/ Council Nominee</u>	<u>Appointment/ Reappointment</u>
<u>Airport Advisory Commission</u>		
John Allman	Consensus	Appointment
Floyd Davis	Consensus	Reappointment
<u>Arts Commission</u>		
Suzie Harriman	Council Member Dunkerley's	Appointment
<u>Building and Fire Code Board of Appeals</u>		
Curtis Brown	Consensus	Appointment
<u>Building and Standards Commission</u>		
Decker Ayers	Consensus	Reappointment
<u>Child Care Council</u>		
Wallace Beckham (Licensing Resource Consultant)	Consensus	Appointment
<u>Community Development Commission</u>		
Yolanda Aleman-Limon (Rosewood Blackland rep)	Consensus	Appointment
<u>Ethics Review Commission</u>		
Patrick Victor Reinhart	Council Member Slusher	Nomination
<u>Mechanical Plumbing and Solar Board</u>		
William Harris, Jr.	Consensus	Reappointment
Paul Hovey	Consensus	Reappointment
Joey Mims, Sr.	Consensus	Reappointment
Michael Nail	Consensus	Reappointment
<u>Planning Commission</u>		
Lydia Ortiz	Council Member Alvarez'	Reappointment
<u>Resource Management Commission</u>		
Adan Martinez	Council Member Dunkerley's	Reappointment

49. Waive \$24,480 of the \$26,400 in Regional Stormwater Management Program Fees for the Shepherd of the Hills Christian Church Project, located at 6909 West Courtyard Drive, Austin,

Texas 78730. (Mayor Will Wynn, Council Member Brewster McCracken and Council Member Betty Dunkerley)

This item was postponed to October 30, 2003.

50. Direct the City Manager to use specific Project Participation Goals for all City construction projects, in accordance with Section 5-7-20 of the Minority-Owned and Women-Owned Business Enterprise Procurement Program ordinance, Chapter 5-7 of the City Code. (Council Member Raul Alvarez, Mayor Will Wynn and Council Member Betty Dunkerley)
The motion directing the City Manager to use specific Project Participation Goals for all City construction projects was approved.

Item 51 was pulled for discussion.

52. Authorize reimbursement of the application fee, sound permit fee, and safety inspection fee and waive the street closure fee under Chapter 15-11 of the Code, in a total amount not to exceed \$1,859.00, for the Settlement Home's "5K Fun Run" to be held on October 11, 2003. (Council Member Raul Alvarez)
The motion authorizing the reimbursement of the application fee, sound permit fee, and safety inspection fee and waive the street closure fee was approved.
53. Set a public hearing to consider amendments to Chapter 25-10 of the City Code relating to the applicability of sign regulations, definitions of public right-of-way and street right-of-way, governmental signs, political signs, sign set backs, and signs on public property or in the public right-of-way. (Suggested date and time: October 9, 2003, 6:00 p.m., at Lower Colorado River Authority, Hancock Building) NA (Recommended by the Planning Commission, with amendments.)
The public hearing was set for October 9, 2003, 6:00 p.m., at Lower Colorado River Authority, Hancock Building.

Items 54-61 were Executive Session items.

Item 62 was a briefing

Items 63 and Z-1 to Z-19 were Zoning set for 4:00 p.m.

Items 64-66 were public hearings set for 6:00 P.M.

67. Approve the negotiation and execution of an agreement with the Austin Housing Finance Corporation (AHFC) in an amount not to exceed \$9,309,096 in new funding plus any prior year unexpended funds for the one-year period beginning October 1, 2003 to manage and operate various City housing programs. (Funding in the amount of \$9,309,096 is available from the Fiscal Year 2003-2004 Grant Operating Budget, including \$800,000 from the Housing Trust Fund; \$740,000 from the S.M.A.R.T. Housing™ Capital Improvement Project Fund; \$385,000 from HOME Program Income; \$180,000 from the Community Development Block Grant (CDBG) revolving fund; and \$7,204,096 from federal grant proceeds.)(Related Item AHFC-3)
The motion authorizing the negotiation and execution of an agreement was approved.

