



**Austin City Council
MINUTES**

**REGULAR MEETING
THURSDAY, OCTOBER 23, 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 23, 2003 in the Board Room at Lower Colorado River Authority Hancock Building, 3700 Lake Austin Boulevard.

Invocation: Mayor called for a moment of silence

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

CONSENT AGENDA

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

1. Approval of minutes from meetings of October 6, and October 9, 2003.
The minutes from the meetings of October 6, and October 9, 2003 were approved.
2. Approve an ordinance amending Exhibit A to Ordinance No. 030908-04, the Electric Rate Schedule GreenChoice® Energy Rider. (Recommended by the Electric Utility Commission.)
Ordinance No. 031023-2 was approved.
3. Approve a resolution authorizing issuance by Senna Hills Municipal Utility District (MUD) of Unlimited Tax and Revenue Bonds, Series 2003 in an amount not to exceed \$1,820,000 and approve a substantial draft of the District's Bond Resolution and Preliminary Official Statement. (No fiscal impact to the City. The City has no responsibility for payment on District bonds unless the District is annexed by the City.) (Recommended by the Water and Wastewater Commission) (Related Item 15)
Resolution No. 031023-3 was approved.
4. 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)
This item was postponed to October 30, 2003.

5. Authorize negotiation and execution of a cost reimbursement agreement with Continental Homes of Texas, L.P. dba Milburn Homes, providing terms and conditions for construction of a 36-inch water mains and appurtenances to provide water service to the Johnson Ridge Tract located between State Highway 71 and Pearce Lane, and east of Ross Road with City cost reimbursement in an amount not to exceed \$6,216,900, for actual "hard" construction costs and "soft" costs for engineering, design and project management in an amount not to exceed 15% of the "hard" construction costs or \$429,300, whichever is less, for the Phase One 36-inch Water Improvements and an amount not to exceed 15% of the "hard" construction costs or \$381,600, whichever is less, for the Additional Phase(s) Water Improvements; approve an Ordinance waiving the requirements of Section 25-9-61, of the City Code relating to the maximum cost reimbursement of a facility; waiving the requirements of Section 25-9-63, of the City Code relating to amount of cost reimbursement. (Funding in the amount of \$6,216,900 is included in the Fiscal Year 2003-2004 Capital Budget of the Austin Water Utility.) (Recommended by the Water and Wastewater Commission)
The motion authorizing the negotiation and execution of a cost reimbursement agreement and adoption of Ordinance No. 031023-5 was approved.
6. Authorize negotiation and execution of a cost reimbursement agreement with Development Alliance of Texas, L.L.C., providing terms and conditions for construction of a 24-inch water main and appurtenances to provide water service to the Zachary Scott Tract located in the south corner of the Old Lockhart Highway and Bradshaw Road intersection with City cost reimbursement in an amount not to exceed \$3,428,000, for actual "hard" construction costs; adopt an Ordinance waiving the requirements of Section 25-9-61 and 25-9-63, of the City Code relating to the maximum cost reimbursement of a facility. (Funding in the amount of \$3,428,000 is included in the Fiscal Year 2003-2004 Capital Budget of the Austin Water Utility.) (Recommended by the Water and Wastewater Commission)
The motion authorizing the negotiation and execution of a cost reimbursement agreement and adoption of Ordinance No. 031023-6 was approved.
7. Authorize negotiation and execution of a cost reimbursement agreement with Development Alliance of Texas, L.L.C., providing terms and conditions for construction of a 24-inch and 18-inch gravity wastewater main and appurtenances or a permanent wastewater lift station, appropriately sized force main, 18-inch gravity wastewater main and appurtenances to provide wastewater service to the Zachary Scott Tract located in the south corner of the Old Lockhart Highway and Bradshaw Road intersection with City cost reimbursement in an amount not to exceed \$1,333,740, for actual "hard" construction costs; approve an Ordinance waiving the requirements of Section 25-9-61, of the City Code relating to facilities eligible for cost reimbursement and the maximum cost reimbursement of a facility, and waiving the requirements of Section 25-9-63 relating to the amount of cost reimbursement. (Funding in the amount of \$1,333,740 is included in the fiscal year 2003-2004 Capital Budget of the Austin Water Utility.) (Recommended by the Water and Wastewater Commission)
The motion authorizing the negotiation and execution of a cost reimbursement agreement and adoption of Ordinance No. 031023-7 was approved.
8. Approve an ordinance authorizing the City Manager to negotiate and execute a lease agreement with the University of Texas Medical Branch at Galveston for the operation of Austin Women's Hospital, amending Chapter 2-4 regarding the Brackenridge Hospital Oversight Council and repealing Chapter 6-1 regarding the Hospital and the Hospital Board.
Ordinance No. 031023-8 was approved.

