



**Austin City Council  
MINUTES**

**REGULAR MEETING  
THURSDAY, OCTOBER 30, 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 30, 2003 in the Board Room at Lower Colorado River Authority Hancock Building, 3700 Lake Austin Boulevard.

**Invocation:** Pastor Mike Pate, The Lighthouse

**Mayor Wynn called the Council Meeting to order at 10:05 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 Thomas' second on a 6-0 vote. Mayor Pro Tem was off the dais.

1. Approval of minutes from the meeting of October 23, 2003.  
**The minutes from the meeting of October 23, 2003 were approved.**
2. Approve ratification of Amendment #1 to the cost reimbursement agreement with Austin Revitalization Authority, Inc., a Texas non-profit corporation, for construction of civil facilities related to the installation of underground electric and telecommunication lines and streetlight installation within and near the East 11th Street Redevelopment, located between East 11th Street, Juniper Street, I.H. 35 and Navasota Street, with City cost reimbursement in an amount not to exceed \$85,830, for a revised total amount not to exceed \$523,319. (Funding in the amount of \$85,830 is available in the Fiscal Year 2003-2004 Approved Capital Budget of the Electric Utility Department.) (Recommended by Electric Utility Commission.)  
**The motion ratifying Amendment #1 to the cost reimbursement agreement was approved.**

**Items 3 through 5 were pulled for discussion.**

6. Approve the negotiation and execution of an Interlocal Agreement between the City of Austin and Travis County Emergency Services District Number 4 for firefighter certification training at a cost to the City not to exceed \$30,000. (Funding is available in the Title IV-A Health and Human Services Department Special Revenue Fund)  
**The motion authorizing the negotiation and execution of an Interlocal Agreement was approved.**

7. Authorize negotiation and execution of an outside counsel contract with SCOTT, DOUGLASS & MCCONNICO, L.L.P, Austin, TX, for legal representation in connection with the City's claims against Level 3 Communications, et. al. for damages to the City's Onion Creek Tunnel and liner, in an amount not to exceed \$350,000. (Funding is available in the Fiscal Year 2003-2004 Approved Operating Budget of the Austin Water Utility.)  
**The motion authorizing the negotiation and execution of an outside counsel contract was approved.**
8. Authorize negotiation and execution of an outside counsel contract with SCOTT, DOUGLASS & MCCONNICO, L.L.P., Austin, TX, in *FPL Energy Upton Wind I, LP v. City of Austin*, Cause No. A03CA683, in the United States District Court for the Western District of Texas, Austin Division, in an amount not to exceed \$630,000. (Funding in the amount of \$630,000 is available in the Fiscal Year 2003-2004 Approved Operating Budget of Austin Energy.) (Related Item 41)  
**The motion authorizing the negotiation and execution of an outside counsel contract was approved.**

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

11. Approve an ordinance on 3rd reading to amend Chapters 6-5 and 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. (Related Item 43)  
**Ordinance No. 031030-11 was approved.**

**Item 12 was reconsidered later in the meeting**

13. Authorize the City Manager, or designee to negotiate and execute all documents related to the purchase of approximately 3.655 acres of land near Seaholm Power Plant, west of West Avenue and south of West 3<sup>rd</sup> Street, from Union Pacific Railroad, Omaha, Nebraska, in an amount of \$2,957,425. (Funding in the amount of \$ 1,500,000 is available in the Fiscal Year 2003-2004 Approved Capital Budget of Austin Energy and \$ 1,457,425 is available in the Fiscal Year 2003-2004 Amended Capital Budget of the Transportation, Planning and Sustainability Department.)  
**This item was postponed to November 6, 2003.**

**Items 14 through 16 were pulled for discussion**

17. Authorize negotiation and execution of an amendment to the professional services agreement with the following eighteen firms: MCGRAY & MCGRAY LAND SURVEYORS, INC. (100% WBE/FR), Austin, TX; SURVEYING AND MAPPING, INC., Austin, TX; MACIAS AND ASSOCIATES, INC. (77% MBE/MH), Austin, TX; CHAPARRAL PROFESSIONAL LAND SURVEYING, INC., Austin, TX; CAPITAL SURVEYING COMPANY, INC., Austin, TX; SURVCON, INC., Austin, TX; VICKREY & ASSOCIATES, INC. (100% WBE/FR), Austin, TX; RALPH HARRIS SURVEYOR, INC., Austin, TX 78704; LANDMARK SURVEYING, INC. (100% WBE/FR), Austin, TX; CARTER & BURGESS, INC., Austin, TX; LOOMIS AUSTIN, INC., Austin, TX; MARTINEZ, WRIGHT & MENDEZ, INC. (92% MBE/MH), Austin, TX; LENZ & ASSOCIATES, INC., Austin, TX; CANALES, MARTINEZ & NASH SURVEYING COMPANY (96% MBE/MH), Austin, TX; BAKER-AICKLEN & ASSOCIATES, INC., Austin, TX; PBS&J, Austin, TX; TERRA FIRMA, Austin, TX; and SUNLAND ENGINEERING COMPANY (100% MBE/MH), Austin, TX; for land surveying services on Capital Improvements Projects, for an period of approximately six months or until contracting authority is expended, in the amount of \$300,000, for a total contract amount not to exceed \$2,550,000. (Funding in the amount of \$300,000 is available in the Capital and /or

operating budgets of the various departments for which services are needed.) Mcgray & Mcgray Land Surveyors, Inc. (0% MBE, 0% WBE); Surveying And Mapping, Inc. (0% MBE, 0% WBE); Macias And Associates, Inc. (20.8% MBE, 1.8% WBE); Chaparral Professional Land Surveying, Inc. (0% MBE, 0% WBE); Capital Surveying Company, Inc. (0% MBE, 0% WBE); Survcon, Inc. (4.3% MBE, 0% WBE); Vickrey & Associates, Inc. (0% MBE, 0% WBE); Ralph Harris Surveyor, Inc. (0% MBE, 0% WBE); Landmark Surveying, Inc. (0.3% MBE, 0% WBE); Carter & Burgess, Inc. (0% MBE, 0% WBE); Loomis Austin, Inc. (0% MBE, 0% WBE); Martinez, Wright & Mendez, Inc. (0% MBE, 7.5% WBE); Lenz & Associates, Inc. (0% MBE, 0% WBE); Canales, Martinez & Nash Surveying Company (3% MBE, 0.7% WBE); Baker-Aicklen & Associates, Inc. (0% MBE, 0% WBE); PBS&J (9% MBE, 0% WBE); Terra Firma (0% MBE, 2.3% WBE); Sunland Engineering Company (0% MBW, 0% WBE) subconsultant participation. **This item was postponed to November 20, 2003.**

18. Authorize execution of change order #7 to the construction contract with SPAWGLASS CONTRACTORS, INC., Austin, TX, for incorporation of Art in Public Places landscape design, and detention pond modifications at the Central Austin Police Substation and Forensics Facility, located at 812 Springdale Road, in the amount of \$145,000, for a total contract amount not to exceed \$14,955,524.86. (Funding in the amount of \$145,000 is available in the Fiscal Year 2000-2001 Capital Budget of the Austin Police Department.) 22.16% MBE and 15.33% WBE subcontractor participation to date.

