

**AUSTIN CITY COUNCIL  
MINUTES****REGULAR MEETING  
THURSDAY, OCTOBER 20, 2005**

**Invocation:** Mark Heinrich, City Employee

**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 20, 2005 in the Council Chambers of City Hall, 301 W. 2<sup>nd</sup> Street, Austin, Texas.**

**Mayor Wynn called the Council Meeting to order at 10:17 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 McCracken's motion, Mayor Pro Tem Thomas' second on a 7-0 vote.**

1. Approval of the minutes from the meeting of October 6, 2005.  
**The minutes from the meeting of October 6, 2005 were approved.**
2. Authorize negotiation and execution of an amendment to the professional services agreement with CAMP DRESSER & MCKEE INC., Austin, TX, for additional construction engineering services for the Walnut Creek Wastewater Treatment 75 MGD Upgrade Phase I project, in an amount not to exceed \$121,000, for a total agreement amount not to exceed \$7,657,501.25. (Funding in the amount of \$121,000 is available in the Fiscal Year 1995-1996 Amended Capital Budget of the Austin Water Utility.) 15.2% MBE and 38.3% WBE subconsultant participation to date. (Recommended by the Water and Wastewater Commission.)  
**The motion authorizing the negotiation and execution of an amendment to the professional services agreement was approved.**
3. Authorize negotiation and execution of a cost reimbursement agreement with MOMARK DEVELOPMENT, LLC, providing terms and conditions for construction of 24 and 36 or 48-inch water mains and appurtenances to provide water service to the Goodnight Ranch located east of Bluff Springs Road and south of Nuckols Crossing Road along the proposed extension of Slaughter Lane with City cost reimbursement in an amount not to exceed \$3,504,000 for actual ("hard") construction costs and professional services costs ("soft") for engineering, design and project management for the 36 or 48-inch water main only in an amount not to exceed 15% of the actual "hard" construction costs of the 36 or 48-inch water main or \$292,500, whichever is less; approve an Ordinance waiving the requirements of Section 25-9-63, of the City Code relating to amount of cost reimbursement. (Funding in the amount of \$3,796,500 is available in the Fiscal Year 2004-2005 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 Ordinance No. 20051020-003 were approved.**

4. Authorize negotiation and execution of an amendment to the existing Water Cost Reimbursement Agreement with LENNAR BUFFINGTON ZACHARY SCOTT, L.P., to increase the amount of City cost reimbursement for construction of a 24-inch water main and appurtenances (Phase One) to provide water service to the Zachary Scott Tract located in the south corner of the Old Lockhart Highway and Bradshaw Road intersection by \$299,379, for a new total actual ("hard") construction cost for Phase One Water Improvements identified in the Cost Reimbursement Agreement not to exceed \$1,379,379, and a total hard construction costs for all water improvements identified in the Cost Reimbursement Agreement not to exceed \$3,727,379. (Funding in the amount of \$299,379 is available in the Fiscal Year 2004-2005 Capital Budget of the Austin Water Utility.) (Recommended by the Water and Wastewater Commission.)

**The motion authorizing the negotiation and execution of an amendment was approved.**

5. Approve an ordinance amending Chapter 15-3 of the City Code, relating to the temporary use of fire hydrants and establishing penalties. (Funding for the fire hydrant regulation program was included in the Fiscal Year 2005-2006 Operating Budget of the Austin Water Utility.) (Recommended by the Water and Wastewater Commission.)

**Ordinance No. 20051020-005 was approved.**

**Items 6 and 7 were pulled for discussion.**

8. Approve an ordinance authorizing acceptance of grant funds in the amount of \$5,475,240 from the Texas Department of Public Safety, Division of Emergency Management for temporary shelter operations under Presidential Disaster Declaration FEMA 3216 E M resulting from the Hurricane Katrina evacuation; and amending the Fiscal Year 2005-2006 Financial and Administrative Services Operating Budget Special Revenue Fund of Ordinance No. 20050912-001, to appropriate \$5,475,240 for costs related to temporary evacuee shelter operations. (Funding in the amount of \$5,475,240 is available from the Texas Department of Public Safety, Division of Emergency Management.)

**Ordinance No. 20051020-008 was approved.**

9. Approve an amendment to the legal service contract with KEMP SMITH, L.L.P. for legal representation, advice and counsel regarding the November 3, 2003 explosion at the North Service Center located at 10715 Burnet Road in an amount of \$120,000 for a total contract amount not to exceed \$270,000. (Funding in the amount of \$120,000 is available in the Fiscal Year 2005-2006 Approved Operation Budget of the Liability Reserve Fund.) (Related Item 43)

**This item was postponed to October 27, 2005.**

10. Approve an amendment to the legal services agreement with RENEA HICKS regarding Cause No. 2:03CU354; *Walter Sessions, et al. v. Rick Perry, in his Official Capacity as Governor of the State of Texas, et al.*, in an amount not to exceed \$12,500, for a total contract amount not to exceed \$57,500. (Funding in the amount of \$12,500 is available in the Fiscal Year 2005-2006 Approved Operating Budget of the Economic Development Fund.) (Related Item 46)

**The motion authorizing an amendment to the legal services agreement was approved.**

11. Approve an ordinance amending the Fiscal Year 2005-2006 Financial Services Department Capital Budget of Ordinance No. 20050912-002 to transfer \$800,000 to the Library Department Capital Budget from the CIP Contingency; amending the Fiscal Year 2005-2006 Library Department Capital Budget of Ordinance No. 20050912-002, to appropriate \$800,000 for the Spicewood Springs Branch Library Expansion Project. (Funding is available in the Fiscal Year 2005-2006 CIP Contingency.)

