



**Austin City Council
MINUTES**

**REGULAR MEETING
THURSDAY, NOVEMBER 20, 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, November 20, 2003 in the Board Room at Lower Colorado River Authority Hancock Building, 3700 Lake Austin Boulevard.

Invocation: Dr. Victor Isiodu, visiting minister from Nigeria with Balm of Gilead Ministries.

Mayor Wynn called the Council Meeting to order at 10:13 a.m.

CONSENT AGENDA

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

1. Approval of minutes from the meeting of November 6, 2003.
The minutes from the meeting of November 6, 2003 were approved.
2. Approve reimbursement to Faulkner USA, Landmark Organization, 401 Neches, Austin, TX, for the purchase and installation of heat exchangers and required piping as stipulated in Austin Energy's Chilled Water Services Agreement with Austin Convention Condominium Association Inc., in an amount not to exceed \$286,200.00. (Funding is available in the Fiscal Year 2003-2004 Approved Capital Budget of Austin Energy.)
The motion authorizing the reimbursement to Faulkner USA Landmark Organization was approved.
3. Approve and authorize execution of General Agreement for Joint Use of Poles between Austin Energy and Southwestern Bell Telephone, L.P. d/b/a SBC Texas.
This item was postponed indefinitely.
4. Authorize execution of a construction contract with JAY-REESE CONTRACTORS, INC., Austin, TX, for the construction of Wastewater Facility Enhancements in the amount of \$1,040,000 plus a \$160,000 contingency, for a total contract amount not to exceed \$1,200,000. (Funding in the amount of \$1,200,000 is available in the Fiscal Year 2003-2004 Capital Budget of the Austin Water Utility.) Lowest bid of six received. 3.39% MBE and 22.28% WBE subcontractor participation. (Recommended by Water and Wastewater Commission)
The motion authorizing the execution of a construction contract was approved.

5. Approve Service Extension Request No. 2276 for wastewater utility service not to exceed a peak wet weather flow of 5 gallon per minute (gpm) for a tract of approximately 2.95 acres owned by Franc Djennas, located within the Drinking Water Protection Zone in the extraterritorial jurisdiction of Austin at 10607 D-K Ranch Road. (Recommended by Water and Wastewater Commission)
The motion authorizing the Service Extension Request for wastewater utility service was approved.
6. Authorize the City Manager to negotiate and execute an agreement between the City of Austin and Aqua Water Supply Corporation concerning the provision of water and wastewater utility service within the City's extraterritorial jurisdiction. (There is no anticipated fiscal impact upon contract execution.) (Recommended by Water and Wastewater Commission)
The motion authorizing the City Manager to negotiate and execute an agreement was approved.
7. Authorize the City Manager to negotiate and execute a second amendment to the Agreement for Wholesale Wastewater Service between the City of Rollingwood, Texas and the City of Austin, Texas. (Recommended by Water and Wastewater Commission)
The motion authorizing the City Manager to negotiate and execute a second amendment to the Agreement for Wholesale Wastewater Service was approved.

Item 8 was pulled for discussion.

9. Authorize all necessary actions under applicable Federal Aviation Regulations to the Austin-Bergstrom International Airport Passenger Facility Charge (PFC) program to increase the PFC from \$3.00 to \$4.50 per eligible enplaned passenger, increase the amount of airport debt eligible for PFC funding, and add additional eligible PFC-funded projects. (Reviewed by The Austin Airport Advisory Commission.)
The motion authorizing all necessary actions under applicable Federal Aviation Regulations was approved.
10. Approve an Ordinance to authorize acceptance of grant funds in the amount of \$100,000 from the Texas Department of Health Federal Incubator Program Grant; amend Ordinance No. 030908-02, the approved Fiscal Year 2003-2004 Community Care Services Capital Budget to appropriate \$100,000 for the Montopolis Renovation project. (Funding is available through the Texas Department of Health Federal Incubator Program Grant program. The grant period is from November 1, 2003 through September 30, 2004. No City Match is required.)
Ordinance No. 031120-10 was approved.
11. Approve an amendment to the Interlocal Agreement between the City of Austin and the CAPITAL AREA PLANNING COUNCIL (CAPCO) for the purpose of extending its term from September 30, 2003 to April 30, 2004 to allow the Contractor to complete the digital orthophotography and planimetric mapping. This amendment does not add additional cost to the original allocation.
The motion authorizing an amendment to the Interlocal Agreement was approved.

12. Approve execution of contract amendment #2 to increase AIDS SERVICES OF AUSTIN, INC. Austin, TX. 12-month Ryan White CARE Act Title III Early Intervention Services Grant contract for the provision of additional HIV-related oral health services in the amount of \$15,867 and purchase of dental equipment to be used specifically to treat HIV/AIDS clients in the amount of \$19,825 for an aggregate increase of \$35,692, for a total contract amount not to exceed \$218,574. (Funding in the amount of \$35,692 is available in the Fiscal Year 2002-2003 Health and Human Services Department (HHSD) Special Revenue Fund, Ryan White Title III Early Intervention Services Grant. Grant and contract period is January 1, 2003 through December 31, 2003. No City match is required.)
The motion authorizing the execution of contract amendment #2 was approved.
13. Consider an application for a limited adjustment under Chapter 25-8, Subchapter A, Article 12, Land Development Code for a development project for a 19 acre tract near William cannon and Brodie. This tract is the subject of litigation, *Ernest L. Lundelius, Jr. and Ana Maria Lundelius, Independent executor of the Estate of Bernard Halton Lundelius, Deceased v. the City of Austin*. (Related Items 53, 56)
This item was postponed to December 11, 2003.
14. Authorize negotiation and execution of an amendment to the outside counsel contract with DENTON, NAVARRO, ROCHA & BERNAL, P.C., San Antonio, TX, in *Jeff White v City of Austin, Texas*, Cause No. GN201624, in the 126th Judicial District Court of Travis County, Texas, in the amount of \$50,000, with a total contract amount not to exceed \$148,750. (Funding in the amount of \$50,000 is available in the Fiscal Year 2003-2004 Approved Operating Budget of the Liability Reserve Fund.) (Concerns alleged retaliation of an Austin Policy Department officer)
The motion authorizing the negotiation and execution of an amendment was approved.
15. Consider the City Council meeting schedule for the calendar year 2004.
The motion authorizing the City Council meeting schedule was approved.
16. Approve a resolution authorizing a tenth amendment to the "Agreement Concerning Creation and Operation of North Austin Municipal Utility District No. 1" (the "Creation Agreement"), as amended, to allow Williamson County to accept approximately 21 acres of parkland originally required to be dedicated to the District. (Recommended by the Planning Commission.)
Resolution No. 031120-16 was approved.
17. Approve an ordinance authorizing acceptance of \$18,400 in grant funds from the CAPITAL AREA FOOD BANK, Austin TX; amend Ordinance No. 030909-1, the Fiscal Year 2003-2004 Operating Budget, Special Revenue Fund, by appropriating \$18,400 in grant funds to the Austin Parks and Recreation Department's Special Revenue Fund for the Kid's Cafe at the Dove Springs Recreation Center. (Funding is available from the Capital Area Food Bank of Texas. The grant period is September 1, 2003 through August 31, 2004.)
Ordinance No. 031120-17 was approved.