**The motion authorizing the execution of change order #7 to the construction contract was approved.**

19. Authorize execution of a 12-month service agreement with BROWNING-FERRIS INDUSTRIES BFI, Del Valle, TX for residential refuse collection services in an amount not to exceed \$92,784, with two 12-month extension options in an amount not to exceed \$92,784 per extension option, for a total agreement amount no to exceed \$278,352. (Funding in the amount of \$85,052 is available in the Fiscal Year 2003-2004 Approved Operating Budget of the Solid Waste Services Department. Funding for the remaining one month of the original contract period and extension options is contingent upon available funding in future budgets.) 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.

**This item was postponed indefinitely.**

20. Approve execution of a contract through the HOUSTON-GALVESTON AREA COUNCIL OF GOVERNMENTS COOPERATIVE PURCHASING PROGRAM (HGAC) with their contract vendor PHILPOTT MOTORS, INC., Port Neches, TX for the purchase of 79 full-size police patrol sedans in an amount not to exceed \$1,703,224.51. (Funding in the amount of \$1,574,906.41 is available in the Fiscal Year 2003-2004 Vehicle Acquisition Fund. Funding in the amount of \$128,318.10 is available in the Fiscal Year 2003-2004 Operating Budget of the Austin Police Department.)

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

21. Authorize execution of a 12-month supply agreement with MILLER UNIFORMS & EMBLEMS, INC., Austin, TX for uniforms for the Emergency Medical Services Department in an amount not to exceed \$194,070, with two 12-month extension options in an amount not to exceed \$194,070 per extension option, for a total agreement amount not to exceed \$582,210. (Funding in the amount of \$177,897 is available in the Fiscal Year 2003-2004 Approved Operating Budget of the Emergency Medical Services Department. Funding for the remaining one month of the original contract period and extension options is contingent upon available funding in future budgets.) Sole bid. This contract will be awarded in compliance with the 1996 MBE/WBE Ordinance, as amended. No subcontracting opportunities were identified; therefore, no goals were established for this solicitation.

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

22. Authorize execution of a 12-month supply agreement with SOUTHERN SAFETY SALES, INC., Austin, TX for nitrile gloves for use by various departments in an amount not to exceed \$109,404, with two 12-month extension options in an amount not to exceed \$109,404 per extension option, for a total agreement amount not to exceed \$328,212. (Funding in the amount of \$100,287 is available in the Fiscal Year 2003-2004 Approved Operating Budget of various City departments. Funding for the remaining one month of the original contract period and extension options is contingent upon available funding in future budgets.) Low bid meeting specification of 21 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.**

23. Authorize execution of a 12-month supply agreement with GULF COAST PAPER CO., INC., Austin, TX for janitorial paper supplies in an amount not to exceed \$405,490, with two 12-month extension options in an amount not to exceed \$405,490 per extension option, for a total agreement amount not to exceed \$1,216,470. (Funding in the amount of \$371,699 is available in the Fiscal Year 2003-2004 Operating Budget of various City departments. Funding for the remaining one month of the original contract period and extension options is contingent upon available funding in future budgets.) Low bid meeting specifications of eight 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.**

24. Authorize execution of a 12-month service agreement with PROLINE TECHNOLOGIES, N.A. LLC, Grandview, TX for the rehabilitation of small diameter wastewater lines through trenchless process under the Clean Water Program for the Austin Water Utility in an amount not to exceed \$1,868,330, with three 12-month extension options in an amount not to exceed \$1,961,747 for the first extension, \$2,059,834 for the second extension and \$2,162,825 for the third extension, for a total agreement amount not to exceed \$8,052,736. (Funding in the amount of \$1,868,330 is available in Fiscal Year 2003-2004 Approved Capital Budget for the Austin Water Utility. Funding for the extension options is contingent upon available funding in future budgets.) Low bid of five bids received. 14% MBE; 7% WBE Subcontractor Participation . (Related Item 25)

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

25. Authorize execution of a 12-month service agreement with INSITUFORM TECHNOLOGIES, INC., Chesterfield, MO for the rehabilitation of large diameter wastewater lines through trenchless process under the Austin Clean Water Program for the Austin Water Utility in an amount not to exceed \$4,193,090 with three 12-month extension options in an amount not to exceed \$4,402,745 for the first extension, \$4,622,882 for the second extension and \$4,854,026 for the third extension, for a total agreement amount not to exceed \$18,072,743. (Funding in the amount of \$4,193,090 is available in Fiscal Year 2003-2004 Approved Capital Budget of the Austin Water Utility. Funding for the extension options is contingent upon available funding in future budgets.) Low bid of five bids received. MBE 7.7%; WBE 4.44% Subcontractor Participation (Related Item 24)

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

**Item 26 was reconsidered later in the meeting.**

27. Authorize negotiation and execution of an Interlocal Agreement with the Texas Department of Transportation (TxDOT) for the Barton Springs Road Bicycle Lane project to be constructed with Intermodal Surface Transportation and Efficiency Act (ISTEA) and Transportation Equity Act for the 21st Century (TEA-21) funds, with a total project cost of \$922,880. (Grant funding of \$738,304 is available in ISTEA and TEA-21 funds through TxDOT. \$184,576 for the City's match requirement is available in the Fiscal Year 2003-2004 Amended Capital Budget of the Transportation, Planning & Sustainability Department. The required state administrative cost of \$9,228 (5% of local government's estimated cost participation) is available in the Fiscal Year 2003-2004 Capital Budget of the Transportation, Planning & Sustainability Department.) (Related Item 28)

