



**Austin City Council
MINUTES**

**REGULAR MEETING
THURSDAY, OCTOBER 9, 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, October 9, 2003 in the Board Room at Lower Colorado River Authority Hancock Building, 3700 Lake Austin Boulevard.

Invocation: Benjamin Anyacho, Apostolic Bridge Builders

Mayor Wynn called the Council Meeting to order at 10:15 a.m.

CONSENT AGENDA

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

1. Approval of minutes from meeting of October 2, 2003.
The minutes from the meeting of October 2, 2003 were approved.

Item 2 was pulled for discussion.

3. Adopt a resolution authorizing the City Manager to negotiate and execute an agreement with Anderson Mill Municipal Utility District and TCCT Development, Inc., General Partner of PLAZA V 620, LTD., for the provision of temporary out-of-district retail water and wastewater utility service to the "London Park/Plaza Volente" tract, located near the intersection of RM 620 and Anderson Mill Road in the limited purpose jurisdiction of the City. (No City funds are required by this action. TCCT Development, Inc. will construct the necessary water and wastewater infrastructure.) (Recommended by the Water and Wastewater Commission.)
Resolution No. 031009-3 was approved.

Item 4 was pulled for discussion.

5. Approve the City of Austin Investment Policy. (Approved by the Audit and Finance Committee.)
Resolution No. 031009-5 was approved.

6. Approve execution of Amendment #1 to the AUSTIN/TRAVIS COUNTY MENTAL HEALTH MENTAL RETARDATION (A/TCMHMR), Austin, TX, 10-month Ryan White CARE Act Title I HIV Emergency Relief Grant contract for the provision of additional HIV-related outpatient substance abuse treatment in the amount of \$54,139, for a total contract amount not to exceed \$397,627. (Funding in the amount of \$54,139 is available in the Fiscal Year 2002-2003 Health and Human Services Department (HHSD) Special Revenue Fund, Ryan White CARE Act Title I HIV Emergency Relief Grant. Grant period is March 1, 2003 through February 29, 2004. Contract period is May 1, 2003 thorough February 29, 2004. No City match is required.) (Austin Area Comprehensive HIV Planning Council approved allocation of funds for the purchase of these services.)
The motion authorizing the execution of Amendment #1 was approved.
7. Approve an Ordinance authorizing acceptance of \$928,836 in grant funds from the U.S. Department of Health and Human Services' Centers for Disease Control and Prevention (CDC) Steps to a Healthier U.S. (STEPS) grant program, and amending Ordinance No. 030909-01, the approved Fiscal Year 2003-2004 Operating Budget, Health and Human Services Special Revenue fund, by appropriating \$928,836 in additional grant funds and authorizing an additional six (6.0) full-time equivalent (FTE) grant positions. (Funding is available from the U.S. Department of Health and Human Services' Centers for Disease Control and Prevention (CDC) Steps to a Healthier U.S. (STEPS) grant program. The grant period is from September 22, 2003 through September 21, 2004. No City match is required.)
Ordinance No. 031009-7 was approved.
8. Authorize execution of an interlocal agreement between the CITY OF AUSTIN and TRAVIS COUNTY concerning the local workforce development board; and authorize execution of an agreement between the CITY OF AUSTIN, TRAVIS COUNTY, and WORKSOURCE--GREATER AUSTIN AREA WORKFORCE BOARD setting forth the functions, responsibilities, roles and relationships for the purpose of compliance with HB1863, Sec. 11.23(f) pursuant to the Workforce and Economic Competitiveness Act, GOV'T. CODE Sec. 2308 et seq. The term of the agreement shall be July 1, 2003 through June 30, 2004, with two 12-month extension options through June 30, 2006.
Resolution No. 031009-8 was approved.
9. Approve a recodification ordinance repealing and replacing Title 3 of the City Code relating to Animal Regulation; repealing Section 10-1-6 of the Code; creating offenses; and providing penalties.
Ordinance No. 031009-9 was approved.
10. Approve a recodification ordinance repealing and replacing Title 9 of the City Code relating to Libraries and Cultural Activities.
Ordinance No. 031009-10 was approved.
11. Approve a recodification ordinance repealing and replacing Title 11 of the City Code relating to Parks and Recreation; repealing Chapters 14-1 and 14-2 and Sections 12-2-88, 16-1-16, and 16-5-16(D) of the Code; creating offenses; and providing penalties.
Ordinance No. 031009-11 was approved.

Item 12 was pulled for discussion.

