



Austin City Council
MINUTES

REGULAR MEETING
THURSDAY, NOVEMBER 1, 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 1, 2001 in the Board Room at Lower Colorado River Authority Hancock Building, 3700 Lake Austin Boulevard.

INVOCATION – Father Jordan Brown, Transfiguration Greek Orthodox Church

Mayor Watson called the meeting to order at 10:08 a.m.

CONSENT AGENDA

The following items were acted on by one motion. No separate discussion or action occurred on any of the items. The consent items were approved on Mayor Pro Tem Goodman's motion, Council Member Wynn's second by a 7-0 vote.

1. Approval of minutes for regular meeting of October 25, 2001.
The minutes for the regular meeting of October 25, 2001 were approved.

Item 2 was a briefing.

Items 3 through 6 were Executive Session items.

Item 7 was pulled for discussion.

8. Amend Ordinance No. 010910-01; the 2001-2002 Operating Budget of the Airport Fund by transferring \$6,992,897 from the Airport Capital Fund to the Airport Operating Fund and the 2001-2002 Operating Budget of the Airport Capital Fund by increasing the transfers out by \$6,992,897, and ratify the designation of the sum of \$6,992,897 as Other Available Funds, as defined in Ordinance No. 950817-A. (The amount of \$6,992,897 to be transferred from the Airport Capital Fund.)
Ordinance No. 011101-08 was approved.
9. Amend Ordinance No. 010910-01, the 2001-2002 Approve Operating Budget for the Health and Human Services Department's Travis County Reimbursed Fund, by accepting and appropriating

\$120,000 in funding from Travis County and adding 2.0 FTEs to the Communicable Disease Program. (The amount of \$120,000 in revenue will be receipted to the Travis County Reimbursed fund.)

Ordinance No. 011101-09 was approved.

10. Amend Ordinance 010911-1 to increase the Austin Police Department Fiscal Year 2001-2002 General Fund budget by appropriating expense reimbursements from Austin Energy in the amount of \$903,764 and Water/Wastewater Utility in the amount of \$1,355,646; increase general fund expenditures by \$729,410 to fund 17 additional sworn positions and reduce grant reimbursements by \$1,530,000 due to the loss of a federal grant. This action has a net effect of \$0 to the appropriations of the Police Department general fund. Amend the Austin Energy Fund by creating a backcharge to the Austin Police Department of \$903,764 and increasing requirements and decreasing the Austin Energy Fund budgeted ending balance by \$903,764. Amend the Water and Wastewater Utility Fund by creating a backcharge to the Austin Police Department of \$1,355,646, increasing requirements and decreasing the budgeted ending balance by \$1,355,646. (Amend the Austin Energy Fund by creating a backcharge to the Austin Police Department of \$903,764 and decreasing the Austin Energy Fund budgeted ending balance by \$903,764. Amend the Water and Wastewater Utility Fund by creating a backcharge to the Austin Police Department of \$1,355,646. Decrease the budgeted ending balance by \$1,355,646.) (Related Item Nos. 11 and 33)

Ordinance No. 011101-10 was approved.

11. Approve an ordinance providing for the classification of and number of positions in the classified Civil Service of the Police Department and repeal of Ordinance No. 010910-06. (Related Item Nos. 10 and 33)

Ordinance No. 011101-11 was approved.

12. Approve a resolution authorizing negotiation and execution of professional service contracts with the following firms: CARL S. RICHIE of MAYOR DAY CALDWELL & KEETON, LLP; CLIFF JOHNSON AND REGGIE BASHUR; HUGO BERLANGA, BERLANGA BUSINESS ASSOCIATES; RICHARD HAMNER; CARL PARKER; FROY SALINAS, SUSAN ROCHA OF DENTON, MCKAMIE & NAVARRO; AND JOHNSON & JOHNSON (GORDON R & ROBERT E) to provide state representation services for the interim of the 78th Legislative Session for a total amount not to exceed \$661,000. (Funding was included in the Fiscal Year 2001-2002 Operating Budget of the Management Services Department.)

Resolution No. 011101-12 was approved.

13. Approve a resolution authorizing execution of a construction contract with HHCC, INC., Austin, Texas, for renovations of three wading pools (Shipe, Metz & Little Stacy) in the amount not to exceed \$478,857. (Funding was included in the 2001-2002 Transportation, Planning and Design Department; Water Conservation Rebates and Incentives Fund.) Lowest of four bids received. 8.76% MBE, 10.82% WBE subcontracting participation.

