



Austin City Council
MINUTES

REGULAR MEETING
THURSDAY, MAY 17 2001

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, May 17, 2001 in the Board Room at Lower Colorado River Authority Hancock Building, 3700 Lake Austin Boulevard.

INVOCATION – Rev. Bill Elliott, Our Lady of Guadalupe Catholic Church

Mayor Watson called the meeting to order at 10:08 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 Wynn's motion, Council Member Thomas' second by a 6-0 vote. Mayor Pro Tem Goodman was off the dais.

1. Approval of minutes for regular meeting of May 3, 2001 and May 10, 2001.
The minutes for the regular meeting of May 3, 2001 and May 10, 2001 were approved.
2. Discuss *Cities of Mercedes and Weslaco on behalf of themselves and all other similarly situated entities v. Rio Grande Valley Gas Company and Southern Union Company d/b/a Southern Union Gas Company*, Cause No. C-4558-95G(7), in the Hidalgo County District Court.
This item was postponed indefinitely.

Items 3 through 6 were Executive session items.

7. Consider settlement proposal in *Cities of Mercedes and Weslaco on behalf of themselves and all other similarly situated entities v. Rio Grande Valley Gas Company and Southern Union Company d/b/a Southern Union Gas Company*, Cause No. C-4558-95G(7), in the Hidalgo County District Court.
This item was postponed indefinitely.

Items 8 through 11 were pulled for discussion.

12. Approve a resolution authorizing negotiation and execution of a professional services agreement with BROWN-BUNTIN ASSOCIATES, INC., Fair Oaks, CA, to provide professional engineering services for the Austin-Bergstrom International Airport Noise and Flight Track Monitoring System, in an amount not to exceed \$250,000. (Funding is available in the 2000-2001 Approved Capital Budget of the Department of Aviation.) Three firms submitted RFQ. 30% DBE subconsultants.

Resolution No. 010517-12 was approved.

13. C14-00-2145 - Approve second/third readings of an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 3400 Oak Creek Drive (Walnut Creek Watershed) from IP-CO, Industrial Park-Conditional Overlay Combining district zoning to IP-CO, Industrial Park-Conditional Overlay Combining district zoning with conditions for Tract 1 and RR, Rural Residence district zoning for Tract 2. First Reading on September 28, 2000: Vote: 7-0. Conditions met as follows: Conditional overlay incorporates the conditions imposed by City Council at first reading. Applicant: Williamson Creek Farm, Ltd. (John K. Condon); Agent: LOC Consultants (Sergio Lozano). City Staff: David Wahlgren, Transportation, Planning and Design Department, 499-6455.

Ordinance No. 010517-13 was approved.

14. Approve a resolution authorizing the application for and acceptance of \$474,486 in the eighth year grant funding from the Texas Department of Transportation, Texas Automobile Theft Prevention Authority, to continue the Auto theft Interdiction Project in the Austin Police Department. (Grant funding is available from the Texas Department of Transportation, Texas Automobile Theft Prevention Authority, for the grant period September 1, 2001-August 31, 2002. An in-kind match is required. Funding for the continued operation of this program is contingent upon available funding in future budgets.)

Resolution No. 010517-14 was approved.

15. Approve a resolution authorizing execution of a 12-month supply agreement with COPYKING, Pflugerville, Texas, for the production of City Council agenda packets in an amount not to exceed \$87,300 with two 12-month extension options in an amount not to exceed \$87,300 per extension for a total contract amount not to exceed \$261,900. (Funding in the amount of \$29,100 was included in the 2000-2001 Approved Operating Budget of the Office of the City Clerk. Funding for the remaining eight months of the original contract period and extension options will be contingent upon available funding in future budgets.) Low Bid/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 for this solicitation.

Resolution No. 010517-15 was approved.

16. Approve a resolution authorizing execution of a contract with HOLTEC INTERNATIONAL, Marlton, NJ, for the purchase of a steam surface condenser in an amount not to exceed \$1,405,100. (Funding is available in the 2000-2001 Approved Capital Budget of the Electric Utility Department.) Best Evaluated Proposal/Four proposals received. This contract will be awarded in compliance with the 1996 MBE/WBE Ordinance, as amended. No subcontracting opportunities were identified; therefore no MBE/WBE goals were established for this solicitation. This contract is for a commodity purchase, with direct delivery by the manufacturer. (Recommended by Electric Utility Commission)

Resolution No. 010517-16 was approved.

