



Austin City Council
MINUTES

REGULAR MEETING
THURSDAY, JUNE 7, 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, June 7, 2001 at the Conley-Guerrero Senior Activity Center, in the Charles Jordan Room, 808 Nile Street.

Mayor Pro Tem Goodman called the meeting to order at 10:48 a.m.

The motion to recess the meeting at 10:50 a.m. and to go into Executive Session was approved on Council Member Griffith's motion, Council Member Wynn's second by a 6-0 vote. Mayor Watson was off the dais.

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.

2. Discuss legal issues related to *Michael Castillo, et al. v. City of Austin, Cause No. 97-12978* and *Michael King, Individually and behalf of all affected police officers employed by the City of Austin, Texas v. City of Austin, Cause No. GN100452*, in the Travis County District Court.
3. Discuss *Northtown Municipal Utility District, et al. v. City of Austin, Cause No. GV-00e658*, in the Travis County District Court.
Discussion on this item was postponed until May 14, 2001.
4. 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.
5. Discuss legal issues concerning the proposed release of extraterritorial jurisdiction in Hays County, Texas.

Executive session ended at 1:33 p.m. and Mayor Pro Tem Goodman called the meeting back to order.

CITIZEN COMMUNICATIONS

54. Richard Rogers - Cleanup plan for Mabel Davis Park
55. Paul Hernandez - Gentrification & Boondoggles
56. Susan Almanza - Gentrification of East Austin
57. Gavino Fernandez - A Chicano Salamander was seen below the Holly Power Plant!

58. Kelley Chou - Electric Utility (1) Safety (2) Rate (Un-reliable)
59. Jennifer L. Gale - Ideas For A New Government. E-Mail jennifergale@usa.net. - ABSENT
60. Gus Peña - To Discuss Budget issues, Parks and Recreation Department., Library Department. Reading Children's Programs; please allocate funding for low income and transitional housing for families, and affordable housing.
61. Gerry Alexander - Seaholm Power Plant Project Discrimination - ABSENT
62. Kirk Becker - Homeless Issues
63. Julia Dworschack - Town Lake Animal Shelter - ABSENT

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 Mayor Pro Tem Goodman's motion, Council Member Alvarez' second by a 7-0 vote.

1. Approval of minutes for regular meeting of May 24, 2001.
The minutes for the regular meeting of May 24, 2001 were approved.

Items 2 through 5 were Executive Session items.

Items 6 through 9 were pulled for discussion.

10. Amend Ordinance No. 000912-02, the Fiscal Year 2000-2001 Capital Budget of the Police Department by increasing appropriations by \$1,382,584 and creating a new Police project known as "Austin Police Dept. Helicopter." (Funding will be provided from the proceeds of future debt issuance. The current appropriation is supported by the accompanied reimbursement resolution.) (continued from 5/24/01)
(Related Item Nos. 11 and 12)
Ordinance No. 010607-10 was approved.
11. Approve a resolution to declare official intent to reimburse \$1,382,584 in costs for the purchase of a fully equipped helicopter for the Austin Police Department. (The amount of \$1,382,584 to be reimbursed from the proceeds of long term debt.) (continued from 5/24/01) (Related Item Nos. 10 and 12)
Resolution No. 010607-11 was approved.
12. Approve a resolution authorizing execution of a contract with AMERICAN EUROCOPTER CORPORATION, Grand Prairie, Texas, for the purchase of a fully equipped helicopter and training for the Austin Police Department in an amount not to exceed \$1,657,584. (Funding in the amount of \$125,000 was included in the 2000-01 Approved Operating Budget of the Austin Police Department. \$150,000 was included in the 2000-01 Airport Asset Forfeiture Fund. \$1,382,584 will be funded through issuance of contractual obligations in September 2001.) (continued from 5/24/01) (Related Item Nos. 10 and 11)
Resolution No. 010607-12 was approved.
13. C14-00-2217 - Approve third reading of an ordinance amending Chapter 25-2 of the Austin City Code rezoning property located at 803 and 807 West Martin Luther King Jr. Blvd. (Shoal Creek Watershed) from MF-4, Multifamily Residence Medium-High Density district zoning and LO, Limited Office district zoning to GO-MU-CO, General Office-Mixed Use-Conditional Overlay Combining district zoning with conditions. First Reading on March 8, 2001; Vote 7-0. Second Reading on April 5, 2001; Vote: 5-2, Slusher and Wynn nay. Conditions met as follows: Conditional overlay incorporates the conditions imposed by City Council at second reading. Applicant: Austin Rehabilitation Center (Bill Wigmore) and SR Development (Bill Gurasich).

Agents: Gigi Edwards, Lopez, Phelps and Vaughn (Amelia Phelps). City Staff: Glenn Rhoades, 499-2775. Note: A valid petition has been filed in opposition to this rezoning request. (continued from May 10, 2001)

This item was postponed until June 14, 2001, unless one or both parties request an extension, at which time this item would be postponed until July 19, 2001.

14. Approve a resolution authorizing execution of a 12-month supply agreement with CASCO INDUSTRIES, INC., Shreveport, Louisiana, to provide fire retardant uniform shirts and trousers for Austin Fire Department in an amount not to exceed \$81,470 with two 12-month extension options in an amount not to exceed \$81,470 per extension for a total contract amount not to exceed \$244,410. (Funding in the amount of \$27,157 is available in the 2000-2001 Operating Budget of the Austin Fire Department. Funding for the remaining eight months of the original contract period and extension options is contingent upon available funding in future budgets.) Low bidder meeting specifications/seven bids received. This contract will be awarded in compliance with the 1996 MBE/WBE Ordinance, as amended. The recommended awardee will provide these commodities directly to the City. There is no subcontracting opportunities, therefore, no goals were established for this solicitation. (continued from 5/24/01)

Resolution No. 010607-14 was approved.

