



Austin City Council
MINUTES

REGULAR MEETING
THURSDAY, NOVEMBER 29, 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, November 29, 2001 in the Board Room at Lower Colorado River Authority Hancock Building, 3700 Lake Austin Boulevard.

INVOCATION – Monsignor Lonnie Reyes, St. Julia’s Catholic Church

Mayor Garcia called the meeting to order at 10:03 a.m.

CONSENT AGENDA

The following items were acted on by one motion. No separate discussion or action occurred on any of the items. The consent items were approved on Council Member Thomas’ motion, Council Member Wynn’s second by a 5-0 vote. Mayor Pro Tem Goodman and Council Member Griffith were off the dais.

1. Approval of amended minutes for regular meeting of September 27, 2001 and minutes for the regular meeting of November 8, 2001.
The amended minutes for the meeting of September 27, 2001 and the minutes for the meeting of November 8, 2001 were approved. Mayor Garcia abstained since he was not in office at the time of these meetings.

Items 2 through 3 were Executive Session items.

Item 4 was pulled for discussion.

Item 5 was postponed on consent but was re-considered later in the meeting.

6. Amend Ordinance No. 010910-02, the 2001-2002 Capital Budget by increasing appropriations to the Water and Wastewater Utility by \$131,000 and creating a new wastewater project known as “Stone Hedge” for \$131,000. (Funding will be provided from the proceeds of debt issuance when the annual obligation comes due in future budget years.) (Recommended by Water and Wastewater Commission) (Related Item Nos. 41 and 42)
Ordinance No. 011129-06 was approved.
7. Amend Ordinance No. 010910-02 the 2001-2002 Capital Budget of the Watershed Protection and Development Review Department by increasing transfers in from the Regional Stormwater Management Program by \$425,000 and appropriating \$425,000 to a new account entitled Barton

Creek - Travis Country Circle Facilities Improvement Project. (Funding is available for transfer from the Regional Stormwater Management Program Fund.) (Related Item No. 47)

Ordinance No. 011129-07 was approved.

8. Approve an ordinance amending Section 3-1-3(A) of the City Code to incorporate the definition of "dangerous wild animal" included in Subchapter E, Chapter 822, Health and Safety Code, as amended by HB 1362.

Ordinance No. 011129-08 was approved.

9. Approve a resolution to appoint Mayor Gus Garcia to the Board of Directors of the Austin Housing Finance Corporation (AHFC) for a term expiring June 15, 2003.

Resolution No. 011129-09 was approved.

10. Approve the ratification of a resolution authorizing an amendment to the legal services contract with COX & SMITH INCORPORATED, San Antonio, Texas, for representation in the Steiner Ranch Development Agreement, for an increase of \$85,000, resulting in a total contract limit of \$207,000. (Funding in the amount of \$85,000 was included in the 2001-2002 Approved Operating Budget of the Economic Development Fund.)

Resolution No. 011129-10 was approved.

Item 11 was pulled for discussion.

12. Approve an ordinance amending Chapter 16-5, Articles III and IV of the City Code relating to the administrative adjudication of parking violations and the impoundment and immobilization of vehicles for unpaid parking citations.

Resolution No. 011129-12 was approved.

13. C14-84-213(DE) - Approve second/third readings of an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 6204 - 6304 South 1st Street (Williamson Creek Watershed) from GR, Community Commercial district, zoning to GR-CO, Community Commercial-Conditional Overlay Combining, district zoning with conditions in order to delete a portion of a condition of the zoning site plan. First Reading on November 8, 2001; Vote: 6-0, Thomas out of the room. Conditions met as follows: The conditional overlay and a restrictive covenant incorporates the conditions imposed or accepted by Council at first reading. Applicant and Property Owner: Sacred Family Chapel (Charles Villasenor). Agent: Permit and Development Solutions (Betty Torres). City Staff: Wendy Walsh, 974-7719.

Ordinance No. 011129-13 was approved.

14. C14-01-0030 - Approve second/third readings of an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 204 West Powell Lane (Little Walnut Creek Watershed) from GR, Community Commercial district, W/LO, Warehouse/Limited Office district, and CS, General Commercial Services district, zoning to CS-CO, General Commercial Services-Conditional Overlay Combining district, zoning with conditions. First reading on September 27, 2001; Vote: 7-0. Conditions met as follows: The conditional overlay and a restrictive covenant incorporate the conditions imposed or accepted by Council at first reading. Applicant: Powell Lane Joint Venture. Agent: Crocker Consultants (Sarah Crocker). City Staff: Annick Beaudet, 974-2974

Ordinance No. 011129-14 was approved.

15. C14-01-0068 - Approve second/third readings amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 9202 Brown Lane (Little Walnut Creek Watershed) from SF-3, Family Residence, district zoning to LI-CO, Limited Industrial Services-Conditional Overlay Combining, district zoning with conditions. First reading on June 14, 2001; Vote: 7-0. Conditions met as follows: The conditional overlay incorporates the conditions imposed by

Council at first reading. Applicant: Cecil Loftin. Agent: Jim Bennett. City Staff: Annick Beaudet, 974-2975.

Ordinance No. 011129-15 was approved.

16. C14H-01-0104 - Approve second/third readings of an ordinance amending Chapter 25-2 of the Austin City Code by zoning property locally known as 14140 Old San Antonio Road (Slaughter Creek Watershed) from I-RR, Interim-Rural Residence district, zoning to GR-MU-H-CO, Community Commercial-Mixed Use-Historic-Conditional Overlay Combining district, zoning with conditions for Tract 1 and GR-CO, Community Commercial-Conditional Overlay Combining district, zoning with conditions for Tract 2. First Reading on October 11, 2001; Vote: 7-0. Conditions met as follows: The conditional overlay and a restrictive covenant incorporates the conditions imposed or accepted by Council at first reading. Applicant and Property Owner: Michael R. Aulick and Rebecca A. McGaughy. Agent: The Austin Company (Peter Von Wuperfeld). City Staff: Wendy Walsh, 974-7719.
This item was postponed to December 6, 2001.
17. Approve a resolution authorizing negotiation and execution of a Parkland Improvement Agreement with the Senior Activity Center-Lamar Guild, Inc. for a center expansion and minor interior remodeling of the Senior Activity Center-Lamar. (All costs for these Improvements will be paid entirely by the Guild except for municipal fees related to the Improvements, to be paid from Parks and Recreation's 2001-2002 Approved Capital Budget.)
Resolution No. 011129-17 was approved.
18. Approve a resolution authorizing execution of Change Order #14 to the construction contract with CASH CONSTRUCTION INC., Pflugerville, Texas, for close-out quantity adjustments and additional traffic control 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 \$164,396.41, for a total contract amount not to exceed \$7,094,033.26. (Funding in the amount of \$13,600 is available in the 2000-2001 Amended Capital Budget of the Water & Wastewater Utility; \$145,996.41 is available in the 2001-2002 Amended Capital Budget of the Water & Wastewater Utility; \$4,800 is available in the 1999-2000 Amended Capital Budget of the Watershed Protection & Development Review Department.) 0% MBE, 7.83% WBE subcontracting participation. Overall MBE/WBE participation, including this Change Order are: 2.55% African-American, 21.82% Hispanic, 0.73% Native/Asian-American, 9.44% WBE, and 13.73% Non-MBE/WBE. (Recommended by Water and Wastewater Commission)
Resolution No. 011129-18 was approved.
19. Approve an ordinance authorizing the vacation of surplus right-of-way, being 2.101 acres at Parmer Lane and Harris Branch Parkway, on behalf of Austin H. B. Residential Properties, LTD. (Recommended by Planning Commission)
Ordinance No. 011129-19 was approved.