17. Approve a resolution authorizing negotiation and execution of a contract with CAPITAL ELEVATOR COMPANY, Austin, Texas, to provide elevator modernization services for Decker and Holly Power Plants in an amount not to exceed \$459,357. (Funding is available in the 2000-2001 Approved Capital Budget for the Electric Utility Department.) Only Evaluated Proposal/One Proposal Received This contract will be awarded in compliance with the 1996 MBE/WBE Ordinance, as amended. No subcontracting opportunities were identified; therefore MBE/WBE goals were not established for this solicitation. All services will be completed by the Contractor's own workforce. (Recommended by Electric Utility Commission)

Resolution No. 010517-17 was approved.

18. Adopt a resolution approving the release of approximately 14 acres of extraterritorial jurisdiction (ETJ) from the City of Austin to the City of Jonestown (located on the north shore of Lake Travis, east of the City of Jonestown and contiguous to the 720 acre tract recently released by Austin and annexed by Jonestown. (No fiscal impact.)
Resolution No. 010517-18 was approved.
19. Approve an ordinance amending Section 16-4-32 – Speed Limits of the City Code by adding Old San Antonio Road from F.M. 1626 to S. IH 35 to the list of streets having a maximum speed limit of 35 miles per hour. (Funding in the amount of \$400 is available in the 2000-2001 Operating Budget of the Transportation, Planning and Design Department for installation of the appropriate speed limit signs.)
Ordinance No. 010517-19 was approved.
20. Approve an ordinance amending Section 16-4-32 – Speed Limits of the City Code by adding Pecan Park Boulevard to the list of streets having a maximum speed limit of 35 miles per hour. (Funding in the amount of \$400 is available in the 2000-2001 Operating budget of the Transportation, Planning and Design Department for installation of the appropriate speed limit signs.)
Ordinance No. 010517-20 was approved.
21. Approve a resolution authorizing execution of Change Order No. 12 to the construction contract with CASH CONSTRUCTION INC., Pflugerville, Texas, for permanent pavement repairs and replacement of a 4-inch wastewater line with an 8-inch line, for the Balcones Village Service to Annexed Area #6 Phase A, E, and G Wastewater, Water Line, Reuse Water, and Stormwater Improvements Project, in the amount of \$171,957.33, for a total amount not to exceed \$6,950,129.37. (Funding in the amount of \$80,915.36 available in previously authorized contingency. \$91,041.97 was included in the 1999-2000 Amended Capital Budget of the Water & Wastewater Utility.) 15.62% MBE, 27.25% WBE subcontracting participation. (Recommended by Water and Wastewater Commission)
Resolution No. 010517-21 was approved.
22. Approve a resolution authorizing execution of a construction contract with KEYSTONE CONSTRUCTION, Austin, Texas, for construction of Lockerbie Liftstation Relief Main in the amount of \$336,750. (Funding is available in the 2000-2001 Amended Capital Budget of the Water and Wastewater Utility.) Lowest and responsive of two bids received. 24.04% MBE, 9.07% WBE subcontracting participation. (Recommended by Water and Wastewater Commission)
Resolution No. 010517-22 was approved.
23. Approve a resolution authorizing negotiation and execution of an amendment to the professional service agreement with MALONE/WHEELER, INC., Austin, Texas, for additional professional engineering services for Mesa-Greystone Transmission Main in an amount not to exceed \$40,000 for a total contract amount not to exceed \$208,171. (Funding in the amount of \$40,000 is available in the 2000-2001 Amended Capital Budget for the Water and Wastewater Utility.) 0% MBE, 39.75% WBE subcontracting participation. (Recommended by Water and Wastewater Commission)
Resolution No. 010517-23 was approved.
24. Amend Ordinance No. 000912-2, the 2000-2001 Capital Budget by increasing appropriations to the Water and Wastewater Utility by \$8,500,000 and creating a new water project known as “Ullrich Transmission Main Repairs” (Related Item Nos. 25 and 26)
Ordinance No. 010517-24 was approved.