15. Approve a resolution authorizing negotiation and execution of a 12-month contract with GEOGRAPHIC SOLUTIONS, Palm Harbor, FL, and the CAPITAL AREA WORKFORCE DEVELOPMENT BOARD (CAWDB) for the development, implementation and administration of an automated one-stop communication and access system for the Austin/Travis County Health and Human Services Department (ATCHHSD) and the (CAWDB) at a cost to the City not to exceed \$100,000 with two 12-month extension options at a cost to the City not to exceed \$54,000 per extension for a total cost to the City not to exceed \$208,000. (City of Austin funding of \$100,000 is available in the 2000-2001 Approved Budget of the Health and Human Services Department Special Revenue Fund [Title IV-A Certification Reimbursements.] Funding for the remaining \$100,000 will be provided by the Capital Area Workforce Development Board. Funding for extension options is contingent upon approval of future years' budgets.) Best proposal of twenty 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. (continued from 5/24/01)

Resolution No. 010607-15 was approved.

16. Approve amendment No. 1 to the agreement with AVAYA INC. (formerly Lucent Technologies, Inc.) Oklahoma City, OK, for maintenance of the software and hardware of the Definity Telephone systems to increase the amount for the four options periods of the annual maintenance agreement, in amounts not to exceed \$62,890.64, \$77,110.91, \$93,303.91 and \$112,897.73, respectively for a total revised contract amount not to exceed \$2,303,915.12. (Funding in the amount of \$62,890.64 is available in the approved Fiscal Year 2000-2001 Operating Budgets of various City Departments. See attached list for the specific funding. Funding for the three remaining extension options will be contingent upon available funding in the future budget.) This contract will be awarded in compliance with the 1996 MBE/WBE Ordinance, as amended. Contractor will provide all services directly to the City with its own workforces. No subcontracting goals were established for this procurement. (continued from 5/24/01)

Resolution No. 010607-16 was approved.

17. Approve a resolution to modify Council authorization for a contract with LOWER COLORADO RIVER AUTHORITY (LCRA), Austin, Texas, for the right to purchase additional stored water to be used as cooling water at the Fayette Power Project, a coal-fired electric generating plant jointly owned by the City and LCRA, at unit costs of \$52.50 per acre foot for water held in reserve, \$105.00 per acre foot for water used up to 3500 acre feet (includes reserve cost), and \$200.00 per

acre foot for all water used exceeding 3500 acre feet, in a revised contract amount not to exceed \$800,000 per year. (Funding in the amount of \$130,887 is available in the 2000-2001 Operating Budget of the Electric Utility Department) [Recommended by Electric Utility Commission] (continued from 5/24/01)

Resolution No. 010607-17 was approved.

18. Approve a resolution authorizing a new Interlocal Cooperation Agreement between the City of Austin, Travis County, and the Austin Travis County Mental Health Mental Retardation Center for the period June 1, 2001, through September 30, 2001, at a cost to the City not to exceed \$142,000, with two 12-month extension options in an amount not to exceed \$246,000 per extension. (Funding in the amount of \$125,000 is available in the Neighborhood Housing's CDBG-26th Year funds and \$17,000 was included in the Fiscal Year 2000-2001 Approved Operating Budget of the Health and Human Services Department. Extension options are contingent upon available funding in future budgets.) (Related Item No. 19)

Resolution No. 010607-18 was approved.

19. Approve a resolution authorizing an agreement between the City of Austin, Travis County and The Austin Project, with two 12-month extension options in an amount not to exceed \$150,000 (City of Austin \$75,000; Travis County \$75,000). The term of this contract is for the period of June 1, 2001 through September 30, 2001, at a cost to the City not to exceed \$75,000. (Funding is included in the Fiscal Year 2000-2001 Operating Budget for the Health and Human Services Department, General Fund. Funding for the extension options is contingent upon available funding in future budgets.) (Related Item No. 18)

Resolution No. 010607-19 was approved.

20. Approve a resolution authorizing the negotiation and execution of an Interlocal Agreement with Travis County for the provision of Woman, Infants, and Children (WIC) outreach services in the amount of \$13,000. (Funding will be provided from the Texas Department of Health, through Travis County. Sufficient appropriation authority is available within the 2000-2001 approved budget of the Health and Human Services Department, Travis County Reimbursed Fund. Contract period is April 1, 2001 through June 30, 2001 with one twelve-month extension option.)

Resolution No. 010607-20 was approved.

Item 21 was pulled for discussion.

22. Approve a resolution authorizing an amendment to the legal services contract with BRACEWELL & PATTERSON, L.L.P. for representation concerning various wastewater discharge permit matters in an amount not to exceed \$84,000 with a total contract amount not to exceed \$168,000. (Funding is included in the 2000-2001 Amended Operating Budget of the Water & Wastewater Department.)

Resolution No. 010607-22 was approved.

Items 23 through 25 were pulled for discussion.