DISCUSSION ITEMS

37. Authorize execution of a 12-month service agreement with PIKE ELECTRIC INC., Mount Airy, North Carolina for distribution construction and maintenance services in an amount not to exceed \$5,480,106.40, with two 12-month extension options in an amount not to exceed \$5,480,106.40 per extension option, for a total agreement amount not to exceed \$16,440,319.20. (Funding in the amount of \$5,206,101.00 is available in the Fiscal Year 2003-2004 Approved Capital Budget of the Electric Utility Department. Funding in the amount of \$274,005.40 is available in the Fiscal Year 2003-2004 Approved Operating Budget of the Electric Utility Department. Funding for the extension options is contingent upon available funding.) Low bid of five bids received. 6.41% MBE; 0.70% WBE subcontractor participation.
The motion authorizing the execution of a service agreement per staff's recommendation was approved on Council Member Thomas' motion, Council Member Slusher's second on a 7-0 vote.
7. Authorize execution of an interlocal agreement with the Texas Department of Public Safety (TDPS) to continue participation in the Denial of Renewal of License For Failure To Appear program authorized under Chapter 706, Transportation Code. (Recommended by the Judicial Committee on August 21, 2003.)
This item was postponed indefinitely on Mayor Pro Tem Goodman's motion, Mayor Wynn's second on a 6-0 vote. Council Member Thomas was off the dais. Staff was directed to gather information and send to the Judicial Subcommittee for consideration.
12. Authorize negotiation and execution of a professional services agreement with HDR ENGINEERING, INC., Austin, TX, for professional engineering services for the extension of the James D. Pfluger Bicycle and Pedestrian Bridge, in an amount not to exceed \$322,000. (Funding is available in Fiscal Year 2001-2002 Amended Capital Budget of the Transportation Planning & Sustainability Department.) Best qualification statement of six received. 11.0% MBE and 19.0% WBE subconsultant participation.
This item was postponed to October 9, 2003 on Council Member Slusher's motion, Mayor Wynn's second on a 6-0 vote. Council Member Thomas was off the dais.
51. Approve an ordinance establishing the Historic Landmark Task Force and waiving Sections 2-4-9 and 2-3-63 of the City Code; appoint members of Task Force. (Council Member Betty Dunkerley, Mayor Will Wynn and Council Member Daryl Slusher)
Ordinance No. 030925-51 was approved on Council Member Dunkerley's motion, Council Member Slusher's second on a 7-0 vote. The appointments were as follows: Betty Baker; Jerry Harris; Clarke Hammond; Joseph Martinez; Jim Christianson; Keith Jackson; and John Donisi. Mayor Pro Tem Goodman suggested that if Jerry Harris cannot serve, Allen Mentor should be appointed.

Mayor Wynn recessed the Council Meeting to go into Executive Session at 11:30 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

Item 54 was discussed later in Executive Session.

55. Discuss legal issues related to Chapter 5-7 of the City Code, the Minority-Owned and Women-Owned Business Enterprise Procurement Program.

Items 56 through 59 were discussed later in Executive Session.

The Executive Session ended at 12:07 p.m.

Mayor Wynn called the Council Meeting back to order at 12:10 p.m.

CITIZEN COMMUNICATIONS: GENERAL

Marcos De Leon - Gentrification - Displacement of Barrio Families in East Austin

Gavino Fernandez Jr. - Si Se Puede! Close the Holly Power Plant Now!

Susana Almanza - Protect the Children - Clear the Air - Close Holly Power Plant

Ramon Maldonado - Holly

Ann del Llano - Public Safety

Grace Lehto -- Drainage She was not present when her name was called.

Debbie Smith - Code Ordinance 25-10 Sign Ordinance

Skip Cameron - The 25-10 Sign Code

Frank Irwin - Sign Ordinance

Jennifer L. Gale - A New Government, Objective Newspaper and an Ability to choose for all the People of Austin

Mayor Wynn recessed the Council Meeting to go into Executive Session at 12:52 p.m.