Resolution No. 011101-13 was approved.

14. Approve amendment four to the Interlocal Agreement between the City of Austin and Travis County for "Project Spotlight," accepting the Fiscal Year 2002 total project budget of \$688,500, extending the agreement period through August 31, 2002, and accepting \$185,000 in funding for the City of Austin Police Department. (Project Spotlight provides funding for three officers, training and small equipment from Travis County for the period September 1, 2001 through August 31, 2002. No cash match is required. Funding for the continued operation is contingent upon available funding in future budgets.)

Resolution No. 011101-14 was approved.

15. Approve a resolution authorizing the execution of two Interlocal Agreements between the City of Austin and the Capital Area Planning Council (CAPCO) for the City's participation in the enhanced 9-1-1 emergency telephone system, which includes (1) maintaining the Public Safety Answering Point (PSAP) and (2) providing addressing maintenance and training personnel. (Funding will be provided by the Capital Area Planning Council to reimburse salary, supply and training costs associated with these agreements. The Fiscal Year 2001-2002 Operating Budget for the Austin Police Department includes a reimbursement from CAPCO of \$124,761 for addressing maintenance. The remaining reimbursement of \$4,500 will cover supply costs for APD (\$1,650), Austin EMS (\$1,300), Office of Emergency Management (\$250), and the Austin Fire Department (\$1,300), which were in the approved Fiscal Year 2001-2002 departmental budgets as reimbursements.)

Resolution No. 011101-15 was approved.

16. Approve a resolution authorizing execution of a contract with BILLINGSLY COMPANY, INC., Austin, Texas, for the demolition/deconstruction of the Central and East Austin Police Substation located at 812 Springdale Road, in the amount of \$93,357. (Funding is available in the 1999-2000 Amended Capital Budget of the Austin Police Department.) Lowest of the ten bids received. 6.4% MBE, 18.33% WBE subcontracting participation.

Resolution No. 011101-16 was approved.

Item 17 was pulled for discussion.

18. Approve a resolution authorizing execution of an amendment to the agreement with the TEXAS DEPARTMENT OF TRANSPORTATION for construction of a median crossing of Parmer Lane, approximately 0.1 miles east of IH 35, in an amount of \$79,000 for a total contract amount not to exceed \$243,239. [Funding in the amount of \$79,000 is included in the 2000-2001 Amended Capital Budget of the Department of Public Works (Parmer Lane TxDOT Median Crossing Project – Developer Deposit)].

Resolution No. 011101-18 was approved.

19. Approve a resolution authorizing the negotiation and execution of a contract with WK 281 BEAR CREEK, LTD., a Texas Limited Partnership by Lukers, Inc., a Texas corporation, General Partner, William S. Walters, III, President through a contract assignment from the Texas Nature Conservancy ("TNC"), to purchase approximately 49.118 acres in fee located in southern Travis County along Bliss Spillar Road in an amount not to exceed \$634,550. (Funding in the amount of \$300,000 is included in the Fiscal Year 2001-2002 Approved Capital Budget of the Parks & Recreation Department; \$334,550 was included in the Fiscal Year 2001-2002 Approved Capital Budget of the Water & Wastewater Department.)

Resolution No. 011101-19 was approved.

20. Approve a resolution authorizing negotiation and execution of a 12-month contract with ERISA ADMINISTRATIVE SERVICES, INC., (MBE/MA, 96.74%), Austin, Texas, to provide third party administrative services for the City Medical Plan in an amount not to exceed \$2,211,000, with two 12-month extension options in an amount not to exceed \$2,211,000 per extension option, for a total contract amount not to exceed \$6,633,000. (Funding in the amount of \$1,658,250 is available in the 2001-2002 Operating Budget for the Employee Benefits Fund. Funding for the remaining three months of the contract and the extension options are contingent upon approval of future budgets.) Best proposal of three proposals received. 0% MBE, 3.26% WBE subcontracting participation.

Resolution No. 011101-20 was approved.