26. C14-00-2204 - Approve second/third readings of an ordinance amending Chapter 25-2 of the Austin City Code rezoning property locally known as 7000-7200 U.S. Highway 290 East (Little Walnut Creek Watershed) from MF-3-CO, Multifamily Residence Medium Density-Conditional Overlay Combining district zoning to MF-3-CO, Multifamily Residence Medium Density-Conditional Overlay Combining district zoning with conditions for Tract 1 and RR, Rural Residence district zoning for Tract 2. First reading on May 10, 2001; Vote: 7-0. Conditions met as follows: Conditional overlay incorporates the conditions imposed by City Council at first reading.

Applicant: Lotus McCandless. Agent: Simmon-Smith Consulting (Michael Simmons-Smith). City Staff: Annick Beaudet, 499-3072.

Ordinance No. 010607-26 was approved with the change of zoning tract 2 the same as tract 1.

27. C14-00-2115 – Approve an ordinance amending ordinance 010215-11 to correct the zoning map for the property locally known as 205 and 207 Mockingbird Lane (Williamson Creek Watershed), further described in file number C14-00-2115. Property Owner and Applicant: Henry Benedict Realtors (Henry Benedict). Agent: Land Answers (Phylis Marucci). City Staff: Wendy Walsh, 499-7719.

Ordinance No. 010607-27 was approved.

Item 28 was pulled for discussion.

29. C14-01-0018 - Approve second/third readings of an ordinance amending Chapter 25-2 of the Austin City Code rezoning property locally known as 10115, 10117, 10119, 10121 and 10123 Lake Creek Parkway (Lake Creek Watershed) from SF-2, Single Family Residence Standard lot district zoning to GR, Community Commercial district zoning. First Reading on April 26, 2001; Vote 7-0. Conditions met as follows: No conditions were imposed by City Council at first reading. Applicant: Pohl, Brown, & Brown. Agent: Gary Brown. City Staff: David Wahlgren, Watershed Protection and Development Review Department, 499-6455.

This item was postponed until June 14, 2001 at applicant's request.

30. Approve a resolution authorizing execution of a contract with JOURNEYMAN CONSTRUCTION, L.P., (MBE/MA), Austin, Texas, for the Austin Convention Center – Renovation Package, in the amount of \$1,189,000, plus \$178,350 contingency, for a total amount not to exceed \$1,367,350. (Funding is available in the 2000-2001 Approved Capital Budget of the Austin Convention Center Department.) Low bid of four. 4.85% MBE, 4.75% WBE subcontracting participation.

Resolution No. 010607-30 was approved.

31. Approve an ordinance amending Chapter 15-12 of the Austin City Code to require all excavation projects in the right-of-way to be engineered by a professional engineer licensed in the State of Texas.

This item was postponed until June 14, 2001.

32. Approve a resolution authorizing the filing of eminent domain proceedings to acquire fee simple interest of 20,644 square feet for street right-of-way out of Tract A, William Cannon Survey 19, located on the south side of West Dittmar Road and east of Dempsey Lane, and fee simple interest of 902 square feet for street right-of-way out of Tract B described as Hemphill Acres located at 1313 West Dittmar Road, owned by Carolyn Dittmar Hemphill and Jimmy Franklin Hemphill, for the Dittmar Road Widening Project, in an amount not to exceed \$42,676. (Funding [\$40,243 for Tract A and \$ 2,433 for Tract B] is included in the 2000-2001 Amended Capital Budget of the Transportation, Planning & Design Department.)

Resolution No. 010607-32 was approved.

33. Approve a resolution authorizing the filing of eminent domain proceedings to acquire 98,261 square feet in fee simple for street right-of-way, 10,713 square feet for drainage easement, and 35,193 square feet for temporary workspace easement out of and a part of the William Cannon Survey Number 19 in the City of Austin, Travis County, Texas, owned by Cedar Khayat Properties for the Dittmar Road /Manchaca Road to South 1st Street Project, in an amount not to exceed \$132,454. (Funding is included in the 2000-2001 Amended Capital Budget of the Transportation, Planning & Design Department.)

Resolution No. 010607-33 was approved.

Item 34 was pulled for discussion.

35. Approve a resolution authorizing negotiation and execution of an amendment to the professional services agreement with HDR ENGINEERING, INC., Austin, Texas, for additional construction administration services for the Lamar Pedestrian/Bicycle Bridge, Phase 1, in an amount not to exceed \$26,500, for a total contract amount not to exceed \$2,027,316. (Funding in the amount of \$26,500 is available in the 1992-1993 Amended Capital Budget of the Transportation, Planning & Design Department.) 95.23% MBE, 0% WBE subcontracting participation.

Resolution No. 010607-35 was approved.

36. Approve a resolution authorizing execution of two 12-month supply agreements with DENTAL PROSTHETICS LAB, Austin, Texas and WATSON'S SIGNATURE DENTAL LAB, Austin, Texas, for the provision of dental prosthetic services in amounts not to exceed \$39,000 and \$54,000 respectively, with three 12-month extension options in amounts not to exceed \$39,000 and \$54,000 respectively, for total contract amounts not to exceed \$156,000 and \$216,000 respectively. (Funding in the amount of \$12,000 was included in the 2000 - 2001 Approved Operating Budget for the Health and Human Services Department. \$8,000 was included in the 2000-2001 Approved Operating Budget for the Primary Care Department. Funding for the remaining nine months of the initial contract period and extension options is contingent upon available funding in future budgets.) Low bids/two bids received. These contracts 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. 010607-36 was approved.