**Resolution No. 031030-27 was approved.**

28. Authorize acceptance of \$738,304 in Intermodal Surface Transportation and Efficiency Act (ISTEA) and Transportation Equity Act for the 21<sup>st</sup> Century (TEA-21) grant funds for the construction of bicycle lanes along Barton Springs Road from Robert E. Lee to Rollingwood Drive; amend Ordinance No. 030908-02 the Fiscal Year 2003-2004 Capital Budget of the Transportation, Planning & Sustainability Department by appropriating \$738,304 in grant funds and creating a new project called "Barton Springs Road (Robert E. Lee/Rollingwood Dr.) Bicycle Lanes." (Total project cost \$922,880. Grant funding of \$738,304 is available in ISTEA and TEA-21 funds through TxDOT. \$184,576 for the City's match requirement is available in the Fiscal Year 2003-2004 Amended Capital Budget of the Transportation, Planning & Sustainability Department. The required state administrative cost of \$9,228 (5% of local government's estimated cost participation) is available in the Fiscal Year 2003-2004 Capital Budget of the Transportation, Planning & Sustainability Department.) (Related Item 27)

**The motion authorizing the acceptance of \$738,304 and approval of Ordinance No. 031030-28 was approved.**

29. Authorize acceptance of \$659,750 in Intermodal Surface Transportation and Efficiency Act (ISTEA) and Transportation Equity Act for the 21<sup>st</sup> Century (TEA-21) grant funds for the construction of the Jollyville Road/Loop 360 Bicycle/Pedestrian Crossing Project; amend Ordinance No. 030908-02 the Fiscal Year 2003-2004 Capital Budget of the Transportation, Planning & Sustainability Department by appropriating \$659,750 in grant funds and creating a new project called "Jollyville Road/Loop 360 Bicycle/Pedestrian Crossing Project." (Total project cost \$824,688. Grant funding of \$659,750 is available in ISTEA and TEA-21 funds through TxDOT. \$164,938 for the City's match requirement is available in the Fiscal Year 2003-2004 Amended Capital Budget of the Transportation, Planning & Sustainability Department. The required state administrative cost of \$8,247 (5% of local government's estimated cost participation) is available in the Fiscal Year 2003-2004 Capital Budget of the Transportation, Planning & Sustainability Department.) (Related Item 32)  
**The motion authorizing the acceptance of \$659,750 and approval of Ordinance No. 031030-29 was approved.**
30. Authorize acceptance of \$417,568 in Intermodal Surface Transportation and Efficiency Act (ISTEA) and Transportation Equity Act for the 21<sup>st</sup> Century (TEA-21) grant funds for the construction of the Jollyville Road - Floral Park/Braker Lane sidewalk; amend Ordinance No. 030908-02 the Fiscal Year 2003-2004 Capital Budget of the Transportation, Planning & Sustainability Department by appropriating \$417,568 in grant funds and creating a new project called "Jollyville Road - Floral Park/Braker Lane Sidewalk." (Total project cost \$521,960. Grant funding of \$417,568 is available in ISTEA and TEA-21 funds through TxDOT. \$104,392 for the City's match requirement is available in the Fiscal Year 2001-2002 Amended Capital Budget of the Transportation, Planning & Sustainability Department (CMTA quarter cent Sidewalk Projects-Arterials/Neighborhoods). The required state administrative cost of \$3,132 (3% of local government's estimated cost participation) is available in the Fiscal Year 2001-2002 Amended Capital Budget of the Transportation, Planning & Sustainability Department (CMTA quarter cent).) (Related Item 33)  
**The motion authorizing the acceptance of \$417,568 and approval of Ordinance No. 031030-30 was approved.**
31. Authorize acceptance of \$371,740 in Transportation Equity Act for the 21<sup>st</sup> Century (TEA-21) grant funds for the Austin Bicycle Commuting Project; amend Ordinance No. 030908-02 the Fiscal Year 2003-2004 Amended Capital Budget of the Transportation, Planning & Sustainability Department by appropriating \$371,740 in grant funds and creating a new project called "Austin Bicycle Commuting Project." (Funding is available in TEA-21 funds through the Federal Highway Administration. No City match is required.)  
**This item was postponed to November 6, 2003.**
32. Authorize execution of an Interlocal Agreement with the Texas Department of Transportation (TxDOT) for the construction of the Jollyville Road/Loop 360 Bicycle/Pedestrian Crossing Project to be funded with Intermodal Surface Transportation and Efficiency Act (ISTEA) and Transportation Equity Act for the 21<sup>st</sup> Century (TEA-21) funds. (Total project cost is \$824,688. Grant funding of \$659,750 is available in ISTEA and TEA-21 funds through TxDOT. \$164,938 for the City's match requirement is available in the Fiscal Year 2003-2004 Amended Capital Budget of the Transportation, Planning & Sustainability Department. The required state administrative cost of \$8,247 (5% of local government's estimated cost participation) is available in the Fiscal Year 2003-2004 Capital Budget of the Transportation, Planning & Sustainability Department.) (Related Item 29)  
**Resolution No. 031030-32 was approved.**

33. Authorize execution of an Interlocal Agreement with the Texas Department of Transportation (TxDOT) for construction of the Jollyville Road - Floral Park/Braker Lane sidewalk project to be funded with Intermodal Surface Transportation and Efficiency Act (ISTEA) and Transportation Equity Act for the 21<sup>st</sup> Century (TEA-21) funds. (Total project cost is \$521,960. Grant funding of \$417,568 is available in ISTEA and TEA-21 funds through TxDOT; \$104,392 for the City's match requirement is available in the Fiscal Year 2001-2002 Amended Capital Budget of the Transportation, Planning & Sustainability Department (CMTA quarter cent Sidewalk Projects - Arterials/Neighborhoods). The required state administrative cost of \$3,132 (3% of local governments' estimated cost participation) is available in the Fiscal Year 2001-2002 Amended Capital Budget of the Transportation, Planning & Sustainability Department (CMTA quarter cent).) (Related Item 30)