Item 20 was pulled for discussion.

21. Approve a resolution authorizing the filing of eminent domain proceedings to acquire a temporary working space easement of 535 square feet located at 7509 Tumbleweed Drive, from Synthia Elaine Debose, for the Crystalbrook Flood Control Project Phase I, in an amount not to exceed \$75. (Funding is included in the 1998-1999 Amended Capital Budget of the Department of Watershed Protection & Development Review.)
Resolution No. 011129-21 was approved.
22. Approve a resolution authorizing the filing of eminent domain proceedings to acquire a permanent storm sewer easement of 28,816 square feet, a permanent access easement of 32,973 square feet, and a temporary working space easement of 49,403 square feet, out of 29.532 acres located along

the south line of Loyola Lane, east of Ed Bluestein Boulevard, from Austin Rugby Land Corporation, a Texas corporation, for the Crystalbrook Flood Control Project Phase I, in an amount not to exceed \$2,935. (Funding is included in the 1998-1999 Amended Capital Budget of the Watershed Protection & Development Review Department.)

Resolution No. 011129-22 was approved.

23. Approve a resolution authorizing the filing of eminent domain proceedings to acquire a permanent storm sewer easement of 17,270 square feet, a permanent access easement of 8,349 square feet, and two temporary working space easements that consist of 13,372 square feet and 15,356 square feet out of 6.826 acres located south of Loyola Lane, east of Ed Bluestein Boulevard, from Linda W. Luther for the Crystalbrook Flood Control Project Phase I, in an amount not to exceed \$3,165. (Funding is included in the 1998-1999 Amended Capital Budget of the Department of Watershed Protection & Development Review.)

Resolution No. 011129-23 was approved.

24. Approve a resolution authorizing the filing of eminent domain proceedings to acquire a permanent storm drain easement of 21,715 square feet and three temporary work space easements that consist of 9,014 square feet, 9,212 square feet and 9,715 square feet out of 96.794 acres, located along the east line of Ed Bluestein Boulevard south of Loyola Lane, from the Young Men's Christian Association, a Texas non-profit corporation, for the Crystalbrook Flood Control Project Phase I, in an amount not to exceed \$1,635. (Funding is included in the 1998-1999 Capital Budget of the Watershed Protection & Development Review Department.)

Resolution No. 011129-24 was approved.

25. Approve a resolution authorizing the filing of eminent domain proceedings to acquire a permanent storm sewer easement of 20,346 square feet, a permanent drainage easement that consist of 8,206 square feet and 19,393 square feet and four temporary working space easements that consist of 19,939 square feet, 16,490 square feet, 21,880 square feet, and 30,964 square feet, out of 20.234 acres located along the south line of Loyola Lane, east of Ed Bluestein Boulevard, from Mary C. Clark, and Frederick C. Clark, Independent Executor and Testamentary Trustee of the Estate of George E. Clark, Jr., Deceased; and Peter M. Lowry and Lynn Lowry Burke, Co-Trustees of the Frederick C. Lowry Testamentary Trust; and Ruth Millett Lowry, Individually and as Co-Trustee of the Frederick C. Lowry Testamentary Trust; and Leon J. Peters; and Lawrence Elliott Plotsky, Individually and as Independent Executor of the Estate of Jack Plotsky, deceased; and Elissa Ann Plotsky; and Morris Plotsky; and Kurt K. Rech; and Michael Paggi; and Nicholas Grandinetti; and Target I, a limited partnership, for the Crystalbrook Flood Control Project Phase I and Loyola Lane Improvements, in an amount not to exceed \$3,675. (Funding in the amount of \$1,545 is included in the 1998-1999 Amended Capital Budget of the Watershed Protection & Development Review Department and \$2,130 is included in the 2000-2001 Amended Capital Budget of the Transportation, Planning & Sustainability Department.)

Resolution No. 011129-25 was approved.

26. Approve a resolution authorizing the filing of eminent domain proceedings to acquire a permanent storm sewer easement of 29,454 square feet, and two temporary working space easements that consist of 28,010 square feet and 21,831 square feet out of 21.6 acres located south of Loyola Lane, east of Ed Bluestein Boulevard, from Linda Wong Luther, William L. Cohagan, P. G. Bell, Trustee, and Park Circle Co., Ltd., a Texas limited partnership, for the Crystalbrook Flood Control Program Phase I, in an amount not to exceed \$2,010. (Funding is included in the 1998-1999 Amended Capital Budget of the Watershed Protection & Development Review Department.)

Resolution No. 011129-26 was approved.

27. Approve a resolution authorizing the filing of eminent domain proceedings to acquire a permanent storm sewer easement of 2,731 square feet, and two temporary working space easements that consist of 35 square feet and 6,177 square feet located south of Loyola Lane along the east line of

Walnut Creek, from William L. Cohagan, for the Crystalbrook Flood Control Project Phase I, in an amount not to exceed \$525. (Funding is included in the 1998-1999 Amended Capital Budget of the Department of Watershed Protection & Development Review.)

Resolution No. 011129-27 was approved.

28. Approve a resolution authorizing execution of a contract and receipt of grant funds from the U.S. FISH AND WILDLIFE SERVICE through the Texas Parks and Wildlife Department for land acquisition costs related to the purchase of land for the Balcones Canyonlands Preserve. (A budget amendment to accept the grant funds will accompany the land acquisition.)

Resolution No. 011129-28 was approved.

29. Approve a resolution authorizing execution of a 12-month supply agreement with D & L MEDICAL, Austin, Texas, to provide medical supplies for enrollees of the City of Austin Medical Assistance Program, in an amount not to exceed \$75,000, with two 12-month extension options in an amount not to exceed \$75,000 per extension, for a total contract amount not to exceed \$225,000. (Funding in the amount of \$62,500 was included in the Fiscal Year 2001-2002 Operating Budget of the Health and Human Services Department. Funding for the remaining two months of the original contract period and extension options is contingent upon available funding in future budgets.) Low bidder meeting specifications of six 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. 011129-29 was approved.

30. Approve a resolution authorizing execution of a contract with MEDTRONIC PHYSIO-CONTROL, Redmond, WA, 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 \$103,765.86. (Funding in the amount of \$86,471.55 was included in the 2001-2002 Approved Operating Budget of the Austin-Travis County Emergency Medical Services Department. \$17,294.31 was included in the 2001-2002 Approved Travis County Fund 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 solicitation.

Resolution No. 011129-30 was approved.

31. Approve a resolution authorizing negotiation and execution of a contract with UTILISERVE, Austin, Texas, for the purchase of padmount livefront switchgear in an amount not to exceed \$52,045. (Funding is available in the 2001-2002 Amended Operating Budget of the Electric Utility Department.) Low bidder meeting specifications/four bids 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.

Resolution No. 011129-31 was approved.

32. Approve a resolution authorizing negotiation and execution of modification #3 to a contract with HOLTEC INTERNATIONAL, West, Marlton, NJ, for the purchase of additional nozzles and a change in size for nozzles, the expansion joint and the steam dome in an amount not to exceed \$74,150, for a revised contract amount not to exceed \$1,511,450. (Funding in the amount of \$74,150 is available in the 2001-2002 Approved Capital Budget for the Electric Utility Department.) 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. There are no subcontracting opportunities for the modification.