37. Approve a resolution authorizing execution of a contract with MEDTRONIC PHYSIO-CONTROL, Redmond, Washington, for the purchase of cardiac monitors/defibrillators and battery support systems for the Austin-Travis County Emergency Medical Services Department in an amount not to exceed \$68,838.84. (Funding was included in the 2000-2001 Approved Operating Budget of the Austin-Travis County Emergency Medical Services Department.) Sole source. This contract will be awarded in compliance with the 1996 MBE/WBE Ordinance, as amended. No subcontracting opportunities were identified; therefore, no goals were established for this purchase.

Resolution No. 010607-37 was approved.

38. Approve a resolution authorizing execution of a 12-month supply agreement with U. S. FILTER DISTRIBUTION GROUP, Austin, Texas, for manhole covers, rings and grates for the Watershed Protection and Development Review Department, in an amount not to exceed \$55,894.25, with two 12-month extension options in the amount not to exceed \$55,894.25 per extension, for a total contract amount not to exceed \$167,682.75. (Funding in the amount of \$18,632 was included in the 2000-2001 Operating Budget for the Watershed Protection and Development Review Department. 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 of three bids received. This contract will be awarded in compliance with the 1996 MBE/WBE Ordinance, as amended. This commodity is provided directly by the vendor. There are no subcontracting opportunities, therefore, no goals were established for this solicitation.

Resolution No. 010607-38 was approved.

39. Approve a resolution authorizing execution of an interlocal agreement with DALLAS COUNTY, TEXAS to provide for a 3-month supply agreement through their contract vendor, Office Depot, Inc., Business Services Division, Austin, Texas, for office supply products for City departments in an amount not to exceed \$375,000 with four 12-month extension options in an amount not to exceed \$1,500,000 per extension for a total contract amount not to exceed \$6,375,000. (Funding

is available in the 2000-2001 Approved Operating Budgets for all City departments. Funding for the extension options is contingent upon available funding in future budgets.)

Resolution No. 010607-39 was approved.

40. Approve a resolution authorizing the execution of a 12-month contract with A PLUS CADD SERVICES INC., Austin, Texas, for the lease of software and support services for Public Works, Engineering Services Division, in an amount not to exceed \$91,000 with two 12-month extension options in amounts not to exceed \$12,000 for the first extension and \$24,012 for the second extension and for the purchase of the software after the initial 12-month period in an amount not to exceed \$80,763.60 for a total contract amount not to exceed \$207,775.60. (Funding is available in the Fiscal Year 2000-2001 Operating Budget of the Public Works Capital Project Management Fund. Funding for purchasing software and for the two extension options will be contingent upon available funding in future budgets.) Sole bid 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. 010607-40 was approved.**

Item 41 was pulled for discussion.

42. Approve a resolution authorizing negotiation of a contract with NOVANIS, Carmel, IN, for the development and implementation of an agenda management system for the City of Austin in an amount not to exceed \$500,000. (Funding will be included in the Fiscal Year 2001-2002 Capital Budget and will be contingent upon approval.) Best proposal of three 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. 010607-42 was approved.**
43. Approve a resolution authorizing negotiation and execution of a 12-month services agreement with AMERICAN MANAGEMENT SYSTEMS (AMS), Fairfax, VA, to provide maintenance of the Advantage Financial System (AFS2) and software for the Financial and Administrative Services Department in an amount not to exceed of \$88,890, with three 12-month extension options in a not to exceed amounts of \$90,810, \$92,371, and \$93,977 respectively for a total contract amount not to exceed \$366,048. (Funding is available in the approved 2000-2001 Operating Budget for the Financial and Administrative Services Department. Funding for the three 12-month extension options is contingent upon available funding in future budgets.) Sole Source Procurement. This contract will be awarded in compliance with the 1996 MBE/WBE Ordinance, as amended. The contractor will provide all services directly to the City with their own resources. No subcontracting opportunities were identified, therefore, no goals were established for this solicitation.
- Resolution No. 010607-43 was approved.**
44. Approve a resolution authorizing execution of a 12-month supply agreement with each of the following three firms: A-1 QUALITY BLUEPRINT AND FAST COPY, Austin, Texas, LATE NIGHT PRINTING & QUICK COPYING, Austin, Texas, GINNY'S COPYING SERVICE, INC. (WBE), Austin, Texas, to provide flat sheet printing services in an amount not to exceed \$355,215 to each vendor and to all vendors with two 12-month extension options in an amount not to exceed \$355,215 per extension to each vendor and to all vendors for a total contract amount not to exceed \$1,065,645. (Funding in the amount of \$118,405 is available in the 2000-2001 Operating Budgets for all City departments. Funding for the remaining eight months of the original contract period and extension options is contingent upon available funding in future budgets.) All three bidders/three bids received. This contract will be awarded in compliance with the 1996 MBE/WBE Ordinance, as amended. The recommended awardee will provide these services

directly to the City. There is no opportunity for subcontracting, therefore, no goals were established for this solicitation.

Resolution No. 010607-44 was approved.

45. Approve a resolution authorizing execution of Amendment No. 11 to the professional services agreement with KPMG LLP, Austin, Texas, for audit services to extend the contract for 12 months in an amount not to exceed \$474,000, with one 12-month extension option in a not to exceed amount of \$506,100 for a total not to exceed \$2,631,938. (Funding in the amount of \$328,000 is budgeted and \$92,000 is available in the 2000-2001 Operating Budget of the Financial Services Department, \$35,000 is available in the 2000-2001 operating budget of Aviation and \$19,000 is available in the 2000-2001 Parks and Recreation Department.) This contract will be awarded in compliance with the 1996 MBE/WBE Ordinance, as amended. The contractor will provide services to the City with their own resources and subcontract with Richard Mendoza, CPA (MBE/MH) 44.73% MBE, 0% WBE subcontracting participation.