**Ordinance No. 20051020-011 was approved.**

12. Approve a resolution directing the Planning Commission to consider neighborhood plans for the following neighborhoods: South Lamar, Galindo, Zilker, Barton Hills, Windsor Park, University Hills, West Oak Hill, East Oak Hill, and Downtown.  
**Resolution No. 20051020-012 was approved.**

**Item 13 was pulled for discussion.**

14. Approve an ordinance amending Sections 12-5-29 and 12-5-89 of the City Code relating to restrictions on parking a motor vehicle in the front yard or side yard of a residential property.  
**This item was postponed to October 27, 2005.**
15. Approve an ordinance authorizing acceptance of \$112,809 in grant funds from the U.S. Department of Justice, National Institute of Justice, Fiscal Year 2005 DNA Capacity Enhancement program; and amending the Fiscal Year 2005-2006 Police Department Operating Budget Special Revenue Fund of Ordinance No. 20050912-001 to appropriate \$112,809 for equipment and a monitoring system for the Austin Police Department DNA Section. (Funding is available for the grant period October 1, 2005 to September 30, 2006.)  
**Ordinance No. 20051020-015 was approved.**
16. Approve an ordinance authorizing acceptance of \$99,992 in grant funds from the U.S. Department of Justice, Office of Justice Programs, Forensic Casework DNA Backlog Reduction Program; and, amending the Fiscal Year 2005-2006 Police Department Operating Budget Special Revenue Fund of Ordinance No. 20050912-001 to appropriate \$99,992 for increased DNA casework screening and analysis. (Funding is available for the grant period October 1, 2005 to September 30, 2006.)  
**Ordinance No. 20051020-016 was approved.**
17. Approve a resolution authorizing the filing of eminent domain proceedings for the Govalle 4-Manor/Comal/Rosewood Wastewater Improvements Project, a portion of the Austin Clean Water Program, to acquire a 717 square foot permanent wastewater line easement out of Outlot 62, Division B, in the City of Austin, Travis County, in the amount of \$1,793. The owner of the property interest is Reynalda Espinosa, of Austin, TX. The property is located at 1134 Northwestern Avenue, Austin, Travis County, Texas. (Funding is included in the Fiscal Year 2005-2006 Capital Budget of the Austin Water Utility.)  
**This item was withdrawn.**
18. Amend the Interlocal Agreement with Texas Department of Transportation (TxDOT) for the relocation of existing water and wastewater utilities as a part of the FM 969 project, in the amount of \$157,727.65 for a total not to exceed amount of \$3,957,727.65. (Funding in the amount of \$157,727.65 is available in the Fiscal Year 2004-2005 Capital Budget of the Austin Water Utility.) (Recommended by the Water and Wastewater Commission.)  
**The motion authorizing the interlocal agreement was approved.**
19. Approve an ordinance to amend Section 12-4-24 of the City Code to establish a 25 miles per hour speed limit on Zimmerman Lane from RM 620 to 2,640 feet east of RM 620.  
**Ordinance No. 20051020-019 was approved.**

20. Authorize execution of a construction contract with BARECKY CONSTRUCTION COMPANY, Wimberley, TX, for Spicewood Springs Branch Library Expansion Re-Bid in the amount of \$1,544,640 plus a \$108,124.80 contingency, for a total contract amount not to exceed \$1,652,764.80. (Funding in the amount of \$1,652,764.80 is available in the Fiscal Year 2005-2006 Approved Capital Budget of the Library Department.) Lowest bid of four received. 8.00 % MBE and 25.52 % WBE subcontractor participation. (Conditional Use Permit approved by Zoning and Platting Commission.)  
**The motion authorizing the execution of a construction contract was approved.**
21. Authorize execution of a construction contract with MEARS HDD, LLC, Rosebush, MI, for the Davenport Horizontal Directional Drilling (HDD) Improvements Project STAA #9A1 and #9B1 in the amount of \$5,190,787.10 plus a \$300,000 contingency, for a total contract amount not to exceed \$5,490,787.10. (Funding in the amount of \$5,490,787.10 is included in the Fiscal Year 2005-2006 Capital Budget of the Austin Water Utility.) Lowest bid of two received. 18.16% MBE and 1.20% WBE subcontractor participation. (Recommended by the Water and Wastewater Commission.)  
**The motion authorizing the execution of a construction contract was approved.**
22. Authorize execution of a construction contract with CAPITAL EXCAVATION COMPANY, (\$4.17%), Austin, TX, for the Austin Clean Water Program: Lower South Boggy Creek Phase III - Wales Way Wastewater Improvements Project in an amount not to exceed \$264,234. (Funding is available in the Fiscal Year 2004-2005 Approved Capital Budget of the Austin Water Utility.) Lowest bid of five received. 0.00% MBE and 2.14% WBE subcontractor participation. (Recommended by the Water and Wastewater Commission.)  
**The motion authorizing the execution of a construction contract was approved.**

**Items 23 and 24 were pulled for discussion.**

25. Authorize negotiation and execution of a 12-month service agreement with STANDARD AUTOMATIC FIRE ENTERPRISES, INCORPORATED, Round Rock, TX for inspection, testing, and maintenance of fire protection systems at Austin Energy power plants in an amount not to exceed \$75,054, with four 12-month extension options in an amount not to exceed \$75,054 per extension option, for a total agreement amount not to exceed \$375,270. (Funding in the amount of \$75,054 is available in the Fiscal Year 2005-2006 Approved Operating Budget of Austin Energy. Funding for the extensions options is contingent upon available funding in future budgets.) Best evaluated proposal of three proposals received. This contract will be awarded in compliance with Chapter 2-9 of the City Code (Minority-Owned and Women-Owned Business Enterprise Procurement Program). 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.**
26. Authorize execution of a 4-month interim service agreement with PIKE ELECTIC, Beaumont, TX, for performance of routine and/or emergency distribution and transmission construction and maintenance work in an amount not to exceed \$1,625,184.80. (Funding is available in the Fiscal Year 2005-2006 Approved Capital Budget of Austin Energy.) Critical Business Need. This contract will be awarded in compliance with Chapter 2-9 of the City Code (Minority-Owned and Women-Owned Business Enterprise Procurement Program). No subcontracting opportunities were identified; therefore, no goals were established for this solicitation.  
**The motion authorizing the execution of an interim service agreement was approved.**