9. Amend Ordinance No. 030909-01, the Fiscal Year 2003-2004 Approved Operating Budget to authorize acceptance of \$33,634 in grant funds from HUD for the Fair Housing Act compliance and amending the Special Revenue Fund by appropriating \$33,634 in grant funds for the Human Resources Department Special Revenue Fund for a total grant amount of \$214,634. (Funding in the amount of \$33,634 is available from the U.S. Department of Housing and Urban Development. The grant period is October 1, 2003 - September 30, 2004. An in-kind match is not required.)
Ordinance No. 031023-9 was approved.
10. Approve a recodification ordinance repealing and replacing Title 4 of the Code relating to Environmental Control and Conservation; repealing Chapters 10-6, 14-3, 15-10, and 16-7; readopting offenses; and providing penalties. (Related Item 14)
Ordinance No. 031023-10 was approved.
11. Approve a recodification ordinance repealing and replacing Title 6 of the Code relating to Public Health Services and Sanitation; repealing Chapters 10-10 (Nuisance), 10-11 (Litter), 12-1 (Cemeteries), 12-2 (Food and Food Handlers), 12-5 (Smoking in Public Places), and 12-6 (Minors' Access to Tobacco) of the Code; amending Ordinance No. 030605-17; readopting offenses; and providing penalties.
Ordinance No. 031023-11 was approved.
12. Approve a recodification ordinance adopting a new Title 8 of the Code relating to Business Regulation and Permit Requirements; renumbering Chapter 8-10, 8-11, 8-13, 8-14, 8-15, and 8-17 of the Code; repealing Chapters 8-1, 8-2, 8-3, 8-4, 8-5, 8-6, 8-7, 8-9, 8-12, and 8-16 of the Code; readopting offenses; and providing penalties.
Ordinance No. 031023-12 was approved.
13. Approve a recodification ordinance adopting a new Title 10 relating to Prohibited Activities; renumbering Chapter 10-2, Chapter 10-4, and Chapter 10-6 of the City Code; repealing Chapters 10-1, 10-3, 10-5, 10-7, 10-8, and 10-9 of the City Code; amending Ordinance Nos. 031009-9, 031009-10, and 031009-11; readopting offenses; and providing penalties.
Ordinance No. 031023-13 was approved.
14. Approve a recodification ordinance repealing Title 14 of the Code relating to Rivers, Lakes, and Watercourses. (Related Item 10)
Ordinance No. 031023-14 was approved.
15. Approve an ordinance approving the Second Amendment to the First Amended and Restated Agreement Concerning the Creation and Operation of Senna Hills Municipal Utility District to correct an error in the description of the District boundaries. (The Planning Commission recommended approval of the Staff recommendation to correct the Land Plan boundary error, and an amendment to the Land Plan to allow an existing light manufacturing use.) (Related Item 3)
Ordinance No. 031023-15 was approved.

Item 16 was pulled for discussion.

17. Amend Ordinance No. 030908-02 the Fiscal Year 2003-04 Capital Budget of the Parks and Recreation Department by appropriating \$1,285,699.00 in grant funding from the United States of America Commodity Credit Corporation for the Farm and Ranch Lands Protection Program. (Funding is available in grant funds from the United States of America Commodity Credit Corporation.)
Ordinance No. 031023-17 was approved.
18. Authorize the acceptance of supplemental grant funding in the amount of \$4,350,000 from the U.S. Department of Justice, Office of Community Policing Services (COPS), Universal Hiring Program, amend Ordinance No. 030909-01 the Fiscal Year 2003-2004 operating budget, Police Department Special Revenue Fund, by adding 58 new police officer positions in order to maintain 2.0 staffing beginning in fiscal year 2005. (Supplemental funding is available from the U.S. Department of Justice, Office of Community Policing Services (COPS), Universal Hiring Program, for the grant period October 1, 2003 to September 30, 2007. A required cash match of \$5,882,655 is required over a three year period and will be included in future Operating Budgets for the Austin Police Department.) (Related Item 19)
The motion authorizing the acceptance of supplemental grant funding and adoption of Ordinance 031023-18 was approved.
19. Approve an ordinance providing for the classification of and number of positions in the classified Civil Service of the Police Department, and repealing Ordinance No. 030909-6. (Funding for the requested change related to the Universal Hiring Program will be available in future Operating Budgets of the Police Department. Funding for the El Protector position is included in the Fiscal Year 2003-2004 Operating Budget for the Austin Police Department.) (Related Items 18, 20)
Ordinance No. 031023-19 was approved.
20. Authorize the acceptance of \$75,736 in grant funding from the Texas Department of Transportation; amend Ordinance No. 030909-01 the Fiscal Year 2003-2004 operating budget, Police Department Special Revenue Fund by adding one full-time equivalent police officer, sworn overtime, and equipment to implement the "El Protector" program for traffic safety outreach to the Hispanic community. (Funding is available from the Texas Department of Transportation for the grant period October 1, 2003 - September 30, 2004. An in-kind match of \$7,826 is required.) (Related Item 19)
The motion authorizing the acceptance of grant funding and adoption of Ordinance No. 031023-20 was approved.
21. Authorize execution of a construction contract with J.J. STOKES COMPANY USA, L.C., dba STOKES CONSTRUCTION COMPANY, San Marcos, TX, for the Del Valle Fire/EMS Station, in the amount of \$1,766,671 plus a \$88,334 contingency, for a total contract amount not to exceed \$1,855,005. (Funding in the amount of \$1,855,005 is available in the Fiscal Year 2003-2004 Capital Budget of the Austin Fire Department.) Lowest bid of five received. 19.09% MBE and 3.19% WBE subcontractor participation.
The motion authorizing the execution of a construction contract was approved.

Items 22 through 25 were pulled for discussion.