Resolution No. 010607-45 was approved.

46. Approve an ordinance amending section 16-4-32 - Speed Limits of the City Code by adding Jollyville Road, from Loop 360/U.S. 183 Access Road (Adolph Alley) to Business Park Drive, to the list of streets having a maximum speed limit of 35 miles per hour. (Funding 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. 010607-46 was approved.

47. Approve an ordinance amending the Austin City Code, Section 16-4-15 - Speed Limits, by adding Jollyville Road, from 100' south of Adolph Alley to 450' north of Mesa Drive, to the list of streets having a maximum speed limit of 20 mph during certain times for students attending Grace Covenant Christian School. (Funding in the amount of \$10,000 for the installation of signs and markings is available in the 2000-2001 Child Safety Fund for the Transportation, Planning and Design Department.)

Ordinance No. 010607-47 was approved.

Item 48 was pulled for discussion.

49. Approve a resolution authorizing negotiation and execution of an Interlocal Agreement with the AUSTIN INDEPENDENT SCHOOL DISTRICT (AISD) for the provision of transportation services for students participating in the Earth Camp and Earth School programs for the fiscal year 2001-2002, in the amount of \$8,500, and to include two additional one-year extension options for Fiscal Years 2002-2003 and 2003-2004, for a total contract not to exceed \$25,500. (Funding is contingent on the approval of the 2001-2002 Watershed Protection and Development Review Department operating budget.)

Resolution No. 010607-49 was approved.

Item 50 was pulled for discussion.

51. Approve an ordinance waiving certain fees under Chapter 15-11 of the City Code for the Austin Jaycees' "A Midsummer Night's 5K Run" to be held on July 21, 2001 and authorizing the temporary closure of a portion of 35th Street. (Council Member Will Wynn)

Ordinance No. 010607-51 was approved.

52. Approve a resolution directing the City Manager to write a letter in support of Austin being named as a host city for a North America Ironman Triathlon Event and further authorizing the City Manager to negotiate and execute a Co-Sponsorship Agreement with the Greater Austin Sports

Association and the Austin Convention and Visitors Bureau in support of police and EMS activities for the Event if Austin is chosen as a host city prior to August 31, 2001. (Council Member Will Wynn)

Resolution No. 010607-52 was approved.

Item 53 was pulled for discussion.

Items 54 through 63 were citizen communications.

Item 64 was a zoning item.

Items 65 through 68 were pulled for discussion.

DISCUSSION ITEMS

28. C14-00-2212 – Approve third reading of an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 4501 Monterrey Oaks Boulevard (Williamson Creek Watershed) from W/LO, Warehouse Limited Office district zoning to IP-CO, Industrial Park – Conditional Overlay Combining district zoning with conditions. First Reading on April 26, 2001; Vote: 4-3, Goodman, Griffith and Slusher nay. Second Reading on May 24, 2001; Vote: 4-2, Goodman and Slusher nay, Griffith absent. Conditions met as follows: Conditional overlay incorporates the conditions imposed by City Council at second reading. Property Owner and Applicant: Office Partners I, LP (Stewart Campbell). Agent: Drenner Stuart Wolff Metcalfe von Kreisler, LLP (Michele Haussmann). City Staff: Wendy Walsh, 499-7719.

Ordinance No. 010607-28 was approved on Council Member Wynn's motion, Council Member Thomas' second by a 4-3 vote. Those voting aye were: Mayor Watson and Council Members Alvarez, Thomas and Wynn. Those voting nay were: Mayor Pro Tem Goodman and Council Members Griffith and Slusher.

41. Approve a resolution authorizing the negotiation and execution of a contract with WATSON WYATT CORPORATION, San Francisco, CA, for compensation management software for the Human Resource Department in an amount not to exceed \$64,650, with three 12-month extension options for maintenance in an amount not to exceed \$5,500 per extension for a total contract amount not to exceed \$81,150. (Funding is available in the 2000-2001 Approved Operating Budget of the Human Resource Department. Funding for the three 12-month extension options is contingent upon available funding in future budgets.) Sole proposal 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. 010607-41 was approved on Council Member Slusher's motion, Mayor Pro Tem Goodman's second by a 7-0 vote.

23. C14-00-2062 - Robertson Hill/Bennett Tract - Approve third reading of an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as East 11th Street on the north, the alley between East 7th & East 8th Streets on the south, Interstate Highway 35 South on the west, and San Marcos on the east (Waller Creek Watershed) from SF-3-NCCD, Family Residence-Neighborhood Conservation Combining district zoning and CS-NCCD, General Commercial Services-Neighborhood Conservation Combining district zoning to CS-MU-NCCD, General Commercial Services-Mixed Use-Neighborhood Conservation Combining district zoning with conditions and GR-MU-CO-NCCD, Community Commercial-Mixed Use-Conditional Overlay-Neighborhood Conservation Combining district zoning with conditions. First Reading on May 3, 2001; Vote 5-2, Griffith and Slusher nay. Second Reading on May 24, 2001: Vote on Tracts 1-7: 4-2, Goodman and Slusher nay, absent Griffith absent; Vote on a portion of Tract 8: 6-

0, Griffith absent; and Vote on Tract 9: 4-2, Alvarez and Slusher nay, absent Griffith absent. Conditions met as follows: Conditional overlay incorporates the conditions approved by Council at second reading. Property Owners: Austin Skyline Associates, Joseph C. Wooten, State of Texas, Joe C. Franzetti, Donald Thomas, Jomar Joseph, John A. and Jo Ann A. Thompson and Jomar Joseph Partners, Ltd. Applicant: City of Austin. Agent: Neighborhood Planning and Zoning Department. City Staff: Adam Smith, 499-2755. Note: Valid petitions have been filed in opposition to this rezoning request.