EXECUTIVE SESSION CONTINUED

56. Discuss possible settlement in *Andrea Dasilva Kuhnel and Naomi Morgan v. City of Austin and Fred Urias*; Cause No. GN 202832, in the 201st Judicial District of Travis County, Texas. (Concerns alleged employee misconduct) (Related Item 60)
57. Discuss legal issues raised by Resolution No. 010802-12 relating to the release of portions of Austin's extraterritorial jurisdiction to the City of Buda.

58. Discuss the proposed settlement in *Cities of Mercedes and Weslaco on behalf of themselves and all other similarly situated entities v. Rio Grande Valley Gas Company, et al*, Cause No. C-4558-95G(7), in the Hidalgo County District Court. (Concerns a Southern Union franchise agreement) (Related Item 61)
59. Discuss legal issues related to *Lamar Advantage Holding Company, L.P., d/b/a Lamar Advertising Company vs. the City of Austin, et al.*, Cause Number GN301969 in the 98th Judicial District Court of Travis County, Texas. (Concerns billboard regulations)

Executive Session ended at 2:14

Mayor Wynn called the Council Meeting back to order at 2:15 p.m.

Briefings

62. Update by Envision Central Texas on their regional planning activities in Central Texas.
The presentation was made by Neil Kocurek, Chairman of the Envision Central Texas Commission.

Action on Executive Session

60. Consider possible settlement of *Andrea Dasilva Kuhnel and Naomi Morgan v. City of Austin and Fred Urias*; Cause No. GN202832; In the 201st Judicial District of Travis County, Texas. (Concerns alleged employee misconduct) (Related Item 56)
The motion authorizing the settlement of Andrea Dasilva Kuhnel and Naomi Morgan v. City of Austin and Fred Urias in the amount of \$150,000 was approved on Council Member McCracken's motion, Mayor Pro Tem Goodman's second on a 7-0 vote.
61. Consider a settlement proposal in *Cities of Mercedes and Weslaco on behalf of themselves and all other similarly situated entities v. Rio Grande Valley Gas Company and Southern Union Company d/b/a Southern Union Gas Company*, Cause No. C-4558-95G(7), in the Hidalgo County District Court. (Related Item 58)
The motion authorizing the settlement proposal in Cities of Mercedes and Weslaco on behalf of themselves and all other similarly situated entities v. Rio Grande Valley Gas Company and Southern Union Company d/b/a Southern Union Gas Company was approved on Council Member Alvarez' motion, Council Member Dunkerley's second on a 7-0 vote. Southern Union Gas will pay \$50,000 to Project Care, an organization that helps low income people pay their utility bills.

Mayor Wynn recessed the Council Meeting to go into Executive Session at 2:50 p.m.

EXECUTIVE SESSION CONTINUED

54. Discuss legal issues related to: 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; *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 Lowe's tract); *Gordon Dunaway and Eli J. Garza v. City of Austin*, Cause No. 97-12434, in the 261st Judicial District Court of Travis County, Texas (concerning development of land in the Barton Springs Zone near the intersection of William Cannon Drive

and MoPac); and the proposed Walmart at the intersection of Mopac Boulevard and Slaughter Lane.

Executive Session ended at 4:16 p.m.

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

BOARD OF DIRECTORS MEETING OF AUSTIN HOUSING FINANCE CORPORATION.

Mayor Wynn recessed the Council Meeting at 4:18 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 4:21 p.m.

ZONING CONSENT ITEM

63. C14-99-2017 - Amend ordinance 000203-46 to correct the legal description for the property known as Travis Boating Center, located at 13045 U.S. Highway 183 North. Property Owner: Travis Boating Center (Mike Perrine). City Staff: Wendy Walsh, 974-7719.
Ordinance No. 030925-63 was approved on Council Member Dunkerley's motion, Mayor Wynn's second on a 7-0 vote.

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 were approved on Council Member Slusher's motion, Mayor Wynn's second on a 7-0 vote.