26. Authorize negotiation and execution of a professional services agreement with BINKLEY & BARFIELD, INC., Austin, TX, for engineering services for the South Congress Avenue Streetscape Improvement Project, in an amount not to exceed \$250,000. (Funding is available in the Fiscal Year 2003-2004 Capital Budget of the Transportation, Planning & Sustainability Department.) Best qualification statement of five received. 10% MBE and 26% WBE subconsultant participation.
The motion authorizing the negotiation and execution of a professional services agreement was approved.
27. Authorize negotiation and execution of an amendment to the professional services agreement with HALLIBURTON KBR, formerly Brown and Root Services, Austin, TX, for engineering services for the West Bouldin Creek Wastewater Interceptor Phase A-2 and B, in the amount of \$520,000, for a total contract amount not to exceed \$1,170,000. (Funding in the amount of \$520,000 is included in the Fiscal Year 2002-2003 Capital Budget of the Austin Water Utility.) 14.9% MBE and 18.6% WBE subconsultant participation to date. (Recommended by the Water & Wastewater Commission)
The motion authorizing the negotiation and execution of an amendment to the professional services agreement was approved.
28. Authorize negotiation and execution of an amendment to the professional services agreement with BROWN AND CALDWELL, Inc., Austin, TX, for engineering services for the Walsh Tract Lift Station Rehabilitation Project, in the amount of \$132,782, for a total contract amount not to exceed \$481,187. (Funding in the amount of \$132,782 is available in the Fiscal Year 2002-2003 Capital Budget of the Austin Water Utility.) 10.52% MBE and 18.56% WBE subconsultant participation to date.
The motion authorizing the negotiation and execution of an amendment to the professional services agreement was approved.
29. Authorize negotiation and execution of an amendment to the professional services agreement with ESPEY/MONTGOMERY WATSON HARZA (Joint Venture), Austin, TX, for engineering services for the Southwest C Pump Station, in the amount of \$625,000 for a total contract amount not to exceed \$1,045,000. (Funding in the amount of \$625,000 is available in the Fiscal Year 2002-2003 Amended Capital Budget of the Austin Water Utility.) 5.18% MBE and 25.0% WBE subcontractor participation to date. (Recommended by the Water & Wastewater Commission.)
The motion authorizing the negotiation and execution of an amendment to the professional services agreement was approved.
30. Authorize execution of a 12-month supply agreement with ALSTOM TRANSMISSION & DISTRIBUTION, INC., c/o TECHLINE, INC., Austin, TX, for 14 circuit breakers in an amount not to exceed \$787,675, with three 12-month extension options in an amount not to exceed \$787,675, for a total agreement amount not to exceed \$3,150,700. (Funding in the amount of \$787,675 is available in the Fiscal Year 2003-2004 Approved Capital Budget of the Electric Utility Department. Funding for the extension options is contingent upon available funding in future budgets.) Low bid meeting specifications of seven 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.

31. Authorize execution of a contract with UNIFIN INTERNATIONAL, Dublin, OH, for eight transformer cooling banks in the amount not to exceed \$85,464. (Funding in the amount of \$85,464 is available in the Fiscal Year 2003-2004 Approved Capital Budget of the Electric Utility Department.) Low bid of two bids received. This contract will be awarded in compliance with the 1996 MBE/WBE Ordinance, as amended. No subcontracting opportunities were identified; therefore, no goals were established for this solicitation.
The motion authorizing the execution of a contract was approved.
32. Authorize execution of a contract with CONTROL COMPONENTS, INCORPORATED, Rancho Santa Margarita, CA for the purchase of replacement parts for control valves at the Sand Hill Energy Center in an amount not to exceed \$73,774.20. (Funding in the amount of \$73,774.20 is available in the Fiscal Year 2003-2004 Approved Operating Budget of the Electric Utility Department.) Only bid received. This contract will be awarded in accordance with the 1996 MBE/WBE Ordinance, as amended. No subcontracting opportunities were identified; therefore, no goals were established for this solicitation.
The motion authorizing the execution of a contract was approved.
33. Authorize negotiation and execution of a contract with JOHNSON SCREENS, New Brighton, MN for the purchase of river intake water screens for the Sand Hill Energy Center in an amount not to exceed \$66,300. (Funding in the amount of \$66,300 is available in the Fiscal Year 2003-2004 Approved Capital Budget of the Electric Utility Department.) Best proposal of two proposals received. This contract will be awarded in accordance with the 1996 MBE/WBE Ordinance, as amended. No subcontracting opportunities were identified; therefore, no goals were established for this solicitation.
The motion authorizing the negotiation and execution of a contract was approved.
34. Authorize execution of Amendment No. 1 to the service agreement with UNITED BUILDING MAINTENANCE, Dallas, TX for janitorial services to increase the current contract period in an amount not to exceed \$63,371 and to increase each of the three 12-month extension options in an amount not to exceed \$69,135 for a revised total agreement amount not to exceed \$1,387,884 (Funding in the amount of \$63,371 is available in the Fiscal Year 2003-2004 Approved Operating Budget of the Electric Utility Department. Funding for the remaining one month of the original contract period and extension options is contingent upon available funding in future budgets.) This contract was awarded in compliance with the 1996 MBE/WBE Ordinance, as amended. No subcontracting opportunities were identified; therefore, no goals were established for this solicitation.
The motion authorizing the execution of Amendment No. 1 to the service agreement was approved.
35. Approve execution of a 12-month supply agreement with BACOU-DALLOZ PROTECTIVE APPAREL, LTD., Montreal, Quebec, Canada for fire fighting bunker coats and pants for use by the Austin Fire Department in an amount not to exceed \$156,312.92, with two 12-month extension options in an amount not to exceed \$156,312.92 per extension option, for a total amount not to exceed \$468,938.76. (Funding in the amount of \$143,286.84 is available in the Fiscal Year 2003-2004 Approved Operating Budget of the Austin Fire Department. Funding for the remaining one month of the original contract period and extension options is contingent upon available funding in future budget years.) Low bid 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.