**Resolution No. 031030-33 was approved.**

34. Board and Commission Appointments.  
**The following appointments were made:**

<u>Board/ Appointee</u>	<u>Consensus/ Council Nominee</u>	<u>Appointment/ Reappointment</u>
<u>Animal Advisory Commission</u> Mike McDonald	Consensus	Reappointment
<u>Arts Commission</u> Gloria Pennington	Council Member Alvarez'	Reappointment
<u>Commission for Women</u> Judith Lewis	Consensus	Reappointment
<u>Design Commission</u> John Patterson	Council Member Thomas'	Reappointment
<u>Sign Review Board</u> Leane Heldenfels	Consensus	Appointment
<u>Solid Waste Advisory Commission</u> J. D. Porter	Mayor Pro Tem Goodman's	Reappointment
<u>Travis Central Appraisal District Board of Directors</u> Kristoffer Lands	Consensus	Reappointment
Blanca Zamora-Garcia	Consensus	Reappointment

**Item 35 was pulled for discussion.**

36. Set a public hearing to approve a Use Agreement with the Austin Independent School District for the temporary, reciprocal use of dedicated parkland known as Kealing Park and Kealing Middle School located on Rosewood Avenue in accordance with Sec. 26.001 et seq. of the Texas Parks and Wildlife Code. (Suggested date and time: December 4, 2003 at 6:00 p.m., Hancock Building, Lower Colorado River Authority.) (All costs associated with the portables, as well as any parkland restoration will be paid by the Austin Independent School District.) (Recommended by Parks & Recreation Board.)

**The public hearing was set for December 4, 2003 at 6:00 p.m., Hancock Building, Lower Colorado River Authority.**

37. Set a public hearing a public hearing to approve the use of 0.57 acre for a wastewater line, 6.52 acres for a temporary working space, 0.97 acre for temporary staging and material storage site, and 0.70 acre for a temporary ingress and egress use through dedicated parkland known as Bartholomew Park, located along Upper Tannehill Creek, in accordance with Sec. 26.001 et seq. of the Texas Parks and Wildlife Code. (Suggested date and time: December 4, 2003 at 6:00 p.m., Hancock Building, Lower Colorado River Authority.) (All costs associated with the line, as well as any parkland restoration will be paid by the Austin Water Utility through a previously approved Capital Improvement Project as part of the Austin Clean Water Program.) (Recommended by Parks & Recreation Board.)  
**The public hearing was set for December 4, 2003 at 6:00 p.m., Hancock Building Lower Colorado River Authority.**

Items 38 through 44 were Executive Session items

Items 45 and 46 were action on Executive Session items

Item 47 was Briefing Item

Items 48 through 51 and Z-1 to Z-10 were Zoning items set for 4:00 p.m.

Items 52 through 58 were public hearings set for 6:00 P.M.

#### DISCUSSION ITEMS

4. Consider Austin-Bergstrom International Airport's Concession Policy to determine what criteria to utilize in determining nature and character, local flavor and mix between local, regional and national brands and local ownership of food and beverage and news and gifts concessions.  
**This item was postponed indefinitely.**
5. 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 November 6, 2003 on Mayor Pro Tem Goodman's motion, Council Member Dunkerley's second on a 7-0 vote.**
14. Authorize execution of a construction contract with SPAWGLASS CONTRACTORS, INC., Austin, TX, for the Convention Center Garage / District Cooling Plant, in the amount of \$29,776,000 plus a \$1,488,800 contingency, for a total contract amount not to exceed \$31,264,800. (Funding in the amount of \$11,122,125 is available in the Fiscal Year 2003-2004 Capital Budget of the Convention Center Department; \$20,142,675 is included in the 2003-2004 Approved Capital Budget of the Electric Utility Department.) Lowest bid of nine received. 7.33% MBE and 10.90% WBE subcontractor participation. (Related Items 15, 58)  
**The motion authorizing the execution of a construction contract was approved on Mayor Pro Tem Goodman's motion and Council Member Dunkerley's second on a 5-0 vote. Council Members Slusher and Thomas were off the dais.**
16. Authorize negotiation and execution of an amendment to the professional services agreement with the following six firms: ACR ENGINEERING, INC., Austin, TX; ENCOTECH



ENGINEERING CONSULTANTS, INC. (MBE/MA), Austin, TX; O'CONNELL ROBERTSON & ASSOCIATES, INC., Austin, TX; WAUGH ENGINEERING, INC. (WBE/FR), Austin, TX; BEHRAM CONSULTING ENGINEERS (MBE/MA), Austin, TX; GOODWIN ENGINEERING, INC., Austin, TX, for professional mechanical, electrical and plumbing engineering services for City of Austin projects in the amount of \$200,000, for a total contract amount not to exceed \$950,000 (Funding in the amount of \$200,000 is available in the Capital budgets and/or operating budgets of the various departments for which services are needed.) ACR Engineering (6.77% MBE, 0% WBE); Encotech Engineering Consultants (13.98% MBE, 15.17% WBE); O'Connell-Robertson (4.18% MBE, 0% WBE); Waugh Engineering (4.55% MBE, 0% WBE); Behram Consulting (0% MBE, 0% WBE); Goodwin Engineering (0% MBE, 5.95% WBE) subconsultant participation to date.

**The motion authorizing the negotiation and execution of an amendment to the professional services agreement was approved on Council Member Thomas' motion, Council Member Dunkerley's second on a 6-0 vote. Council Member McCracken was off the dais.**

15. Authorize negotiation and execution of an amendment to the professional services agreement with BARNES ARCHITECTS, GOETTING & ASSOCIATES, JASTER-QUINTANILLA, Austin, TX, for full-time resident project representative services for the construction duration of the Convention Center Garage / District Cooling Plant, in the amount of \$365,000, for a total contract amount not to exceed \$5,052,812. (Funding in the amount of \$100,000 is available in the Fiscal Year 2003-2004 Capital Budget of the Austin Convention Center Department; and \$265,000 is available in the Fiscal Year 2003-2004 Approved Capital Budget of the Electric Utility Department.) 11.07% MBE and 6.59% WBE subconsultant participation to date. (Related Items 14, 58)

**The motion authorizing the negotiation and execution of an amendment to the professional services agreement was approved on Council Member Dunkerley's motion, Mayor Pro Tem Goodman's second on a 7-0 vote.**

**Mayor Wynn recessed the Council Meeting to go into Executive Session at 11:31 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 38 was discussed later in Executive Session.**

39. Discuss legal issues regarding settlement of City claims against Harris Branch developer for Harris Branch wastewater treatment plan expansion costs and developer claims concerning cost reimbursement payments. (Related Item 45)
40. Discuss legal issues related to *Austin Federal Credit Union v. David Hood, et al.*, Cause No GN203618 in Travis County District Court (concerns contamination of Austin Federal Credit Union's property, adjacent to the City's Mabel Davis Park) (Related Item 46)

**Items 41 through 44 were discussed later in Executive Session.**

**Executive Session ended at 12:08 p.m.**

Mayor Wynn called the Council Meeting back to order at 12:09 p.m.