Resolution No. 011129-32 was approved.

33. Approve a resolution authorizing execution of a 12-month supply agreement with DVM RESOURCES formerly Western Veterinary Supply, Grapevine, Texas, for the provision of veterinary vaccines in an amount not to exceed \$87,224 with three 12-month extension options in amounts not to exceed \$87,224 per extension for a total contract amount not to exceed \$348,896. (Funding in the amount of \$79,996 was included in the 2001-2002 Operating Budget for the Health and Human Services Department. 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 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 MBE/WBE goals were established for this solicitation.

Resolution No. 011129-33 was approved.

34. Approve a resolution authorizing execution of a contract with NOVANIS, Carmel, IN, for the development and implementation of an agenda management system and software maintenance and support for the City of Austin in an amount not to exceed \$540,019 and two 12-month extension options for maintenance and support in an amount not to exceed \$43,120 per extension for a total contract amount not to exceed \$626,259. (Funding in the amount of \$513,000 is included in the 2001-2002 Approved Capital Budget of the Information Systems Department; \$27,019 is included in the 2001-2002 Approved Capital Budget of the Finance & Administrative Services Department; \$86,240 for the 12-month extension options is contingent upon approval of future budgets.) 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.

Resolution No. 011129-34 was approved.

35. Adopt an ordinance annexing, for the limited purposes of planning and zoning, the Avery Ranch Cedar Park Area (approximately 15 acres east of Parmer Lane on the south side of Brushy Creek within the Avery Ranch project). (Limited purpose annexation does not have a fiscal impact. A fiscal impact analysis for the larger Avery Ranch project shows a positive cash flow following conversion to full purpose status.)

Ordinance No. 011129-35 was approved.

36. Adopt an ordinance approving a regulatory plan for the Avery Ranch Cedar Park Area, which is being annexed for limited purposes (approximately 14.7 acres east of Parmer Lane on the south side of Brushy Creek within the Avery Ranch project)

Ordinance No. 011129-36 was approved.

37. Adopt an ordinance annexing, for the limited purposes of planning and zoning, the Wildhorse Ranch tract (approximately 1957 acres on the south side of US 290 E at the intersection of US 290 E and proposed SH 130). (Limited purpose annexation does not have a fiscal impact. Fiscal impact analysis shows a positive cash flow following conversion to full purpose status.) (First reading)

The first reading of this ordinance was approved.

38. Adopt an ordinance approving a regulatory plan for the Wildhorse Ranch Tract, which is being annexed for limited purposes (approximately 1957 acres on the south side of US 290 E at the intersection of US 290 E and proposed SH 130). (First reading)

The first reading of this ordinance was approved.

39. Approve an ordinance to annex the Revised Barker Ranch Area and waive certain fees. (Approximately 255 acres located in southern Travis County west of the Frate Barker Road/Brodie Lane intersection and extending westward towards the proposed alignment of SH 45 and southward towards Bear Creek the Barker Ranch at Shady Hollow Area). (Estimated property tax revenue of \$6,800 for Fiscal Year 2002-2003.)

Ordinance No. 011129-39 was approved.

40. Approve a resolution authorizing negotiation and execution of an amendment to the Professional Services Agreement with CAMP DRESSER & MCKEE, INC., Austin, Texas, for engineering services for additional construction oversight services for the Ullrich Water Treatment Plant 100 MGD Project, in the amount not to exceed \$56,250 for a total amount not to exceed \$6,925,537. (Funding in the amount of \$56,250 is available in 2001-2002 Amended Capital Budget of the Water and Wastewater Utility.) (Recommended by Water and Wastewater Commission) 0% MBE, 5% WBE subcontracting participation. Overall subconsultant participation for this project including this phase is 8% MBE and 8.3% WBE and less than 1% Non MBE/WBE.

Resolution No. 011129-40 was approved.

41. Approve a resolution authorizing negotiation and execution of a Cost Reimbursement Agreement with LANGLEY LAKELINE CORPORATION, G.P., providing terms and conditions for reimbursement of the actual hard construction cost for approximately 11,900 linear feet of 18" wastewater main to serve the area within and near the Stone Hedge Subdivision in an amount not to exceed \$1,368,500, with reimbursement to be made for each of the two phases in lump sum payments on March 1 of the second year following the year in which each phase receives final acceptance. [Total reimbursement in revised amount not to exceed \$1,368,500 for actual hard costs only. This represents an increase of \$131,000 over the initial funding of \$1,237,500 initially authorized by City Council on February 15, 2001. Funding is included in the 2001-2002 Amended Capital Budget of the Water and Wastewater Utility, see related item. Based on conservative build-out of the Stone Hedge Subdivision, the 30-Year Financial Analysis (included in the back-up material for this RCA) of this City investment projects a positive 30-year net present value.] (Recommended by Water and Wastewater Commission) (Related Item Nos. 6 and 42)

Resolution No. 011129-41 was approved.

42. Approve a resolution to declare official intent to reimburse construction costs in the amount of \$131,000 to be paid for developer reimbursements for the Stone Hedge Wastewater project. (Funding for the Water and Wastewater Utility to be funded by the issuance of commercial paper.) (Recommended by Water and Wastewater Commission) (Related Item Nos. 6 and 41)

Resolution No. 011129-42 was approved.

43. Approve a resolution authorizing negotiation and execution of Interlocal Agreement for Pretreatment Services setting out terms under which the City of Austin's (City) Water and Wastewater Utility would assist the City of West Lake Hills in performing pretreatment inspections, sampling, lab analyses, permitting, and enforcement support for the City of West Lake Hills. (The City of West Lake Hills will pay the City for services rendered on a time and materials plus overhead basis.) (Recommended by Water and Wastewater Commission)

Resolution No. 011129-43 was approved.

44. Approve a resolution authorizing execution of a construction contract with PEABODY GENERAL CONTRACTORS, INC., for construction of Miscellaneous Service Installations/Replacements in the amount of \$1,383,045. (Funding in the amount of \$1,183,045 is available in the Fiscal Year 2001-2002 Amended Capital Budget of the Water and Wastewater Utility, \$200,000.00 is available in the Fiscal Year 2001-2002 Water and Wastewater Utility operating budget.) Lowest and responsive of two bids received. 29.28% MBE, 4.34% WBE subcontracting participation. (Recommended by Water and Wastewater Commission)

Resolution No. 011129-44 was approved.

45. Approve a resolution authorizing the negotiation and execution of an amendment to an Agreement regarding the construction of the Loop 360 Lift Station Project between Davenport Ranch MUD #1, Davenport Limited, Opus South Corporation, USAA Stratum Executive Center Joint Venture,

Riverbend Baptist Church, Protestant Episcopal Church Council of the Diocese of Texas/St. Stephen Episcopal School and Eanes Independent School District, and authorize settlement of wastewater obligations of Davenport Ranch MUD #1 in related Agreements. (Recommended by Water and Wastewater Commission)

Resolution No. 011129-45 was approved.

46. Approve a resolution authorizing execution of Change Order No. 2 to the construction contract with HEYL CONSTRUCTION, LTD., Leander, Texas, for additional fire hydrants on the US 290 East 16" Waterline Replacement Project, in the amount of \$95,106.69 for a total contract amount of \$1,446,796.89. (Funding in the amount of \$95,106.69 is available in the 2000-2001 Amended Capital Budget of the Water and Wastewater Utility.) 30.64% MBE, 0% WBE subcontracting participation. Overall subcontractor participation including this change order is 2.41% African-American and 21.52% Hispanic, 0.78% Native/Asian American and 7.68% WBE. (Recommended by Water and Wastewater Commission)

Resolution No. 011129-46 was approved.