13. Authorize execution of an Interlocal Agreement between the City of Austin and the Texas Department of Public Safety (DPS) to allow for reimbursement from the "Fugitive Apprehension Program" when revocation warrants are served. (Funding is available from the DPS for the period September 1, 2003 through August 31, 2004. DPS reimburses the City \$200-\$400 per warrant served.)
The motion authorizing the execution of an Interlocal Agreement was approved.
14. Authorize execution of an Interlocal Agreement with the Capital Area Planning Council for the City of Austin to be reimbursed for operating supplies for the 9-1-1 emergency telephone system. (Funding in the amount of \$4,750 is available from the Capital Area Planning Council for the period September 1, 2003 through August 31, 2004. The reimbursement covers supply costs in the amount of \$1,650 for the Austin Police Department, \$1,550 for Austin Emergency Medical Services, and \$1,550 for the Austin Fire Department.)
The motion authorizing the execution of an Interlocal Agreement was approved.
15. Authorize the acceptance of \$412,500 in renewal grant funding from the Texas Department of Transportation "Comprehensive Selective Traffic Enforcement Program C-STEP"; amend Ordinance No. 030909-01 the Fiscal Year 2003-2004 operating budget, Police Department Special Revenue Fund, by increasing the amount of this grant award from \$358,000 to \$412,500. (Funding is available in a grant from the Texas Department of Transportation for Fiscal Year 2003-2004 Operating Budget, Police Department Special Revenue Fund for the grant period October 1, 2003 to September 30, 2004. An in-kind match of \$45,833 is included.)
The motion authorizing the acceptance of \$412,500 in renewal grant funding and Ordinance No. 031009-15 was approved.
16. Approve a resolution authorizing the personal property acquisition in the amount of \$67,500 for a 1,502 square foot manufactured home, garage/workout room, septic system and Morgan building, from Gerald Macias for the Airport Noise Mitigation Program, and \$22,681.27 for relocation benefits, plus closing costs and moving related expenses in the amount of \$15,000, for a total amount not to exceed \$105,181.27. (Funding in the amount of \$105,181.27 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. 031009-16 was approved.
17. Approve a resolution authorizing fee simple acquisition of 0.063 acres for right-of-way, 1.670 acres for a drainage easement and 0.299 acres for a temporary work space easement out of and a part of the William Cannon Survey No. 19, in Travis County, Texas, from Healthcare Rehabilitation Center of Austin, Inc., for the Dittmar Road Reconstruction Project, in an amount not to exceed \$66,495. (Funding is included in the Fiscal Year 2001-2002 Amended Capital Budget of Transportation Planning & Sustainability Department.)
Resolution No. 031009-17 was approved.
18. Approve an ordinance authorizing the City Manager, or designee, to negotiate and execute all documents related to the sale to Saint James Episcopal Church of 0.04 acres of a portion of the J.C. Tannehill League No. 29 in Travis County, Texas located at the southwest corner of the intersection of Webberville Road and Tannehill Lane, said acreage being a Right-of-Way remnant from the Tannehill Lane street improvement project.
Ordinance No. 031009-18 was approved.