- Z-1 C14-03-0097 - Buckner Retirement Services - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 1101 East Braker Lane (Walnut Creek Watershed) from multi-family residence medium density-conditional overlay (MF-3-CO) combining district zoning to general office (GO) district zoning. Zoning and Platting Commission Recommendation: To grant general office-conditional overlay (GO-CO) combining district zoning. Applicant: Buckner Retirement Services, Inc. (Lloyd McWilliams). Agent: Site Specifics (John Hussey). City Staff: Sherri Gager, 974-3057.
Ordinance No. 030925-Z-1 for general office-conditional overlay (GO-CO) combining district zoning was approved.
- Z-2 C14-03-0103 - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 12506 West Cow Path (Walnut Creek Watershed) from limited industrial services (LI) 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: Jim L. Mayo and Lisa Ann Mayo. City Staff: Sherri Gager, 974-3057.
The first reading of the ordinance for single family residence standard lot (SF-2) was approved.
- Z-3 C14-03-0104 - Maxwell Auto Group - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 13573 U.S. Highway 183 North (Lake Creek Watershed) from interim-rural residence (I-RR) district zoning, community commercial (GR) district zoning, single family residence standard lot (SF-2)

district zoning, and general commercial services (CS) district zoning to community commercial-conditional overlay (GR-CO) combining district zoning. Zoning and Platting Commission Recommendation: To grant community commercial-conditional overlay (GR-CO) combining district zoning. Applicant: Maxwell Auto Group (Nyle Maxwell). Agent: Corridor Engineering (Tim Hunter). City Staff: Sherri Gager, 974-3057.

Ordinance No. 030925-Z-3 for community commercial-conditional overlay (GR-CO) combining district zoning was approved.

- Z-4 C14-03-0106 - Pickfair Lift Station - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 10904 Pickfair Drive (Bull Creek Watershed) from single family residence large lot (SF-1) district zoning to public (P) district zoning. Zoning and Platting Commission Recommendation: To grant public (P) district zoning. Applicant: City of Austin-Water & Wastewater Utilities Department (Michael Glennon Boyle, P.E.). Agent: GSG, Inc. (B.C. "Barry" Sarma, P.E.). City Staff: Sherri Gager, 974-3057.

Ordinance No. 030925-Z-4 for public (P) district zoning was approved.

- Z-5 C14-03-0107 - Los Indios Lift Station - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 12507 Oro Valley Trail (Rattan Creek Watershed) from single family residence small lot (SF-4A) district zoning to public (P) district zoning. Zoning and Platting Commission Recommendation: To grant public (P) district zoning. Applicant: City of Austin-Water & Wastewater Utilities Department (Michael Glennon Boyle, P.E.). Agent: GSG, Inc. (B.C. "Barry" Sarma, P.E.). City Staff: Sherri Gager, 974-3057.

Ordinance No. 030925-Z-5 public (P) district zoning was approved.

- Z-6 C14-03-0108 - Northwest Travis County MUD #2 WWTP - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 10905-1/2 Pickfair Drive (Bull Creek Watershed) from single family residence large lot (SF-1) district zoning and rural residence (RR) district zoning to public (P) district zoning. Zoning and Platting Commission Recommendation: To grant public (P) district zoning. Applicant: City of Austin-Water & Wastewater Utilities Department (Michael Glennon Boyle, P.E.). Agent: GSG, Inc. (B.C. "Barry" Sarma, P.E.). City Staff: Sherri Gager, 974-3057.

Ordinance No. 030925-Z-6 for public (P) district zoning was approved.

- Z-7 C14-03-0109 - Parkway II Lift Station - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 10623-1/2 Spicewood Parkway (Bull Creek Watershed) from single family residence large lot (SF-1) district zoning to public (P) district zoning. Zoning and Platting Commission Recommendation: To grant public (P) district zoning. Applicant: City of Austin-Water & Wastewater Utilities Department (Michael Glennon Boyle, P.E.). Agent: GSG, Inc. (B.C. "Barry" Sarma). City Staff: Sherri Gager, 974-3057.

Ordinance No. 030925-Z-7 for public (P) district zoning was approved.