18. Approve resolution to authorize the filing of eminent domain proceedings to acquire a permanent drainage easement comprised of 1,083 square feet of land, a permanent access easement comprised of 14,948 square feet of land and a temporary staging area and material storage site easement comprised of 45,652 square feet of land out of 15.034 acres of the John Applegate Survey 58, Abstract 29, Travis County, Texas, located east of Cameron Road and south of Clear Creek Drive, from Joseph, Joseph & Williams Partnership, a Texas general partnership, in the amount of \$35,578, as part of the Austin Clean Water Project - Little Walnut/Buttermilk at Centre Creek. (Funding is included in the Fiscal Year 2003-2004 Capital Budget of the Austin Water Utility.)
Resolution No. 031120-18 was approved.
19. Approve resolution to authorize the filing of eminent domain proceedings to acquire a permanent wastewater easement comprised of 1,937 square feet of land and a temporary working space easement comprised of 2,171 square feet of land out of Lot 16A, Resub of Lots 15, 16, 19, 20 and 21, Walnut Hills, Travis County, Texas, located at 6202 Breeze Way Avenue, from Dudley & Dudley Enterprises, Inc., a Texas corporation, in the amount of \$1,185, as part of the Austin Clean Water Project - Breezeway/Auburndale. (Funding is included in the Fiscal Year 2003-2004 Capital Budget of the Austin Water Utility.)
Resolution No. 031120-19 was approved.
20. Approve resolution to authorize the filing of eminent domain proceedings to acquire a permanent wastewater easement comprised of 1,996 square feet of land and a temporary working space easement comprised of 1,019 square feet of land out of Lot 15-A, Resub of Lots 15, 16, 19, 20 and 21, Walnut Hills, Travis County, Texas, located at 6206 Breeze Way Avenue, from Dudley & Dudley Enterprises, Inc., a Texas corporation, in the amount of \$1,339, as part of the Austin Clean Water Project - Breezeway/Auburndale. (Funding is included in the Fiscal Year 2003-2004 Capital Budget of the Austin Water Utility.)
Resolution No. 031120-20 was approved.
21. Approve resolution to authorize the filing of eminent domain proceedings to acquire a permanent wastewater easement comprised of 2,060 square feet of land out of Lot 16-B, Resubdivision of Lots 15, 16, 19, 20 and 21, Walnut Hills, Travis County, Texas, located at 6204 Breeze Way Avenue, from John Browning, in the amount of \$515, as part of the Austin Clean Water Project - Breezeway/Auburndale. (Funding is included in the Fiscal Year 2003-2004 Capital Budget of the Austin Water Utility.)
Resolution No. 031120-21 was approved.
22. Authorize negotiation and execution of an agreement between the City of Austin and the Austin Country Club concerning the acquisition of easements on property owned by the Club for proposed City wastewater facilities.
The motion authorizing the negotiation and execution of an agreement was approved.
23. Authorize negotiation and execution of an amendment to the professional services agreement with the following eighteen firms: MCGRAY & MCGRAY LAND SURVEYORS, INC. (WBE/FR 100%), Austin, TX; SURVEYING AND MAPPING, INC.(MBE/MB 100%), Austin, TX; MACIAS AND ASSOCIATES, INC. (98.2% MBE/MH), Austin, TX; CHAPARRAL PROFESSIONAL LAND SURVEYING, INC., Austin, TX; CAPITAL SURVEYING COMPANY, INC., Austin, TX; SURVCON, INC., Austin, TX; VICKREY & ASSOCIATES, INC. (WBE/FR 100%), Austin, TX; RALPH HARRIS SURVEYOR, INC., Austin, TX 78704; LANDMARK SURVEYING, INC. (WBE/FR 100%), Austin, TX; CARTER & BURGESS, INC., Austin, TX; LOOMIS AUSTIN, INC., Austin, TX; MARTINEZ, WRIGHT & MENDEZ, INC. (MBE/MH 92.5%, Austin, TX; LENZ & ASSOCIATES, INC., Austin, TX; CANALES,

MARTINEZ & NASH SURVEYING COMPANY (MBE/MH 100%), Austin, TX; BAKER-AICKLEN & ASSOCIATES, INC., Austin, TX; PBS&J, Austin, TX; TERRA FIRMA, Austin, TX; and SUNLAND ENGINEERING COMPANY (MBE/MH 100%), Austin, TX; for land surveying services on Capital Improvements Projects, 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.) Participation subgoals stated in the original rotation list solicitation were 10% MBE and 5.0% WBE.

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

24. Authorize negotiation and execution of an amendment to the professional services agreement with AGUIRRE CORPORATION, Dallas, TX; ARCHITECTURAL PLUS (WBE/FR), Austin, TX; ELLIOTT & HAMILL ARCHITECTS, INC., Austin, TX; GRAEBER, SIMMONS & COWAN, INC., Austin, TX; LAWRENCE GROUP ARCHITECTS, INC., Austin, TX; LIMBACKER & GODFREY ARCHITECTS (WBE/FR), Austin, TX; SMITH + MORTON & MACKEY ARCHITECTURE, Austin, TX; TEAM HAAS (WBE/FR), Austin, TX; and WHITE, DOLCE & BARR ARCHITECTS, Austin, TX for architectural services for the General Architectural Services Rotation List, in the amount of \$900,000 for a total contract amount not to exceed \$5,400,000. (Funding in the amount of \$900,000 is available in the Capital budgets and/or operating budgets of the various departments for which services are needed.)

This item was postponed to December 4, 2003.

25. Authorize execution of a construction contract with EMCON/OWT, Inc., Brecksville, OH, for the FM 812 Landfill Leachate Disposal Improvements Project, in the amount of \$1,064,724 plus a \$106,472 contingency, for a total contract amount not to exceed \$1,171,196. (Funding in the amount of \$1,171,196 is available in Fiscal Year 2003-2004 Capital Budget of the Solid Waste Services Department.) Lowest of three bids received. This contract will be awarded in accordance with the 1996 MBE/WBE Ordinance, as amended. No subcontracting opportunities were identified; therefore, no goals were established for this project.

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

26. Authorize execution of a construction contract with THE BARR COMPANY, AIA (WBE/FH 23.54%), Austin, TX, for HVAC system replacement and asbestos/mold remediation at the Webberville Services Center, located at 2600 Webberville Road, in an amount not to exceed \$843,000. (Funding is available in the Fiscal Year 2002-2003 Amended Capital Budget of the Austin Water Utility.) Lowest bid of ten received. 4.18% MBE and 12.52% WBE subcontractor participation.