19. Authorize execution of a Public Highway Crossing Agreement with the Union Pacific Railroad Company to provide for the reconstruction and widening of the existing Dittmar Road across the railroad, in an amount not to exceed \$530,000. (Funding is available in the Fiscal Year 2001-2002 Amended Capital Budget of the Transportation Planning & Sustainability Department.)
The motion authorizing the execution of a Public Highway Crossing Agreement was approved.
20. Authorize execution of a construction contract with SOUTHLAND CONTRACTING, INC., Fort Worth, TX, for the West Boulidin Creek Phase A-2 Wastewater System Improvements Project, in the amount of \$2,897,895 plus a \$289,790 contingency, for a total contract amount not to exceed \$3,187,685. (Funding in the amount of \$3,187,685 is available in the Fiscal Year 2002-2003 Amended Capital Budget of the Austin Water Utility.) Lowest Bid of one received. 15.30% MBE and 3.23% WBE, subcontractor participation. (Recommended by Water & Wastewater Commission.)
The motion authorizing the execution of a construction contract was approved.
21. Authorize execution of a construction contract with SOLIS CONSTRUCTORS, INC. (MBE/MH 22.14%), Austin, TX, for a backup control center at the Decker Power Plant site, in an amount not to exceed \$1,263,000. (Funding is available in the Fiscal Year 2003-2004 Capital Budget of the Electric Utility Department.) Lowest bid of six received. 15.23% MBE and 1.08% WBE subcontractor participation. (Recommended by the Electric Utility Commission.)
The motion authorizing the execution of a construction contract was approved.
22. Authorize execution of a construction contract with D. SHAFFER CONCRETE CO., INC., Pflugerville, TX, for the construction of a sidewalk along the north side of West Mary Street from South 5th Street to Lamar Boulevard, in an amount not to exceed \$120,734.15. (Funding is available in Fiscal Year 1998-1999 Amended and 2003-2004 Approved Capital Budgets of the Transportation Planning & Sustainability Department.) Lowest bid of five received. 20.02% DBE subcontractor participation.
The motion authorizing the execution of a construction contract was approved.
23. Authorize execution of change order #7 to the construction contract with SMITH CONTRACTING, CO., INC., Austin, TX, for construction of street and drainage improvements along Dorsett Road from Wycliff Lane to Aspendale Drive, in the amount of \$50,839.12, for a total contract amount not to exceed \$1,354,361.88. (Funding in the amount of \$50,839.12 is available in the Fiscal Year 2003-2004 Amended Capital Budget of the Transportation, Planning & Sustainability Department.) 13.41% MBE and 3.82% WBE subcontractor participation to date.
The motion authorizing the execution of change order #7 to the construction contract was approved.
24. Authorize negotiation and execution of an amendment to the professional services agreement with CONSTRUCTION TECHNOLOGY LABORATORIES, Skokie, IL., for forensic testing and design of a repair of the joints on the Ullrich Medium Service Transmission Main, in an amount not to exceed \$360,000, for a total contract amount not to exceed \$744,000. (Funding in the amount of \$360,000 is available in Fiscal Year 2002-2003 Amended Capital Budget of the Austin Water Utility.) No M/WBE goals were established for this project.
The motion authorizing the negotiation and execution of an amendment to the professional services agreement was approved.

Item 25 was pulled for discussion.

26. Authorize negotiation and execution of a professional services agreement with the following fifteen firms: CTL/THOMPSON ENGINEERING, Austin, TX; ENGINEERING CONSULTING SERVICES (ECS), LTD., Austin, TX; FUGRO SOUTH, INC., Austin, TX; HBC/TERRACON, Austin, TX; HOLT ENGINEERING, INC. (WBE/FR), Austin, TX; HVJ ASSOCIATES, INC. (MBE/MB), Austin, TX; KLEINFELDER, Austin, TX; LYMON C. REESE & ASSOCIATES, INC. (MBE/MA), Austin, TX; PAVE TEX ENGINEERING & TESTING, INC. (MBE/FH), Dripping Springs, TX; PROFESSIONAL SERVICE INDUSTRIES (PSI), INC., Austin, TX; RABA-KISTNER-BRYTEST CONSULTANTS, INC., Austin, TX; REINHART & ASSOCIATES, INC., Austin, TX; RODRIGUEZ ENGINEERING LABORATORIES (MBE/MH), Austin, TX; TERRA-MAR, INC., Austin, TX; and WISS, JANNEY, ELSTNER ASSOCIATES (WJE), INC., Austin, TX, for construction materials testing, forensic, geotechnical and specialized engineering and testing services for City of Austin Capital Improvement Program projects and for privately funded subdivision projects inspected by the City, for a period of approximately two years or until financial authorization is expended, each agreement in an amount not to exceed \$6,000,000 for a total amount of the fifteen agreements not to exceed \$6,000,000. (Funding in the amount of \$6,000,000 is available in the Capital and/or Operating Budgets of the Department of Public Works and various other departments for which services are required.) Fifteen out of sixteen firms that met the qualifications.

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

27. Approve execution of a 12-month service agreement with HONEYWELL DMC SERVICES LLC, Saugus, MA, for installation of programmable thermostats and water heater switches and administration of direct load controllers in an amount not to exceed \$893,967, with three 12-month extension options in an amount not to exceed \$893,967 per extension option, for a total agreement amount not to exceed \$3,575,868. (Funding in the amount of \$893,967 is available in the Fiscal Year 2003-2004 Approved Operating Budget of the Electric Utility Department. Funding for the extension options is contingent upon funding in future budgets.) Sole bid received. This contract will be awarded in compliance with the 1996 MBE/WBE Ordinance, as amended. No subcontracting opportunities were identified; therefore, no goals were established for this solicitation.

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

28. Authorize execution of a 12-month supply agreement with TCI TIRE CENTER AUSTIN, Austin, TX for the annual supply of retread tires in an amount not to exceed \$442,365, with three 12-month extension options in an amount not to exceed \$442,365, for a total agreement amount not to exceed \$1,769,460. (Funding in the amount of \$405,501 is available in the Fiscal Year 2003-2004 Approved Operating Budget of the Financial and Administrative Services Department, Fleet Fund. Funding for the remaining one month of the original contract period and extension options is contingent upon available funding in future budgets.) Low bid of four bids received. This contract will be awarded in compliance with the 1996 MBE/WBE Ordinance, as amended. No subcontracting opportunities were identified; therefore, no goals were established for this solicitation.