- Z-8 C14-03-0111 - Plaza Volente - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as the southeast side of the intersection of R.M. 620 and Anderson Mill Road (Bull Creek Watershed) from development reserve (DR) district zoning to community commercial-conditional overlay (GR-CO) combining district zoning. Zoning and Platting Commission Recommendation: To grant community commercial-conditional overlay (GR-CO) combining district zoning. Applicant: London Enterprises 620 Joint Venture (Mike London). Agent: Bury & Partners, Inc. (Ro Kumarage). City Staff: Sherri Gager, 974-3057.
Ordinance No. 030925-Z-8 for community commercial-conditional overlay (GR-CO) combining district zoning was approved.
- Z-9 C14-03-0114 - B & B Body and Paint - Conduct a public hearing and approve an ordinance amending Chapter 25-2 Austin City Code by rezoning property locally known as 8300 South I.H. 35 (Onion Creek Watershed) from single family residence standard lot (SF-2) district zoning to community commercial-conditional overlay (GR-CO) combining district zoning. Zoning and Platting Commission Recommendation: To grant community commercial-conditional overlay (GR-CO) combining district zoning. Applicant: Robert Edward Slaughter. Agent: Greg Griffin. City Staff: Glenn Rhoades, 974-2775.
Ordinance No. 030925-Z-9 for community commercial-conditional overlay (GR-CO) combining district zoning was approved.
- Z-10 C14-03-0118.SH - Anderson Hill Redevelopment- Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 1160 & 1164 Navasota Street (Waller Creek Watershed) from general commercial services-neighborhood plan (CS-NP) combining district zoning to family residence-neighborhood plan (SF-3-NP) combining district zoning. Zoning and Platting Commission Recommendation: To grant family residence-neighborhood plan (SF-3-NP) combining district zoning. Applicant: City of Austin. Agent: Neighborhood Housing & Community Development Office (Gregory L. Smith). City Staff: Annick Beaudet, 974-2975.
Ordinance No. 030925-Z-10 for family residence-neighborhood plan (SF-3-NP) combining district zoning was approved.
- Z-11 C14-03-0091 - Hackney No. 2 - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 700 Chaparral Road (Williamson Creek Watershed) from neighborhood office-mixed use-conditional overlay (NO-MU-CO) combining district zoning to community commercial-conditional overlay (GR-CO) combining district zoning. Zoning and Platting Commission Recommendation: To grant community commercial-conditional overlay (GR-CO) combining district zoning. Applicant: Norman C. Hackney. Agent: Jim Bennett Consulting (Jim Bennett). City Staff: Wendy Walsh, 974-7719.
This item was postponed to October 23, 2003 at the neighborhood association's request.

- Z-12 C14-03-0092 - Hackney No. 1 - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 701 Chaparral Road (Williamson Creek Watershed) from single family residence standard lot (SF-2) district zoning and family residence (SF-3) district zoning to limited office-mixed use-conditional overlay (LO-MU-CO) combining district zoning. Zoning and Platting Commission Recommendation: To grant neighborhood office-mixed use-conditional overlay (NO-MU-CO) combining district zoning. Applicant: Norman C. Hackney. Agent: Jim Bennett Consulting (Jim Bennett). City Staff: Wendy Walsh, 974-7719.

This item was postponed to October 23, 2003 at the neighborhood association's request.

- Z-13 C14-03-0086 - Eckerd's - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as R.M. 620 and El Salido Parkway (Lake Creek Watershed) from neighborhood commercial-conditional overlay (LR-CO) combining district zoning and limited office-conditional overlay (LO-CO) combining district zoning to community commercial (GR) district zoning. Zoning and Platting Commission Recommendation: To grant neighborhood commercial-conditional overlay (LR-CO) combining district zoning and limited office-conditional overlay (LO-CO) combining district zoning. Applicant: Magna Properties (Elias Sarkis). Agent: Crocker Consultants (Sarah Crocker). City Staff: Sherri Gager, 974-3057. Note: A valid petition has been filed in opposition to this rezoning request.

This item was postponed to October 2, 2003 at the neighborhood association's request.

Items Z-14 through Z-17 were pulled for discussion.