21. Approve a resolution authorizing negotiation and execution of a 12-month contract with JOHN L. WORTHAM AND SON, L.L.P., Houston, Texas, to provide excess liability insurance coverage through Associated Electric & Gas Insurance Services Limited (AEGIS) in an amount not to exceed \$303,876, with three 12-month extension options in an amount not to exceed \$303,876 per extension option, for a total contract amount not to exceed \$1,215,504. (Funding in the amount of \$303,876 is included in the 2001-2002 Approved Operating Budget of Electric Utility Department. Funding for the extension options will be contingent upon available funding in future budgets.) Best proposal of two received. The 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. 011101-21 was approved.
22. Approve a resolution authorizing execution of a contract with SICO, INC., Minneapolis, MN, for purchase of a portable modular dance floor system for the Austin Convention Center in an amount not to exceed \$86,092.20. (Funding was included in the 2001-2002 Approved Capital Budget of the Austin Convention Center Department.) Low bid meeting specifications of two bids received. This contract will be awarded in compliance with the 1996 MBE/WBE Ordinance, as amended. No subcontracting opportunities were identified; therefore, no goals were established for this solicitation.
Resolution No. 011101-22 was approved.
23. Approve a resolution authorizing execution of contracts with MITY-LITE, INC., Orem, UT, in an amount not to exceed \$141,225.20; and PALMER-SNYDER, Elkhorn, WI, in an amount not to exceed \$95,720, for the purchase of folding tables in various sizes for the Austin Convention Center. (Funding in the amount of \$236,945 was included in the 2001-2002 Approved Capital Budget of the Austin Convention Center Department.) Low Bids of six 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. 011101-23 was approved.
24. Approve a resolution authorizing execution of a contract with VIRCO INC., Conway, AR, for the purchase of stacking chairs, chair dollies and chair hand trucks for the Austin Convention Center in an amount not to exceed \$319,980. (Funding was included in the 2001-2002 Approved Capital Budget of the Austin Convention Center Department.) Overall Low Bid/two bids received. This contract will be awarded in compliance with the 1996 MBE/WBE Ordinance, as amended. No subcontracting opportunities were identified; therefore, no goals were established for this solicitation.
Resolution No. 011101-24 was approved.
25. Approve a resolution authorizing negotiation and execution of a 10-year contract with CIELO WIND POWER, LLC, Austin, Texas, for the purchase of up to 25 MW of wind-generated electricity, in an amount not to exceed \$22,900,000. In the event such negotiations are not successful, authorize negotiation and execution of a 10-year contract with AMERICAN ELECTRIC POWER (AEP), Dallas, Texas, in an amount not to exceed \$22,900,000. (Funding will be provided through the Green Power charge revenue.) Best proposal of nine wind proposals received. The 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. All work will be performed by contractor's own workforce.
Resolution No. 011101-25 was approved.

26. Approve a resolution authorizing execution of a 12-month service agreement with LONESTAR TRANSPORTATION, INC., Gainesville, Texas, in an amount not to exceed \$212,832.80 for heavy equipment hauling services with three 12-month extension options in an amount not to exceed \$212,832.80 per extension, for a total contract amount not to exceed \$851,331.20. (Funding in the amount of \$195,096.73 is available in the 2001-2002 Approved Operating Budget of the Electric Utility Department. Funding for the balance of the contract and the extension options is contingent upon available funding in future budgets.) Low bidder of two bids received. This contract will be awarded in compliance with the 1996 MBE/WBE Ordinance, as amended. No subcontracting opportunities were identified; therefore, no MBE/WBE goals were established for this solicitation. The contractor will be providing all services required.
Resolution No. 011101-26 was approved.
27. Approve a resolution authorizing execution of a 12-month supply agreement with UTILISERVE, Austin, Texas, in an amount not to exceed \$300,876 with three 12-month extension options in an amount not to exceed \$300,876 per extension, for a total contract amount not to exceed \$1,203,504; and with TECHLINE, INC., Austin, Texas, in an amount not to exceed \$200,854 with three 12-month extension options in an amount not to exceed \$200,854 per extension, for a total contract amount not to exceed \$803,416 for the purchase of various sizes of deadfront switchgear. (Funding in the amount of \$459,919.16 is available in the 2001-2002 Approved Operating Budget of the Electric Utility Department. Funding for the balance of the contract and the extension options is contingent upon available funding in future budgets.) Low bidder meeting specifications/ Five 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 the purchase of commodities, with direct delivery by the manufacturer.
Resolution No. 011101-27 was approved.
28. Approve a resolution authorizing execution of a 12-month supply agreement with VALLEN SAFETY SUPPLY COMPANY, Irving, Texas, for self contained breathing apparatus parts and accessories, in an amount not to exceed \$350,000, with two 12-month extension options in an amount not to exceed \$350,000 per extension, for a total contract amount not to exceed \$1,050,000. (Funding in the amount of \$320,833 was included in the Fiscal Year 2001-2002 Operating Budget of the Austin Fire Department. Funding for the remaining one month of the original contract period and extension options is contingent upon available funding in future budgets.) Low bidder of five 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. 011101-28 was approved.
29. Approve a resolution authorizing execution of a 12-month supply agreement with BILL'S TRANSMISSION SERVICE, INC., Dallas, Texas, for the purchase of rebuilt Allison transmissions for the Fleet Services Division, in an amount not to exceed \$100,000, with two 12-month extension options in the amount not to exceed \$100,000 per extension, for a total contract amount not to exceed \$300,000. (Funding in the amount of \$91,667 was included in the 2001-2002 Operating Budget for the Fleet Maintenance Fund of the Finance and Administrative Services Department. Funding for the remaining one month of the original contract period and extension options will be contingent upon available funding in future budgets.) Only bidder. This contract will be awarded in compliance with the 1996 MBE/WBE Ordinance, as amended. No subcontracting opportunities were identified; therefore, no goals were established for this solicitation. The Contractor will provide the Allison rebuilt transmissions directly to the City.
Resolution No. 011101-29 was approved.