**CITIZEN COMMUNICATIONS: GENERAL**

Sylvia Herrera - The Holly Power Plant is Endangering Our Community's Health.

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

Robin Schneider - Disposable DVDS

Nakisha Nathan - Disposable DVDS

Rebecca Shearly - Disposable DVDS

David Sellers - Worker's right on parking. New idea for rehabilitation for homeless shelter. **He was not present when his name was called.**

Jill Fooshee - Boat Dock Enforcement **She was not present when her name was called.**

Ann de Llano - Public Safety

Betty Vera - Open Government & Accessibility

Michael von Ohlen - Open Government & Accessibility

Mayor Wynn recessed the Council Meeting to go into Executive Session at 12:37 p.m.

**EXECUTIVE SESSION CONTINUED**

**The Mayor announced that Council would discuss item number 13 on the regular agenda during Executive Session.**

38. Discuss legal issues relating to the labor negotiations for a Meet and Confer contract with the Austin Police Association, and the Austin Association of Professional Firefighters.
41. Discuss legal issues regarding *FPL Energy Upton Wind I, LP. v. City of Austin*, in the United States District Court for the Western Division of Texas - Austin Division, Case No. A03A683. (Concerns breach of contract suit involving Austin Energy's Wind Power Purchase Agreement) (Related Item 8)
42. Discuss legal issues concerning the Austin Airport Hotel.  
**There was no discussion on this item.**
43. Discuss legal issues related to sign regulations. (Related Item 11)  
**There was no discussion on this item.**
44. Discuss legal issues in Case No. A02CA710-JN, *Chris Ochoa v. City of Austin, et al.*, in the United States District Court for the Western District of Texas. (Related Items 9, 10)

Executive Session ended at 2:55 p.m.

Mayor Wynn reconvened the Council Meeting at 2:57 p.m.

**DISCUSSION ITEMS CONTINUED**

45. Approve negotiation and execution of settlement agreement with Austin HB Residential Properties, Ltd. setting forth terms and conditions for resolution of City claims for reimbursement of costs associated with expansion of the Harris Branch Wastewater Treatment Plan and developer claims concerning cost reimbursement payments. (Related Item 39)  
**The motion authorizing the negotiation and execution of settlement agreement was approved on Council Member Alvarez' motion, Mayor Wynn's second on a 6-0 vote. Council Member McCracken was off the dais.**
46. Authorize the negotiation and execution of a settlement agreement in *Austin Federal Credit Union v. David E. Hood, Mactec Engineering and Consulting of Georgia, Inc. f/k/a Law Engineering & Environmental Services, Inc. and the City of Austin*, Cause No. GN203618, filed in Travis County District Court. (concerns contamination of Austin Federal Credit Union's property, adjacent to the City's Mabel Davis Park) (Related Item 40)  
**The motion authorizing the negotiation and execution of a settlement agreement was approved on Council Member Alvarez' motion, Mayor Wynn's second on a 7-0 vote.**
26. Approve an ordinance to annex the Onion Creek Municipal Annexation Plan Area for full purposes. (Approximately 1222 acres located on the east side of IH 35 at the Onion Creek Parkway/IH 35 intersection approximately 7/10 of a mile south of the Slaughter Ln/IH 35 intersection). (Funding necessary to provide general governmental services to this tract is available in the budgets of the City departments which will be providing the services.)  
**Ordinance No. 031030-26 was approved.**

**A motion to reconsider Item 26 was approved on Council Member Slusher's motion, Mayor Wynn's second on a 6-0 vote. Council Member McCracken was off the dais.**

**The first reading of the ordinance was approved on Council Member Slusher's motion, Mayor Wynn's second on a 6-0 vote. Council Member McCracken was off the dais.**

**Briefings**

47. Presentation from City staff regarding emission reduction measures recommended by the Early Action Compact (EAC) Task Force.  
**The presentation was given by Fred Blood, Transportation, Planning and Sustainability Department.**

**DISCUSSION ITEMS CONTINUED**

9. Authorize negotiation and execution of an amendment to the outside counsel contract with RANDY T. LEAVITT, ATTORNEY AT LAW, Austin, TX, in *Christopher Ochoa v. City of Austin, et al.*, Cause No. A02CA710-JN, in the United States District Court for the Western District of Texas, Austin Division in the amount of \$300,000, with a total contract amount not to exceed \$429,000. (Funding in the amount of \$300,000 is available in the Fiscal Year 2003-2004 Approved Operating Budget of the Liability Reserve Fund.) (Related Items 10, 44)  
**No action was taken on this item.**

10. Authorize negotiation and execution of an amendment to the outside counsel contract with THE STRIBLING FIRM, P.C., Austin, TX, in *Christopher Ochoa v. City of Austin, et al.*, Cause No. A02CA710-JN, in the United States District Court for the Western District of Texas, Austin Division in an amount of \$150,000, with a total contract amount not to exceed \$235,000. (Funding in the amount of \$150,000 is available in the Fiscal Year 2003-2004 Approved Operating Budget of the Liability Reserve Fund.) (Related Items 9, 44)  
**No action was taken on this item.**

**There was a motion made by Council Member Slusher to waive Council rules and limit the discussion time for those in favor and opposed to 20 minutes per side. Council Member Thomas seconded the motion and it passed on a vote of 7-0.**

35. Approve an ordinance repealing and replacing Chapter 6-6 of the Code relating to smoking in public places, repealing Ordinance No. 030605-17, creating offenses, and providing penalties. (Mayor Will Wynn, Mayor Pro Tem Jackie Goodman and Council Member Brewster McCracken)

**There was a motion by Council Member McCracken to approve the ordinance with the following amendments. Mayor Wynn seconded this motion.**