36. Authorize negotiation and execution of a 12-month service agreement with ST. DAVID'S OCCUPATIONAL HEALTH SERVICES, Austin, TX to provide medical physicals and drug screening for the Austin Fire Department, Aviation Department and Parks and Recreation Department in an amount not to exceed \$87,000, with two 12-month extension options not to exceed \$87,000, for a total agreement amount not to exceed \$261,000. (Funding in the amount of \$50,994 is included in the Fiscal Year 2003-2004 Approved Operating Budget of the Austin Fire Department. Funding in the amount of \$11,250 is included in the Fiscal Year 2003-2004 Approved Operating Budget of the Aviation Department. Funding in the amount of \$2,997 is available in the Fiscal Year 2003-2004 Approved Operating Budget of the Parks and Recreation Department. Funding for the remaining 3 months of the original contract period and extension options is contingent upon available funding in future budgets.) Best qualification statement of five received. This contract will be awarded in compliance with the 1996 MBE/WBE Ordinance, as amended. No subcontracting opportunities were identified; therefore, no goals were established for this solicitation.

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

37. Authorize execution of a contract with CULTURAL SURROUNDINGS, Dallas, TX for the purchase and installation of library furniture for the Carver Branch Library located at 1161 Angelina Street in an amount not to exceed \$45,250.95. (Funding in the amount of \$ 45,250.95 is available in the Fiscal Year 2003-2004 Approved Capital Budget of the Library Department.) Low bid of three 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.

The motion authorizing the execution of a contract was approved.

38. Approve the issuance of a Street Event Permit for a fee paid event in the 100 block of East 5th Street for the Mexic-Arte Museum's Dia de los Muertos street event. There will be a \$5 entry fee to this event. The event is scheduled to begin November 1, 2003 beginning at 9:00 am and ending at 11:00 pm.

The motion authorizing the issuance of a Street Event Permit was approved.

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

<u>Board/ Appointee</u>	<u>Consensus/ Council Nominee</u>	<u>Appointment/ Reappointment</u>
<u>Arts Commission</u> Pamela Cunningham	Council Member Thomas	Reappointment
<u>Board of Adjustment</u> Leane Heldenfels Laurie Virkstis (Alternate)	Consensus Consensus	Reappointment Reappointment
<u>Construction Advisory Committee</u> Michael Murphy	Mayor Pro Tem Goodman's	Reappointment
<u>Electric Utility Commission</u> Caroline LeGette	Mayor Pro Tem Goodman's	Reappointment
<u>Environmental Board</u>		

Karin Ascot	Council Member Thomas'	Appointment
<u>MHMR Board of Trustees</u>		
Martha Martinez	Consensus	Reappointment
<u>Urban Renewal Board</u>		
Raul Gonzalez	Mayor Wynn's	Reappointment
Edward McGarrahan	Mayor Wynn's	Appointment

40. Approve an ordinance waiving the signature requirement under Chapter 15-11 of the City Code for the 3M Half Marathon to be held on January 25, 2004. (Mayor Will Wynn, Council Member Brewster McCracken and Council Member Betty Dunkerley)
Ordinance No. 031023-40 was approved.

Item 41 was pulled for discussion.

42. Set a public hearing to consider an ordinance amending Sections 25-7-96 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. (Suggested date and time: November 6, 2003 at 6:00 p.m., Lower Colorado River Authority, Hancock Building) (Recommended by Planning Commission. Not Recommended by Environmental Board.)
The public hearing was set for November 6, 2003 at 6:00 p.m., Lower Colorado River Authority, Hancock Building.
43. Set a public hearing to consider an ordinance 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. (Suggested date and time: November 6, 2003 at 6:00 p.m., Lower Colorado River Authority, Hancock Building) (Recommended by Planning Commission.)
The public hearing was set for November 6, 2003 at 6:00 p.m., Lower Colorado River Authority, Hancock Building.
44. Set a public hearing to consider an ordinance 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. (Suggested date and time: November 6, 2003 at 6:00 p.m., Lower Colorado River Authority, Hancock Building) (Recommended by Planning Commission.)
The public hearing was set for November 6, 2003 at 6:00 p.m., Lower Colorado River Authority, Hancock Building.
45. Set a public hearing to consider an ordinance amending Chapters 25-2, 25-3, and 25-6 of the City Code relating to restaurant uses. (Suggested date and time: November 6, 2003 at 6:00 p.m., Lower Colorado River Authority, Hancock Building) (Recommended by Planning Commission with amendments.)
The public hearing was set for November 6, 2003 at 6:00 p.m., Lower Colorado River Authority, Hancock Building.

46. Set a public hearing to consider an ordinance amending Section 25-6 of the City Code related to requirements for off-street parking, off-street loading, and bicycle parking. (Suggested date and time: November 6, 2003 at 6:00 p.m., Lower Colorado River Authority, Hancock Building) (Recommended by Planning Commission with amendments.)
The public hearing was set for November 6, 2003 at 6:00 p.m., Lower Colorado River Authority, Hancock Building.
47. Set a public hearing on an ordinance amending the Land Development Code by adopting a new Chapter 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). (Suggested date and time: November 6, 2003 at 6 P.M., Lower Colorado River Authority, Hancock Building)
The public hearing was set for November 6, 2003 at 6:00 p.m., Lower Colorado River Authority, Hancock Building.

Items 48 through 55 were Executive Session items.

Items 56 was Action on an Executive Session item

Items 57, 58 and Z-1 to Z-13 were Zoning items set for 4:00 p.m.