47. Approve a resolution authorizing negotiation and execution of a Community Facilities Contract for an amount not to exceed \$425,000, with 5900 Southwest Parkway Ltd. for construction of regional drainage improvements to upgrade Travis Country Circle crossing to current Drainage Criteria Manual standards. (Funding in the amount of \$425,000 is available in the Fiscal Year 2001-2002 Amended Capital Budget of the Watershed Protection and Development Review Department.) (Related Item No. 7)

Resolution No. 011129-47 was approved.

48. Set a public hearing on an ordinance amending Chapter 25-10 of the City Code relating to nonconforming sign regulations, and to appeals of administrative decisions regarding signs. (The amount of \$5,775 in revenue for collection of notification fees.) (Suggested Date and Time: December 6, 2001 at 6:00 p.m.) (Recommended by Planning Commission)

Resolution No. 011129-48 was approved.

49. Approve an ordinance reimbursing certain fees under Chapter 15-11 of the City Code in the amount of \$1,783.00 for the Thunder Cloud Subs Turkey Trot held on November 22, 2001. (Mayor Pro Tem Jackie Goodman, Council Member Will Wynn)

Ordinance No. 011129-49 was approved.

50. Approve a resolution directing the City Manager to begin the amendment process of the City building codes to encourage the use of light colored roofs on commercial buildings as one means of reducing the Urban Heat Island Effects (Mayor Pro Tem Jackie Goodman and Council Member Raul Alvarez).

Resolution No. 011129-50 was approved.

Item 51 was pulled for discussion.

52. Consider a resolution directing the City Manager to work with the Lower Colorado River Authority and other appropriate entities to resolve the hydrilla problem in area lakes. (Council Member Danny Thomas)

Resolution No. 011129-52 was approved.

Items 53 through 62 were citizen communications.

Items 63 through 65 were Bond Sales.

Items Z-1 through Z-16 were zoning items.

Items 66 and 67 were pulled for discussion.

Items 68 through 74 were public hearings.

Items 75 through 82 were actions taken on the public hearings.

83. Approve a resolution to appoint Mayor Gus Garcia to the Judicial Sub-committee. (Council Member Will Wynn and Mayor Pro Tem Jackie Goodman).
Resolution No. 011129-83 was approved.

DISCUSSION ITEMS

11. Consider and possible action to adopt a City Council meeting schedule for the Year 2002.
The motion to postpone this item to December 6, 2001 was approved on Council Member Griffith's motion, Council Member Alvarez' second by a 7-0 vote.
20. Approve a resolution authorizing negotiation and execution of a professional services agreement with TURNER COLLIE & BRADEN, INC., Austin, Texas, to provide preliminary engineering, detail design, project bidding and construction phase services for the Northeast Service Area Interim Regional Wastewater Treatment Plant and Infrastructure Improvements project, in an amount not to exceed \$350,000 for preliminary engineering. (Funding for these services is available in the 2000-2001 Amended Capital Budget of the Water & Wastewater Utility.) 11% MBE, 20% WBE subcontracting participation. (Recommended by Water and Wastewater Commission)
The motion to approve, awarding the contact to Brown and Caldwell failed on Mayor Pro Tem Goodman's motion, Mayor Garcia's second by a 1-5 vote. Mayor Pro Tem Goodman voted aye. Those voting nay were: Mayor Garcia and Council Members Alvarez, Griffith, Slusher, Thomas and Wynn.

Resolution No. 011129-20 was approved on Council Member Wynn's motion, Council Member Griffith's second by a 6-0-1 vote. Mayor Pro Tem Goodman abstained.

5. C14-01-0046 – Hyde Park Neighborhood Conservation Combining District – Approve third reading of an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 45th Street to the north, 38th Street to the south, Guadalupe to the west, and Duval to the east (Waller Creek Watershed) from SF-3, Family Residence district, SF-3-H, Family Residence-Historic Combining district, MF-1, Multifamily Residence Limited Density district, MF-2, Multifamily Residence Low Density district, MF-3, Multifamily Residence Medium Density district, MF-4, Multifamily Residence Moderate-High Density district, MF-4-H, Multifamily Residence Moderate-High Density-Historic Combining district, LO, Limited Office district, LO-H, Limited Office-Historic Combining district, LR, Neighborhood Commercial district, GR, Community Commercial district, CS, General Commercial Services district, to MF-1-NCCD, Multifamily Residence Limited Density-Neighborhood Conservation Combining District, MF-2-NCCD, Multifamily Residence Low Density-Neighborhood Conservation Combining District, SF-3-NCCD, Family Residence-Neighborhood Conservation Combining District, SF-3-H-NCCD, Family Residence-Historic-Neighborhood Conservation Combining District, LO-NCCD, Limited Office-Neighborhood Conservation Combining District, LO-H-NCCD, Limited Office--Historic-Neighborhood Conservation Combining District, LR-NCCD, Neighborhood Commercial-Neighborhood Conservation Combining District, GR-NCCD, Community Commercial-Neighborhood Conservation Combining District, MF-3-NCCD, Multifamily Residence Medium Density-Neighborhood Conservation Combining District, MF-4-NCCD, MF-4-NCCD, Multifamily Residence Moderate-High Density-Neighborhood Conservation Combining District, and CS-NCCD, General Commercial Services-Neighborhood

Conservation Combining District, zoning with conditions. First reading , August 23 ,2001; Vote: 5-2, Watson and Thomas nay. Second reading , October 25 ,2001; Vote: 5-2, Watson and Thomas nay. Conditions met as follows: The zoning ordinance incorporates the conditions imposed by City Council at second ordinance reading. Applicant: City of Austin. Agent: Neighborhood Planning and Zoning Department. City Staff: Glenn Rhoades, 974-2775, Meghan Wieters, Transportation, Planning and Sustainability Department, 974-6386. Note: Protests against inclusion in the NC combining district and valid petitions have been filed by property owners in opposition to this rezoning request. (continued from 11/8/01)

This item was postponed to December 6, 2001 at staff's request.

The motion to reconsider this item was made on Council Member Griffith's motion, Council Member Wynn's second by a 6-0 vote. Mayor Pro Tem Goodman was off the dais.

The motion to postpone this item to December 13, 2001 was approved on Mayor Pro Tem Goodman's motion, Council Member Wynn's second by a 7-0.

51. Approve a resolution directing the City Manager to begin the amendment process to the Neighborhood Planning regulations and Land Development Code, to allow for the creation of sub-districts within a Neighborhood Plan area. (Mayor Pro Tem Jackie Goodman and Council Member Raul Alvarez).

Resolution No. 011129-51 was approved, amending that the criteria for developing the sub-districts be clearly defined, on Council Member Alvarez' motion, Mayor Pro Tem Goodman's second by a 7-0 vote.

The City Council recessed the meeting at 11:10 a.m. to go into Executive Session.

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 *Hyde Park Baptist Church v. City of Austin, et al.*, CA# A 01CA 212 JN, in the United States District Court, Western District of Texas, Austin Division.
3. Discuss sale of real property related to the Barton Springs Clean Water Project funded by May 1998 election, Proposition 2 bonds.

Executive Session ended at 1:15 p.m.