30. Approve a resolution authorizing negotiation and execution of a contract with INTERNATIONAL FUEL CELLS, South Windsor, CT, for the purchase and installation of an IFC PC25 C Fuel Cell Power Plant in an amount not to exceed \$1,250,359, and approve execution of a 12-month maintenance agreement in an amount not to exceed \$35,000, with four 12-month extension options in an amount not to exceed \$35,000 per extension, for a total amount not to exceed \$175,000. (Funding in the amount of \$1,250,359 is available in the 2001-2002 Approved Capital Budget of the Electric Utility Department. Funding of \$35,000 is available in the 2001-2002 Approved Operating Budget of the Electric Utility Department. Funding for the extension options is contingent upon available funding in future budgets.) Sole Source: The IFC PC25CC is also the only product available that meets the requirements of a \$200,000 federal energy grant payable to Austin Energy upon successful completion of the project. 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. All goods and services will be supplied by the Contractor.

Resolution No. 011101-30 was approved.

31. Approve a resolution authorizing negotiation and execution of modification #1 to a contract with GENERAL ELECTRIC INTERNATIONAL, Carrollton, Texas, to purchase customized outdoor enclosures for the turbine control and generator excitation hardware, in an amount not to exceed \$450,000, for a revised contract amount not to exceed \$22,450,000. (Funding in the amount of \$450,000 is available in the 2001-2002 Approved Capital Budget for the Electric Utility Department.) This contract was 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. 011101-31 was approved.

32. Approve a resolution authorizing execution of a 12-month supply agreement with HANSON PIPE & PRODUCTS, INC., Austin, Texas, in an amount not to exceed \$55,779.82 for the purchase of various sizes of manholes and manhole covers with two 12-month extension options in an amount not to exceed \$55,779.82 per extension, for a total contract amount not to exceed \$167,339.46. (Funding in the amount of \$51,131.50 is available in the 2001-2002 Approved Operating Budget of the Electric Utility Department. Funding for the balance of the contract and the extension options is contingent upon available funding in future budgets.) Only bidder. 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 the purchase of commodities, with direct delivery by the manufacturer.

Resolution No. 011101-32 was approved.

33. Approve a resolution authorizing the execution of a contract with HOUSTON-GALVESTON AREA COUNCIL OF GOVERNMENTS COOPERATIVE PURCHASING PROGRAM (H-GAC), Houston, Texas, for the purchase of eight full-size police patrol sedans in the amount of \$175,574.93. (Related Item Nos. 10 and 11)

Resolution No. 011101-33 was approved.

34. Approve an ordinance to annex the Grandview area for full purposes, grant interim zoning, establish certain development standards, and waive certain fees (approximately 471 acres on the west side of FM 620 one tenth of a mile south of the FM 620/Boulder Lane intersection and one quarter of a mile north of the FM 620/Wilson Parke Avenue intersection). (Estimated property tax revenue of \$47,700 in Fiscal Year 2002-2003.)

Ordinance No. 011101-34 was approved.