Item 59 was a public hearing set for 6:00 P.M.

60. Adopt an ordinance approving the Second Amendment to the First Amended and Restated Agreement Concerning Creation and Operation of Senna Hills Municipal Utility District that: (1) corrects an error in the description of the District boundaries by including within the boundary description approximately 5.5 acres of highway right-of-way located along Bee Caves Road, and approximately 0.5 acres, more or less, out of a tract of approximately 1.199 acres located at 10324 Bee Caves Road described as Travis County Appraisal District Parcel No. 01194802010000; and (2) corrects the District Land Use Plan to include the described tracts. (Staff recommendation approved with amendments by the Planning Commission.)
This item was withdrawn.

DISCUSSION ITEMS

22. Authorize execution of a construction contract with ARCHER WESTERN CONTRACTORS, LTD., Arlington, TX, for Contract 1 - Low Service Pump Station for the Ullrich Water Treatment Plant Expansion to 160 Million Gallons per Day project, in the amount of \$2,226,815 plus a \$222,685 contingency, for a total contract amount not to exceed \$2,449,500. (Funding in the amount of \$2,449,500 is available in Fiscal Year 2003-2004 Capital Budget of the Austin Water Utility.) Lowest bid of six received. 12.76% MBE and 19.89% WBE subcontractor participation. (Recommended by the Water & Wastewater Commission.)
The motion authorizing the execution of a construction contract was approved on Mayor Pro Tem Goodman's motion, Mayor Wynn's second on a 6-0 vote. Council Member Dunkerley was absent.

24. Authorize execution of a construction contract with CASH CONSTRUCTION COMPANY, LTD., Pflugerville, TX, for the South First Street Reconstruction and Utility Adjustment Project (Ben White to El Paso and Gibson to Barton Springs) in the amount of \$2,969,497 plus a \$445,424.55 contingency, for a total contract amount not to exceed \$3,414,921.55. (Funding in the amount of \$1,876,763.89 is available in Fiscal Year 2003-2004 Approved Capital Budget of the Public Works Department; \$1,524,106.50 is included in the Fiscal Year 2002-2003 Amended Capital Budget of the Austin Water Utility; \$14,051.16 is included in the Fiscal Year 2002-2003 Amended Capital Budget of the Transportation, Planning & Sustainability Department.) Lowest bid of five received. 14.56% MBE and 0.27% WBE subcontractor participation.
The motion authorizing the execution of a construction contract was approved on Mayor Pro Tem Goodman's motion, Council Member McCracken's second on a 6-0 vote. Council Member Dunkerley was absent.

16. Approve an ordinance on 2nd and 3rd readings to amend Chapter 25-10 of the City Code relating to the applicability of sign regulations, definitions of public right-of-way and street right-of-way, governmental signs, political signs, prohibited signs, sign setbacks, and signs on public property or public right-of-way.
The second reading of the ordinance was approved with the following amendments on Mayor Pro Tem Goodman's motion, Council Member Thomas' second on a 6-0 vote. Council Member Dunkerley was absent.

The first amendment was to renumber current section 6-6-44 as Section 6-6-45 and add a new section 6-6-44 to read, "Placing Objects on Public Property. (A) A person commits an offense if the person places an object designed to attract the attention of the public on a tree, building, pole, or structure that is on or over public property or public right-of-way. (B) If a violation of Subsection (A) occurs, a person identified by the object is presumed to have committed the violation. (C) It is a defense to prosecution that placement of the object was authorized or required by city, state or federal law.

The second amendment was to amend 25-10-103 (A) to read, "A person may not cause or authorize a sign to be installed, used, or maintained on or over a public property or public right-of-way, except as authorized by this chapter. A new subsection 25-10-103 (E) was added as follows, "A sign installed, used, or maintained on or over public property or public right-of-way is presumed to be abandoned, unless the sign is authorized by this chapter. Chapter 10-1 (Abandoned Property and Vehicles) does not apply to a sign abandoned under this subsection.

CITIZEN COMMUNICATIONS: GENERAL

Michael von Ohlen - Open government & accessibility **He was not present when his name was called.**

Betty Vera - Open government & accessibility **She was not present when her name was called.**

Doris Williams - City Procurements

Michael Shelton - Sign Ordinance **He was not present when his name was called.**

Shannon Sedwick - Sign Ordinance

Ryan Hunter - Smoking Ordinance

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

Jenny Booth - Second Hand Smoke

Sabrina McCarty - Smoking Ordinance

Ed Strauch - Smoking Ordinance

Mayor Wynn recessed the Council Meeting to go into Executive Session at 12:44 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

The Mayor announced that Council would discuss items number 23 and 25 on the regular agenda during Executive Session.

48. Discuss legal issues relating to the labor negotiations for a Meet and Confer contract with the Austin Police Association.
49. Discuss legal issues related to *City of Austin d/b/a Austin Energy, Appellant, v. Public Utility Commission of Texas, Appellee*; Cause No. 03-03-00553-CV in the Third District Court of Appeals at Austin, Texas. (Concerns the appeal of Public Utility Commission of Texas Substantive Rule 25.93, Quarterly Wholesale Electricity Transition Reports)
50. 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 56)
This item was postponed indefinitely.
51. Discuss legal issues related to: the proposed Garza Brodie Subdivision (also known as the Lowe's tract), approximately 31 acres in the Barton Springs Zone located at the Northwest corner of Brodie Lane and Allegro Lugar; *Lowe's Home Centers, Inc. v. City of Austin*, Cause No. GN300629, in the 98th Judicial District Court of Travis County, Texas (concerning development of the Lowe's tract); *Gordon Dunaway and Eli J. Garza v. City of Austin*, Cause No. 97-12434, in the 261st Judicial District Court of Travis County, Texas (concerning development of land in the Barton Springs Zone near the intersection of William Cannon Drive and MoPac); and the proposed Walmart at the intersection of Mopac Boulevard and Slaughter Lane.
52. Discuss legal issues related to *F.L. Vivion, et al. v. City of Austin*, Cause Number GN 103302, in the 261st Judicial District Court of Travis County, Texas. (Concerns the City's transportation user fee and drainage fee)
This item was postponed to November 6, 2003.