27. Authorize execution of a contract with HARKINS COMPANY, Elgin, TX for the replacement of the heating, ventilation, and air conditioning system at the Decker Power Plant Administration Building an amount not to exceed \$172,394. (Funding is available in the Fiscal Year 2005-2006 Approved Capital Budget of Austin Energy.) Lowest bid of two bids received. This contract will be awarded in compliance with Chapter 2-9 of the City Code (Minority-Owned and Women-Owned Business Enterprise Procurement Program). No subcontracting opportunities were identified; therefore, no goals were established for this solicitation.  
**The motion authorizing the execution of a contract was approved.**
28. Authorize execution of a contract with BRUGG CABLES, LLC, Rome, GA, for the purchase of optical power ground wire in an amount not to exceed \$318,298.20, with four 12-month extension options in an amount not to exceed \$318,298.20 per extension option, for a total contract amount not to exceed \$1,591,491. (Funding in the amount of \$318,298.20 is available in the Fiscal Year 2005-2006 Approved Capital Budget of Austin Energy. Funding for the extension options is contingent upon available funding in future budgets.) Lowest bid meeting specifications of three bids received. This contract will be awarded in compliance with Chapter 2-9 of the City Code (Minority-Owned and Women-Owned Business Enterprise Procurement Program). No subcontracting opportunities were identified; therefore, no goals were established.  
**The motion authorizing the execution of a contract was approved.**
29. Authorize execution of a 12-month supply agreement with CARUS CHEMICAL COMPANY, Peru, IL for the purchase of liquid phosphate in an amount not to exceed \$146,000, with two 12-month extension options in an amount not to exceed \$146,000 per extension option, for a total agreement amount not to exceed \$438,000. (Funding in the amount of \$133,833.33 is included in the Fiscal Year 2005-2006 Approved Operating Budget of the Austin Water Utility. Funding for the remaining one month of the original contract period and extension options is contingent upon available funding in future budgets.) Low bid of six bids received. This contract will be awarded in compliance with Chapter 2-9 of the City Code (Minority-Owned and Women-Owned Business Enterprise Procurement Program). No subcontracting opportunities were identified; therefore, no goals were established for this solicitation.  
**The motion authorizing the execution of a supply agreement was approved**
30. Authorize execution of a 12-month supply agreement with MUNICIPAL WATER WORKS SUPPLY, Royce City, TX, for manhole rings and covers for the Austin Water Utility in an amount not to exceed \$50,660, with two 12-month extension options in an amount not to exceed \$50,660 per extension option, for a total contract amount not to exceed \$151,980. (Funding in the amount of \$46,438.26 is available in the Fiscal Year 2005-2006 Approved Operating Budget of the Austin Water Utility. Funding for the remaining month of the original contract period and extension options is contingent upon available funding in future budgets.) Lowest bid meeting specifications of six bids received. This contract will be awarded in compliance with Chapter 2-9 of the City Code (Minority-Owned and Women-Owned Business Enterprise Procurement Program). No subcontracting opportunities were identified; therefore, no goals were established for this solicitation.  
**The motion authorizing the execution of a supply agreement was approved.**

**Items 31 and 32 were pulled for discussion.**

33. Authorize execution of a 12-month revenue agreement with THOENE SALES CO., INC., Walburg, TX for snack and beverage vending services for the Austin Police Department, Austin Public Library, Austin Water Utility, Combined Transportation, Emergency and Communication Center, Municipal Court, Neighborhood Housing and Community Development, Finance and Administrative Services (Building Services) and the Emergency Medical Services Department, with an estimated revenue of \$36,025, with four 12-month extension options with an estimated revenue of \$36,025 per extension option, for a total estimated revenue of \$180,125. (Revenue in the amount of \$30,020.83 is estimated for Fiscal Year 2005-2006 for the following departments: Austin Police Department \$12,083.33; Austin Public Library \$6,250; Austin Water Utility \$5,833.33; Combined Transportation, Emergency and Communications Center \$1,041.67; Municipal Court \$375; Neighborhood Housing and Community Development \$1,250; Financial and Administrative Services, Building Services \$2,250; and Emergency Medical Services \$937.50. Revenue for the remaining two months of the original contract period and extension options is contingent on future volume of snack and beverage consumption.) Highest commission rate of five bids received. This contract will be awarded in compliance with Chapter 2-9 of the City Code (Minority-Owned and Women-Owned Business Enterprise Procurement Program). No subcontracting opportunities were identified; therefore, no goals were established for this solicitation.

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

**Item 34 was pulled for discussion.**

35. Approve issuance of a Street Event Permit to Mexic-Arte Museum to close the 100 block of E. 5th Street from October 29, 2005 beginning at 7:00 a.m. through October 29, 2005 at 11:59 p.m., for the Dia de Los Muertos fee paid event.

**The motion authorizing the issuance of a street event permit to Mexic-Arte Museum was approved.**

36. Appointments to citizen board and commissions, to Council subcommittees and other intergovernmental bodies, and removal and replacements of members.

**The following appointments were made:**

<u>Board/ Appointee</u>	<u>Consensus/ Council Nominee</u>	<u>Appointment/ Reappointment</u>
<u>Arts Commission</u> Pamela Cunningham	Mayor Pro Tem Thomas	Reappointment
<u>Child Care Council</u> Mien Tran	Consensus (Licensing Resource representative)	Appointment
<u>MHMR Board of Trustees</u> Dr. Exalton Delco Martha Martinez	Consensus Consensus	Reappointment Reappointment
<u>Travis Central Appraisal District Board of Directors</u> Reverend Kristoffer Lands Blanca Zamora-Garcia	Consensus Consensus	Reappointment Reappointment
<u>Historic Landmark Commission</u> Rodger Arend Joc L. Arriaga	Consensus Consensus	Appointment Appointment

- |                 |                                   |               |
|-----------------|-----------------------------------|---------------|
| Julia Bunton    | Consensus                         | Reappointment |
| Timothy Cuppett | Consensus<br>(Architect position) | Appointment   |
| Patti Hansen    | Consensus                         | Reappointment |
| Laura Knott     | Consensus                         | Appointment   |
| Jean Mather     | Consensus                         | Reappointment |
37. Authorize the City Manager to accept a donation of earthwork services from Ranger Excavating for the Town Lake Park Project. (Mayor Will Wynn and Council Member Betty Dunkerley)  
**The motion authorizing the City Manager to accept a donation was approved.**
  38. Authorize waiver of certain fees related to the 2005 Texas Book Festival to be held October 27 – October 31, 2005. (Mayor Will Wynn, Council Member Brewster McCracken and Council Member Lee Leffingwell)  
**The motion authorizing a waiver of certain fees was approved.**
  39. Approve an ordinance waiving the requirements of Section 2-1-51(C)(5) of the City Code to allow an individual who is not a real estate appraiser to serve on the Austin Airport Advisory Commission. (Mayor Will Wynn, Council Member Betty Dunkerley and Council Member Lee Leffingwell)  
**Ordinance No. 20051020-039 was approved.**
  40. Approve an ordinance waiving certain fees and authorizing payment of certain costs for the continuation of the City co-sponsored Sustainable Food Center's Austin Farmer's Market from November 1, 2005 through December 31, 2005. (Council Member Raul Alvarez, Council Member Betty Dunkerley and Council Member Brewster McCracken)  
**Ordinance No. 20051020-040 was approved.**
  41. Approve an ordinance waiving certain fees and requirements, and authorizing payment of costs for the Military Services Coalition 2005 Veteran's Day Parade. (Mayor Pro Tem Danny Thomas, Council Member Raul Alvarez and Council Member Betty Dunkerley)  
**Ordinance No. 20051020-041 was approved.**
  42. Discussion and possible action on a recommendation from the City Council Judicial Subcommittee regarding the establishment of a City, Travis County, and Austin Independent School District joint subcommittee on juvenile justice issues. (Council Member Raul Alvarez, Mayor Will Wynn and Mayor Pro Tem Danny Thomas)  
**Resolution No. 20051020-042 was approved.**

Items 43 through 49 were Executive Session items.