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

27. Authorize ratification of change order # 2 to the construction contract with SPAWGLASS CONTRACTORS, INC., Austin, TX, for the North Service Center, in the amount of \$73,473.40, for a total contract amount not to exceed \$14,493,922.53. (Funding in the amount of \$35,013.27 is available in Fiscal Year 2002-2003 Amended Capital Budget of the Austin Water Utility; \$35,013.26 is available in Fiscal Year 2000-2001 Amended Capital Budget of the Austin Water Utility; \$3,446.87 is available in Fiscal Year 2000-2001 Amended Capital Budget of the Fleet Services Division, Financial and Administrative Services Department.) 18.15% MBE and 23.45% WBE subcontractor participation to date. (Recommended by Water & Wastewater Commission.)

The motion authorizing the ratification of change order #2 to the construction contract was approved.

Item 28 was pulled for discussion.

29. Authorize negotiation and execution of a 12-month service agreement with GE ENERGY MANAGEMENT SERVICES, INC., Hatfield, PA for emission equipment engineering services in an amount not to exceed \$353,990. (Funding is available in the Fiscal Year 2003-2004 Approved Capital Budget of the Electric Utility Department.) Sole Source This contract will be awarded in compliance with the 1996 MBE/WBE Ordinance, as amended. No subcontracting opportunities were identified; therefore, no goals were established for this solicitation.
The motion authorizing the negotiation and execution of a service agreement was approved.

30. Authorize negotiation and execution of a contract with AMERICAN ELECTRIC POWER, Corpus Christi, TX for insulator change-out services in an amount not to exceed \$600,000, with a contingency of \$150,000, for a total contract amount not to exceed \$750,000 (Funding in the amount of \$750,000 is available in the Fiscal Year 2003-2004 Approved Capital Budget of the Electric Utility Department.) Sole Source. This contract will be awarded in compliance with the 1996 M/WBE ordinance, as amended. There were no subcontracting opportunities identified; therefore, no goals were established. All services will be provided by the contractor's own workforce.
The motion authorizing the negotiation and execution of a contract was approved.

31. Authorize negotiation and execution of a 12-month contract with MOTOROLA INC., Austin TX for a Commercial Off-the-Shelf software system to manage the City's permitting, inspection, enforcement and review (PIER) processes in an amount not to exceed \$1,975,000, with a 15-month option to purchase three additional interfaces for a total of \$84,600, with 12-months of maintenance and support commencing January 1, 2005 for \$204,694, and with four 12-month extension options in an amount not to exceed \$204,694 per 12-month period, for a total contract amount not to exceed \$3,083,070. (Funding in the amount of \$500,000 is available in the Fiscal Year 2002-2003 Operating Budget of the Communication and Technology Management (CTM) Office of the Financial Services Department, \$1,200,000 is available in the Fiscal Year 2003-2004 Pier Technology Capital Project Budget of the CTM Office of the Financial Services Department and \$359,600 is available in the Fiscal Year 2003-2004 Upgrades and Replacements Capital Project Budget of the CTM Office of the Financial Services Department. Funding for the extension options is contingent upon available funding in future budgets.) Best proposal of four proposals received. This contract will be awarded in compliance with the 1996 MBE/WBE Ordinance, as amended. No subcontracting opportunities were identified; therefore, no goals were established for this solicitation.
The motion authorizing the negotiation and execution of a contract was approved.

Items 32 through 34 were pulled for discussion.

35. Approve an ordinance to annex the AISD Tract (Approximately 10 acres in Travis County at the end of Sand Bar Drive, Crystalbrook West, and Inspiration Drive); waive zoning application fees for property within the annexed area for a period of one year from the effective date of annexation; and postpone the enforcement of fireworks sales regulations in the expanded 5000 foot area adjacent to the city limits of this annexation area for 20 days after the effective date. (Funding necessary to provide general governmental services to this tract is available in the budgets of the department, which will be providing the services.)
Ordinance No. 031120-35 was approved.

36. Approve an ordinance to annex the FM 973 ROW area (Approximately 22 acres in Travis County and includes approximately one and one-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) and postpone the enforcement of fireworks sales regulations in the expanded 5000 foot area adjacent to the city limits of this annexation area for 20 days after the effective date. (Funding necessary to provide general governmental services to this tract is available in the budgets of the department, which will be providing the services.)
Ordinance No. 031120-36 was approved.
37. Approve an ordinance to annex the 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); grant SF4A interim zoning designation for the Pearce Lane Tract Subdivision (C8-02-0109), SF2 interim zoning designation for Phase One of the Meadows at Berdoll Farms Subdivision (C8-02-0045), and SF4A interim zoning designation for Phase Two of the Meadows at Berdoll Farms Subdivision (C8-02-0045); waive zoning application fees for property within the annexed area for a period of one year from the effective date of annexation; and postpone the enforcement of fireworks sales regulations in the expanded 5000 foot area adjacent to the city limits of this annexation area for 20 days after the effective date. (Funding necessary to provide general governmental services to this tract is available in the budgets of the department, which will be providing the services.)
Ordinance No. 031120-37 was approved.
38. Approve an ordinance to annex the Sundberg Estates area (Approximately 124 acres in Travis County southwest of the intersection of US Hwy 183 S and Burleson Road); waive zoning application fees for property within the annexed area for a period of one year from the effective date of annexation; and postpone the enforcement of fireworks sales regulations in the expanded 5000 foot area adjacent to the city limits of this annexation area for 20 days after the effective date. (Funding necessary to provide general governmental services to this tract is available in the budgets of the department, which will be providing the services.)
Ordinance No. 031120-38 was approved.
39. Approve an ordinance to annex the Tarlton Lane area (Approximately 28 acres in Travis County at the end of Tarlton Lane); waive zoning application fees for property within the annexed area for a period of one year from the effective date of annexation; and postpone the enforcement of fireworks sales regulations in the expanded 5000 foot area adjacent to the city limits of this annexation area for 20 days after the effective date. (Funding necessary to provide general governmental services to this tract is available in the budgets of the department, which will be providing the services.)
Ordinance No. 031120-39 was approved.
40. Approve an ordinance on third reading amending Section 25-5-2(D)(1) of the City Code to provide that a site plan is not required if the limits of construction for a development is 3000 square feet or less. (Recommended by Planning Commission.)
Ordinance No. 031120-40 was approved.
41. Approve an ordinance on third reading amending Section 25-4-2 of the City Code excepting a small parcel of land within the City from the requirement to plat if the parcel was in its current configuration on January 1, 1995 and other conditions are met. (Recommended by Planning Commission.)
Ordinance No. 031120-41 was approved.

42. Approve an ordinance on third reading amending Sections 25-7-92 and 25-7-152 of the City Code relating to administrative variances regarding development in a floodplain and the dedication of easements and rights-of-way for drainage. (Recommended by Planning Commission. Not Recommended by Environmental Board.)
Ordinance No. 031120-42 was approved.