The motion to approve the third reading of the ordinance presented to Council was made on Council Member Alvarez' motion, Council Member Thomas' second with one change to Part 11, first line, delete the word "access" and insert "ingress and egress".

A substitute motion limiting the height to 40' near the neighborhood and extending to a height of 70' near Interstate 35 failed on Mayor Pro Tem Goodman's motion, Council Member Slusher's second by a 2-3-1 vote. Those voting aye were: Mayor Pro Tem Goodman and Council Member Slusher. Those voting nay were: Mayor Watson and Council Members Alvarez, Thomas and Wynn. Council Member Griffith abstained.

Ordinance No. 010607-23 was approved as amended above on Council Member Alvarez' motion, Council Member Thomas' second by a 4-3 vote. Those voting aye were: Mayor Watson and Council Members Alvarez, Thomas and Wynn. Those voting nay were: Mayor Pro Tem Goodman and Council Members Griffith and Slusher.

24. Approve a resolution authorizing the negotiation and execution of a development agreement with Riata Partners L.L.C. under the City's Smart Growth Initiative and Chapter 380 of the Local Government Code, to encourage development of the area located south of East 11th Street, generally bounded on the north by 11th Street, on the west by IH 35, on the south by the alley between 7th and 8th Streets, and on the east by San Marcos Street (The fiscal impact of this action is estimated future waived revenue. Total estimated cost \$956,773 in fee waivers. Future economic grant payments not to exceed \$13,171,804.) (Robertson Hill/Bennett Tract).

Resolution No. 010607-24 was approved on Council Member Alvarez' motion, Council Member Thomas' second by a 5-2 vote. Those voting aye were: Mayor Watson, Mayor Pro Tem Goodman and Council Members Alvarez, Thomas and Wynn. Those voting nay were: Council Members Griffith and Slusher.

25. Approve an ordinance waiving certain fees and payments; approving economic development grants under Chapter 380 of the Local Government Code, approving cost deferrals, approving cost reimbursements; and waiving certain city codes requirements for development of Robertson Hill by Riata Partners, L.L.C. (The fiscal impact of this action is estimated future waived revenue in the amount of \$956,773: \$1.475 Development Fees; \$538,481 in Watershed Protection Department fees; \$166,187 of Water and Wastewater Utility fees; and \$250,630 in Transportation, Planning and Design Department fees. An additional fiscal analysis is not required.) (Robertson Hill/Bennett Tract).

Ordinance No. 010607-25 was approved on Council Member Alvarez' motion, Council Member Thomas' second by a 5-2 vote. Those voting aye were: Mayor Watson, Mayor Pro Tem Goodman and Council Members Alvarez, Thomas and Wynn. Those voting nay were: Council Members Griffith and Slusher.

8. Consider an ordinance amending the City Code to create a Zoning and Platting Commission and to allocate duties between that commission and the Planning Commission.
(Not Recommended by the Planning Commission) (continued from 3/29/01)

Ordinance No. 010607-08 was approved was on Mayor Pro Tem Goodman's motion, Council Member Wynn's second by a 7-0 vote.

6. Consider settlement proposal in *Northtown Municipal Utility District, et al. v. City of Austin*, Cause No. GV-002658, in the Travis County District Court.
This item was postponed until June 14, 2001 on Council Member Alvarez' motion, Council Member Thomas' second by a 7-0 vote.
7. Consider settlement proposal in *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.
Resolution No. 010607-07 was approved on Council Member Wynn's motion, Council Member Slusher's second by a 7-0 vote.
53. Approve an ordinance extending the interim development controls applicable to the portion of Subdistrict 3 of the East 11th Street Neighborhood Conservation Combining District located south of East 11th Street (Robertson Hill/Bennett Tract). (Council Member Raul Alvarez)
No action was required on this item.
34. Approve a resolution authorizing payment to the TEXAS DEPARTMENT OF TRANSPORTATION for the City's 10% participation of the right-of-way acquisition for the U. S. Highway 183 Project, from East of IH 35 to US 290 East, in accordance with the June 27, 1986 Agreement for Right-of-Way Procurement, in the amount of \$177,785.30. (Funding is available in the 2000-2001 Capital Budget of the Transportation, Planning & Design Department.)
Resolution No. 010607-34 was approved on Council Member Thomas' motion, Mayor Watson's second by a 7-0 vote.
50. Approve an ordinance renaming the Transportation, Planning, and Design Department to the Transportation, Planning, and Sustainability Department (Council Member Daryl Slusher and Mayor Pro Tem Jackie Goodman)
The motion to approve the ordinance was made on Council Member Slusher's motion, Mayor Pro Tem Goodman's second.

The friendly amendment to change the name of the Transportation, Planning and Design Department to Mobility, Planning and Urban Design was made by Council Member Thomas but was not accepted by the maker of the motion.

The substitute motion to change the name of the department to Mobility Planning and Urban Design made by Council Member Thomas failed due to a lack of a second.