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

29. Authorize execution of 12-month service agreement with GENIE CAR WASH, Austin, TX for vehicle washing services for the Fleet Services Division in an amount not to exceed \$113,586, with two 12-month extension options in an amount not to exceed \$113,586, for a total agreement amount not to exceed \$340,758. (Funding in the amount of \$113,586 is included in the Fiscal Year 2003-2004 Approved Operating Budget of the Fleet Services Department. Funding for the extension options is contingent upon available funding in future budgets.) Low bid of two bids received. This contract will be awarded in compliance with the 1996 MBE/WBE Ordinance, as amended. No subcontracting opportunities were identified; therefore, no goals were established for this solicitation.

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

30. Authorize execution of a 48-month lease with TEXTRON FINANCIAL CORPORATION, Providence, RI for the lease agreement and with E-Z-GO TEXTRON, Austin, TX for the manufacture and service agreement for four-wheeled electric golf carts at Jimmy Clay/Roy Kizer Golf Courses in an amount not to exceed \$310,195.20. (Funding in the amount of \$77,548.80 is available in the Fiscal Year 2003-2004 Operating Budget of the Parks and Recreation Department. Funding for the remaining 36 months of the original contract period is contingent upon available funding in future budgets.) Low 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 lease was approved.

31. Authorize the negotiation and execution of three-year professional underwriting agreements with 18 underwriting firms arranged in two teams as follows: Team A - JP Morgan (Nat'l), Lehman Brothers (Nat'l), Morgan Stanley (Nat'l), UBS Paine Webber (Nat'l), First Southwest Company (Reg'l), Morgan Keegan (Reg'l), Apex Pryor Securities, Ramirez & Company, Siebert Brandford Shank; and Team B - Bear Stearns (Nat'l), Citigroup Soloman Smith Barney (Nat'l), Goldman Sachs (Nat'l), Merrill Lynch (Nat'l), First Albany (Reg'l), Southwest Securities (Reg'l), Jackson Securities, Estrada Hinojosa (MBE), Loop Capital Markets, to provide services for negotiated or refunding transactions, with two 12-month extension options. The underwriting teams will be utilized as market and economic conditions necessitate. (Payment for the underwriters will be funded from the proceeds of each bond sale.) Best 18 qualification statements of 28 received. These professional services agreements 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. (Highlights of the underwriting teams were reviewed at the Audit & Finance Committee.)

The motion authorizing the negotiation and execution of the professional underwriting agreements was approved.

32. Approve execution of Amendment No. 2 to modify the revenue agreement for providing catering and concession services between the City of Austin and the Fine Host Corporation, to assign the agreement to Aramark Corporation, adjust expenses under the agreement, and reduce the amount of the fixed fee. 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 Amendment No. 2 to modify the revenue agreement for providing catering and concession services was approved.

33. Approve a resolution authorizing the release of approximately 33 acres of extraterritorial jurisdiction (ETJ), located on Loop 4 near IH-35 Exit 207, from the City of Austin to the City of Kyle.

Resolution No. 031009-33 was approved.

34. Amend Ordinance No. 030828-31, which annexed the Lexington Parke Tract, to waive Section 25-2-222 and to establish an interim single-family residence small lot (I-SF-4A) zoning district for the tract.

Ordinance No. 031009-34 was approved.

35. Approve negotiation and execution of a second amendment to the Interlocal Agreement between the Lower Colorado River Authority, Travis County, the City of Austin and The City of Sunset Valley to specify cost share responsibility and to extend the period of the agreement through fiscal year 2007 for conducting the U.S. Army Corps of Engineers' Onion and Williamson Creek Watersheds, Flood Control and Environmental Restoration Feasibility Study in an amount not to exceed \$1,119,189. (Funding and in kind services in the total amount of \$1,119,189 is available in the Fiscal Year 2002-2003 and future Watershed Protection and Development Review Capital Budget. Of the total amount, \$676,250 was previously approved with authorization to negotiate and execute the original Interlocal Agreement and \$399,375 is provided by a grant awarded to the City from the Texas Water Development Board.)

The motion authorizing the negotiation and execution of a second amendment to the Interlocal Agreement was approved.