25. Declare official intent to reimburse \$8,500,000 in costs related to the Ullrich Transmission Main Repairs project. (Related Item Nos. 24 and 26)
Resolution No. 010517-25 was approved.
26. Authorize execution of Change Order #12 to the construction contract with TRIPLE H CONTRACTING, INC. / BRH-GARVER, Inc., Joint Venture, Buda, Texas, for emergency repair of the 72" Ullrich Transmission Main in an amount not to exceed \$1,200,000 for a total contract amount not to exceed \$17,649,773.24. (Related Item Nos. 24 and 25)
Resolution No. 010517-26 was approved.

Item 27 was set for a 5:00 p.m. time certain.

28. Consider a resolution concerning landfill monitoring and contract requirements and the extension of Waste Management, Inc. contracts. (Council Member Danny Thomas and Mayor Pro Tem Jackie Goodman)
This item was postponed until May 24, 2001.
29. Adopt an ordinance regarding the policies and procedures for naming City facilities. (Council Member Will Wynn)
Ordinance No. 010517-29 was approved.
30. Approve a resolution regarding the process for naming the Lamar Street Pedestrian Bridge. (Council Member Will Wynn)
Resolution No. 010517-30 was approved.

DISCUSSION ITEMS

8. Amend Ordinance No. 000912-2, the 2000-01 Capital Budget of the Redevelopment Services Office, increasing the appropriation for the New City Hall and Public Plaza Project by \$6,902,000. (Funding in the amount of \$5,952,000 will be funded by the issuance of long-term, non-tax supported debt and \$950,000 will be funded by the issuance of long-term, tax supported debt in September 2001.) (Related Item Nos. 9, 10 and 11)
Ordinance No. 010517-08 was approved on Council Member Thomas' motion, Council Member Wynn's second by a 7-0 vote.
9. Approve a resolution declaring official intent to reimburse \$6,902,000 in costs related to New City Hall project. (The amount of \$5,952,000 to be reimbursed from the proceeds of long-term, non-tax supported debt and \$950,000 to be reimbursed from the proceeds of long-term, tax supported debt to be issued in September 2001. Related Item Nos. 8, 10 and 11)
Resolution No. 010517-09 was approved on Council Member Thomas' motion, Council Member Wynn's second by a 7-0 vote.
10. Approve a resolution for the Schematic Design for the New City Hall and Public Plaza, as presented by the design team on May 3, 2001. (Proposed design requires a budget increase of \$9,402,000. A related budget amendment and reimbursement resolution are scheduled on this Council agenda to provide the funding for this increase.) (Related Item Nos. 8, 9 and 11)
Resolution No. 010517-10 was approved on Council Member Thomas' motion, Council Member Wynn's second by a 7-0 vote.
11. Approve a resolution authorizing negotiation and execution of an amendment to the existing professional services agreement with COTERA, KOLAR, NEGRETE & REED ARCHITECTS, Austin, Texas, for additional architectural and engineering services for design and construction

administration of the New City Hall, Public Plaza and Parking Garage, in an amount not to exceed \$1,233,000, for a total contract amount not to exceed \$5,183,000. (Funding in the amount of \$1,143,000 is available in the 2000-2001 Amended Capital Budget for Redevelopment Services; \$90,000 for additional services associated with two design enhancements (add alternates) is included in the related Capital Budget Amendment scheduled for action on this same agenda.) .65 MBE, 11.34% WBE subcontracting participation. (Related Item Nos. 8, 9 and 10)

Resolution No. 010517-11 was approved on Council Member Thomas' motion, Council Member Wynn's second by a 7-0 vote.

The motion to recess the meeting at 10:34 a.m. and to go into Executive Session was approved on Council Member Griffith's motion, Council Member Wynn's second by a 7-0 vote.

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.

3. Discuss *Al Foltz, et al., v. Eco Resources, Inc., et al.*, Cause No. 00318C368 in Williamson County District Court and *Freitag, et al., v. Eco Resources, Inc., et al.*, Cause No. GN001914 in Travis County District Court.
4. Discuss legal issues concerning construction deficiencies in the 72-inch Ullrich Water Transmission Main.
5. Discuss *Reagan National Advertising v. City of Austin*, Case No. AU01-CA-264-JRN in Federal District Court in Austin.
6. Discuss acquisition of real property located at 8509 FM Road 969, also known as Vision Village, from A&R Vision.

Executive session ended at 11:57 a.m.

Mayor Pro Tem Goodman called the meeting back to order at 1:36 p.m.