Items 43 and 44 were pulled for discussion.

Item 45 was reconsidered later in the meeting.

46. Board and Commission Appointments.
The following appointments were made:

Board/ Appointee	Consensus/ Council Nominee	Appointment/ Reappointment
<u>Commission for Women</u> Maria C. Hernández	Council Member Alvarez'	Reappointment
<u>Design Commission</u> Juan Cotera	Council Member Alvarez'	Reappointment

47. Approve an ordinance amending Ordinance No. 030925-51 to provide that the Historic Landmark Task Force, currently comprised of seven voting members, shall also include one non-voting member appointed by the Historic Landmark Commission. (Council Member Brewster McCracken, Mayor Pro Tem Jackie Goodman and Council Member Betty Dunkerley)
Ordinance No. 031120-47 was approved.
48. Approve an ordinance amending Chapter 15-7 of the City Code relating to naming certain police facilities. (Council Member Raul Alvarez, Council Member Danny Thomas and Mayor Will Wynn)
Ordinance No. 031120-48 was approved.

Items 49 and 50 were pulled for discussion

51. Set a public hearing to consider an ordinance amending Chapter 25-2 of the City Code to add a new Section 25-2-586 relating to limitations on retail commercial uses in the Barton Springs Zone. (Suggested date and time: December 4, 2003 at 6:00 p.m., Lower Colorado River Authority, Hancock Building). (Planning Commission public hearing will be conducted on November 25, 2003.)
The public hearing was set for December 4, 2003 at 6:00 p.m., Lower Colorado River Authority, Hancock Building.
52. Set a public hearing to receive comments on reduction strategies to attain the 8-hour ozone air quality standard for the draft Early Action Compact and Clean Air Action Plan to be submitted to the Texas Commission on Environmental Quality and Environmental Protection Agency. (Suggested date and time: December 4, 2003 at 6:00 p.m., Lower Colorado River Authority, Hancock Building)
The public hearing was set for December 4, 2003 at 6:00 p.m., Lower Colorado River Authority, Hancock Building.

53. Set a public hearing on an application for a limited adjustment under Chapter 25-8, Subchapter A, Article 12, Land Development Code, for a development project for a 19-acre tract near William Cannon and Brodie. This tract is the subject of litigation, *Ernest L. Lundelius, Jr. and Ana Maria Lundelius, Independent Executor of the Estate of Bernard Halton Lundelius, Deceased v. the City of Austin*. (Suggested date and time: December 11, 2003 at 6:00 p.m., Lower Colorado River Authority, Hancock Building) (Related Items 13, 56)

This item was postponed to December 11, 2003 as reflected on changes and corrections.

54. Set a public hearing to receive public comment regarding the proposed Austin Energy Strategic Plan. (Suggested date and time: December 4, 2003 at 6:00 p.m., Lower Colorado River Authority, Hancock Building.)

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

Items 55 through 63 were Executive Session items.

Items 64 through 65 were Action on Executive Session items.

Items 66 through 76 and Z-1 to Z-17 were Zoning items set for 4:00 p.m.

Items 77 through 78 were public hearings set for 6:00 P.M.

DISCUSSION ITEMS

28. Authorize negotiation and execution of an amendment to the Municipal Maintenance Agreement with the TEXAS DEPARTMENT OF TRANSPORTATION to accept responsibility for maintenance of a section of Cameron Road from approximately 700 feet south of E. 51st Street to approximately 400 feet north of E. 52nd Street. (Funding for maintenance is available in the Operating / Maintenance Budgets of the various departments.)

The motion authorizing negotiation and execution of an amendment to the Municipal Maintenance Agreement was approved on Council Member Dunkerley's motion, Mayor Wynn's second on a 6-0 vote. Mayor Pro Tem Goodman was off the dais.

44. Approve an ordinance on second and third reading amending Section 25-6 of the City Code related to requirements for off-street parking, off-street loading, and bicycle parking. (Recommended by Planning Commission with amendments.)

Ordinance No. 031120-44 was approved adopting staff's recommendation (including the items from the Planning Commission that staff felt could be incorporated in the ordinance) was approved on Council Member McCracken's motion, Council Member Dunkerley's second on a 7-0 vote.

43. Approve an ordinance amending Chapters 25-2, 25-3, and 25-6 of the City Code relating to restaurant uses. (Recommended by Planning Commission with amendments.)

The second reading adopting staff's recommendation was approved on Council Member Dunkerley's motion, Council Member Thomas' second on a 7-0 vote.

49. Approve resolutions naming the forensic center under construction and located at 812 Springdale Road the "Robert Martinez, Sr. Forensic Center" in honor of Robert Martinez, Sr. (Council Member Raul Alvarez, Council Member Danny Thomas and Mayor Will Wynn)

Resolutions No. 031120-49 and No. 031120-49A were approved on Council Member Alvarez' motion, Council Member Thomas' second on a 7-0 vote.

The motion to waive Council rules and act on items 33 and 34 together at 1:00 p.m. and allow each side 45 minutes to speak was approved on Mayor Pro Tem Goodman's motion and Mayor Wynn's second on a 7-0 vote.

32. Authorize execution of amendment No. 2 to the contract with MOTOROLA INC., Austin TX, to extend citywide, the existing Customer Service Request (CSR) system used in the Austin Police Department (APD) to handle non-emergency telephone calls (3-1-1 calls), in an amount not to exceed \$301,334, for a total revised contract amount of \$500,494. (Funding in the amount of \$301,334 is available in the Fiscal Year 2003-2004 Approved Operating Budget of the Electric Utility Department.)

The motion authorizing the execution of amendment No. 2 to the contract was approved on Council Member Slusher's motion, Council Member McCracken's second on a 6-0 vote. Council Member Thomas was off the dais.

CITIZEN COMMUNICATIONS: GENERAL

Michelle Segovia - Organ Donation

Jimmy Castro - Organ Donation

Lemuel Bradshaw - Organ Donation

Veronica Cantu - National Marrow Donor Program

Patricia Newitt - Disability in regards to the Electric Company. **She was absent when her name was called.**

Nelson Linder - Police Brutality

Barry Hall - Police Brutality

Cynthia Elliott - Community Concern Regarding Police Brutality

Akwasi Evans - Police Shootings

Jennifer L. Gale - Holiday report on the necessity of Voter Choice

DISCUSSION ITEMS CONTINUED

33. Approve an ordinance amending Chapter 17-2 of the City Code to provide opportunities for additional taxicab franchises. (Urban Transportation Commission recommends approval of staff proposal with amendment to the special rule conditions.) (Related Item 34)

Ordinance No. 031120-33 was approved adopting staff's recommendation as amended by the Urban Transportation Commission and with the following friendly direction to staff on Mayor Pro Tem Goodman's motion, Council Member Dunkerley's second on a 6-1 vote. Those voting aye were: Mayor Wynn, Mayor Pro Tem Goodman, Council Members Alvarez, Dunkerley, McCracken and Slusher. Those voting nay were: Council Member Thomas. Council Member Slusher's direction was, "At the point at which the formula is approaching 75%, the City staff will provide a process or criteria for the selection of the firm to be awarded a new franchise." (Law will provide the exact wording of the sentence being added.