36. Board and Commission Appointments.

The following appointments were made:

<u>Board/ Appointee</u>	<u>Consensus/ Council Nominee</u>	<u>Appointment/ Reappointment</u>
<u>Child Care Council</u>		
Anita Uphaus (AISD representative)	Consensus	Appointment
<u>Commission on Immigrant Affairs</u>		
Luis Plascencia	Consensus	Reappointment
Julien Ross	Consensus	Reappointment
<u>Downtown Commission</u>		
Beatrice Fincher (Women's Chamber of Commerce rep)	Consensus	Reappointment
Timothy Finley (Downtown Austin Alliance rep)	Consensus	Reappointment
<u>MHMR Board of Trustees</u>		
Exalton Delco	Consensus	Reappointment
<u>Urban Renewal Board</u>		
Ben Sifuentes	Mayor Wynn's	Reappointment

37. Waive the security deposit requirement and permit fees under Chapter 15-11 of the Code in an amount not to exceed \$1500 for the Thunder Cloud Subs Turkey Trot, to be held on November 29, 2003. (Council Member Betty Dunkerley, Council Member Daryl Slusher and Mayor Will Wynn)

The motion to authorize waiving the security deposit requirement and permit fees was approved.

38. Waive the application, permit, sound amplification, and safety inspection fees under Chapter 15-11 of the Code in an amount not to exceed \$559, and authorize payment of barricade costs for the Austin Revitalization Authority's Community Festival to be held on October 18, 2003 from 2:00 p.m. - 4:00 p.m. (Council Member Danny Thomas and Council Member Betty Dunkerley, and Mayor Pro Tem Jackie Goodman)
The motion to authorize waiving the application, permit, sound amplification and safety inspection fees was approved.
39. Approve an ordinance waiving certain fees and requirements under Chapter 15-11 of the Code, authorizing reimbursement of the application fee under Chapter 15-11, and authorizing payment of certain costs for the Austin Military Service Coalitions Veteran's Day Parade to be held on November 11, 2003 at 9:00 a.m. (Mayor Pro Tem Jackie Goodman, Council Member Betty Dunkerley and Mayor Will Wynn)
Ordinance No. 031009-39 was approved.
40. Waive the application fee, permit fee, sound amplification fee and security deposit requirement under Chapter 15-11 of the Code in an amount not to exceed \$1783 for the Mothers Against Drunk Driving Heart of Texas Jingle Bell 5K to be held on Saturday, December 13, 2003. (Council Member Danny Thomas and Council Member Betty Dunkerley)
The motion to authorize waiving the application fee, permit fee, sound amplification fee and security deposit requirement was approved.
41. Conduct a public hearing and approve a resolution giving the City of Austin's approval for the City of Daingerfield, Texas Northeast Higher Education Facilities Corporation ("NHEFC") to loan \$5,500,000 to the Holy Family Catholic School, 9400 Neenah Avenue, Austin, Texas, for the purpose of the acquisition, construction, renovation and equipment of educational facilities including three classroom buildings and a gymnasium. (Because NHEFC proposes to loan funds to a facility in the City's and not its own jurisdiction, Section 147(f) of the Internal Revenue Code requires NHEFC to first obtain the City's approval before the transaction may occur. There is no recourse to the City of Austin.) (Mayor Will Wynn, Mayor Pro Tem Jackie Goodman and Council Member Brewster McCracken)
Resolution No. 031009-41 was approved.
42. Set a public hearing for the full purpose annexation of the following areas: (A) Abbott / Merriltown Tract (Approximately 37 acres located in Travis County northwest of the intersection of Burnet Road and McNeil-Merriltown Road; (B) Chappell Hill Area (Approximately 26 acres in Travis County southeast of the intersection of Chappell Lane and Mayo Street); (C) Clayton's Crossing (Approximately 5 acres in Travis County south of the intersection of Fittonia Drive and Yaupon Drive); (D) Brandt Road Industrial Park (Approximately 26 acres in Travis County south of Brandt Road approximately one quarter of a mile east of the intersection of IH 35 and Brandt Road). (Suggested dates and times: October 30, 2003 at 6 p.m., Lower Colorado River Authority, Hancock Building; and November 6, 2003 at 6 p.m., Lower Colorado River Authority, Hancock Building).
The public hearing was set for October 30 and November 6, 2003 at 6 p.m., Lower Colorado River Authority, Hancock Building.
43. Set a public hearing to receive public comment regarding the site plan for the Austin Convention Center Garage to be located at 601 E. 5th Street, Austin Texas. (Suggested date and time: October 30, 2003 at 6:00 P.M., Lower Colorado River Authority, Hancock Building)
The public hearing was set for October 30, 2003 at 6:00 p.m., Lower Colorado River Authority, Hancock Building.