Item 50 was action on an Executive Session item.

Item 51 was a bond sale set for a time certain of 2:00 p.m.

Items 52 and 53 were briefings set for a time certain of 2:00 p.m.

Items AHFC-1 through AHFC-2 were set for a time certain of 2:00 p.m.

Items 54 through 57 and Z-1 through Z-12 were zoning items set for 4:00 p.m.

Items 58 through 65 were public hearings set for 6:00 p.m.

**DISCUSSION ITEMS**

7. Approve a resolution authorizing negotiation and execution of an Interlocal Agreement with Hays County, Travis County, Williamson County, the City of Round Rock, and the Central Texas Regional Mobility Authority, for joint funding and oversight of a Mobility Plan Study for review of the Capitol Area Metropolitan Planning Organization's "Mobility 2030 Plan," including the review of toll roads proposed in the plan. (Funding for the City's share in the amount of \$144,000 is available in the Fiscal Year 2004-2005 Approved Operating Budget of the Neighborhood Planning and Zoning Department.) (Approved by the Land Use and Transportation Subcommittee.)

**Resolution No. 20051020-007 was approved on Council Member McCracken's motion, Council Member Dunkerley's second on a 6-1 vote. Council Member Alvarez voted no. There was a friendly amendment from Council Member Alvarez that any change to the scope has to be approved by all of the Steering Committee members. This was not accepted by the maker of the motion.**

**Mayor Wynn recessed the Council Meeting to go into Executive Session at 11:27 a.m.**

**EXECUTIVE SESSION**

**The City Council went into Executive Session, pursuant to Chapter 551 of the Texas Government Code, to receive advice from Legal Counsel, to discuss matters of land acquisition, litigation, and personnel matters as specifically listed on this agenda and to receive advice from Legal Counsel regarding any other item on this agenda.**

**Private Consultation with Attorney - Section 551.071**

43. Discuss legal issues regarding the November 3, 2003 explosion at the North Austin Service Center located at 10715 Burnet Road and the legal service contract with Kemp Smith LLC. (Related Item 9)

**This item was postponed to October 27, 2005 as part of the Consent Agenda action.**

44. Discuss legal issues related to proposed amendments to the Austin Airport Hotel Facilities Lease Agreement and other bond documents. (Related Item 6)

**Item 45 was discussed later in Executive Session.**

46. Discuss legal issues in *Walter Sessions, et al. et al. v. Rick Perry, in his Official Capacity as Governor of the State of Texas, et al.*, Cause No. 2:03CU354, in the United States District Court of the Eastern District of Texas -- Marshall Division and the outside legal contract with Renea Hicks. (concerns congressional redistricting) (Related Item 10)

**This item was withdrawn.**

**Items 47 was discussed later in Executive Session.**

48. Discuss legal issues related to *City of Austin v. FPL Energy Upton Wind I, L.P.*, Cause No. GN403274 in the 345<sup>th</sup> Judicial District of Travis County, Texas. (involves contractual dispute over payment for wind power)

**Item 49 was discussed later in Executive Session.**

**Executive Session ended and Mayor Wynn called the Council Meeting back to order at 12:21 p.m.**



**CITIZEN COMMUNICATIONS: GENERAL**

Paul Robbins - City Issues

Pat Johnson - Wrecker Enforcement Unit's Lack of Working Equipment Required to Perform Duties to Serve the Taxpayers. No different than issuing a handgun to an officer that does not work properly

David Flentge - Bussing, Traffic, Lobbying, Bicycle Safety, and Parks

Marvin Rodriguez - Day Laborers on St. John's Ave. - Home Depot Corner Committee

Juan Manuel Irias spoke in place of Oscar Perez - Day Laborers on St. John's Ave. - Home Depot Corner Committee

Rosemary Follis - New Labor Source for Ex-Offender's and New Parolce's

Larry Ernst - Zoning. **He was not present when his name was called.**

Matt Keprta - Feeding the Whitetail Deer

Cindy Layton - Day Laborers on St. John's Ave.

**Mayor Wynn recessed the Council Meeting to go into Executive Session at 1:10 p.m.**

**EXECUTIVE SESSION CONTINUED**

47. Discuss legal issues related to Cause No.713701; *State of Texas v. John Francis Curran III*, in the County Court at Law No. 1 of Travis County, Texas, and proposed amendments to the City's public order ordinances. (involves constitutional challenge to City's road-side solicitation ordinance)

**Executive Session ended at 2:30 p.m.**

**Mayor Wynn called the Council Meeting back to order at 2:36 p.m.**

**DISCUSSION ITEMS CONTINUED**

13. Approve an ordinance authorizing acceptance of \$1,500,000 in grant funding from the Economic Development Administration of the U.S. Department of Commerce; amending the Fiscal Year 2005-2006 Financial Services Department Capital Budget of Ordinance No. 20050912-002 to transfer \$1,570,000 to the Parks and Recreation Department Capital Budget from the Fiscal Year 2005-2006 CIP Contingency; and amending the Fiscal Year 2005-2006 Parks & Recreation Department Capital Budget of Ordinance No. 20050912-002, to appropriate \$1,570,000 from a transfer from CIP Contingency and \$1,500,000 from grant funding for a total amount of \$3,070,000 for the Mexican American Cultural Center Project. (Funding in the amount of \$1,570,000 is available in the Fiscal Year 2005-2006 CIP Contingency; funding in the amount of \$1,500,000 is available in grant funds from the Economic Development Administration of the U.S. Department of Commerce.) (Related Items 23, 24)  
**Ordinance No. 20051020-013 was approved on Council Member Alvarez' motion, Mayor Pro Tem Thomas' second on a 7-0 vote.**