The substitute motion made by Council Member Thomas and seconded by Council Member Slusher to adopt staff's recommendation failed on a 2-5 vote. Those voting aye were: Council Members Slusher and Thomas. Those voting nay were: Mayor Wynn, Mayor Pro Tem Goodman, and Council Members Alvarez, Dunkerley and McCracken.

34. Consider an Ordinance, on first reading only, to grant a taxicab franchise to ABCABCO, Inc., d/b/a Lone Star Cab Company. (Staff recommendation is contingent upon approval of the related code amendment) (Not Recommended by Urban Transportation Commission) (Related Item 33)
No action was needed on this item due to the vote on Item 33.
8. Approve negotiation and execution of an amendment to an Austin-Bergstrom International Airport Concession Agreement with Austin Airport Business Center Group, Inc. to authorize food and beverage sales, and to authorize an assignment of the Concession Agreement. (Revenue generating concession agreement.) (Recommended by Austin Airport Advisory Commission.)
The motion authorizing the negotiation and execution of this concession agreement, including to a locally owned, local concept, principally based business in Austin, was approved on Council Member Dunkerley's motion, Council Member Thomas' motion on a 2-5 vote. Those voting aye were: Mayor Wynn, and Mayor ProTem Goodman, and Council Members, Alvarez, Dunkerley, and Thomas. Those voting nay were: Council Members McCracken and Slusher.

Mayor Wynn recessed the Council Meeting to go into Executive Session at 4:08 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

Items 55 will be discussed later in Executive Session.

56. Discuss legal issues related to the application for limited adjustment under Chapter 25-8, Subchapter A, Article 12, land Development Code, filed by *Ernest L. Lundelius, Jr. and Ana Maria Lundelius Independent Executor of the Estate of Bernard Halton Lundelius, Deceased.* (Related Item 13).
This item was postponed to December 11, 2003.

Items 57 will be discussed later in Executive Session.

58. Discuss possible settlement in *Mary Lou Ortega, Sara Ortega and Candelaria Ortega v. The City of Austin*, Cause No. 267083, filed in County Court at Law No. 2, Travis County. (concerns a motor vehicle accident allegedly caused by the break of a water main.) (Related Item 64).

Item 59 will be discussed later in Executive Session.

60. Discuss legal issues in Case No. A02CA710-JN, *Christopher Ochoa v. City of Austin, Texas, Chief James Everett, Bruce Mills, Sgt. Bruce Boardman, Sgt. Hector Polanco, Estate of Sgt. Edward Balagia, and John Does 1-20*, in the U.S. District Court, Western District, Austin Division (concerns wrongful imprisonment) (Related Item 65).

Items 61 through 63 will be discussed later in the Executive Session.

Executive Session ended at 4:43.

Mayor Wynn called the Council Meeting back to order at 4:44 p.m.

Action on Executive Session

64. Approve settlement in *Mary Lou Ortega, Sara Ortega and Candelaria Ortega v. The City of Austin*, Cause No 267083, filed in County Court at Law No. 2, Travis County. (concerns a motor vehicle accident allegedly caused by the break of a water main.) (Related Item 58)

The motion authorizing the settlement in the amount of \$200,000 was approved on Council Member Alvarez' motion, Mayor Wynn's second on a 6-0 vote. Council Member McCracken was off the dais.

65. Approve a settlement in Cause No. A02CA710-JN, *Christopher Ochoa v. City of Austin, Texas, Chief James Everett, Bruce Mills, Sgt. Bruce Boardman, Sgt. Hector Polanco, Estate of Sgt. Edward Balagia and John Does 1-20*, in the U.S. District Court, Western District, Austin, Division (concerns wrongful imprisonment) (Related Item 60)

The motion authorizing the settlement in the amount of \$5.3 million of which \$500,000 will be paid to Richard Danzinger, was approved on Mayor Pro Tem Goodman's motion, Mayor Wynn's second on a 7-0 vote.

45. Approve an ordinance on second/third reading to amend the City Code by adopting a new Title 30 relating to regulation of subdivisions in the extraterritorial jurisdiction within Travis County, in accordance with the Agreement on Subdivision Platting in the Extraterritorial Jurisdiction Between the City of Austin and Travis County (HB1445).

Ordinance No. 031120-45 was approved as part of the consent agenda.

A motion to reconsider Item 45 was approved on Council Member Slusher's motion, Mayor Wynn's second on a 7-0 vote.

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

ZONING CONSENT ITEMS

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

66. C14-03-0103 - Mayo Zoning Change - Approve second/third readings of an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 12510 West Cow Path (Walnut Creek Watershed) from limited industrial services (LI) district zoning to single family residence standard lot (SF-2) district zoning. First reading on September 25, 2003. Vote: 7-0. Conditions met as follows: No conditions were imposed. Applicant: Jim L. Mayo and Lisa Ann Mayo. City Staff: Sherri Gager, 974-3057.
Ordinance No. 031120-66 was approved.
67. C14-03-0134 - Epstein Zoning - Approve second/third readings of an ordinance amending Chapter 25-2 of the Austin City Code by zoning property locally known as 4017 Bunny Run (Lake Austin Watershed) from interim-rural residence (I-RR) district zoning to single family residence standard lot (SF-2) district zoning. First reading on October 23, 2003. Vote: 6-0, Dunkerley absent. Conditions met as follows: No conditions were imposed by Council on first ordinance reading. Applicant: Prophet Capitol Management (Robert Epstein). Agent: Crocker Consultants (Sarah Crocker). City Staff: Glenn Rhoades, 974-2775.
Ordinance No. 031120-67 was approved.
68. C14-03-0132 - St. Austin's Catholic Parish - Approve second/third readings of an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 500 W. Martin Luther King Jr. Blvd. (Shoal Creek Watershed) from general commercial services-mixed use (CS-MU) combining district zoning and multifamily residence highest density-conditional overlay (MF-6-CO) combining district zoning to general commercial services-mixed use (CS-MU) combining district zoning and multifamily residence highest density-conditional overlay (MF-6-CO) combining district zoning. First reading on October 30, 2003. Vote: 7-0. Conditions met as follows: Conditional Overlay incorporates the conditions imposed by Council on first ordinance reading. Applicant: Catholic Chancery Office (Gregory M. Aymond). Agent: McHone Real Estate (Mike McHone). City Staff: Glenn Rhoades, 974-2775.
Ordinance No. 031120-68 was approved.
69. C14-02-0120a.SH - Crossing at Onion Creek, Sections One through Five - Approve second /third readings of an ordinance amending Chapter 25-2 of the Austin City Code by zoning property locally known as East Slaughter Lane at Brandt Road (Onion Creek Watershed) from interim-rural residence (I-RR) district zoning to single family residence small lot (SF-4A) district zoning for Tract 1 and community commercial (GR) district zoning for Tract 2. First reading on January 16, 2003. Vote: 6-0, Goodman off the dais. Conditions met as follows: Restrictive Covenant incorporates the conditions accepted by City Council at first ordinance reading. Applicant: Lennar Homes of Texas and Construction, Ltd. (James Giddens) Agent: The Faust Group (Bill Faust). City Staff: Wendy Walsh, 974-7719.
Ordinance No. 031120-69 was approved.