Items 44 through 50 were Executive Session items.

Items 51 through 53 were Action on Executive Session items

Item 54 was a briefing

Items 55 and Z-1 to Z-5 were Zoning items set for 4:00 p.m.

Items 56 through 58 were public hearings set for 6:00 P.M.

59. Consider a resolution authorizing the City Manager to approve or deny a surcharge application filed by Texas Gas Services (TGS) to recover utility relocation costs.
Resolution No. 031009-59 was approved.

Discussion Items

4. Approve negotiation and execution of an amendment to an Austin-Bergstrom International Airport Concession Agreement with Austin Airport Business Center Group, Inc., and the assignment of the amended Concession Agreement to Charles Bush Entertainment, Inc., to convert the Airport Business Center into a Cyber Bar/Café and Starbucks Coffee Shop. (Revenue generating concession agreement. Estimated revenue to the City the first year is \$64,000.) (Recommended by Austin Airport Advisory Commission.)
This item was postponed to October 30, 2003 on Council Member Slusher's motion, Council Member Dunkerley's second on a 6-0 vote. Mayor Pro Tem Goodman was off the dais.
25. 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.
The motion authorizing the negotiation and execution of a professional services agreement was approved on Mayor Pro Tem Goodman's motion, Council Member Slusher's second on a 7-0 vote.

Mayor Wynn recessed the City Council Meeting at 11:33 a.m.

Mayor Pro Tem Goodman called the Council Meeting back to order at 12:03 p.m.

CITIZEN COMMUNICATIONS: GENERAL

Jimmy Castro - Capital Metro Service Changes

Susana Almanza - No More Boat Racism! Protect East Austin Children!

Kent Butler - Street Connectivity

Rachael Rawlins - Street Connectivity

Jake Billingsley - Train Noise. **He was unable to attend the meeting.**

Skip Cameron - 25-10 Sign Ordinance

Michael Shelton - Sign Ordinance

Shannon Sedwick - Sign Ordinance

David R. Schroeder - Impending huge private radwaste dump at top of Colorado River on Mescalero Fault / escarp. over the Dock Wm to Ogallala Aquifers.

Jennifer Gale - Austin City Council Charter Change Promise

Mayor Pro Tem Goodman recessed the Council Meeting to go into Executive Session at 12:36 p.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

44. Discuss legal issues relating to the labor negotiations for a Meet and Confer contract with the Austin Police Association.
45. Discuss legal issues relating to the labor negotiations for a Meet and Confer contract with the Austin Fire Association.
46. Discuss legal issues related to possible lease of Austin Women's Hospital to University of Texas Medical Branch at Galveston.
47. Discuss legal issues related to *City of Austin d/b/a Austin Energy, Appellant, v. Public Utility Commission of Texas, Appellee*; Cause No. 03-03-00553-CV in the Third District Court of Appeals at Austin, Texas. (Concerns the appeal of Public Utility Commission of Texas Substantive Rule 25.93, Quarterly Wholesale Electricity Transition Reports)
No discussion on this item.
48. Discuss legal issues related to sign regulations. (Related Item 56)

Real Property - Section 551.072

49. Discuss acquisition of an interest in real property for Greenway and Destination Parks (November 1998 Bond Election). (Related Item 51)

Item 50 was discussed later in Executive Session

Executive Session ended at 2:22 p.m.

Mayor Wynn called the Council Meeting back to order at 2:24 p.m.

Briefings

54. Report and proposed recommendations from Smoking Ordinance Task Force.
The presentation was made by Mary Guerro McDonald, Chair of the Task Force, and David Lurie, Director of Public Health, Health Department.

Action on Executive Session

51. Consider approving a resolution authorizing the City Manager, or designee, to negotiate and execute all documents related to acquiring a parcel in South East Austin using Greenway and Destination Parks Bond Funds (November 1998). (Related Item 49)
Resolution No. 031009-51 in the amount of \$234,000 was approved on Council Member Alvarez' motion, Council Member Slusher's second on a 7-0 vote.

Mayor Wynn recessed the City Council Meeting to go into Executive Session at 3:08 p.m.

EXECUTIVE SESSION CONTINUED

50. Discuss acquisition of an interest in real property for the Open Space Project (November 2000 Bond Election) (Related Items 52, 53)

Executive Session ended at 3:50 p.m.

Mayor Wynn called the City Council Meeting back to order at 4:02 p.m.