- **Accept the version of the ordinance dated October 30, 2003, 1:25 p.m. that does not require a permit for a bowling alley.**
- **Add a new Part. "The operator of a live music venue shall operate the venue as a smoke-free facility the first Monday each month for a period of six months beginning February 1, 2004. The operator shall provide City staff with revenue data for all Mondays during the six-month period. City staff shall analyze the data to evaluate the economic effect of smoke-free operation of live music venues in the City.**
- **Make Part I of the ordinance effective May 1, 2004, six months from date of passage. All others parts of the ordinance are effective November 10, 2003.**

**There was a friendly amendment by Council Member Slusher to increase the permit fee to \$300.00. This was accepted by the maker of the motion but not Mayor Wynn, who seconded the motion.**

**The motion to amend the ordinance by increasing the permit fee to \$300.00 was approved with the following friendly amendment on Council Member Slusher's motion, Mayor Pro Tem Goodman's second on a 5-2 vote. Those voting aye were: Mayor Pro Tem Goodman, Council Members Alvarez, Dunkerley, McCracken and Slusher. Those voting nay were: Mayor Wynn and Council Member Thomas. The friendly amendments were to include a payment plan option of \$100 for three months and to set Council reconsideration of the permit fee six months after the effective date of the Part 1 of the ordinance (December 1, 2004) to determine if it is sufficient to fund the education and outreach activities proposed.**

**Staff requested an amendment to the ordinance in 6-6-33 Enforcement Guidelines to delete the phrase, "in accordance with Chapter 1-2" to adopt enforcement guidelines without following notice requirements. This was accepted by the maker of the motion and Mayor Wynn, who seconded the motion.**

**Ordinance No. 031030-35 was approved as amended above on a vote of 5-2. Those voting aye were: Mayor Wynn, Mayor Pro Tem Goodman, Council Members Alvarez, Dunkerley, and McCracken. Those voting nay were: Council Members Slusher and Thomas.**

**ZONING ITEMS**

48. C14-03-0126 - Approve second/third readings of 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. First reading on October 9, 2003. Vote: 7-0. Conditions met as follows: Conditional Overlay incorporates the conditions imposed by Council on first ordinance reading. Applicant: Frank Smith. Agent: Thrower Design (Ron Thrower). City Staff: Glenn Rhoades, 974-2775.

**Ordinance No. 031030-48 was approved on a 7-0 vote.**

49. C14-02-0174 - The Landing Strip - Approve second reading of an ordinance amending Chapter 25-2 of the Austin City Code by zoning property locally known as 745 Bastrop Highway (Carson Creek Watershed) from interim-rural residence (I-RR) district zoning to limited industrial services-conditional overlay (LI-CO) combining district zoning for Tract 1 and commercial-liquor sales-conditional overlay (CS-1-CO) combining district zoning for Tract 2. First reading on August 28, 2003. Vote: 6-0, Goodman off the dais.. Applicant: Landing Strip (Theodorus Polaks). Agent: TCM Design and Building Group (Eddie Hurst). City Staff: Wendy Walsh, 974-7719.

**The second reading of the ordinance was approved on a 7-0 vote.**

**Item 50 was pulled for discussion.**

51. C14-03-0066 - Wal-Mart - Approve second/third readings of 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 with conditions. First reading on October 23, 2003. Vote: 6-0, Dunkerley absent. Conditions met as follows: Conditional overlay and restrictive covenant incorporates the conditions imposed or accepted by Council at first ordinance reading. 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.

**Ordinance No. 031030-51 was approved on a 7-0 vote.**

**ZONING CONSENT ITEMS**

**The following zoning and discussion 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 Mayor Pro Tem Goodman's motion, Mayor Wynn's second on a 7-0 vote.**

- Z- 1 C14H-03-0011-Walker-Stiles House - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 508 Harris Avenue (Waller Creek) from single family residential (SF-3) zoning to single family residential, historic, district zoning (SF-3-H). Historic Landmark Commission Recommendation: To grant single family residential, historic, district zoning (SF-3-H). Planning Commission Recommendation: To grant single family residential, historic, district zoning (SF-3-H). Applicants: Raymond Shea and Regina Andre (owners). City Staff: Steve Sadowsky, Historic Preservation Office, Transportation, Planning and Sustainability Department, 974-6454.  
**Ordinance No. 031030-Z-1 for single-family residential, historic, district zoning (SF-3-H) was approved.**
- Z- 2 C14H-03-0012-Roberts Clinic - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 1174 San Bernard Street (Waller Creek) from single family residential, neighborhood plan (SF-3-NP) zoning to single family residential, historic, neighborhood plan district zoning (SF-3-H-NP). Historic Landmark Commission Recommendation: To grant single family residential, historic, neighborhood plan district zoning (SF-3-H-NP). Planning Commission Recommendation: To grant single family residential, historic, neighborhood plan district zoning (SF-3-H-NP). Applicants: Michael and Marybeth Casias (owners). City Staff: Steve Sadowsky, Historic Preservation Office, Transportation, Planning and Sustainability Department, 974-6454.  
**Ordinance No. 031030-Z-2 for single family residential, historic, neighborhood plan district zoning (SF-3-H-NP) was approved.**
- Z- 3 C14H-03-0015 - Shelby House - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 1114 W. 9th Street (Town Lake) from single family residential, neighborhood plan (SF-3-NP) zoning to single family residential, historic, neighborhood plan district zoning (SF-3-H-NP). Historic Landmark Commission Recommendation: To grant single family residential, historic, neighborhood plan district zoning (SF-3-H-NP). Planning Commission Recommendation: To grant single family residential, historic, neighborhood plan district zoning (SF-3-H-NP). Applicants: Sydney Sharples (owner). City Staff: Steve Sadowsky, Historic Preservation Office, Transportation, Planning and Sustainability Department, 974-6454.  
**Ordinance No. 031030-Z-3 for single family residential, historic, neighborhood plan district zoning (SF-3-H-NP) was approved.**