Items 70 and 71 were pulled for discussion.

72. C14-02-0174 - The Landing Strip - Approve third reading of an ordinance amending Chapter 25-2 of the Austin City Code by rezoning 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. Second reading on October 30, 2003. Vote: 7-0. Conditions met as follows: Conditional overlay incorporates the conditions imposed by Council at first ordinance reading. Applicant: Landing Strip (Theodorus Polaks). Agent: TCM Design and Building Group (Eddie Hurst). City Staff: Wendy Walsh, 974-7719.
Ordinance No. 031120-72 was approved.
73. C14-03-0146 - Approve second/third readings of an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 11521 R.R. 620 North (Bull Creek Watershed) from community commercial-conditional overlay (GR-CO) combining district zoning to community commercial-conditional overlay (GR-CO) combining district zoning. First reading November 6, 2003. Vote: (7-0). Conditions met as follows: Conditional Overlay and Restrictive Covenant incorporates the conditions imposed or accepted by City Council at first ordinance reading. Applicant: London Enterprises 620 Joint Venture (Mike London). Agent: Bury & Partners, Inc. (James B. Knight). City Staff: Sherri Gager, 974-3057.
Ordinance No. 031120-73 was approved.
74. C14-03-0131 - Reyes Duplex - Approve second/third readings of an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 505 East Applegate Drive (Little Walnut Creek Watershed) from single family residence standard lot (SF-2) district zoning to family residence (SF-3) district zoning. First reading on October 23, 2003. Vote: 6-0, B. Dunkerley - absent. Conditions met as follows: No conditions were imposed by Council on first ordinance reading. Applicant: Arturo Reyes. Agent: Roel Bazan Architect (Roel Bazan). City Staff: Glenn Rhoades, 974-2775.
Ordinance No. 031120-74 was approved.
75. C14-03-0119 - Wal-Mart - Approve second/third readings of an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 0 East Ben White Boulevard (Blunn Creek Watershed) from family residence (SF-3) district zoning to limited industrial services (LI) district zoning. First reading on November 6, 2003. Vote: 7-0. Conditions met as follows: No conditions were imposed. Applicant: Joe Jung. Agent: Armbrust & Brown, L.L.P. (Richard Suttle, Jr.) City Staff: Annick Beaudet, 974-2975.
The second reading of the ordinance was approved.

Item 76 was pulled for discussion.

ZONING CONSENT ITEMS

The following zoning 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 6-0 vote. Mayor Pro Tem Goodman was off the dais.

- Z-1 Conduct a public hearing and consider an ordinance to amend the East César Chávez Neighborhood Plan, an element of the Austin Tomorrow Comprehensive Plan, to change the use designation on the future land use map from single-family to commercial for the property located at 1001 E 3rd St. (Not recommended by Planning Commission.)
This item was postponed to December 4, 2003.

- Z-2 C14H-02-0011 - Pease Mansion (Woodlawn) - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 1606 Niles Road from family residence (SF-3) district to family residence-historic (SF-3-H) combining district. Historic Landmark Commission Recommendation: To grant family residence-historic (SF-3-H) combining district. Zoning and Platting Commission Recommendation: To grant family residence-historic (SF-3-H) combining district. Applicant: Jeff Sandefer (owner). City Staff: Steve Sadowsky, Historic Preservation Office, Transportation, Planning and Sustainability Department, 974-6454.
Ordinance No. 031120-Z-2 for family residence-historic (SF-3-H) combining district was approved.
- Z-3 C14H-03-0016 - Nixon-Narper House. Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 604 Harthan Street from family residence-neighborhood plan (SF-3-NP) combining district to family residence-historic-neighborhood plan (SF-3-H-NP) combining district. Historic Landmark Commission Recommendation: To grant family residence-historic-neighborhood plan (SF-3-H-NP) combining district. Planning Commission Recommendation: To grant family residence-historic-neighborhood plan (SF-3-H-NP) combining district. Applicant: Wayne and Julie Orchid (owners). City Staff: Steve Sadowsky, Historic Preservation Office, Transportation, Planning and Sustainability Department, 974-6454.
Ordinance No. 031120-Z-3 for family residence-historic-neighborhood plan (SF-3-H-NP) combining district was approved.
- Z-4 C14H-03-0018 - Buddington-Benedict-Sheffield Compound. Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 500-08 W. 34th Street from multi-family residence medium density (MF-3) district to multi-family residence medium density-historic (MF-3-H) combining district. Historic Landmark Commission Recommendation: To grant multi-family residence medium density-historic (MF-3-H) combining district. Planning Commission Recommendation: To grant multi-family residence medium density-historic (MF-3-H) combining district. Applicant: Rick and Nancy Iverson (owners). City Staff: Steve Sadowsky, Historic Preservation Office, Transportation, Planning and Sustainability Department, 974-6454.
Ordinance No. 031120-Z-4 for multi-family residence medium density-historic (MF-3-H) combining district was approved.
- Z-5 C14H-03-0019 - Suehs House. Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 600 Bellevue Place from family residence (SF-3) district to family residence-historic (SF-3-H) combining district. Historic Landmark Commission Recommendation: To grant family residence-historic (SF-3-H) combining district. Planning Commission Recommendation: To grant family residence-historic (SF-3-H) combining district. Applicant: Lewis Donelson and Lin Team (owners). City Staff: Steve Sadowsky, Historic Preservation Office, Transportation, Planning and Sustainability Department, 974-6454.
Ordinance No. 031120-Z-5 for family residence-historic (SF-3-H) combining district was approved.