Ordinance No. 010607-50 was approved on Council Member Slusher's motion, Mayor Pro Tem Goodman's second by a 6-1 vote. Council Member Thomas voted no.
9. Approve an ordinance prohibiting sitting or lying down on public sidewalks in the Central Business District. (second and third reading) (continued from 5/24/01)
The motion to approve was made on Council Member Wynn's motion, Mayor Watson's second.

Due to Council's attempt to make numerous amendments it was agreed that no action would be taken on this item but will be discussed at a later date.

The motion to recess the meeting at 3:26 p.m. was approved on Council Member Slusher's motion, Mayor Watson's second by a 7-0 vote.

Mayor Watson called the meeting back to order at 5:44 p.m.

ZONING CONSENT

64. C14-01-0016 – Public hearing to amend Chapter 25-2 of the Austin City Code by rezoning property locally known as 8600 Guadalupe Street (Little Walnut Creek Watershed) from SF-3, Family Residence district zoning to LR, Neighborhood Commercial district zoning. Planning Commission Recommendation: To grant LO-CO, Limited Office-Conditional Overlay Combining district zoning with conditions. Property Owner: Iglesia Evangelica Latina, Inc. Applicant: Angel Construction Plus. (Yolanda Rodriguez). Agent: I.T. Gonzalez Engineers (I.T. Gonzalez). City Staff: Katie Larsen, 499-3072. Note: A valid petition has been filed in opposition to this rezoning request. (continued from 4/19/01, 5/10/01 and 5/24/01)

The motion to postponed this item to June 14, 2001 was approved on Council Member Wynn's motion, Mayor Pro Tem Goodman's second by a 5-0 vote. Council Member Griffith and Slusher were off the dais.

DISCUSSION ITEMS CONTINUED

65. Conduct a public hearing to hear comments on a proposed amendment to the Blackshear Urban Renewal Plan. (Recommended by Urban Renewal Board and Planning Commission)
The public hearing was closed on Council Member Slusher's motion, Council Member Thomas' second by a 7-0 vote.

21. Approve a resolution supporting a proposed amendment to the Blackshear Urban Renewal Plan to allow for changing the use from single-family to commercial mixed use and to be consistent with a zoning change from SF-3 to GR-MU-CO at 1604-1610 East 7th Street. (Recommended by Urban Renewal Board and Planning Commission)
Resolution No. 010607-21 was approved on Mayor Pro Tem Goodman's motion, Council Member Wynn's second by a 7-0 vote.

66. Conduct a public hearing and consider approval of a variance from the Land Development Code to retroactively approve additions to a single-family residence in the 25-year and 100-year floodplains of Waller Creek that have been constructed at elevations less than one foot above the 100-year floodplain, and to waive the requirement to dedicate drainage easement to the full extent of the 100-year floodplain.
The public hearing was closed on Mayor Pro Tem Goodman's motion, Council Member Alvarez' second by a 7-0 vote.

68. Consider approval of a variance from the Land Development Code to retroactively approve additions to a single-family residence in the 25-year and 100-year floodplains of Waller Creek that have been constructed at elevations less than one foot above the 100-year floodplain, and to waive the requirement to dedicate drainage easement to the full extent of the 100-year floodplain.
The motion to deny the variance was approved on Mayor Pro Tem Goodman's motion, Council Member Alvarez' second.

The motion to re-open the public hearing to allow a citizen to speak was approved Council Member Slusher's motion, Council Member Thomas' second by a 7-0 vote.

The public hearing was closed on Council Member Griffith's motion, Council Member Slusher's second by a 7-0 vote.

The motion to deny the variance failed on Mayor Pro Tem Goodman's motion, Council Member Alvarez' second by a 3-4 vote. Those voting aye were: Mayor Watson, Mayor Pro Tem Goodman and Council Member Alvarez. Those voting nay were: Council Members Griffith, Slusher, Thomas and Wynn.

Ordinance No. 010607-68 was approved on Council Member Griffith's motion, Council Member Wynn's second by a 6-1 vote. Council Member Alvarez voted no.

67. Conduct a public hearing to receive citizen comments on proposed amendments to the City's 2000-2001 Community Development Program and federal annual Action Plan to reprogram \$706,508 and to authorize the use of the U.S. Department of Housing and Urban Development (HUD) 108 funds outside the boundaries of the East 11th and 12th Streets Urban Renewal Area. (Community Development Block Grant (CDBG) funds and program income in the amount of \$706,508 are available from the allocation of current and prior years funds.)

The public hearing was closed on Council Member Griffith's motion, Council Member Slusher's second by a 7-0 vote.

48. Consider approval of an ordinance on proposed amendments to the Austin Tomorrow Comprehensive Plan by approving amendments to the Austin Metropolitan Area Transportation Plan (AMATP). (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)

There was a motion to adopt the staff's recommendations for amending the CAMPO plan with the following amendments. It was made by Council Member Slusher's and seconded by Council Member Wynn.

The friendly amendment made by Council Member Slusher was to delete the portions of SH 45(S) from FM 1626 to IH-35 in the AMATP plan. This was accepted by Council Member Wynn who made the second.

The friendly amendment by Council Member Alvarez was to leave Highway 290 from FM 1826 to Fitzhugh Road per the Environmental Board recommendation. This was accepted by the maker of the motion and by Council Member Wynn who seconded the motion.