- Z- 4 C14-03-0132 - St. Austin's Catholic Parish - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 500 West Martin Luther King Jr. Blvd. (Shoal Creek Watershed) from general commercial services-mixed use (CS-MU) combining district zoning and multi-family residence highest density-conditional overlay (MF-6-CO) combining district zoning to general commercial services-mixed use (CS-MU) combining district zoning and multi-family residence highest density-conditional overlay (MF-6-CO) combining district zoning. Planning Commission Recommendation: To grant general commercial services-mixed use-conditional overlay (CS-MU-CO) combining district zoning and multi-family residence highest density-conditional overlay (MF-6-CO) combining district zoning. Applicant: Catholic Chancery Office (Gregory M. Aymond). Agent: McHone Real Estate (Mike McHone). City Staff: Glenn Rhoades, 974-2775.  
**The first reading of the ordinance for general commercial services-mixed use (CS-MU) combining district zoning and multi-family residence highest density-conditional overlay (MF-6-CO) combining district zoning was approved.**
- Z- 5 C14-03-0130 - El Salido Shopping Center - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 11815 R.R. 620 Road North (Lake Creek Watershed) from single family residence standard lot (SF-2) district zoning to neighborhood commercial-conditional overlay (LR-CO) combining district zoning. Zoning and Platting Commission Recommendation: To grant neighborhood commercial-conditional overlay (LR-CO) combining district zoning. Applicant: Chi-Kao Hsu. Agent: Land Answers (Jim Wittliff). City Staff: Sherri Gager, 974-3057.  
**Ordinance No. 031030-Z-5 for neighborhood commercial-conditional overlay (LR-CO) combining district zoning was approved.**

**Item Z-6 was reconsidered later in the meeting.**

- Z- 7 C814-01-0114 - Comanche Canyon Ranch P.U.D. - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning and approving a Planned Unit Development [currently, 4.41 acres, more or less, of the property located east of Oasis Pass, near its intersection with Oasis View is designated single family residence standard lot (SF-2) district zoning] for property locally known as Comanche Trail and Bullick Hollow Road at Oasis Bluff Drive (Lake Travis Watershed). Zoning and Platting Commission Recommendation: To be considered by the Commission on October 28, 2003. Applicant: Robert Theriot. Agent: Brown and McCarroll, LLP (Jerry Harris). City Staff: Glenn Rhoades, 974-2775.(Related Item 3)  
**The first reading of the ordinance was approved.**
3. Authorize the City Manager to negotiate and execute a wholesale wastewater agreement with Travis County Water Control and Improvement District No. 17 (WCID No. 17) for the provision of wholesale wastewater service to the proposed Comanche Canyon Ranch Planned Unit Development that is located in the vicinity of Oasis Bluff Drive and Bullick Hollow Road. (WCID No. 17 will be responsible for the necessary infrastructure improvements. No City funding is required for this agreement.) (Recommended by the Water and Wastewater Commission)(Related Item Z-7)  
**The motion authorizing the City Manager to negotiate and execute a wholesale wastewater agreement was approved.**

### **ZONING DISCUSSION ITEMS**

50. C14-02-0195 - Paragon Prep - Approve second/third readings of an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 2003 Koenig Lane (Shoal Creek Watershed) from family residence (SF-3) district zoning to limited office-mixed use (LO-MU) district zoning. First reading on March 20, 2003. Vote: 5-2, R. Alvarez and D. Slusher - nay. Conditions met as follows: No conditions were imposed by Council on first ordinance reading. Applicant: Paragon Preparatory (David McGrath). Agent: Brad Greenblum. City Staff: Glenn Rhoades, 974-2775.

**The second reading of the ordinance for limited office-mixed use (LO-MU) district zoning was approved on Council Member Thomas' motion, Mayor Wynn's second on a 4-2 vote. Those voting aye were: Mayor Wynn, Council Members Dunkerley, McCracken and Thomas. Those voting nay were: Council Members Alvarez and Slusher. Mayor Pro Tem Goodman was off the dais.**

- Z- 8 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 November 6, 2003 on Council Member McCracken's motion, Council Member Dunkerley's second on a 6-0 vote. Mayor Pro Tem was off the dais.**

**Mayor Wynn recessed the Council Meeting at 5:49 p.m.**

### **LIVE MUSIC**

Carey Street

### **PROCLAMATIONS**

Proclamation - Courts Week - to be presented by Mayor Will Wynn and to be accepted by Judge Evelyn McKee

Proclamation - Thanksgiving Image Project - to be presented by Mayor Will Wynn and to be accepted by the honoree

Proclamation - Indian Dance Troupe - to be presented by Mayor Will Wynn and to be accepted by Sunaina Bhuchar



Mayor Wynn called the Council Meeting back to order at 6:37 p.m.

**ZONING DISCUSSION ITEMS CONTINUED**

- Z- 9 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.

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

**Ordinance No. 031030-Z-9 for limited office-mixed use (LO-MU) combining district zoning was approved on Council Member McCracken's motion, Council Member Thomas on a 7-0 vote.**

**DISCUSSION ITEMS CONTINUED**

12. Authorize the filing of eminent domain proceedings to acquire two drainage easements comprised of 6,870 square feet of land and 51,634 square feet of land from Lot 1, Block A, Scofield Ranch Creekside, Austin, Travis County, Texas, located at 12812 North Lamar Boulevard, from Scofield Ranch Apartment Homes, LP, in the amount of \$39,693. (Funding in the amount of \$39,693 is included in the Fiscal Year 2002-2003 Amended Capital Budget of the Watershed Protection and Development Review Department.)

**This item was postponed to November 20, 2003.**

**A motion to reconsider Item 12 was approved on Council Member Alvarez' motion, Mayor Wynn's second on a 7-0 vote.**

**The motion authorizing the filing of eminent domain proceedings was approved on Council Member McCracken's motion, Mayor Wynn's second on a 7-0 vote.**

**PUBLIC HEARINGS**

52. Conduct a public hearing and approve a resolution to approve the use a portion of Shoal Creek Parkland to construct approximately 37,202 square feet of wastewater line, 79,158 square feet for temporary working space, 62,633 square feet for temporary staging area, 17,171 square feet for a tunnel, and 29,444 square feet for access through dedicated parkland known as Shoal Creek Parkland located along Lamar Boulevard from 25th Street to 34th Street in accordance with Sec. 26.001 et seq. of the Texas Parks and Wildlife code. (All costs associated with the line, as well as any parkland restoration will be paid by the Austin Water Utility through a previously approved Capital Improvements Project as part of the Austin Clean Water Program.) (Recommended by Parks & Recreation Board.)