- Z-6 C14H-03-0020 - Adkins-Tharp House. Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 506 Bellevue Place from family residence (SF-3) district to family residence-historic (SF-3-H) combining district. Historic Landmark Commission Recommendation: To grant family residence-historic (SF-3-H) combining district. Planning Commission Recommendation: To grant family residence-historic (SF-3-H) combining district. Applicant: Oscar Rodriguez and Randall Soileau (owners). City Staff: Steve Sadowsky, Historic Preservation Office, Transportation, Planning and Sustainability Department, 974-6454.
Ordinance No. 031120-Z-6 for family residence-historic (SF-3-H) combining district was approved.
- Z-7 C14-03-0142 - J.P. Morgan Chase Bank - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 10350-10500 I.H. 35 North (Walnut Creek Watershed) from neighborhood commercial (LR) to general commercial services-conditional overlay (CS-CO) combining district zoning. Zoning and Platting Commission Recommendation: To grant general commercial services-conditional overlay (CS-CO) combining district zoning. Applicant: J.P. Morgan Chase Bank (Kyle E. Gubernator). Agent: Jim Bennett. City Staff: Glenn Rhoades, 974-2775.
Ordinance No. 031120-Z-7 for general commercial services-conditional overlay (CS-CO) combining district zoning was approved.
- Z-8 C14-03-0152 - Bergstrom Center Zoning #1 - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as State Highway 71 East at Spirit of Texas Drive (Carson Creek Watershed) from interim-rural residence (I-RR) district zoning to community commercial-conditional overlay (GR-CO) combining district zoning. Zoning and Platting Commission Recommendation: To grant community commercial-conditional overlay (GR-CO) combining district zoning. Applicant: Austin Bergstrom Airport Ltd. (Gerald Kucera). Agent: Crocker Consultants (Sarah Crocker). City Staff: Glen Rhoades, 974-2775.
The first reading of the ordinance was approved.
- Z-9 C14-03-0153 - Bergstrom Center Zoning #2 - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 2031 State Highway 71 East (Carson Creek Watershed) from interim-rural residence (I-RR) district zoning to community commercial-conditional overlay (GR-CO) combining district zoning. Zoning and Platting Commission Recommendation: To grant community commercial-conditional overlay (GR-CO) combining district zoning. Applicant: Austin Bergstrom Airport Ltd. (Gerald Kucera). Agent: Crocker Consultants (Sarah Crocker). City Staff: Glenn Rhoades, 974-2775.
The first reading of the ordinance was approved.
- Z-10 C14-03-0138 - Milwood Section 20-B Rezoning - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 12506 West Cow Path (Walnut Creek Watershed) from limited industrial services (LI) district zoning to single family residence standard lot (SF-2) district zoning. Zoning and Platting Commission Recommendation: To grant single family residence standard lot (SF-2) district zoning. Applicant: City of Austin. Agent: Neighborhood Planning & Zoning Department. City Staff: Sherri Gager, 974-3057.
Ordinance No. 031120-Z-10 from single family residence standard lot (SF-2) district zoning was approved.

- Z-11 C14-03-0139 - Milwood Section 20-B Rezoning #2 - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 12507 West Cow Path (Walnut Creek Watershed) from limited industrial services (LI) district zoning and single family residence standard lot (SF-2) district zoning. Zoning and Platting Commission Recommendation: To grant single family residence standard lot (SF-2) district zoning. Property Owners: Robert and Lujana Zane. Applicant: City of Austin. Agent: Neighborhood Planning and Zoning Department. City Staff: Sherri Gager, 974-3057.
Ordinance No. 031120-Z-11 for single family residence standard lot (SF-2) district zoning was approved.
- Z-12 C14-03-0145 - Heritage Center Northwest - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by zoning property locally known as 13695 Research Boulevard (Lake Creek Watershed) from interim-rural residence (I-RR) district zoning to community commercial-conditional overlay (GR-CO) district zoning. Zoning and Platting Commission Recommendation: To grant community commercial-conditional overlay (GR-CO) district zoning. Applicant: Costal Banc (Beth Tideman). Agent: Jones and Carter, Inc. (Amy J. Fredrick). City Staff: Sherri Gager, 974-3057.
Ordinance No. 031120-Z-12 for community commercial-conditional overlay (GR-CO) district zoning was approved.
- Z-13 C14-03-0136 - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 1800 Fort View Road (West Bouldin Creek Watershed) from family residence (SF-3) district zoning to neighborhood commercial (LR) district zoning. Zoning and Platting Commission Recommendation: To grant neighborhood commercial-conditional overlay (LR-CO) combining district zoning with conditions. Applicant: Westlake Congregation of Jehovah Witnesses (Tad Curtis). Agent: Crocker Consultants (Sarah Crocker). City Staff: Annick Beaudet, 974-2975.
The first reading of the ordinance was approved.
- Z-14 C14-03-0112 - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 1001 East 3rd Street (Town Lake Watershed) from family residence-neighborhood plan (SF-3-NP) combining district zoning to community commercial-mixed use-conditional overlay-neighborhood plan (GR-MU-CO-NP) combining district zoning. Planning Commission Recommendation: To deny community commercial-mixed use-conditional overlay-neighborhood plan (GR-MU-CO-NP) combining district zoning. Applicant: Adam Reavis. Agent: Adam Reavis. City Staff: Annick Beaudet, 974-2975
This item was postponed to December 4, 2003.
- Items Z-15 and Z-16 were pulled for discussion.**
- Z-17 C14-03-0128 - Potter Rezoning - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as the Southside of F.M. 2222 north of Bell Mountain Road (West Bull Creek Watershed) from single family residence standard lot (SF-2) district zoning to limited office-conditional overlay (LO-CO) combining district zoning. Zoning and Platting Commission Recommendation: To grant limited office-conditional overlay (LO-CO) combining district zoning. Applicant: Tom Beard. Agent: Jim Bennett. City Staff: Glenn Rhoades, 974-2775.
Ordinance No. 031120-Z-17 for limited office-conditional overlay (LO-CO) combining district zoning was approved.

ZONING DISCUSSION ITEMS

70. C14-03-0091 - Hackney No. 2 - Approve second/third readings of an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 700 Chaparral Road (Williamson Creek Watershed) from neighborhood office-mixed use-conditional overlay (NO-MU-CO) combining district zoning to community commercial-conditional overlay (GR-CO) combining district zoning. First reading on October 23, 2003. Vote: 5-1, Goodman - Nay, Dunkerley off the dais. Conditions met as follows: Conditional Overlay incorporates the conditions imposed by Council on first ordinance reading. Applicant: Norman C. Hackney. Agent: Jim Bennett Consulting (Jim Bennett). City Staff: Wendy Walsh, 974-7719.
Ordinance No. 031120-70 approving Zoning and Platting Commission's recommendation was approved on Council Member Slusher's motion, Mayor Pro Tem Goodman's second on a 7-0 vote.
71. C14-03-0092 - Hackney No. 1 - Approve second/third readings of an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 701 Chaparral Road (Williamson Creek Watershed) from single family residence standard lot (SF-2) district zoning and family residence (SF-3) district zoning to limited office-mixed use-conditional overlay (LO-MU-CO) combining district zoning. First reading on October 23, 2003. Vote: 5-1, Goodman Nay; Dunkerley off the dais. Conditions met as follows: Conditional Overlay incorporates the conditions imposed by Council on first ordinance reading. Applicant: Norman C. Hackney. Agent: Jim Bennett Consulting (Jim Bennett). City Staff: Wendy Walsh, 974-7719.
The motion to deny the ordinance was approved on Council Member Slusher's motion, Mayor Pro Tem Goodman's second on a 7-0 vote.
76. C14-02-0195 - Paragon Prep - Approve third reading 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 single family residence (SF-3) district zoning to limited office-mixed use (LO-MU) district zoning. First reading on March 20, 2003. Vote: 5-2, Alvarez and Slusher - nay. Second reading on October 30, 2003. Vote: 4-2, Alvarez and Slusher - nay, Goodman off the dais. Conditions met as follows: No conditions were imposed by Council on second ordinance reading. Applicant: Paragon Preparatory (David Mcgrath). Agent: Brad Greenblum. City Staff: Glenn Rhoades, 974-2775. Note: A valid petition has been filed in opposition to this rezoning request.
A motion was made by Council Member Alvarez to approve the ordinance for NO zoning with a conditional overlay to include private and secondary schools, failed on Council Member Alvarez' motion, Council Member Slusher's second on a 3-3 vote. Those voting aye: Council Members Alvarez, McCracken, and Slusher, those voting nay: Mayor Wynn, Council Members Dunkerley and Thomas. Mayor Pro Tem Goodman was off the dais.