23. Authorize execution of a construction contract with SOLIS CONSTRUCTORS, INC. (MBE/MH 29.30%), Austin, TX, for Phase I of the Mexican American Cultural Center in the amount of \$12,335,000 plus a \$370,000 contingency, for a total contract amount not to exceed \$12,705,000. (Funding in the amount of \$12,705,000 is available in the Fiscal Year 1999-2000 Approved Capital Budget of the Parks and Recreation Department.) Best proposal of four received. 9.09% MBE and 6.43% WBE subcontractor participation. (Zoning and Planning Commission Approved Site Plan on May 20, 2003.) (Related Items 13, 24)  
**The motion authorizing the execution of a construction contract was approved on Council Member Alvarez' motion, Mayor Pro Tem Thomas' second on a 7-0 vote.**
24. Authorize negotiation and execution of an amendment to the professional services agreement with CASA BELLA+ DEL CAMPO MARU JV, (MBE/MH 32.26%), Austin, TX, for architectural and engineering services for the Mexican American Cultural Center in the amount of \$220,700 for a total contract amount not to exceed \$2,020,700. (Funding in the amount of \$220,700 is available in the Fiscal Year 1999-2000 Approved Capital Budget of the Parks and Recreation Department.) 12.65% MBE and 7.63% WBE subcontractor participation to date. (Related Items 13, 23)  
**The motion authorizing the negotiation and execution of an amendment was approved on Council Member Alvarez' motion, Mayor Pro Tem Thomas' second on a 7-0 vote.**

#### **Bond Sales**

51. Approve an ordinance authorizing the issuance of City of Austin, Texas, Water and Wastewater System Revenue Refunding Bonds, Series 2005A, in the approximate amount of \$142,000,000 and approval of all related documents. (\$3,666,241 in the first year debt service requirement and \$400 estimated annual administration fee for the paying agent/registrar for the proposed bond sale was included in the Fiscal Year 2005-2006 Approved Budget of the Utility Revenue Bond Redemption Fund.)  
**Ordinance No. 20051020-051 in the amount of \$142,335,000 was approved on Council Member McCracken's motion, Council Member Dunkerley's second on a 7-0 vote.**

#### **BOARD OF DIRECTORS MEETING OF AUSTIN HOUSING FINANCE CORPORATION.**

**Mayor Wynn recessed the Council Meeting at 3:12 p.m. to go into the Board of Director's Meeting of the Austin Housing Finance Corporation. See separate minutes.**

**AHFC adjourned and the regular Council meeting was called back to order at 3:26 p.m.**

#### **BRIEFINGS**

52. Presentation from Downtown Works, a division of Economics Research Associates (ERA) on the implementation of the Downtown Retail Strategy, focusing on Congress Avenue.  
**The presentation was made by Midge McCaully, ERA Downtown Works.**
53. Presentation on proposed amendments to the City's public order ordinances, including schedule for future public hearings.  
**The presentation was made by Rudy Garza, Assistant City Manager.**

#### **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 consent items were approved on Council Member Leffingwell's motion, Council Member Kim's second on a 7-0 vote.**

54. C14-05-0103 - Jefferson Unit 101 - Approve second/third readings of an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 3500 Jefferson Street, Unit 101 (Shoal Creek Watershed) from general commercial services (CS) district zoning to commercial liquor sales-conditional overlay (CS-1-CO) combining district zoning. First reading approved on September 29, 2005. Vote 7-0. Applicant: Live Oak Development, Inc. (Daniel W. Herd). Agent: Joe Wyman. City Staff: Jorge Rousselin, 974-2975.  
**Ordinance No. 20051020-054 was approved for commercial liquor sales-conditional overlay (CS-1-CO) combining district zoning.**
55. C14-05-0106.01 - West Congress Neighborhood Plan Rezoning, Tract 2B - Approve second/third readings of an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 4105-4107 South First Street (West Bouldin Creek Watershed) from limited office-neighborhood plan (LO-NP) combining district zoning to general commercial services-mixed use-neighborhood plan (CS-MU-NP) combining district zoning. First reading approved on September 29, 2005. Vote: 7-0. Applicant: City of Austin. Agent: Neighborhood Planning and Zoning Department. City Staff: Wendy Walsh, 974-7719.  
**Ordinance No. 20051020-055 was approved for general commercial services-mixed use-neighborhood plan (CS-MU-NP) combining district zoning.**
56. C14-05-0107.01 - East Congress Neighborhood Plan Rezoning, Tract A - Approve second/third readings of an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 700 Industrial Boulevard; 908-932 East St. Elmo Road and 4100-4336 Santiago Street (Blunn Creek Watershed; Williamson Creek Watershed) from limited industrial services-neighborhood plan (LI-NP) combining district zoning and general commercial services-neighborhood plan (CS-NP) combining district zoning to limited industrial services-planned development area-neighborhood plan (LI-PDA-NP) combining district zoning. First reading approved on September 29, 2005. Vote: 7-0. Applicant: City of Austin. Agent: Neighborhood Planning and Zoning Department. City Staff: Wendy Walsh, 974-7719.  
**Ordinance No. 20051020-056 was approved for limited industrial services-planned development area-neighborhood plan (LI-PDA-NP) combining district zoning.**
57. C14-05-0025 - 1706 & 1708 West 6<sup>th</sup> Street - Old West Austin Neighborhood Plan rezoning - Approve second/third readings of an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 1706 & 1708 West 6<sup>th</sup> Street (Town Lake Watershed) from family residence-neighborhood plan (SF-3-NP) combining district zoning to neighborhood office-mixed use-conditional overlay-neighborhood plan (NO-MU-CO-NP) combining district zoning. First reading approved on September 1, 2005. Vote: 7-0. Applicant: City of Austin. Agent: Neighborhood Planning and Zoning Department. City Staff: Jorge Rousselin, 974-2975. Note: A valid petition has been filed in opposition to this zoning request.  
**The second reading of the ordinance for neighborhood office-mixed use-conditional overlay-neighborhood plan (NO-MU-CO-NP) combining district zoning was approved.**

### 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 Dunkerley's motion, Council Member McCracken's second on a 7-0 vote.