Mayor Garcia called the meeting back to order at 1:30 p.m..

CITIZEN COMMUNICATIONS

53. Gus Pena - (1) Do Not cut any Basic Services Senior Citizens, Lower Income Families and children will be harmed the most. Continue to expedite Low Income Affordable Housing Transitional Housing for Homeless Families, and continue to Expedite construction of Affordable Housing as a whole. Accept the fact that we are in a Recession and the taxpayers and residents of Austin cannot afford to be hurt by the Lack of Prudent and Wise Decisions By the City of Austin's City Council.
54. Gavino Fernandez - Holly Power Plant – Close it Now!
55. Robert Donley - Neighborhood
56. Marcos de Leon - Holly street Power Plant
57. Frances Bazan-Martinez - Holly Power Plant - ABSENT

58. Jose Quintero - Spend the Money now to Replace Holly! The City of Austin fails to Protect East Austin Taxpayers yet spent Millions of Dollars to Protect Habitat of Endangered Species.
60. Polly Gray - Issues pertaining to elderly and disabled funding. City of Austin cutoff power for elderly and disabled. - ABSENT
61. John Corry - EVIL/HOLLY PLANT
59. Paul Hernandez - No More Rail/Shut the Holly Power Plant Now/against the City Holly Neighborhood Plant.
62. Lori C-Renteria - East Cesar Chavez Planning Team positions on crime at Baptists' Soup Kitchen, Closure of Holly Power Plant & No Parking on Grass new Ordinance

DISCUSSION ITEMS CONTINUED

65. Approve an ordinance authorizing the issuance of approximately \$99,500,000 City of Austin, Texas, Water and Wastewater System Revenue Refunding Bonds, Series 2001C, including approval and authorization of all related documents pertaining thereto. (The amount of \$1,629,143 estimated in the first year debt service requirement and \$600 annual fee for the paying agent/registrar was included in the 2001-2002 Approved Budget of the Utility Revenue Bond Redemption Fund.)

Ordinance No. 2001-1129-65 was approved on Council Member Slusher's motion, Council Member Wynn's second by a 7-0 vote.

63. Approve an ordinance authorizing the issuance of approximately \$82,305,000 City of Austin, Texas, Electric System Revenue Refunding Bonds, Series 2001B, including approval and authorization of all related documents pertaining thereto. (The amount of \$1,629,293 estimated in the first year debt service requirement and \$600 annual fee for the paying agent/registrar was included in the 2001-2002 Approved Budget of the Utility Revenue Bond Redemption Fund.) (Related Item No. 64)

The motion to postpone this item indefinitely was approved on Council Member Griffith's motion, Council Member Thomas' second by a 7-0 vote.

64. Amend Ordinance 010910-01, the Approved 2001-2002 Debt Management Fund Budget for the Electric Utility Department by increasing expenditures \$2,200,000 for the defeasance of certain outstanding Combined Utility System Revenue Bonds. Decrease the ending balance by \$2,200,000. (Approximately \$2,200,000 from the Electric Utility Department Debt Management Fund.) (Related Item No. 63)

The motion to postpone this item indefinitely was approved on Council Member Griffith's motion, Council Member Thomas' second by a 7-0 vote.

4. Approve one or more ordinances authorizing the City Manager or designee to accept and or reject sealed bid offers for the sale of three tracts, subject to conservation easements, purchased as part of the May 2, 1998 Proposition 2- Barton Springs Clean Drinking Water Project, consisting of (A) 182.917 acres tract known as McClure located at 11218 Fitzhugh Road, (B) 361.939 acre tract known as Bending Oaks located at 10301 Hwy 290 West, and (C) 143.418 acre tract known as Paschall located at 8517 Young Lane. (Proceeds from the sale will be deposited in the Water Operating Fund 5020 to repay the loan.)

Ordinance No. 011129-04 was approved on Council Member Wynn's motion, Council Member Slusher's second by a 7-0 vote.

The City Council recessed the meeting at 2:55 p.m.

Mayor Garcia called the meeting back to order at 4:01 p.m.

ZONING CONSENT

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 Griffith's second by a 7-0 vote.

Z-1. C14H-01-0008 - Ettlinger House - Public hearing to amend Chapter 25-2 of the Austin City Code by rezoning property locally known as 3110 Harris Park Avenue (Waller Creek Watershed) from SF-3, Family Residence district zoning, to SF-3-H, Family Residence - Historic Combining district, zoning. Zoning and Platting Commission Recommendation: To grant SF-3-H, Family Residence-Historic Combining district, zoning. Historic Landmark Commission Recommendation: To grant SF-3-H, Family Residence - Historic Combining district, zoning. Applicant: David Spradling and Lisa Harvell. City Staff: Steve Sadowsky, Transportation, Planning, and Sustainability Department, 974-6454.

Ordinance No. 011129-Z1 was approved.

Z-2. C14H-01-0009 - Tadlock-Brownlee-Harris House - Public hearing to amend Chapter 25-2 of the Austin City Code by rezoning property locally known as 1901 West 35th Street (Shoal Creek Watershed) from SF-3, Family Residence district zoning, to SF-3-H, Family Residence - Historic Combining district, zoning. Zoning and Platting Commission Recommendation: To grant SF-3-H, Family Residence - Historic Combining district, zoning. Historic Landmark Commission Recommendation: To grant SF-3-H, Family Residence - Historic Combining district, zoning. Applicant: August W. Harris III. City Staff: Barbara Stocklin, Transportation, Planning, and Sustainability Department, 974-2414.

Ordinance No. 011129-Z2 was approved.

Z-3. C14H-01-0012 - Allen-Von Boeckmann Building - Public hearing to amend Chapter 25-2 of the Austin City Code by rezoning property locally known as 811 Congress Avenue (Town Lake Watershed) from CBD, Central Business District, zoning to CBD-H, Central Business District - Historic Combining district, zoning. Zoning and Platting Commission Recommendation: To grant CBD-H, Central Business - Historic Combining district, zoning. Historic Landmark Commission Recommendation: To grant CBD-H, Central Business District - Historic Combining district, zoning. Applicant: Dennis Karbach (Sarah Crocker). City Staff: Barbara Stocklin, Transportation, Planning, and Sustainability Department, 974-2414.

Ordinance No. 011129-Z3 was approved.

Z-4. C14H-01-0014 - W.L. Stark House - Public hearing to amend Chapter 25-2 of the Austin City Code by rezoning property locally known as 3215 Fairfax Walk (Waller Creek Watershed) from SF-3, Family Residence district, zoning to SF-3-H, Family Residence - Historic Combining district, zoning. Zoning and Platting Commission Recommendation: To grant SF-3-H, Family Residence - Historic Combining district, zoning. Historic Landmark Commission Recommendation: To grant SF-3-H, Family Residence - Historic Combining district, zoning. Applicant: Andy and Melanie Sarwal. City Staff: Barbara Stocklin, Transportation, Planning, and Sustainability Department, 974-2414.

Ordinance No. 011129-Z4 was approved.

Z-5. C14R-85-337 (RCA) - Cypress Creek Baptist Church - Public hearing to amend Chapter 25-2 of the Austin City Code by amending the restrictive covenant for the property locally known as the northeastern corner of Boulder Lane at North FM 620 (Bull Creek Watershed). Zoning and Platting Commission: To grant the restrictive covenant amendment. Applicant: Cypress Creek Baptist Church (Kevin Gassaway). Agent: Fisher Hagood, Inc. (Terry Hagood). City Staff: Sherri Gager, 974-3057.