35. Approve an ordinance to annex the Purcell/Tomen Parke area for full purposes, establish certain development standards, and waive certain fees (approximately 427 acres on the west side of FM 620 between Bullick Hollow Road and Wilson Parke Avenue and Vista Parke Avenue. (Estimated property tax revenue of \$11,600 in Fiscal Year 2002-2003.)
Ordinance No. 011101-35 was approved.
36. Approve an ordinance to annex the Home Depot Tract area for full purposes, establish certain development standards, and waive certain fees (approximately 60 acres southeast of the intersection of Smith School Road and Burleson Road). (Estimated property tax revenue of \$16,400 in Fiscal Year 2002-2003.)
This item was postponed until November 8, 2001.
37. Approve an ordinance to annex the Park 22 Office area for full purposes (approximately 36 acres south of FM 2222 one half mile west of Bell Mountain Drive). (Estimated property tax revenue of \$12,500 in Fiscal Year 2002-2003.)
Ordinance No. 011101-37 was approved.
38. Approve an ordinance to annex the Barclay Tract area for full purposes (approximately 24 acres on the west side of Barclay Drive). (Estimated property tax revenue of \$10,900 in Fiscal Year 2002-2003.)
Ordinance No. 011101-38 was approved.
39. Approve an ordinance to annex the Waters at Bluff Springs area for full purposes, establish development standards, and waive certain fees (approximately 99 acres on the eastside of IH 35 one half mile south of Boggy Creek Drive). (Estimated property tax revenue is estimated at \$123,500 in Fiscal Year 2002-2003.)
Ordinance No. 011101-39 was approved.
40. Approve an ordinance to annex the Pickard Area for full purposes and to grant I-SF-4A zoning to the portion of the annexation area included in the proposed Olympic Heights subdivision (C8-01-0096) (the annexation area covers approximately 210 acres located in southern Travis County north of Frate Barker Rd and west of Manchaca Rd.; Olympic Heights covers approximately 150 acres within the annexation area). (Estimated property tax revenue of \$8,200 in Fiscal Year 2002-2003.) (Second and Third reading)
Ordinance No. 011101-40 was approved.
41. Approve an ordinance to annex the Telecom/Burleson Office area for full purposes, establish certain development standards, and waive certain fees (approximately 40 acres southeast of the intersection of Smith School Road and Burleson Road). (Estimated property revenue of \$21,900 in Fiscal Year 2002-2003.)
Ordinance No. 011101-41 was approved.
42. Approve a resolution authorizing execution of a construction contract with CROUCH ELECTRIC, Inc., L.L.C., Austin, Texas, for the Water Distribution Control System Phase 2A RTU Procurement and Installation Project, in the amount of \$962,300, plus a contingency fund in the amount of \$93,000, for a total amount not to exceed \$1,055,300. (Funding in the amount of \$1,055,300 is available in the 2000-2001 Amended Capital Budget of the Water and Wastewater Utility.) Lowest of the four bids received. 25.57% MBE, 1.74% WBE subcontracting participation. (Recommended by Water and Wastewater Commission)
Resolution No. 011101-42 was approved.

43. Set a public hearing on an ordinance amending Chapter 13 of the 1994 Uniform Building Code to adopt the 2000 International Energy Conservation Code and local amendments. (Suggested Date and Time: November 29, 2001 at 6:00 p.m.) (Recommended by Building and Fire Code Board)
Resolution No. 011101-43 was approved.
44. Approve a resolution authorizing negotiation and execution of an Interlocal Agreement with TEXAS A&M UNIVERSITY, College Station, Texas, in an amount not to exceed \$10,000 for time and expertise of Travis County Horticulturist to develop, schedule and implement training to area nursery sales staff, and to write and manage training video for sales staff and the general public on environmentally-sound landscaping practices. (Funding in the amount of \$10,000 is available in the 2001-2002 operating budget of the Watershed Protection and Development Review Department.)
Resolution No. 011101-44 was approved.
45. Approve a resolution to ratify execution of a construction contract with CAMP EXCAVATION & CONTRACTING, INC., Thorndale, Texas, for emergency repair of a slope failure along Little Walnut Creek near 3000 block of Loyola Lane, Austin, Texas in the amount of \$246,923.50. (Funding is included in the 2000-2001 Amended Capital Budget of the Watershed Protection and Development Review Department.) Lowest of the three bids received. The City of Austin has determined that no MBE/WBE goals will be established for this project. Even though no goals have been established, the contractor is required to comply with the City's MBE/WBE Procurement Program if areas of subcontracting are identified. The contractor's work methodology provides no areas for subcontracting as the contractor will perform all work.
Resolution No. 011101-45 was approved.

Item 46 was pulled for discussion.