The applicant withdrew the request for rezoning.

LIVE MUSIC

Eric Hisaw

PROCLAMATIONS

Proclamation - Hunger & Homelessness Awareness Week - to be presented by Mayor Will Wynn and to be accepted by Richard Troxell

Proclamation - The Wright House Wellness Center - to be presented by Mayor Will Wynn and to be accepted by Shaintay Spears-Abudu

Certificate of Congratulations - Kristen Messer - to be presented by Mayor Will Wynn and to be accepted by the honoree

Mayor Wynn recessed the Council Meeting to go into Executive Session at 6:00 p.m.

EXECUTIVE SESSION CONTINUED

55. Discuss legal issues relating to the labor negotiations for a Meet and Confer contract with the Austin Police Association.
This item was not discussed.
57. Discuss legal issues in Case No. A03 CA 56SS, Nolan Lujan, et al. v. City of Austin, in the U.S. District Court of the Western District of Texas-Austin Division. (concerns Emergency Medical Services employees seeking to recover overtime compensation)
This item was not discussed.
59. Discuss legal issues related to *Jeff White v. City of Austin, Texas*, Cause No. GN201624, in the 126th Judicial District Court of Travis County, Texas. (concerns alleged retaliation of an Austin Police Department officer).
This item was not discussed.
61. Discuss legal issues concerning the Austin Airport Hotel.

Personnel Matters - Section-551.074

62. Discuss personnel evaluation and performance of the Municipal Court Clerk.
This item was not discussed.

Public Power Utility Competitive Matters - Section 551.086

63. Discuss Austin Energy's proposed Strategic Plan.

Executive Session ended at 7:40 p.m.

Mayor Wynn called the meeting back to order at 7:44 p.m.

ZONING DISCUSSION ITEMS

- Z-15 C14-03-0063 - Capitol Chevrolet - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 6106 and 6318 IH-35 South; 600 and 814 North Bluff Drive (Williamson Creek Watershed) from rural residence (RR) district zoning; neighborhood office-conditional overlay (NO-CO) combining district zoning; community commercial-conditional overlay (GR-CO) combining district zoning; community commercial (GR) district zoning; and family residence (SF-3) district zoning to rural residence (RR) district zoning and community commercial-conditional overlay (GR-CO) combining district zoning. Zoning and Platting Commission Recommendation: To grant community commercial-conditional overlay (GR-CO) combining district zoning and rural residence (RR) district zoning. Property Owner: Nash Ranch, Inc. and C & J Rentals, Inc. (Charles D. Nash). Applicant: Capitol Chevrolet (William O. Cromwell). Agent: Consort, Inc. (Ben Turner). City Staff: Wendy Walsh, 974-7719. (Related Item Z-16)
The public hearing was closed and Ordinance No. 031120-Z-15 for community commercial-conditional overlay (GR-CO) combining district zoning and rural residence (RR) district zoning was approved on Council Member Thomas' motion, Council Member Dunkerley's second on a 6-0 vote. Mayor Pro Tem was off the dais.
- Z-16 C14-99-0055 (RCA) - Capitol Chevrolet - Conduct a public hearing and approve a restrictive covenant amendment for the property locally known as 600 North Bluff Drive (Williamson Creek Watershed). Zoning and Platting Commission Recommendation: To grant the restrictive covenant amendment request. Property Owner: Nash Ranch, Inc. (Charles D. Nash). Applicant: Capitol Chevrolet (William O. Cromwell). Agent: Consort, Inc. (Ben Turner). City Staff: Wendy Walsh, 974-7719. (Related Item Z-15)
The public hearing was closed and the motion authorizing the restrictive covenant amendment was approved on Council Member Thomas' motion, Council Member Dunkerley's second on a 6-0 vote. Mayor Pro Tem was off the dais.

PUBLIC HEARINGS AND POSSIBLE ACTION

77. Conduct a public hearing and approve a resolution amending the S.M.A.R.T. Housing™ Initiative Policy. (Reviewed by Community Development Commission (CDC))
This item was postponed to January 15, 2004 on Council Member Dunkerley's motion, Council Member Alvarez' second on a 6-0 vote. Mayor Pro Tem Goodman was off the dais.
78. Conduct a public hearing and approve an ordinance to amend Chapter 7-1 of the City Code with respect to visitability standards that create a level of accessibility for persons with disabilities who visit new single-family homes, duplexes, and triplexes. (Reviewed by Community Development Commission (CDC) and Mayor's Committee for People with Disabilities)
This item was postponed to January 15, 2004 on Council Member Dunkerley's motion, Council Member Alvarez' second on a 6-0 vote. Mayor Pro Tem Goodman was off the dais.
50. Approve a resolution directing the City Manager to conduct a study concerning the effects of big box retail centers on the local economy, small businesses, and wages. (Council Member Daryl Slusher, Council Member Raul Alvarez and Mayor Pro Tem Jackie Goodman)
Resolution No. 031120-50 was approved on Council Member Slusher's motion, Council Member Alvarez' second on a 5-1 vote. Those voting aye were: Council Members Alvarez, Dunkerley, McCracken, Slusher and Thomas. Those voting nay were: Mayor Wynn. Mayor Pro Tem Goodman was off the dais.

The motion to adjourn the meeting at 8:15 p.m. was approved on Council Member Slusher's motion, Council Member Alvarez' second on a 6-0 vote. Mayor Pro Tem Goodman was off the dais.

The minutes for the Regular Meeting of November 20, 2003 were approved on this the 4th day of December, 2003 on Council Member Dunkerley's motion, Council Member Alvarez' second on a 7-0 vote.