The restrictive covenant was approved.

Item Z-6 was pulled for discussion.

- Z-7. C14-01-0037.001- N.A.C.A. Neighborhood Planning Area - Public Hearing to amend Chapter 25-2 of the Austin City Code by rezoning property locally know as 10800 North Lamar Blvd.(Little Walnut Creek Watershed) from LI, Limited Industrial Services district, zoning to CS-NP, General Commercial Services-Neighborhood Plan Combining district, zoning. Planning Commission Recommendation: To grant CS-NP, General Commercial Services-Neighborhood Plan Combining district, zoning. Applicant: City of Austin. Agent: Neighborhood Planning and Zoning Department. City Staff: Annick Beaudet, 974-2975
Ordinance No. 011129-Z7 was approved.

- Z-8. C814-01-0038 - Parmer/Walnut Creek PUD - Public hearing to amend Chapter 25-2 of the Austin City Code by rezoning property locally known as the 1200 Block of Parmer Lane (Walnut Creek Watershed) from SF-6, Townhouse and Condominium Residence district, RR, Rural Residence district, and LO, Limited Office district, zoning to PUD, Planned Unit Development district, zoning. Zoning and Platting Commission Recommendation: To grant PUD, Planned Unit Development district, zoning with conditions. Applicant: FSKMS Ranch Ltd. (John Scofield, Edgar and Linda Perry, Vernon Scofield, and Glen and Martha Chilek). Agent: Bury & Partners, Inc. (James B. Knight, P.E.). City Staff: Sherri Gager, 974-3057.
The first reading of this ordinance was approved, clarifying that the 100 ft. setback is for parking and carports.

- Z-9. C14-01-0101- Public Hearing to amend Chapter 25-2 of the Austin City Code by rezoning property locally know as 814 Airport Boulevard (Boggy Creek Watershed) from SF-3, Family Residence district, zoning to GR, Community Commercial district, zoning. Zoning and Platting Commission Recommendation: To grant LO-CO, Limited Office-Conditional Overlay Combining district, zoning with conditions. Applicant: Plumbers & Pipefitters. Agent: Vision Design Group (Andrew Guzman). City Staff: Annick Beaudet, 974-2975
Ordinance No. 011129-Z9 was approved.

- Z-10. C14-01-0106 - Public hearing to amend Chapter 25-2 of the Austin City Code by rezoning property locally known as 800 West Slaughter Lane (Slaughter Creek Watershed) from DR, Development Reserve district, zoning to MF-2, Multifamily Residence Low Density district, zoning. Zoning and Platting Commission Recommendation: To grant MF-2-CO, Multifamily Residence Low Density-Conditional Overlay Combining district, zoning with conditions. Property Owner and Applicant: Jack Moore. Agent: Foundation Communities (Craig Alter). City Staff: Wendy Walsh, 974-7719.
The first reading of this ordinance was approved.

Item Z-11 was pulled for discussion.

- Z-12. C14-01-0127 - Diamond Shamrock - Public hearing to amend Chapter 25-2 of the Austin City Code by rezoning property locally known as 10713 Jollyville Road (Lake Creek Watershed) from LO-CO, Limited Office-Conditional Overlay Combining district, zoning to GR, Community Commercial district, zoning. Zoning and Platting Commission Recommendation: To grant LR-CO, Neighborhood Commercial-Conditional Overlay Combining district, zoning with the conditions. Applicant: Diamond Shamrock (Richard Yaws). Agent: Jim Bennett. City Staff: Sherri Gager, 974-3057.
The first reading of this ordinance was approved.

- Z-13. C14-01-0129 - Public hearing to amend Chapter 25-2 of the Austin City Code by rezoning property locally known as 8705 Old Bee Caves Road (Barton Creek Watershed) from LR, Neighborhood Commercial district, zoning to W/LO-CO, Warehouse Limited Office-Conditional

Overlay Combining district, zoning. Zoning and Platting Commission Recommendation: To grant W/LO-CO, Warehouse Limited Office-Conditional Overlay Combining district, zoning with conditions. Property Owner: Ed Padgett Company, Inc. (Ed Padgett). Agent: Jim Bennett. City Staff: Wendy Walsh, 974-7719.

Ordinance No. 011129-Z13 was approved.

- Z-14. C14-01-0135- Public Hearing to amend Chapter 25-2 of the Austin City Code by rezoning property locally know as 1211 West Mary Street (West Bouldin Creek Watershed) from CS, General Commercial Services district, zoning and SF-3, Family Residence district, zoning to SF-6, Townhouse and Condominium Residence district, zoning. Zoning and Platting Commission Recommendation: To grant SF-6-CO, Townhouse and Condominium Residence-Conditional Overlay Combining district, zoning with conditions. Applicant: 1211 West Mary L.P. (James Cormier). Agent: Lopez-Phelps & Vaughn (Amelia Lopez-Phelps). City Staff: Annick Beaudet, 974-2975

The first reading of this ordinance was approved.

- Z-15. C14-01-0131 - Public hearing to amend Chapter 25-2 of the Austin City Code by rezoning property locally known as 500 West Martin Luther King Jr. Blvd. (Shoal Creek Watershed) from CS, General Commercial Services district, zoning to CS-MU, General Commercial Services-Mixed Use Combining district and MF-6, Multifamily Residence Highest Density district, zoning. Zoning and Platting Recommendation: The Commission will consider this rezoning request at their November 27, 2001 meeting. Applicant: Sutton Company (H.M. Pike). Agent: Bury and Partners, Inc. (Greg Strimiska, P.E.). City Staff: Glenn Rhoades, 974-2775.

This item was postponed to December 13, 2001 at staff's request.

- Z-16. C14-01-0151 - Public hearing to amend Chapter 25-2 of the Austin City Code by rezoning property locally known as 2300 Nueces Street (Shoal Creek Watershed) from MF-4, Multifamily Residence Moderate-High Density district, zoning to GO-MU-CO, General Office-Mixed Use-Conditional Overlay Combining district, zoning. Zoning and Platting Recommendation: To deny GO-MU-CO, General Office-Mixed Use-Conditional Overlay Combining district, zoning with conditions. Applicant: Walter B. Palmer Foundation. Agent: McHone Real Estate (Mike McHone). City Staff: Glenn Rhoades, 974-2775.

This item was postponed to December 13, 2001 at staff's request.

ZONING DISCUSSION

- Z-6. C14H-00-2268 - R.L. Moore House - Public hearing to amend Chapter 25-2 of the Austin City Code by rezoning property locally known as 2303 Rio Grande Street (Shoal Creek Watershed) from MF-4, Multifamily Residence Moderate-High Density district, zoning to GO-MU-H-CO, General Office-Mixed Use-Historic-Conditional Overlay Combining district, zoning for tract one, and GO-MU-CO, General Office-Mixed Use-Conditional Overlay Combining district, zoning for tract two. Zoning and Platting Commission Recommendation: To grant GO-MU-H-CO, General Office-Mixed Use-Historic-Conditional Overlay Combining district, zoning with conditions for tract one, and General Office-Mixed Use-Conditional Overlay Combining district zoning, with conditions for tract two. Historic Landmark Commission Recommendation: To grant GO-MU-H-CO, General Office-Mixed Use-Historic-Conditional Overlay Combining district, zoning with conditions for tract one. Applicant: Starlight Ltd. Agent: Richard Mathias. City Staff: Glenn Rhodes, Neighborhood Planning and Zoning Department, 974-2775, and Barbara Stocklin, Transportation, Planning and Sustainability Department, 974-2414. Note: A valid petition has been filed in opposition to this rezoning request.