52. Consider approving a resolution authorizing the City Manager, or designee, to negotiate and execute all documents related to acquiring an interest in land in Hays County, in the Barton Springs Contributing Zone near FM 967, through a Conservation Easement, using Open Space bond funds [November 2000]. (Related Item 50)
Resolution No. 031009-52 was approved on Council Member Slusher's motion, Council Member Alvarez' second on a 7-0 vote.
53. Consider approving a resolution authorizing the City Manager, or designee, to negotiate and execute all documents related to acquiring a track of land in Travis County, in the Barton Springs Contributing Zone, using Open Space bond funds [November 2000]. (Related Item 50)
Resolution no. 031009-53 was approved on Council Member Slusher's motion, Council Member Alvarez' second on a 7-0 vote.

ZONING CONSENT ITEMS

55. C14-03-0077 - Parker Lane Condominiums- Approve second/third readings of 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 multi-family residence low density-conditional overlay (MF-2-CO) combining district zoning. First reading on September 25, 2003. Vote: 7-0. Conditions met as follows: Conditional Overlay incorporates the conditions imposed by Council on first ordinance reading. Applicant: Mario G. Chapa. Agent: Lopez-Phelps & Associates. LLC City Staff: Annick Beaudet, 974-2975. Note: A valid petition has been filed in opposition to this rezoning request.
Ordinance No. 031009-55 was approved on Council Member Alvarez' motion, Council Member Dunkerley'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 McCracken's motion, Mayor Wynn's second on a 7-0 vote.

- Z-1 C14-03-0126 - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 8312 Burnet Road (Shoal Creek Watershed) from general commercial services (CS) district zoning to commercial-liquor sales-conditional overlay (CS-1-CO) combining district zoning. Zoning and Platting Commission Recommendation: To grant commercial-liquor sales-conditional overlay (CS-1-CO) combining district zoning. Applicant: Frank Smith. Agent: Thrower Design (Ron Thrower). City Staff: Glenn Rhoades, 974-2775.

The first reading of the ordinance for commercial liquor sales-conditional overlay (CS-1-CO) combining district zoning was approved.

Item Z-2 was pulled for discussion.

- Z-3 C14-03-0060 - San Marin II Apartments - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 4025 Duval Road (Walnut Creek Watershed) from multi-family residence low density (MF-2) district zoning to limited office-mixed use (LO-MU) combining district zoning. Zoning and Platting Commission Recommendation: To grant limited office-mixed use combining (LO-MU) combining district zoning, with conditions. Applicant: Metropolitan Life Insurance Co. (John F. Loehr). Agent: Winstead Sechrest & Minick, P.C. (Rick Reed). City Staff: Sherri Gager, 974-3057.

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

- Z-4 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.

This item was postponed to October 30, 2003 at staff's request.

Item Z-5 was pulled for discussion.

ZONING DISCUSSION ITEMS

- Z-2 C14-03-0113 - Milenkos - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 8610 North Lamar Boulevard, Unit 118 (Little Walnut Creek Watershed) from community commercial-neighborhood plan (GR-NP) combining district zoning to commercial-liquor sales-neighborhood plan (CS-1-NP) combining district zoning. Planning Commission Recommendation: To grant commercial-liquor sales-conditional overlay-neighborhood plan (CS-1-CO-NP) combining district zoning. Applicant: Lee USA Investments, Inc. (Tom Lee). Agent: Lopez-Phelps & Associates, LLD (Amelia Lopez-Phelps). City Staff: Sherri Gager, 974-3057.

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

Ordinance No. 031009-Z-2 for commercial-liquor sales-conditional overlay-neighborhood plan (CS-1-CO-NP) combining district zoning was approved on Council Member Slusher's motion, Council Member Dunkerley's second on a 7-0 vote.

- Z-5 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 limited office-conditional overlay (LO-CO) combining district zoning to neighborhood commercial (LR) district zoning. Zoning and Platting Commission Recommendation: To grant neighborhood commercial-conditional overlay (LR-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. (Continued from 10/2/03)

The public hearing was closed on Mayor Pro Tem Goodman's motion, Mayor Wynn's second on a 6-0 vote. Council Member Slusher was off the dais.

The first reading of the ordinance for neighborhood commercial conditional overlay (LR-CO) combining district zoning was approved on Council Member McCracken's motion, Council Member Dunkerley's second on a 7-0.

Mayor Wynn recessed the council meeting at 5:25 p.m.