- Z-1 C14H-05-0010 – Hart House - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 1800 Forest Trail from family residence (SF-3) district to family residence-historic (SF-3-H) combining district zoning. Historic Landmark Commission Recommendation: To grant family residence-historic (SF-3-H) combining district zoning. Zoning and Platting Commission Recommendation: To grant family residence-historic (SF-3-H) combining district zoning. Applicants: Robin and Frances Thompson. City Staff: Steve Sadowsky, 974-6454.  
**Ordinance No. 20051020-Z001 for family residence-historic (SF-3-H) combining district zoning was approved.**
- Z-2 C14-00-2062 (RCA) - Robertson Hill - Conduct a public hearing and approve a restrictive covenant amendment for the property locally known as 900-1000 San Marcos Street (Waller Creek Watershed). Planning Commission Recommendation: To approve the restrictive covenant amendment. Applicant: Robertson Hill Land, Ltd. Agent: Robertson Hill Land Ltd. (David Armbrust). City Staff: Robert Heil, 974-2330.  
**The motion to grant the restrictive covenant amendment was approved.**
- Z-3 C14-00-2047 (RCT) - The Grove - Conduct a public hearing and approve a restrictive covenant termination for the property locally known as 900 Grove Boulevard (Country Creek Watershed). Planning Commission Recommendation: To grant the request to terminate the restrictive covenant. Applicant: Grief-Yount Partnership. Agent: Grief-Yount Partnership (Bill Grief). City Staff: Robert Heil, 974-2330.  
**The motion to approve the restrictive covenant termination was approved.**
- Z-4 NPA-05-0005.01 - Alcance de Restauracion - Conduct a public hearing and approve an ordinance to amend Ordinance No. 010927-05 (the Montopolis Neighborhood Plan), an element of the Austin Tomorrow Comprehensive Plan to change the Future Land Use Map from single-family land use designation to civic use designation for 1007 Montopolis Drive (Carson Creek Watershed). Planning Commission Recommendation: To grant civic use designation. Applicant: Alcance de Restauracion. Agent: Oscar Gonzalez. City Staff: Alex Koenig, 3515 and Robert Heil, 974-2330. (Related Item Z-5)  
**The first reading of the ordinance to grant civic use designation was approved.**
- Z-5 C14-05-0095 - Alacance de Restauracion - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 1007 Montopolis Drive (Carson Creek Watershed) from family residence-neighborhood plan (SF-3-NP) combining district zoning to limited office-conditional overlay-neighborhood plan (LO-CO-NP) combining district zoning. Planning Commission Recommendation: To grant limited office-conditional overlay-neighborhood plan (LO-CO-NP) combining district zoning. Applicant: Alacance de Restauracion. Agent: Oscar Gonzalez. City Staff: Robert Heil, 974-2330. (Related Item Z-4)  
**The first reading of the ordinance for limited office-conditional overlay-neighborhood plan (LO-CO-NP) combining district zoning was approved.**
- Z-7 C14-05-0044 - Cella 2 - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by zoning property locally known as 10933 South IH-35 Service Road Northbound (Onion Creek Watershed) from interim-single-family residence standard lot (I-SF-2) 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: Cella Investment Group (Terry

Gregoricka). Agent: Jim Bennett Consulting (Jim Bennett). City Staff: Wendy Walsh, 974-7719.

**Ordinance No. 20051020-Z007 for community commercial-conditional overlay (GR-CO) combining district zoning, with conditions was approved.**

- Z-8 C14-05-0094 - Car Wash - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as Rutherford Lane (Walnut Creek Watershed) from family residence (SF-3) district zoning to community commercial-conditional overlay (GR-CO) combining district zoning. Zoning and Platting Commission Recommendation: To deny community-commercial-conditional overlay (GR-CO) combining district zoning. Applicant: Sokna Loeung. Agent: Austin American Property (Kim Xong Tran). City Staff: Sherri Sirwaitis, 974-3057.

**This item was postponed to November 3, 2005 at the applicant's request.**

- Z-9 C14-05-0114 - 7109 Bethune - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 7109 Bethune (Buttermilk Watershed) from family residence (SF-3) district zoning to community commercial-conditional overlay (GR-CO) combining district zoning. Zoning and Platting Commission Recommendation: To deny community commercial-conditional overlay (GR-CO) combining district zoning. Applicant: Eddy Flores. Agent: Nash Gonzalez. City Staff: Robert Heil, 974-2330.

**This item was withdrawn.**

#### **ZONING DISCUSSION ITEMS**

- Z-6 C14-05-0110 - Bouldin Meadows - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as Barton Skyway at the Union Pacific Railroad (West Bouldin Creek Watershed) from general commercial services (CS) district zoning to family residence (SF-3) district zoning. Zoning and Platting Commission Recommendation: To grant family residence (SF-3) district zoning. Applicant: Forest Cove Ltd. Agent: John Hussey. City Staff: Robert Heil, 974-2330.

**This item was postponed to November 3, 2005 on Mayor Pro Tem Thomas' motion, Council Member Leffingwell's second on a 7-0 vote.**

- Z-10 NP-05-0022.001 - Greater South River City Neighborhood Plan - Conduct a public hearing and approve an ordinance amending the Greater South River City Neighborhood Plan, an element of the Austin Tomorrow Comprehensive Plan, to change the Future Land Use Map for properties locally known as 118-134 East Riverside Drive (Tract 1), 201-309 East Riverside Drive (Tract 3), 2100 South IH-35 (Tract 28), 2016 South IH-35 (Tract 29a), 2000 South IH-35 (Tract 29b) and 0 South IH-35 (ABS 24 Del Valle S Acr. 2.31) (Tract 35). The City Council may approve a land use change to any of the following categories: office, commercial, mixed-use office, mixed use, high density mixed use, or industrial. Planning Commission recommendation: To recommend a change in the Future Land Use Map with conditions. City Council action of September 29, 2005: Approved the Greater South River City Combined Neighborhood Plan and future land use map with the exception of secondary apartment and small lot amnesty special uses, and Tracts 1, 3, 28, 29a&b & 35. Vote: 6-0 (Council Member Kim off the dais). Applicant: City of Austin. Agent: Neighborhood Planning and Zoning Department. City Staff: Adam Smith, 974-7685. (Related Items Z-11, Z-12)

**This item was postponed to December 1, 2005 on Mayor Pro Tem Thomas' motion, Council Member Dunkerley's second on a 7-0 vote.**