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

- Z-11. C14-01-0114 - Public hearing to amend Chapter 25-2 of the Austin City Code by rezoning property located at 1611 Dungan Lane (Little Walnut Watershed) from LI, Limited Industrial Services district, zoning to CS-1-CO, Commercial-Liquor Sales-Conditional Overlay Combining district, zoning. Zoning and Platting Commission Recommendation: To deny CS-1-CO, Commercial-Liquor Sales-Conditional Overlay Combining district, zoning. Property Owner and Applicant: Grubb II, Inc. (Fay Klein). Agent: Jim Bennett. City Staff: Annick Beaudet, 974-2975. (continued from 11/1/01)

The motion to close the public hearing was approved on Council Member Griffith's motion, Mayor Pro Tem Goodman's second by a 7-0 vote.

The first reading of this ordinance was approved, adopting staff's recommendation on Council Member Alvarez' motion, Council Member Slusher's second by a 4-3 vote. Those voting aye were: Mayor Garcia, Mayor Pro Tem Goodman and Council Members Alvarez and Slusher. Those voting nay were: Council Members Griffith, Thomas and Wynn.

67. Consider for second/third reading an ordinance amending the Austin Tomorrow Comprehensive Plan by adopting the Rosewood Neighborhood Plan for the area bounded by: Airport Blvd from Manor Rd. to Oak Springs, Oak Springs from Airport to Webberville, Webberville to Northwestern, Northwestern to Rosewood Ave., Rosewood Ave. to Chicon, Chicon to E. 12th St., E. 12th St. to the railroad tracks immediately east of Walnut, the railroad tracks between E. 12th St. and Martin Luther King Jr. Blvd., Martin Luther King Jr. Blvd. to Stafford, Stafford to Rogers, Rogers to Walnut, Walnut to Manor Rd., and Manor Rd. to Airport Blvd. (There is no fiscal impact associated with adopting the Rosewood Neighborhood Plan. An estimate of the fiscal impact to implement all of the recommendations in the plan is \$1,934,510. This plan is advisory and does not legally obligate the Council to implement any particular recommendation.

Ordinance No. 011129-67 was approved on Mayor Pro Tem Goodman's motion, Council Member Thomas' second by a 7-0 vote.

66. C14-01-0150 - Rosewood Neighborhood Plan Combining District - Public hearing to amend Chapter 25-2 of the Austin City Code by rezoning property bounded by: Airport Blvd. from Manor Rd. to Oak Springs Dr., Oak Springs Dr. from Airport Blvd. to Webberville Rd., Webberville Rd. to Northwestern Ave., Northwestern Ave. to Rosewood Ave., Rosewood Ave. to Chicon St., Chicon St. to E. 12th St., E. 12th St. to the railroad tracks immediately east of Walnut Ave., the railroad tracks between E. 12th St. and Martin Luther King Jr. Blvd., Martin Luther King Jr. Blvd. to Stafford St., Stafford St. to Rogers Ave., Rogers Ave. to Walnut Ave., Walnut Ave. to Manor Rd., and Manor Rd. to Airport Blvd. (Boggy Creek Watershed). To add a NP, Neighborhood Plan combining district (NPCD) to each base zoning district within the plan area; To permit the Small Lot Amnesty and Secondary Apartment special uses on any lot in the area; To permit the Neighborhood Mixed Use Building special use for Tracts 1-15, 21-41, 50-52, 53-56, 58, 61, 64-66; To permit the Neighborhood Urban Center special use for Tracts 4, 5, 54 and 55; To change the base zoning districts on 68 tracts of land: from CS, General Commercial Services district; CS-1, Commercial - Liquor Sales district; GO, General Office district; GR, Community Commercial district; LI, Limited Industrial Services district; LO, Limited Office district; LR, Neighborhood Commercial district; MF-3, Multifamily Residence Medium Density district; SF-3, Family Residence district; SF-3-H, Family Residence - Historic Combining district; to CS-CO-NP, General Commercial Services - Conditional Overlay - Neighborhood Plan Combining district; CS-MU-NP, General Commercial Services - Mixed Use - Neighborhood Plan Combining district; CS-MU-CO-NP, General Commercial Services -Mixed Use - Conditional Overlay - Neighborhood Plan Combining district; LR-MU-NP, Neighborhood Commercial - Mixed Use - Neighborhood Plan Combining district; LR-MU-CO-NP, Neighborhood Commercial - Mixed Use - Conditional Overlay - Neighborhood Plan Combining district; GR-MU-CO-NP, Community Commercial - Mixed Use-Conditional Overlay - Neighborhood Plan Combining district; MF-3-NP, Multifamily Residence Medium Density - Neighborhood Plan Combining District; P-NP, Public - Neighborhood Plan Combining district; SF-3-NP, Family Residence - Neighborhood Plan

Combining district; CS-1-CO-NP, Commercial - Liquor Sales - Conditional Overlay - Neighborhood Plan Combining district; GO-MU-NP, General Office - Mixed Use - Neighborhood Plan Combining district; LI-CO-NP, Limited Industrial Services - Conditional Overlay - Neighborhood Plan Combining district; LO-MU-NP, Limited Office - Mixed Use - Neighborhood Plan Combining district; and P-H-NP, Public - Historic - Neighborhood Plan Combining district. Planning Commission Recommendation: To Grant CS-CO-NP, General Commercial Services - Conditional Overlay - Neighborhood Plan Combining district; CS-MU-NP, General Commercial Services - Mixed Use - Neighborhood Plan Combining district; CS-MU-CO-NP, General Commercial Services -Mixed Use - Conditional Overlay - Neighborhood Plan Combining district (including Tract 53); LR-MU-NP, Neighborhood Commercial - Mixed Use - Neighborhood Plan Combining district; LR-MU-CO-NP, Neighborhood Commercial - Mixed Use - Conditional Overlay - Neighborhood Plan Combining district; GR-MU-CO-NP, Community Commercial - Mixed Use-Conditional Overlay - Neighborhood Plan Combining district; MF-3-NP, Multifamily Residence Medium Density - Neighborhood Plan Combining district; P-NP, Public - Neighborhood Plan Combining district; SF-3-NP, Family Residence - Neighborhood Plan Combining district; CS-1-CO-NP, Commercial - Liquor Sales - Conditional Overlay - Neighborhood Plan Combining district; GO-MU-NP, General Office - Mixed Use - Neighborhood Plan Combining district; LI-CO-NP, Limited Industrial Services - Conditional Overlay - Neighborhood Plan Combining district; LO-MU-NP, Limited Office - Mixed Use - Neighborhood Plan Combining district; P-H-NP, Public - Historic - Neighborhood Plan Combining district. Applicant: City of Austin. Agent: Neighborhood Planning and Zoning Department. City Staff: Steve Barney, 974-6389; Wendy Walsh, 974-7719.

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

The City Council recessed the meeting at 4:49 p.m.

Mayor Pro Tem Goodman called the meeting back to order at 6:18 p.m.

DISCUSSION ITEMS CONTINUED

68. Conduct a public hearing to consider two appeals of the Zoning and Platting Commission's decision to deny an appeal of administrative approval for Independence Park Condominiums. The proposed site is located at 6100 Manchaca Road. File # SP-00-2489CR. The first appeal is being made by Joan Hilbig, Chris Butler, and Cherry Creek Southwest Neighborhood Association, Interested parties. The second and separate appeal is being made by Hugh Moore, Interested party. City Staff: Trann Lackey, 974-3341.