The friendly amendment by Council Member Slusher was that the City recommends roadway sections in the drinking water protection zone not be constructed until they go through a series of reviews before they are widened. There are five conditions to apply to the drinking water protection zone (DWPZ) roadways: 1) add the proposed bond covenant language to Proposition I regarding roadway construction requirements for expenditure of bonds, 2) keep staff recommendations that the upgrade comply with U.S. Fish and Wildlife Services guidelines to ensure non-degradation of water quality, 3) make sure the environmental impacts are addressed, 4) draft a message to CAMPO, under the signature of the City Manager, advising them of the City's Plan adoption and conditions, and 5) ask CAMPO to re-examine all proposed road expansions in the drinking water protection zone to ensure they protect public safety while at the same time making any roadway expansions consistent with Austin's growth management policies. This was accepted by Council Member Wynn who seconded the motion.

There was a friendly amendment by Alvarez to change FM 1826 (U.S. 290 to Slaughter Lane) to a MAD 4 instead of MAD8. This was not accepted by the maker of the motion.

The amendment to change 1826 to a MAD 4 passed on Council Member Alvarez' motion, Council Member Griffith's second by a 4-3 vote. Those voting aye were: Mayor Pro Tem Goodman and Council Members Alvarez, Griffith, and Thomas. Those voting nay were: Mayor Watson, and Council Members Slusher, and Wynn.

There was a friendly amendment from Mayor Pro Tem Goodman to leave the four segments of Manor as they are in the CAMPO plan until the City has completed corridor planning. This was accepted by the maker of the motion but not by Council Member Wynn.

Council Member Griffith made a friendly amendment to leave South First, South Lamar, and South Congress streets as they are now, and not as CAMPO recommended, until the City completes the neighborhood and corridor planning process. This was not accepted by the maker of the motion.

The amendment to leave South First Street, South Lamar and South Congress streets as they are now, and not as CAMPO recommended, until the City completes the neighborhood and corridor planning process failed on Council Member Griffith's motion, Mayor Pro Tem Goodman's second by a 3-4 vote. Those voting aye were: Mayor Pro Tem Goodman and Council Members Griffith and Thomas. Those voting nay were: Mayor Watson and Council Members Alvarez, Slusher and Wynn.

Council Member Alvarez made a friendly amendment that the staff develops a process to bring the City's recommendations to CAMPO in December 2001 and to establish a six month process to recommend changes in 2025 AMATP to CAMPO. During that period, the City Manager is directed to work with Urban Transportation Commission, Environmental Board and Planning Commission to evaluate the environmental suitability of proposed roadway recommendations. This was accepted by the maker of the motion and by Council Member Wynn, who seconded the motion.

Council Member Thomas made a friendly amendment to leave Airport Boulevard from No. Lamar to R.R. 2222 as is and not what CAMPO was recommending. This was not accepted by the maker of the motion.

The amendment to leave Airport Blvd. from N. Lamar to RR 2222 as is now and not what CAMPO is recommending failed on Council Member Thomas' motion, Council Member Griffith's second by a 2-4-1 vote. Those voting aye were: Council Members Griffith and Thomas. Those voting nay were: Mayor Watson and Council Members Alvarez, Slusher and Wynn. Mayor Pro Tem Goodman abstained.

The friendly amendment by Council Member Thomas was to change Manor Road from I35 to Cherry Wood to an MNR2 and Airport Blvd from Lamar Boulevard to 51st to a MAD 4. This was not accepted by the maker of the motion.

The amendment to change Manor Road from IH-35 to Cherry Wood to a MNR2 and Airport Blvd. from IH-35 to 51st to a MAD4 failed on Council Member Thomas' motion, Mayor Pro Tem Goodman's second by a 3-4 vote. Those voting aye were: Mayor Pro Tem Goodman and Council Members Griffith and Thomas. Those voting nay were: Mayor Watson and Council Members Alvarez, Slusher and Wynn.

There was a friendly amendment from Council Member Alvarez directing the City Manager to work with the Transportation Committee, Environmental Board and the Planning Commission to develop a comprehensive plan to determine the environmental suitability. This was accepted by the maker of the motion and Council Member Wynn, who seconded the motion.

The friendly amendment made by Council Member Slusher was to add in the comment field for Lamar Boulevard from Anderson Lane to 51st Street, Lamar Boulevard from Town Lake to Ben White Boulevard, Airport Boulevard from Lamar Boulevard to IH-35, Airport Boulevard from Manor Road to U.S. Highway 183, and South First Street from Cesar Chavez to F.M. 1626, that CAMPO explore ways to improve public safety without taking out businesses or damaging the environment. This was accepted by Council Member Wynn, who seconded the motion.

Mayor Pro Tem Goodman's friendly amendment in regards to the bikeway plan was for the City to develop one since CAMPO's plan is only a regional plan. This was accepted by the maker of the motion and by Council Member Wynn, who seconded the motion..

Ordinance No. 010607-48 was approved with the above stated amendments and friendly amendments on Council Member Slusher's motion, Council Member Wynn's second by a 5-2 vote. Those voting aye were: Mayor Watson, Mayor Pro Tem Goodman and Council Members Alvarez, Slusher and Wynn. Those abstaining were: Council Members Griffith and Thomas.

The motion to adjourn the meeting at 8:02 p.m. was approved on Mayor Pro Tem Goodman's motion, Council Member Griffith's second by a 7-0 vote.

The motion to approve the minutes for the regular meeting of June 7, 2001 was approved on Council Member Griffith's motion, Mayor Pro Tem Goodman's second by a 6-0 vote. Mayor Watson was off the dais.