- Z-11 C14-05-0138.001 – Greater South River City Combined Neighborhood Plan (St. Edward's Neighborhood) - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by zoning and rezoning property locally known as the St. Edward's Neighborhood, bounded by Town Lake on the north, Oltorf Street on the south, South IH-35 on the east and South Congress Avenue on the west (Blunn Creek; West Bouldin Creek; Harpers Branch & Country Club Creek Watersheds). The proposed zoning change will amend the Neighborhood Plan (NP) combining district to add "Secondary Apartment" and "Small Lot Amnesty" as permitted special uses to the entire area. Planning Commission Recommendation: To include Secondary Apartment in the NP and to not include Small Lot Amnesty. City Council action of September 29, 2005: approved uncontested cases in the St. Edward's Neighborhood as recommended by Planning Commission and postponed action on the secondary apartment and small lot amnesty special uses. Vote: 6-0 (Council Member Kim off the dais). Applicant: City of Austin. Agent: Neighborhood Planning and Zoning Department. City Staff: Adam Smith, 974-7685 & Sherri Sirwaitis, 974-3057. (Related Items Z-10, Z-12)  
**This item was postponed to December 1, 2005 on Mayor Pro Tem Thomas' motion, Council Member Dunkerley's second on a 7-0 vote.**
- Z-12 C14-05-0139.001 – Greater South River City Combined Neighborhood Plan (South River City neighborhood) - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by zoning and rezoning property within South River City Neighborhood bounded by Town Lake on the north, East Oltorf Street on the south, South IH-35 on the east, and South Congress on the west. The proposed zoning changes will amend the Neighborhood Plan (NP) combining district to add "Secondary Apartment" and "Small Lot Amnesty" as permitted special uses within the Travis Heights-Swisher Subdistrict. The Travis Heights-Swisher Subdistrict is generally bounded by Town Lake on the north, IH-35 on the east, Oltorf Street on the south, South Congress Avenue on the west, save and except the Fairview Park Subdistrict which is generally bounded by Riverside Drive and Music Lane on the north, Sunset Lane on the east, Monroe Street on the south and South Congress Avenue on the west. The proposed zoning changes would also rezone properties locally known as 118-134 E. Riverside Dr. (Tract 1), 201-309 E. Riverside Dr. (Tract 3), 2100 S. IH-35 (Tract 28), 2016 S. IH-35 (Tract 29a), 2000 S. IH-35 (Tract 29b) and 0 S. IH-35 (ABS 24 Del Valle S Acr. 2.31) (Tract 35) (Blunn Creek, East Bouldin Creek, Harpers Branch & Town Lake watersheds). The City Council may approve a base district zoning change to any of the following: neighborhood office (NO) district zoning; limited office (LO) district zoning; general office (GO) district zoning; commercial recreation (CR) district zoning; neighborhood commercial (LR) district zoning; community commercial (GR) district zoning; warehouse/limited office (W/LO) district zoning; general commercial services (CS) district zoning; commercial-liquor sales (CS-1) district zoning; commercial highway (CH) district zoning; industrial park (IP) district zoning; major industrial (MI) district zoning; limited industrial services (LI) district zoning; research and development (R&D) district zoning; development reserve (DR) district zoning; planned unit development (PUD) district zoning; historic (H) district zoning; and public (P) district zoning. A conditional overlay (CO) combining district, planned development area (PDA) combining district, mixed use (MU) combining district; neighborhood plan (NP) combining district or neighborhood conservation (NC) combining district may also be added to these zoning base districts. Planning Commission Recommendation: To recommend the addition of Secondary Apartment to the NP, to not include Small Lot Amnesty in the NP and to grant the requested zonings with conditions. City Council action of September 29, 2005: Approved uncontested cases in the South River City Neighborhood as recommended by Planning Commission and postponed action on Tracts 1, 3, 28, 29a & 29b & 35. Vote: 6-0 (Council Member Kim off the dais). Applicant: City of Austin. Agent: Neighborhood Planning and Zoning Department. City Staff: Adam Smith, 974-7685, Sherri Sirwaitis, 974-3057. Note: A valid petition has been filed in opposition to this rezoning request. (Related Items Z-10, Z-11)

**This item was postponed to December 1, 2005 on Mayor Pro Tem Thomas' motion, Council Member Dunkerley's second on a 7-0 vote.**

**DISCUSSION ITEMS CONTINUED**

6. Authorize negotiation and execution of an amendment to the Facilities Lease Agreement between the City and Austin-Bergstrom Landhost Enterprises, Inc. for the airport hotel at Austin-Bergstrom International Airport, including modifications and clarifications related to the mortgage of Lessee's leasehold interests, payment of rent, default and termination. (Approved by Austin Airport Advisory Commission) (Related Item 44)  
**The motion authorizing the negotiation and execution of an amendment was approved on Council Member Leffingwell's motion, Council Member Alvarez' second on a 7-0 vote.**

**Mayor Wynn recessed the Council Meeting to go into Executive Session at 5:14 pm.**

**EXECUTIVE SESSION CONTINUED**

45. Discuss legal issues related to drainage on the property located at the northeast corner of Pleasant Valley and Elmont Drive, Austin, Texas. (Related Item 50)
49. Discuss legal issues related to water quality and impervious cover regulations.

**LIVE MUSIC**

The Weary Boys

**PROCLAMATIONS**

Certificates of Appreciation - Ministers involved in the Black Church Outreach Project - to be presented by Mayor Will Wynn and to be accepted by the honorees

Proclamation - Dyslexia Awareness Day - to be presented by Mayor Will Wynn and to be accepted by Linda Gladden

Proclamation - Commute Solutions Month - to be presented by Mayor Will Wynn and to be accepted by Dwight Ferrell

Distinguished Service Award - Former Council Member Betty Himmelblau - to be presented by Mayor Will Wynn and City Manager Toby Hammett Futrell and to be accepted by the honoree

**Executive Session ended at 6:25 p.m.**

**Mayor Wynn called the Council Meeting back to order at 6:30 p.m.**

**PUBLIC HEARINGS AND POSSIBLE ACTION**

64. Conduct a public hearing and approve an ordinance amending City Code Section 25-8-514 (Save Our Springs Initiative) to allow for the construction of a pollution prevention pond project in the Critical Water Quality Zone (CWQZ) upstream of Barton Springs Pool. (Recommended by Parks and Recreation Board. Informational Presentation to Environmental Board.)  
**This item was postponed to November 17, 2005 on Council Member McCracken's motion, Mayor Wynn's second on a 5-0 vote. Council Members Dunkerley and Leffingwell were off the dais.**

65. Conduct a public hearing to consider a request for a waiver from the minimum distance requirement of City Code, Section 4-9-4(A) between a restaurant at 1123 S. Congress and a school located at 1102 S. Congress.  
**The public hearing was closed and Ordinance No. 20051020-065 was approved on Council Member McCracken's motion, Council Member Alvarez' second on a 5-1 vote. Mayor Pro Tem Thomas voted no. Mayor Wynn was off the dais.**

#### **Action on Executive Session**

50. Approve a settlement agreement related to drainage on the property located at the northeast corner of Pleasant Valley and Elmont Drive, Austin, Texas.(Related Item 45)  
**Ordinance No. 20051020-050 in an amount not to exceed \$200,000 was approved on Council Member McCracken's motion, Mayor Pro Tem Thomas' second on a 7-0 vote.**