LIVE MUSIC

Chuan

PROCLAMATIONS

Proclamation - Financial Planning Week - to be presented by Mayor Will Wynn and to be accepted by Jason Florey

Certificates of Appreciation - PARD Arts & Humanities Award Winners - to be presented by Mayor Will Wynn and to be accepted by the honorees

Proclamation - Arbor Day - to be presented by Mayor Will Wynn and to be accepted by Jesus Olivares

Proclamation - White Cane Safety Day - to be presented by Mayor Will Wynn and to be accepted by Leo Speichinger

Proclamation - Disability Mentoring Day - to be presented by Mayor Will Wynn and to be accepted by Angela Lello

Proclamation - The Green Festival - to be presented by Mayor Pro Tem Jackie Goodman and to be accepted by Brandi Clark

Proclamation - 17th Annual State Conference of the Hispanic Women's Network of Texas - to be presented by Council Member Alvarez and accepted by Marti Cascio.

Mayor Wynn called the Council Meeting back to order at 6:24 p.m.

2. Approve a resolution authorizing issuance by Senna Hills Municipal Utility District (MUD) of Unlimited Tax and Revenue Bonds, Series 2003 in an amount not to exceed \$1,820,000 and approve 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 by the City.) (Recommended by Water and Wastewater Commission) (Related Item 12)
This item was postponed to October 23, 2003 on Mayor Pro Tem Goodman's motion, Mayor Wynn's second on a 7-0 vote.
12. Approve an ordinance approving the Second Amendment to the First Amended and Restated Agreement Concerning the Creation and Operation of Senna Hills Municipal Utility District to correct an error in the description of the District boundaries. (The Planning Commission recommended approval of the Staff recommendation to correct the Land Plan boundary error, and an amendment to the Land Plan to allow an existing light manufacturing use.) (Related Item 2)
This item was postponed to October 23, 2003 on Mayor Pro Tem Goodman's motion, Mayor Wynn's second on a 7-0 vote.
57. Conduct a public hearing for the full purpose annexation of the Springfield Phase C Municipal Annexation Plan area (Approximately 56 acres located approximately 135 feet south of the intersection of Alum Rock Drive and Thaxton Road in southeast Travis County).
The public hearing was closed on Mayor Pro Tem Goodman's motion, Council Member Slusher's second on a 6-0 vote. Council Member Alvarez was off the dais.
58. Conduct public hearings for the full purpose annexation of the following annexation areas:
(A) Canyon Creek West Area (Approximately 132 acres in Travis County east of FM 620 and approximately three tenths of a mile north of the intersection of FM 620 and Boulder Lane);
The public hearing was closed on Mayor Pro Tem Goodman's motion, Mayor Wynn's second on a 6-0 vote. Council Member Alvarez was off the dais.
(B) Parkway Area (Approximately 85 acres in Travis County north of Howard Lane approximately two tenths of a mile east of the intersection of IH 35 and Howard Lane including Howard Lane right-of-way (ROW) from approximately two tenths of a mile east of the intersection of IH 35 and Howard Lane to the intersection of Howard Lane and Spring Heath Road);
The public hearing was closed on Mayor Pro Tem Goodman's motion, Council Member Slusher's second on a 6-0 vote. Council Member Alvarez was off the dais.
(C) Howard Lane at Dessau Road Area (Approximately 290 acres in Travis County northwest of the intersection of Fish Lane and Dessau Road);
The public hearing was closed on Council Member Slusher's motion, Mayor Wynn's second on a 6-0 vote. Council Member Alvarez was off the dais.
(D) Bull Creek Ranch Area (Approximately 12 acres in Travis County south of Old Lampasas Trail at the intersection of Old Lampasas Trail and Spicewood Springs Road including Old Lampasas Trail right-of-way (ROW) for approximately one quarter of a mile and Spicewood Springs ROW for approximately 440 feet).
The public hearing was closed on Council Member Dunkerley's motion, Mayor Pro Tem Goodman's second on a 7-0 vote.

56. Conduct a public hearing and approve an ordinance to amend 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, prohibited signs, sign setbacks, and signs on public property or public right-of-way. (Recommended by the Planning Commission.) (Related Item 48)

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

The first reading of the ordinance was approved with the following amendment on Council Member Slusher's motion, Council Member Alvarez' second on a 7-0 vote. Council Member Slusher's amendment was to have the City Manager review the suggestions made by citizens and format a response.

The motion to adjourn the meeting at 8:05 p.m. was approved on Mayor Pro Tem Goodman's motion, Council Member Slusher's second on a 7-0 vote.

The minutes for the meeting of October 9, 2003 were approved on this the 23rd day of October, 2003 on Council Member Thomas' motion, Council Member McCracken's second on a 6-0 vote. Council Member Dunkerley was absent.