**The public hearing was closed and approval of Resolution No. 031030-52 was approved on Council Member Slusher's motion, Council Member Dunkerley's second on a 7-0 vote.**

**ZONING DISCUSSION ITEMS CONTINUED**

- Z- 10 C14H-03-0017 - Belmont Cottages on Washington Square- Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 3013 Washington Square, 3015 Washington Square, 635 W. 31<sup>st</sup> Street, and 637 W. 31<sup>st</sup> Street (Shoal Creek) from MF-2 (Multi-family low density district zoning) to MF-2-H (Multi-family low density, historic district zoning) Historic Landmark Commission Recommendation: To approve the zoning change from MF-2 (Multi-family low density district zoning) to MF-2-H (Multi-family low density, historic district zoning). Planning Commission Recommendation: To forward the request without a recommendation Applicant: Historic Landmark Commission Owner: Larry Paul Manley. Agent: Sarah Crocker. City Staff: Steve Sadowsky, Transportation, Planning and Sustainability Department, 974-6454 A valid petition has been filed in opposition to this rezoning request.

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

**The motion to deny historic zoning was approved on Council Member McCracken's motion, Council Member Thomas' second on a 7-0 vote.**

- Z- 6 C14-03-0099 - Stassney and South 1<sup>st</sup> Street Retail- Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as West Stassney Lane at its intersection with South 1<sup>st</sup> Street (5606 South 1<sup>st</sup> Street, 705 & 709 West Stassney Lane) (Williamson Creek Watershed) from family residence (SF-3) district zoning, limited office (LO) district zoning and neighborhood commercial (LR) 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 zoning, with conditions. Applicant: Fairview Baptist Church, Thomas and Helen Omeara, Ivan and Frances Smith. Agent: Armbrust & Brown, L.L.P. City Staff: Annick Beaudet, 974-2975.

**Ordinance No. 031030-Z-6 for community commercial-conditional overlay (GR-CO) combining district zoning was approved.**

**A motion to reconsider Item Z-6 was approved on Mayor Pro Tem Goodman's motion, Council Member McCracken second on a 7-0 vote.**

**A motion was made by Mayor Pro Tem Goodman to approve the ordinance for LR, this motion failed due to lack of a second.**

**The first reading of the ordinance for community commercial-conditional overlay (GR-CO) combining district zoning was approved on Council Member McCracken's motion, Mayor Wynn's second on a 6-1 vote. Those voting aye were: Mayor Wynn, Council Members Alvarez, Dunkerley, McCracken, Slusher and Thomas. Those voting nay were: Mayor Pro Tem Goodman.**

**A motion to reconsider Item Z-6 was approved on Council Member Slusher's motion, Mayor Wynn's second on a 7-0 vote.**

**Ordinance No. 031030-Z-6 for community commercial-conditional overlay (GR-CO) combining district zoning was approved on Council Member Thomas' motion, Mayor Wynn's second on a 7-0 vote.**

**PUBLIC HEARINGS AND POSSIBLE ACTION**

53. Conduct public hearings for the full purpose annexation of the following annexation areas:
- (A) Sundberg Estates Area (Approximately 124 acres in Travis County southwest of the intersection of US Hwy 183 S and Burleson Road);  
**The public hearing was closed on Council Member Thomas' motion, Mayor Wynn's second on a 6-0 vote. Council Member McCracken was off the dais.**
  - (B) FM 973 ROW Area (Approximately 22 acres) located in Travis County and includes approximately one and a half miles of FM 973 right-of-way (ROW) from approximately 758 feet north of the intersection of FM 973 and Timber Creek Drive south to the intersection of FM 973 and Burleson Road;  
**The public hearing was closed on Council Member Alvarez' motion, Council Member Slusher's second on a 6-0 vote. Council Member McCracken was off the dais.**
  - (C) Tarlton Lane Area (Approximately 28 acres in Travis County at the end of Tarlton Lane);  
**The public hearing was closed on Council Member Dunkerley's motion, Council Member Slusher's second on a 6-0 vote. Council Member McCracken was off the dais.**
  - (D) AISD Tract (Approximately 10 acres in Travis County at the end of Sand Bar Drive, Crystalbrook West, and Inspiration Drive);  
**The public hearing was closed on Council Member Thomas' motion, Council Member Dunkerley's second on a 6-0 vote. Council Member McCracken was off the dais.**
  - (E) Pearce Lane Area (Approximately 257 acres in Travis County east of Ross Road and north and south of Pearce Lane including a portion of Pearce Lane right-of-way).  
**The public hearing was closed on Council Member Slusher's motion, Mayor Wynn's second on a 6-0 vote. Council Member McCracken was off the dais.**
54. Conduct a public hearing for the full purpose annexation of Abbott/Merrilltown Tract (approximately 37 acres located in Travis County northwest of the intersection of Burnet Road and McNeil-Merrilltown Road).  
**This item was withdrawn.**
55. Conduct a public hearing for the full purpose annexation of Chappell Hill Area (Approximately 26 acres) located in Travis County southeast of the intersection of Chappell Lane and Mayo Street.  
**The public hearing was closed on Council Member Slusher's motion, Mayor Wynn's second 6-0 on a vote. Council Member McCracken was off the dais.**
56. Conduct a public hearing for the full purpose annexation of Clayton's Crossing (Approximately 5 acres located in Travis County south of the intersection of Fittonia Drive and Yaupon Drive).  
**The public hearing was closed on Council Member Slusher's motion, Mayor Pro Tem Goodman's second on a 6-0 vote. Council Member McCracken was off the dais.**
57. Conduct a public hearing for the full purpose annexation of Brandt Road Industrial Park Area (Approximately 26 acres) located in Travis County south of Brandt Road, approximately one quarter of a mile east of the intersection of IH-35 and Brandt 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 McCracken was off the dais.**

58. Conduct a public hearing and approve a resolution adopting a site plan for the Austin Convention Center Garage to be located at 601 East 5th Street, Austin, Texas. (Related Items 14, 15)  
**The public hearing was closed and approval of Resolution No. 031030-58 was approved on Council Member Dunkerley's motion, Mayor Pro Tem Goodman's second on a 7-0 vote.**

**The motion to adjourn the meeting at 9:23 p.m. was approved on Council Member Slusher's motion, Mayor Pro Tem Goodman's second on a 7-0 vote.**

**The minutes for the meeting of October 30, 2003 were approved on this the 6th day of November, 2003 on Council Member Alvarez' motion, Council Member Thomas' second on a 7-0 vote.**