CITIZEN COMMUNICATIONS

31. Jose Quintero - Gentrification Neighborhood by affluent professional, and white liberals.
32. Pam Thompson - Police Abuse
33. Stefan Wray - Police Abuse
38. Kristin Richardson - Police Abuse
34. John Sanford - The Austin E.T.J. that surrounds Buda and limits Buda's ability to grow and diversify its tax base. It is time to release it.
35. Susana Almanza - Stop Gentrification & Displacement: Don't remove us from our current Urban Reservation.
36. Dr. Sylvia Herrera - No more cozy bungalows in East Austin (Gentrification)
37. Akwasi Evans - Gentrification
39. Gus Peña - To discuss AMD's possibility of moving (Building in Austin), To ask City Council to assist entities who need funding for transitional housing for families. To continue to push for low income affordable housing. - ABSENT
40. Ramon Maldonado - Housing

The motion to recess the meeting at 2:05 p.m. was approved on Council Member Griffith's motion, Council Member Slusher's second by a 6-0 vote. Mayor Watson was off the dais.

Mayor Watson called the meeting back to order at 4:00 p.m.

ZONING CONSENT

All of 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 the consent items were approved on Council Member Wynn's motion, Mayor Pro Tem Goodman's second by a 6-0 vote. Council Member Griffith was off the dais.

41. C14-01-0005 - Public hearing to amend Chapter 25-2 of the Austin City Code by rezoning property locally known as 7316 Cameron Road (Buttermilk Creek Watershed) from LR, Neighborhood Commercial district zoning to GO, General Office district zoning. Planning Commission Recommendation: To grant LR-CO Neighborhood Commercial-Conditional Overlay Combining district zoning with conditions. Property Owner: M&G Investment. Applicant: City of Austin. Agent: Neighborhood Planning and Zoning. City Staff: Annick Beaudet, 499-3072. Ordinance No. 010517-41 was approved.

Item 42 was pulled for discussion.

43. C14H-01-0002 - Arnold Bakery - Public hearing to amend Chapter 25-2 of the Austin City Code by rezoning property locally known as 1010 East 11th Street (Waller Creek Watershed) from CS-1-NCCD, Commercial-Liquor Sales-Neighborhood Conservation Combining district zoning to CS-1-H-NCCD, Commercial-Liquor Sales- Historic- Neighborhood Conservation Combining district zoning. Historic Landmark Commission Recommendation: To grant CS-1-H-NCCD, Commercial-Liquor Sales- Historic- Neighborhood Conservation Combining district zoning. Planning Commission Recommendation: To grant CS-1-H-NCCD, Commercial-Liquor Sales-Historic- Neighborhood Conservation Combining district zoning. Applicant: City of Austin. Agent: Transportation, Planning and Design Department. City Staff: Barbara Stocklin, Transportation, Planning, and Design Department, 499-2414. Ordinance No. 010517-43 was approved.

44. C14-01-0033 - Public hearing to amend Chapter 25-2 of the Austin City Code by rezoning property locally known as 3300 Block of Manor Road (Tannehill Creek Watershed) from GR, Community Commercial district zoning to General Commercial Services-Conditional Overlay Combining district zoning. Planning Commission Recommendation: To grant to General Commercial Services-Conditional Overlay Combining district zoning with conditions. Applicant: 1994 land Fund II-Dallas1, LP (Kenneth Gates). Agent: Jim Bennett. City Staff: Adam Smith, 499-2755. Ordinance No. 010517-44 was approved.

ZONING DISCUSSION

42. C14-01-0019 - Champion Tract - Public hearing to amend Chapter 25-2 of the Austin City Code by rezoning property locally known as 5900-6500 FM 2222 (West Bull Creek Watershed) from DR, Development Reserve district zoning, and SF-2-CO, Single Family Residence Standard Lot-Conditional Overlay Combining district zoning with conditions to SF-2, Single Family Residence Standard Lot district zoning. Planning Commission Recommendation: To grant SF-2-CO, Single Family Residence Standard Lot-Conditional Overlay Combining district zoning with conditions. Applicant: Josie Champion, Juanita Meier and Mary Margaret Robertson. Agent: Graves, Dougherty, Hearon (Micheal J. Whellan). City Staff: Annick Beaudet, 499-3072. Note: A valid petition has been filed in opposition to this rezoning request. The public hearing was closed on Council Member Slusher's motion, Council Member Wynn's second by a 7-0 vote.