The motion to postpone this item to January 17, 2002 was approved on Council Member Wynn's motion, Council Member Griffith's second by a 6-0 vote. Mayor Garcia was off the dais.

75. Consider two appeals of the Zoning and Platting Commission's decision to deny an appeal of administrative approval for Independence Park Condominiums. The proposed site is located at 6100 Manchaca Road. File # SP-00-2489CR. The first appeal is being made by Joan Hilbig, Chris Butler, and Cherry Creek Southwest Neighborhood Association, Interested parties. The second and separate appeal is being made by Hugh Moore, Interested party. City Staff: Trann Lackey, 974-3341.

The motion to postpone this item to January 17, 2002 was approved on Council Member Wynn's motion, Council Member Griffith's second by a 6-0 vote. Mayor Garcia was off the dais.

69. Conduct a public hearing on the Austin Downtown Public Improvement District (PID) 2002 assessments. (The proposed 2002 assessment rate at \$0.10/\$100 valuation is estimated to produce \$1,432,792 at a 96% collection rate.)

The public hearing was closed on Council Member Griffith's motion, Council Member Wynn's second by a 6-0 vote. Mayor Garcia was off the dais.

70. Conduct a public hearing on an ordinance amending appendix Chapter 13 of the 1994 Uniform Building Code to adopt the 2000 International Energy Conservation Code and local amendments. (Recommended by Building and Fire Code Board)
The public hearing was closed on Council Member Wynn's motion, Council Member Griffith's second by a 7-0 vote.
71. Conduct a public hearing to consider an ordinance amending Section 25-1-46 of the City Code regarding the jurisdiction of the Planning Commission over land development applications in areas under consideration for a neighborhood plan. (Recommended by the Planning Commission)
The public hearing was closed on Council Member Slusher's motion, Council Member Griffith's second by a 7-0 vote.
72. Conduct a public hearing on an appeal of the Planning Commission's decision to approve a conditional use permit for the Blood Plasma Center. The proposed site is located at 5335 Burnet Road. File # SPC-01-0003A. Appellants: Carr Development, Inc. and the Allandale Neighborhood Association, Interested parties. City Staff: Fred Solis, 974-6045
This item was removed from the agenda because the site plan was withdrawn.
80. Consider and possible action on a resolution regarding an appeal of the Planning Commission's decision to approve a conditional use permit for the Blood Plasma Center. The proposed site is located at 5335 Burnet Road. File # SPC-01-0003A. Appellants: Carr Development, Inc. and the Allandale Neighborhood Association, Interested parties. City Staff: Fred Solis, 974-6045
This item was removed from the agenda because the site plan was withdrawn.
74. Conduct a public hearing and consider approving use of approximately 0.1624 acres (7,076 square feet) to allow the construction of an additional northbound turn lane on North Lamar Boulevard at W. 24th Street through dedicated parkland known as Caswell Tennis Center Park in accordance with Sec. 26.001 et seq. of the Texas Parks and Wildlife Code. (All costs associated with the road construction as well as any parkland restoration will be paid by the requestor through a previously approved CIP.)
This item was postponed indefinitely.
82. Consider and possible action approving use of approximately 0.1624 acres (7,076 square feet) to allow the construction of an additional northbound turn lane on North Lamar Boulevard at W. 24th Street through dedicated parkland known as Caswell Tennis Center Park in accordance with Sec. 26.001 et seq. of the Texas Parks and Wildlife Code. (All costs associated with the road construction as well as any parkland restoration will be paid by the requestor through a previously approved CIP.)
This item was postponed indefinitely.
76. Consider and possible action on an ordinance to adopt the Austin Downtown Public Improvement District (PID) 2002 assessments. (The proposed 2002 assessment rate at \$0.10/\$100 valuation is estimated to produce \$1,432,792 at a 96% collection rate.)
Ordinance No. 011129-76 was approved on Mayor Pro Tem Goodman's motion, Council Member Wynn's second by a 7-0 vote.
77. Amend Ordinance No. 010910-01, the 2001-2002 Operating Budget for Redevelopment Services Department Special Revenue Fund for the Austin Downtown Public Improvement District (PID), by increasing revenue by \$1,644,614 and appropriations by \$1,503,715. [Funding is available through \$1,432,792 in 2002 assessments (at a 96% collection rate); \$61,822 from interest accrued in the PID account and late payments; \$150,000 City of Austin Annual Contribution (\$75,000

from Austin Convention Center Fund, and \$75,000 from Water and Wastewater Utility Fund) and possible adjustment, after the assessment roll hearing on November 29, 2001, which is dependent on the results of that hearing.]

Ordinance No. 011129-77 was approved on Mayor Pro Tem Goodman's motion, Council Member Wynn's second by a 7-0 vote.

78. Consider and possible action on an ordinance amending Chapter 13 of the 1994 Uniform Building Code to adopt the 2000 International Energy Conservation Code and local amendments. (Recommended by Building and Fire Code Board)

Ordinance No. 011129-78 was approved on Council Member Wynn's motion, Mayor Pro Tem Goodman's second by a 7-0 vote.

79. Consider and possible action on an ordinance amending Section 25-1-46 of the City Code regarding the jurisdiction of the Planning Commission over land development applications in areas under consideration for a neighborhood plan. (Recommended by the Planning Commission)

Ordinance No. 011129-79 was approved, with amendment to exclude the downtown area issues by deleting subsection 2(a), (b) and (c) from the ordinance, on Council Member Wynn's motion, Mayor Pro Tem Goodman's second by a 7-0 vote.

73. Conduct a public hearing pursuant to the Texas Impact Fee Act, Tex. Local Government Code, Chapter 395, and adopt an ordinance approving the August 2001 Update of the City of Austin Water and Wastewater Impact Fee Land Use Assumptions and Capital Improvements Plan (CIP) and amending the Impact Fee Service Area. [This update contains the calculation of the maximum allowable water and wastewater impact (capital recovery) fees, confirms that the current assessed water and wastewater impact fees and the maximum fees charged by the City comply with state law, and amends the water and wastewater impact fee service area.] (Recommended Water and Wastewater Commission and Impact Fee Advisory Committee)

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

81. Consider and possible action pursuant to the Texas Impact Fee Act, Tex. Local Government Code, Chapter 395, to adopt an ordinance approving the August 2001 Update of the City of Austin Water and Wastewater Impact Fee Land Use Assumptions and Capital Improvements Plan (CIP) and amending the Impact Fee Service Area. [This update contains the calculation of the maximum allowable water and wastewater impact (capital recovery) fees, confirms that the current assessed water and wastewater impact fees and the maximum fees charged by the City comply with state law, and amends the water and wastewater impact fee service area.]

Ordinance No. 011129-81 was approved on Mayor Pro Tem Goodman's motion, Council Member Griffith's second by a 6-0 vote. Council Member Slusher was off the dais.

The motion to adjourn the meeting at 7:50 p.m. was approved on Council Member Griffith's motion, Council Member Thomas' second by a 6-0 vote. Council Member Slusher was off the dais.

The minutes for the regular meeting of November 29, 2001 was approved on Council Member Slusher's motion, Council Member Wynn's second by a 5-0 vote. Mayor Pro Tem Goodman and Council Member Slusher were off the dais.