53. Discuss legal issues related to sign regulations. (Related Item 16)
No discussion was held on this item.

Item 54 was discussed later in Executive Session.

Public Power Utility Competitive Matters - Section 551.086

55. Discuss the energy resource plan of Austin Energy.

Executive Session ended at 4:18 p.m.

Mayor Wynn called the Council Meeting back to order at 4:24 p.m.

DISCUSSION ITEMS

56. 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 50)
This item was postponed indefinitely.
23. Authorize execution of a construction contract with ARCHER WESTERN CONTRACTORS, LTD., Arlington, TX, for Contract 3 of the Ullrich Water Treatment Plant Expansion from 100 Million Gallons per Day to 160 Million Gallons per Day Project, in the amount of \$60,852,810 plus a \$1,827,190 contingency, for a total contract amount not to exceed \$62,680,000. (Funding in the amount of \$62,680,000 is included in the Fiscal Year 2002-2003 Amended Capital Budget of the Austin Water Utility.) Lowest bid of three received. 8.42% MBE and 26.30% WBE subcontractor participation for Construction; 0.0% MBE and 0.030% WBE subcontractor participation for Professional / Technical Services. (Recommended by the Water & Wastewater Commission.)
The motion authorizing the execution of a construction contract was approved on Council Member McCracken's motion, Mayor Wynn's second on a 5-1 vote. Those voting aye: Mayor Wynn, Mayor Pro Tem Goodman, Council Members Alvarez, McCracken and Slusher. Those voting nay: Council Member Thomas. Council Member Dunkerley was absent.
25. Authorize execution of a construction contract with WATTINGER COMPANY, INC., Austin, TX, for reroofing and mechanical system replacement at the Parks & Recreation Department's Administration Building, in an amount not to exceed \$567,000. (Funding is available in the Fiscal Year 2002-2003 Approved Capital Budget of the Parks & Recreation Department.) Lowest bid of four received. 0% MBE and 0% WBE subcontractor participation.
The motion authorizing the execution of a construction contract was approved on Council Member McCracken's motion, Mayor Wynn's second on a 5-1 vote. Those voting aye: Mayor Wynn, Mayor Pro Tem Goodman, Council Members Alvarez, McCracken and Slusher. Those voting nay: Council Member Thomas. Council Member Dunkerley was absent.

ZONING ITEMS

57. 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.
This item was postponed to October 30, 2003 on Council Member McCracken's motion, Mayor Wynn's second on a 5-0 vote. Council Member Alvarez was off the dais. Council Member Dunkerley was absent.
58. C14-03-0058 - Lake Austin Montessori - Approve first reading of an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 701 Norwalk lane and 2502 West 7th Street (Johnson Creek Watershed) from family residence (SF-3) district zoning to neighborhood office-mixed use-conditional overlay (NO-MU-CO) combining district zoning. Zoning and Platting Commission Recommendation: To deny neighborhood office-mixed use-conditional overlay (NO-MU-CO) combining district zoning. Applicant: Joseph Draker. Agent: Central Austin Real Estate (Richard Glasheen). City Staff: Glenn Rhoades, 974-2775. Note: A valid petition has been filed in opposition to this rezoning request. (Continued from 7/17/03)
This item was postponed to November 6, 2003 on Council Member McCracken's motion, Mayor Wynn's second on a 5-0 vote. Council Member Alvarez was off the dais. Council Member Dunkerley was absent.

ZONING CONSENT ITEMS

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

- Z-1 C14-03-0101 - Priesmeyer Zoning Change - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by zoning property locally known as 15301 IH-35 Service Road northbound (Walnut Creek Watershed) from interim-rural residence (I-RR) district zoning to general commercial services (CS) district zoning. Zoning and Platting Commission Recommendation: To grant general commercial services-conditional overlay (CS-CO) combining district zoning. Applicant: Priesmeyer Family, L.P. (Victoria Priesmeyer). Agent: Crocker Consultants (Sarah Crocker). City Staff: Sherri Gager, 974-3057.
Ordinance No. 031023-Z-1 for general commercial services-conditional overlay (CS-CO) combining district zoning was approved.
- Z-2 C14-03-0102 - Rudy's Bar-b-que - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 7709 R.R. 620 North (Bull Creek Watershed) from neighborhood commercial (LR) district zoning to community commercial (GR) district zoning. Zoning and Platting Commission Recommendation: To grant community commercial-conditional overlay (GR-CO) combining district zoning, with conditions. Applicant: Community State Bank (Danny Payne). Agent: Cunningham-Allen, Inc. (Chuck Carroll). City Staff: Sherri Gager, 974-3057.
Ordinance No. 031023-Z-2 for community commercial-conditional overlay (GR-CO) combining district zoning with conditions was approved.