- Z-18 C14-03-0119 - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 0 East Ben White Boulevard (Blunn Creek Watershed) from family residence (SF-3) district zoning to limited industrial (LI) district zoning. Zoning and Platting Commission Recommendation: To be considered by the Commission on September 23, 2003. Applicant: Joe Jung. Agent: Armbrust & Brown, LLP. (Richard Suttle, Jr.). City Staff: Annick Beaudet, 974-2975.

This item was postponed to October 23, 2003 at the staff's request.

- Z-19 C14-03-0066 - Wal-Mart - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as West Slaughter Lane at South IH-35 (Onion Creek Watershed) from rural residence (RR) district zoning; single family residence (SF-2) district zoning; limited industrial services-conditional overlay (LI-CO) combining district zoning; general commercial services-conditional overlay (CS-CO) combining district zoning; and general commercial services (CS) district zoning to community commercial-conditional overlay (GR-CO) combining district zoning. Zoning and Platting Commission Recommendation: To be considered by the Commission on September 23, 2003. Applicants: Norman O. Euers (Melvin L. Euers); Melvin L. Euers; Cullen and Parmer Lane, LTD. (Silvestre Garza, Jr.); Slaughterway Retail, LTD. (Andrew R. Pastor); Austin Community Foundation of the Capitol Area (Richard Slaughter); McCullough Mechanical, Inc. (Charles Douglas McCullough); Monroe H. Euers; Norman O. Euers Life Estate (Monroe H. Euers). Agent: Armbrust & Brown, LLP. (Richard T. Suttle, Jr.). City Staff: Wendy Walsh, 974-7719. (continued from 8/28/03)

This item was postponed to October 23, 2003 at the staff's request.

ZONING DISCUSSION ITEMS

- Z-14 C14-03-0088 - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 1704 Fort View Road (West Bouldin Creek Watershed) from family residence (SF-3) district zoning to general commercial services (CS) district zoning. Zoning and Platting Commission Recommendation: To grant general commercial services-conditional overlay (CS-CO) combining district zoning. Applicant: Oyster Investment Corp. Agent: Crocker Consultants (Sarah Crocker). City Staff: Annick Beaudet, 974-2975. (continued from 8/28/03)

The public hearing was closed and Ordinance No. 030925-Z-14 adopting ZAP's recommendation of general commercial services without the restrictive covenant was approved on Council Member Slusher's motion, Council Member Dunkerley's second on a 7-0 vote.

- Z-15 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-H) historic combining district. Planning Commission recommendation: Forward without a recommendation. Historic Landmark Commission recommendation: To grant family residence (SF-3-H) 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) Note: A valid petition has been filed by the property owner in opposition to this rezoning request.

The public hearing was closed. The motion to postpone this item to October 9, 2003 to allow parties to engage in mediation and get a restrictive covenant written was approved on Council Member McCracken's motion, Council Member Dunkerley's second on a 5-0 vote. Mayor Pro Tem Goodman and Council Member Alvarez were off the dais.

- Z-16 C14-03-0077- Parker Lane Condominiums - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 1400-1404 Parker Lane (Town Lake Watershed) from family residence (SF-3) district zoning to multifamily residence medium density (MF-3) district zoning. Zoning and Platting Commission Recommendation: To grant multifamily residence low density-conditional overlay (MF-2-CO) combining district zoning. Applicant: Mario G. Chapa. Agent: Lopez-Phelps & Assoc., LLC. City Staff: Annick Beaudet, 974-2975 Note: A valid petition has been filed in opposition to this rezoning request.

The public hearing was closed on Council Member Alvarez' motion, Council Member Thomas' second on a 6-0 vote. Council Member McCracken was off the dais.

The first reading of the ordinance was approved on Mayor Pro Tem Goodman's motion, Council Member Alvarez' second on a 6-0 vote. Council Member McCracken was off the dais.

Mayor Wynn recessed the Council Meeting at 5:29 p.m.