#### **PUBLIC HEARINGS**

58. Conduct a public hearing for the full purpose annexation of the Maynard Tract (Approximately 1.7 acres in southeastern Travis County north of Burlison Road, approximately 970 feet east of the intersection of Burlison Road and U.S. Highway 183 South.)  
**The public hearing was closed on Council Member McCracken's motion, Mayor Wynn's second on a 7-0 vote.**
59. Conduct a public hearing for the full purpose annexation of the COA Parkland Areas: (a) Tract One: Johnny Morris Road (Approximately 195 acres in Travis County east of Johnny Morris Road, approximately seven tenths of a mile south of the intersection of Johnny Morris Road and U.S. Highway 290 East); (b) Tract Two: Morrison Ranch (Approximately 321 acres in Travis County south of FM 969, approximately one half mile east of the intersection of FM 969 and Decker Lane.)  
**The public hearing was closed on Council Member Dunkerley's motion, Council Member McCracken's second on a 7-0 vote.**
60. Conduct a public hearing on the full purpose annexation of the Rancho Alto Area (Approximately 83 acres in Travis County south of Frate Barker Road, approximately three tenths of a mile west of the intersection of Frate Barker Road and Manchaca Road.)  
**The public hearing was closed on Council Member Leffingwell's motion, Mayor Wynn's second on a 7-0 vote.**
61. Conduct a public hearing for the full purpose annexation of the Lowe's at Brodie Area (approximately 35 acres in Travis County west of Brodie Lane, approximately three tenths of a mile north of the intersection of Brodie Lane and William Cannon Drive.)  
**The public hearing was closed on Council Member Alvarez' motion, Mayor Pro Tem Thomas' second on a 7-0 vote.**
62. Conduct a public hearing for the limited purpose annexation of the Scarbrough Subdivision area (Approximately 46 acres located in Travis County west of the intersection of IH-35 North and Three Points Drive between Bratton Lane and IH-35 North).  
**The public hearing was closed on Council Member Alvarez' motion, Council Member Leffingwell's second on a 7-0 vote.**



**DISCUSSION ITEMS CONTINUED**

34. Amend the Fiscal Year 2005-2006 Solid Waste Services Department Operating Budget of Ordinance 20050912-001 to increase revenues by an amount of \$245,000 and increase expenditures by an amount of \$245,000; and amend the Fiscal Year 2005-2006 Fee Schedule of Ordinance No. 20050912-004 to increase the Central Business District garbage collection fees. (Estimated revenue in the amount of \$245,000 from fee increases.) (Related Items 31, 63)  
**Ordinance No. 20051020-034 was approved on Council Member Leffingwell's motion, Council Member Dunkerley's motion on a 7-0 vote.**

63. Conduct a public hearing and approve an ordinance amending Section 15-6-14 of the City Code to expand the downtown contract service area and amending Ordinance No. 20050912-004 in the Fiscal Year 2005-2006 Fee Schedule of the Solid Waste Services Department to increase the downtown contract service rates. (Reviewed by the Solid Waste Advisory Commission.) (Related Items 31, 34)

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

**Ordinance No. 20051020-063 was approved on Council Member Dunkerley's motion, Council Member Leffingwell's second on a 7-0 vote.**

32. Authorize execution of a 12-month service agreement with WASTE MANAGEMENT OF TEXAS, INC., Austin, TX for refuse collection services for City departments in an amount not to exceed \$618,319.26, with four 12-month extension options in an amount not to exceed \$618,319.26 per extension option, for a total agreement amount not to exceed \$3,092,596.30. (Funding in the amount of \$618,319.26 is available in the Fiscal Year 2005-2006 Approved Operating Budgets of participating City departments. Funding for the extensions options is contingent upon available funding in future budgets.) Low bid of four bids received This contract will be awarded in compliance with Chapter 2-9 of the City Code (Minority-Owned and Women-Owned Business Enterprise Procurement Program). No subcontracting opportunities were identified; therefore, no goals were established for this solicitation. (Recommended by the Solid Waste Advisory Board)

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

**The motion to approve the service agreement was approved, with the following direction to staff, on Council Member Dunkerley's motion, Mayor Wynn's second on a 4-3 vote. Those voting aye were: Mayor Wynn and Council Members Alvarez, Dunkerley and Kim. Those voting nay were: Mayor Pro Tem Thomas and Council Members Leffingwell and McCracken. The Purchasing staff was directed to notify Council sixty days prior to the expiration of the contract.**

31. Authorize execution of a 12-month service agreement with WASTE MANAGEMENT OF TEXAS, INC., Austin, TX for garbage and recycling collection services in the designated alleyways of Congress Avenue between Cesar Chavez Street and 11<sup>th</sup> Street, East Sixth Street between Congress Avenue and IH-35, West 5<sup>th</sup> Street between Guadalupe Street and Colorado Street, West 4<sup>th</sup> Street between Lavaca Street and Colorado Street, East 5<sup>th</sup> Street between San Jacinto Boulevard and Trinity Street, and East 7<sup>th</sup> Street between Neches Street and Red River Street in an amount not to exceed \$1,001,575.40, with four 12-month extension options in an amount not to exceed \$1,001,575.40 per extension option, for a total agreement amount not to exceed \$5,007,877. (Estimated Cost for Fiscal Year 2005-2006 is \$630,000. Funding in the amount of \$630,000 is available in the Fiscal Year 2005-2006 Approved Operating Budget of the

Solid Waste Services Department. Funding for the extensions options is contingent upon available funding in future budgets.) Low bid of two bids received This contract will be awarded in compliance with Chapter 2-9 of the City Code (Minority-Owned and Women Owned Business Enterprise Procurement Program). No subcontracting opportunities were identified; therefore, no goals were established for this solicitation. (Reviewed by the Solid Waste Advisory Board) (Related Items 34, 63)

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

**The motion to approve the service agreement was approved, with the following direction to staff, on Council Member Kim's motion, Mayor Wynn's second on a 4-3 vote. Those voting aye were: Mayor Wynn and Council Members Alvarez, Dunkerley and Kim. Those voting nay were: Mayor Pro Tem Thomas and Council Members Leffingwell and McCracken. The Purchasing staff was directed to notify Council sixty days prior to the expiration of the contract.**

**Mayor Wynn adjourned the meeting at 9:40 p.m. without objection.**

**The minutes for the Regular Meeting of October 20, 2005 were approved on this the 27th day of October, 2005 on Council Member Alvarez' motion, Council Member Dunkerley's second on a 6-0 vote. Mayor Pro Tem Thomas' was off the dais.**