- Z-3 C14R-85-166 (RCT) - Rudy's Bar-b-que - Conduct a public hearing and approve a restrictive covenant termination for the property locally known as 7709 R.R. 620 North (Bull Creek Watershed). Zoning and Platting Commission Recommendation: To grant a restrictive covenant termination with conditions. Applicant: Community State Bank (Danny Payne). Agent: Cunningham-Allen, Inc. (Chuck Carroll). City Staff: Sherri Gager, 974-3057.
The motion authorizing the restrictive covenant termination was approved.
- Z-4 C14-03-0133 - Travis Boats & Motors - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 13045 U.S. Highway 183 North (Lake Creek Watershed) from rural residence (RR) district zoning to community commercial-mixed use (GR-MU) combining district zoning. Zoning and Platting Commission Recommendation: To grant community commercial-conditional overlay (GR-CO) combining district zoning. Applicant: Travis Boats and Motors, Inc. (Michael Perrine). Agent: Law Offices of J. Bradley Greenblum (Brad Greenblum). City Staff: Sherri Gager, 974-3057.
Ordinance No. 031023-Z-4 for community commercial-conditional overlay (GR-CO) combining district zoning was approved.
- Z-5 C14-03-0110 - Post Oak Centre North - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 2200 Park Bend Drive (Walnut Creek Watershed) from general office-mixed use-conditional overlay (GO-MU-CO) combining district zoning to general office-mixed use-conditional overlay (GO-MU-CO) combining district zoning in order to change conditions of zoning. Zoning and Platting Commission Recommendation: To grant general office-mixed use-conditional overlay (GO-MU-CO) combining district zoning. Applicant: Haythem Dawlett. Agent: The Faust Group (William Faust). City Staff: Glenn Rhoades, 974-2775.
Ordinance No. 031023-Z-5 for general office-mixed use-conditional overlay (GO-MU-CO) combining district zoning was approved.
- Z-6 C14-03-0119 - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 0 East Ben White Boulevard (Blunn Creek Watershed) from family residence (SF-3) district zoning to limited industrial service (LI) district zoning. Zoning and Platting Commission Recommendation: To grant limited industrial service (LI) district zoning. Applicant: Joe Jung. Agent: Armbrust & Brown, LLP. (Richard Suttle, Jr.). City Staff: Annick Beaudet, 974-2975.
This item was postponed to November 6, 2003 at the Neighborhood Association's request.

Items Z-7 through Z-9 were pulled for discussion.

- Z-10 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 (LO-MU) combining district zoning, with conditions. Applicant: Metropolitan Life Insurance Co. (John F. Loehr). Agent: Winstead Sechrest & Minick, P.C. (Rick Reed). City Staff: Sherri Gager, 974-3057.
This item was postponed to October 30, 2003 at the applicant's request.

Items Z-11 and Z-12 were pulled for discussion.

- Z-13 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. 31st Street, and 637 W. 31st 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.
This item was postponed to October 30, 2003 at the Neighborhood Association's request.

ZONING DISCUSSION ITEMS

- Z-8 C14-03-0134 - Epstein Zoning - Conduct a public hearing and approve 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. Zoning and Platting Commission Recommendation: To grant single-family residence large lot (SF-1) district zoning. Applicant: Prophet Capitol Management (Robert Epstein). Agent: Crocker Consultants (Sarah Crocker). City Staff: Glenn Rhoades, 974-2775.
The public hearing was closed and the first reading of the ordinance for single-family residence (SF-2) district zoning was approved on Mayor Pro Tem Goodman's motion, Mayor Wynn's second on a 6-0 vote. Council Member Dunkerley was absent.
- Z-9 C14-03-0131 - Reyes Duplex - Conduct a public hearing and approve 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. Zoning and Platting Commission Recommendation: To deny family residence (SF-3) district zoning. Applicant: Arturo Reyes. Agent: Roel Bazan. City Staff: Glenn Rhoades, 974-2775.
The public hearing was closed and the first reading of the ordinance adopting staff's recommendation for single-family residence (SF-3) district zoning was approved on Council Member Alvarez' motion, Council Member Slusher's second on a 6-0 vote. Council Member Dunkerley was absent.

Mayor Wynn recessed the Council Meeting at 5:51 p.m.

LIVE MUSIC

Marshall Styler

PROCLAMATIONS

Proclamation - Lead Poisoning Prevention Week - to be presented by Mayor Will Wynn and to be accepted by Paul Hilgers

Proclamation - Advance Practice Nurses Week - to be presented by Mayor Will Wynn and to be accepted by Sandra Ransom

Proclamation - Austin Powwow and American Indian Heritage Festival Day - to be presented by Mayor Will Wynn and to be accepted by Lee Walters

Proclamation - Hill-bert's 30th Anniversary - to be presented by Council Member Daryl Slusher and to be accepted by Hilbert Maldonado

Mayor Wynn called the Council Meeting back to order at 6:49 p.m.