LIVE MUSIC

Robbi Sherwin

PROCLAMATIONS

Distinguished Service Award - Marsha Wehmeyer - to be presented by Mayor Will Wynn and to be accepted by the honoree

Proclamation - Destination Dignity Month - to be presented by Mayor Will Wynn and to be accepted by Beverly Scarborough

Distinguished Service Award - Peter Rieck - to be presented by Mayor Will Wynn and to be accepted by the honoree

Distinguished Service Award - Tracy Watson - to be presented by Mayor Will Wynn and to be accepted by the honoree

Certificate of Appreciation - Pioneer Farm Donation - to be presented by Council Members Betty Dunkerley and Brewster McCracken and to be accepted by North Oaks Elementary 5th Grade Class

Mayor Wynn called the Council Meeting back to order at 6:39 p.m.

PUBLIC HEARINGS AND POSSIBLE ACTION

64. Conduct a public hearing and approve an ordinance amending Chapter 25-2 relating to residential front yard setbacks and to front porch setbacks, impervious cover, parking, and garage placement in a neighborhood plan combining district. (Recommended by the Planning Commission.)
The public hearing was closed and Ordinance No. 030925-64 was approved on Council Member Thomas' motion, Mayor Pro Tem Goodman's second on a 7-0 vote.

65. Conduct a public hearing and approve a resolution to approve the use of 0.149 acre (6,478 square feet) for a wastewater line, 0.088 acre (3,476 square feet) for a temporary working space, and 0.88 acre (3,826 square feet) for temporary staging and material storage site through dedicated parkland known as Quail Creek Park 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 the Water & Wastewater Utility through a previously approved CIP.)
The public hearing was closed and Resolution No. 030925-65 was approved on Mayor Pro Tem Goodman's motion, Council Member Slusher's second on a 7-0 vote.

ZONING DISCUSSION ITEMS CONTINUED

- Z-17 C14-03-0105.SH - Cottage Community - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 0 Dessau Road (Walnut Creek Watershed) from single family residence standard lot (SF-2) district zoning to townhouse & condominium residence (SF-6) district zoning. Zoning and Platting Commission Recommendation: To grant townhouse and condominium residence-conditional overlay (SF-6-CO) combining district zoning. Applicant: Cottage Community Inc. Agent: Armbrust & Brown, LLP (Richard Suttle, Jr.) City Staff: Annick Beaudet, 974-2975. (continued from 8/28/03). Note: A valid petition has been filed in opposition to this rezoning request.
The public hearing was closed on Council Member Slusher's motion, Council Member Alvarez' second on a 7-0 vote.

Ordinance No. 030925-Z-17 was approved granting SF-6-CO, with day care services (commercial) limited to daytime care of no more than 100 persons, on Council Member Alvarez' motion, Council Member Thomas' second on a 7-0 vote.

The motion to waive the rules and allow Council to meet after 10 p.m. was approved on Mayor Wynn's motion, Council Member Alvarez second on a 7-0 vote.

PUBLIC HEARINGS AND POSSIBLE ACTION

66. 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)
The public hearing was closed on Council Member Slusher's motion, Mayor Pro Tem Goodman's second on a 7-0 vote.

Resolution No. 030925-66 was approved with the following friendly amendment on Mayor Pro Tem Goodman's motion, Council Member Alvarez' second on a 4-0-3 vote. Those voting aye were: Mayor Pro Tem Goodman, Council Members Alvarez, Slusher and Thomas. Those abstaining were: Mayor Wynn and Council Members Dunkerley and McCracken. Council Member Slusher's friendly amendment was as follows:

On page 3, fifth paragraph add "and to oppose passage of Patriot Act II" to the end of the paragraph.

In the following paragraph, second line, delete "maintaining a permanent record of" and add "conducting".

The motion to adjourn the meeting at 11:25 p.m. was approved on Council Member Slusher's motion, Mayor Wynn's second on a 7-0 vote.

The minutes for the meeting of September 25, 2003 were approved on this the 2nd day of October 2003 on Council Member Dunkerley's motion, Mayor Wynn's second on a 4-0 vote. Council Member Alvarez was absent. Mayor Pro Tem Goodman and Council Member Thomas were off of the dais.