The first reading of this ordinance was approved re-zoning tracts 1 and 3 to SF-2-CO with RR site development regulations, maintaining the lot width at SF-2 standards, with a friendly

amendment on Mayor Pro Tem Goodman's motion, Council Member Wynn's second by a 5-1-1 vote. Council Member Griffith voted no. Council Member Thomas abstained. The friendly amendment made by Council Member Slusher was to increase the rear setback from 20 feet to 25 feet. This was accepted by the maker of the motion and by Council Member Wynn who made the second.

DISCUSSION ITEMS CONTINUED

27. Direct the City Manager to develop proposals to mitigate the urban heat island effect. (Mayor Pro Tem Goodman and Council Member Raul Alvarez)
Resolution No. 010517- was approved on Council Member Goodman's motion, Council Member Alvarez second by a 7-0 vote.

The motion to recess the meeting at 5:36 p.m. was approved on Council Member Wynn's motion, Council Member Slusher's second by a 7-0 vote.

Mayor Watson called the meeting back to order at 6:20 p.m.

45. Conduct a public hearing for the full purpose annexation of the following areas:
River Place Blvd (Approximately 9 acres of River Place Blvd. and Bonaventure Dr. ROW between Merrywing Cir. and Bonaventure Dr. and approximately 3 acres on the east side of River Place Blvd. at the intersection of Bonaventure Dr. and River Place Blvd.)
The public hearing was closed on Council Member Slusher's motion, Council Member Wynn's second by a 6-0 vote. Mayor Pro Tem Goodman was off the dais.

Nagle Tract (approximately 21 acres located in eastern Travis County at the northeast corner of the intersection of US 290 and Blue Goose Road).

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

46. Conduct a public hearing to receive citizen comments on the City's proposed annual federal Action Plan, 2001-2002 to the U.S. Department of Housing and Urban Development (HUD) and State Chapter 373 Community Development 2001-2002 Program, which includes proposed funding allocations. This is the first of two public hearings on this subject. [Funding in the amount of \$13,494,000 is expected to be available from four U.S. Department of Housing and Urban Development (HUD) entitlement grants: \$8,508,000 from Community Development Block Grant (CDBG); \$3,499,000 from HOME Investment Partnerships (HOME); \$285,000 from Emergency Shelter Grant (ESG), and \$1,202,000 from Housing Opportunities for Persons with Aids (HOPWA). Additional proposed amounts from the General Revenue Fund and program income will be determined by the public hearing.]
The public hearing was closed on Council Member Griffith's motion, Council Member Alvarez' second by a 6-0 vote. Mayor Pro Tem Goodman was off the dais.

47. Conduct a public hearing on proposed amendments to the Austin Metropolitan Area Transportation Plan (AMATP), noting that no amendments are recommended for MoPac as proposed in the U.S. 183/HOV Study. (Recommended by Urban Transportation Commission, Environmental Board, and Planning Commission)
The public hearing was closed on Council Member Slusher's motion, Council Member Griffith's second by a 7-0 vote.

48. APPOINTMENTS

Airport Advisory Commission
Austin Community Education Consortium

Board of Adjustment
Bond Oversight Committee
Brackenridge Hospital Oversight Council
Building and Fire Code Board of Appeals
Building Standards Commission
Central City Entertainment Center Board
Charter Revision Committee
Child Care Council
City of Austin Commission for Women
Commission on Immigrant Affairs
Community Development Commission
Construction Advisory Committee
Design Commission
Downtown Commission
Electrical Board
Environmental Board
EMS Quality Assurance Team
Ethics Review Commission
Federally Qualified Health Center Board
Human Rights Commission
Impact Fee Advisory Committee
Library Commission
Mechanical, Plumbing & Solar Board
Medical Assistance Program Advisory Board
MBE/WBE Advisory Committee
Music Commission
Parks & Recreation Board
Renaissance Market Commission
Resource Management Commission
Solid Waste Advisory Commission
Task Force to Review Board and Commission System
Urban Forestry
Urban Renewal Board
No appointments were made.

The motion to adjourn at 7:00 p.m. was approved on Council Member Slusher's motion, Council Member Griffith's second by a vote.

The minutes for the regular meeting of May 17, 2001 were approved on Mayor Pro Tem Goodman's motion, Council Member Wynn's second by a 6-0 vote. Council Member Griffith was absent.