PUBLIC HEARINGS AND POSSIBLE ACTION

59. 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 Pro Tem Goodman's second on a 4-0 vote. Council Members Alvarez and McCracken were off the dais and Council Member Dunkerley was absent.
- (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 Slusher's motion, Mayor Pro Tem Goodman's second on a 5-0 vote. Council Member Dunkerley was absent and 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 Slusher's motion, Mayor Pro Tem Goodman's second on a 5-0 vote. Council Member Dunkerley was absent and 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 Slusher's motion, Mayor Wynn's second on a 5-0 vote. Council Member Dunkerley was absent. 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 Alvarez' motion, Council Member Slusher's second on a 6-0 vote. Council Member Dunkerley was absent.
- Z-7 C14-03-0066 - Wal-Mart - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as West Slaughter Lane at South IH-35 (Onion Creek Watershed) from rural residence (RR) district zoning; single family residence (SF-2) district zoning; limited industrial services-conditional overlay (LI-CO) combining district zoning; general commercial services-conditional overlay (CS-CO) combining district zoning; and general commercial services (CS) district zoning to community commercial-conditional overlay (GR-CO) combining district zoning. Zoning and Platting Commission Recommendation: To grant community commercial-conditional overlay (GR-CO) combining district zoning with conditions. Applicants: Norman O. Euers (Melvin L. Euers); Melvin L. Euers; Cullen and Parmer Lane, LTD. (Silvestre Garza, Jr.); Slaughterway Retail, LTD. (Andrew

R. Pastor); Austin Community Foundation of the Capitol Area (Richard Slaughter); McCullough Mechanical, Inc. (Charles Douglas McCullough); Monroe H. Euers; Norman O. Euers Life Estate (Monroe H. Euers). Agent: Armbrust & Brown, LLP. (Richard T. Suttle, Jr.). City Staff: Wendy Walsh, 974-7719. (Continued from 8/28/03)

The public hearing was closed on Council Member Thomas' motion, Mayor Wynn's second on a 5-0 vote. Council Members Alvarez was off the dais and Council Member Dunkerley was absent.

The first reading of the ordinance for community commercial-conditional overlay (GR-CO) combining district zoning with conditions was approved on Council Member Thomas' motion, Council Member McCracken's second on a 6-0 vote. Council Member Dunkerley was absent. Council directed staff to have the second and third readings on the agenda for October 30, 2003.

Z-11 C14-03-0092 - Hackney No. 1 - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 701 Chaparral Road (Williamson Creek Watershed) from single family residence standard lot (SF-2) district zoning and family residence (SF-3) district zoning to limited office-mixed use-conditional overlay (LO-MU-CO) combining district zoning. Zoning and Platting Commission Recommendation: To grant neighborhood office-mixed use-conditional overlay (NO-MU-CO) combining district zoning. Applicant: Norman C. Hackney. Agent: Jim Bennett Consulting (Jim Bennett). City Staff: Wendy Walsh, 974-7719.

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

The first reading of the ordinance adopting Zoning and Platting Commission's recommendation for neighborhood office-mixed use-conditional overlay (NO-MU-CO) combining district zoning was approved on Council Member Thomas' motion, Council Member McCracken's second on a 5-1 vote. Those voting aye were: Mayor Wynn, Council Members Alvarez, McCracken, Slusher and Thomas. Those voting nay were: Mayor Pro Tem Goodman. Council Member Dunkerley was absent.

Z-12 C14-03-0091 - Hackney No. 2 - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 700 Chaparral Road (Williamson Creek Watershed) from neighborhood office-mixed use-conditional overlay (NO-MU-CO) combining district zoning to community commercial-conditional overlay (GR-CO) combining district zoning. Zoning and Platting Commission Recommendation: To grant community commercial-conditional overlay (GR-CO) combining district zoning. Applicant: Norman C. Hackney. Agent: Jim Bennett Consulting (Jim Bennett). City Staff: Wendy Walsh, 974-7719.

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

The first reading of the ordinance adopting Zoning and Platting Commission's recommendation for community commercial-conditional overlay (GR-CO) combining district zoning was approved Council Member Thomas' motion, Council Member McCracken's second on a 5-1 vote. Those voting aye were: Mayor Wynn, Council Members Alvarez, McCracken, Slusher and Thomas. Those voting nay were: Mayor Pro Tem Goodman. Council Member Dunkerley was absent.

Mayor Wynn recessed the Council Meeting to go into Executive Session at 8:02 p.m.

EXECUTIVE SESSION CONTINUED

54. Discuss legal issues concerning interim development regulations, including a moratorium, regarding a prohibition of the issuance of a site plan or building permit for certain retail commercial uses in the Barton Springs Zone. (Related Item 41)

Executive Session ended at 9:02 p.m.

Mayor Wynn called the Council Meeting back to order at 9:06 p.m.

41. Approve an ordinance establishing interim development regulations, including a moratorium, prohibiting the issuance of a site plan or building permit for certain retail commercial uses in the Barton Springs Zone. (Related Item 54) (Council Member Raul Alvarez, Council Member Daryl Slusher, Council Member Brewster McCracken and Mayor Pro Tem Jackie Goodman)

Ordinance No. 031023-41 was approved as amended below on Council Member Alvarez' motion, Council Member Slusher's second on a 6-0 vote. Council Member Dunkerley was absent. The public hearing will be set for 6:00 p.m. on December 4.

The amendment to Part (4)(A)(2) was as follows: A principal sales use and its accessory uses exceed 100,000 square feet of gross floor area.

Add a new section to Part 4 to read as follows: a principal retail use that exceeded the limitations of Subsection (1) on [effective date of ordinance] may be changed to another retail use if the impervious cover and existing gross floor area are not increased.

The motion to adjourn the meeting at 9:55 p.m. was approved on Council Member Slusher's motion, Mayor Wynn's second on a 6-0 vote. Council Member Dunkerley was absent.

The minutes for the meeting of October 23, 2003 were approved on this the 30th day of October, 2003 on Council Member Alvarez' motion, Council Member Thomas' second on a 6-0 vote. Mayor Pro Tem was off the dais.