47. Approve an ordinance waiving the payment of certain fees under Chapter 15-11 of the City Code for the Chuy's Children Giving to Children Parade and authorizing the temporary closure of a portion of San Jacinto Blvd, West 4th, West 12th, West 13th, and West 14th streets on November 24, 2001. (Mayor Pro Tem Jackie Goodman)
Ordinance No. 011101-47 was approved.
48. Approve a resolution directing the City Manager to quickly implement a safe pedestrian crossing on Barton Springs Rd in Zilker Park by means of a crosswalk and/or traffic light. (Council Member Daryl Slusher and Council Member Raul Alvarez and Mayor Pro Tem Jackie Goodman)
Resolution No. 011101-48 was approved, with consideration for a pedestrian median refuge and including options for textured surfaces and painting different colors.

Items 49 through 56 were citizen communications.

Items Z-1 through Z-4 were zoning items.

Items 57 through 64 were public hearings.

Items 65 through 69 were actions related to the public hearings.

70. **BOARD AND COMMISSION APPOINTMENTS**
No Appointments were made.

BRIEFINGS

2. Briefing on the role of music in the Austin economy.
The presentation was made by Rondella Pugh, Telecommunications and Regulatory Affairs, and Jon Hockenyos, Texas Perspectives Consulting Firm.

DISCUSSION ITEMS

7. C14-01-0061 - Dawson Neighborhood Plan - Approve third reading of an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property bounded on the north by Oltorf Street, on the east by South Congress Avenue, on the south by Ben White Blvd., and on the west by South 1st Street (East Bouldin Creek Watershed), To add a NP, Neighborhood Plan Combining District (NPCD) to each base district zoning district within the entire area; To add a neighborhood mixed use building special use is proposed for 26 Tracts (1-6, 9-15, 17-18, 21-28, and 30-32); and To change the base zoning districts on 31 tracts of land: from: SF-3, Family Residence district, MF-2, Multifamily Residence Low Density district, MF-3, Multifamily Residence Medium Density district, MF-4, Multifamily Residence Moderate-High Density district, LO, Limited Office district, LR, Neighborhood Commercial district, GR, Community Commercial district, GR-CO, Community Commercial-Conditional Overlay Combining district, W/LO, Warehouse-Limited Office district, CS, General Commercial Services district, CS-1, Commercial-Liquor Sales district, LI, Limited Industrial Services district zoning to SF-3-NP, Family Residence-Neighborhood Plan Combining district, MF-2-NP, Multifamily Residence Low Density-Neighborhood Plan Combining district, MF-3-NP, Multifamily Residence Medium Density-Neighborhood Plan Combining district, LO-CO- NP, Limited Office-Conditional Overlay-Neighborhood Plan Combining district, LR-CO- NP, Neighborhood Commercial-Conditional Overlay-Neighborhood Plan Combining district, GR-CO-NP, Community Commercial-Conditional Overlay-Neighborhood Plan Combining district, CS-CO-NP, General Commercial Services-Conditional Overlay-Neighborhood Plan Combining district, CS-1-CO-NP, Commercial-Liquor Sales-Conditional Overlay- Neighborhood Plan Combining district, LI-CO-NP, Limited Industrial Services-Conditional Overlay-Neighborhood Plan Combining district zoning, P-NP, Public-Neighborhood Plan Combining district. First reading on July 19, 2001; Vote: 6-0, Watson absent. Second reading on August 30, 2001; Vote: 7-0. Conditions met as follows: Conditional overlay incorporates the conditions imposed by Council at second reading. Applicant: City of Austin. Agent: Neighborhood Planning and Zoning Department. City Staff: Sue K. Hounsel, 974-6564 and Adam Smith, 974-2755. Note: Valid petitions have been filed by property owners in opposition to this rezoning request. (continued from 10/4/01 and 10/11/01)

The motion to approve the Dawson Neighborhood Plan with amendments was made on Council Member Slusher's motion, Mayor Pro Tem Goodman's second. The amendment made by Council Member Slusher was to exempt the southeast corner of Congress and Oltorf from the conditional overlay as it pertains to service stations and drive through service usage. Council Member Alvarez' friendly amendment was to eliminate cottage lots and urban homes options from the neighborhood plan. These amendments were accepted by the maker of the motion and by Mayor Pro Tem Goodman, who seconded the motion.

Council Member Slusher withdrew his motion.

The motion to postpone action on this item to December 6, 2001 was approved on Council Member Slusher's motion, Mayor Watson's second by a 6-1. Council Member Thomas voted no.

The motion to recess the meeting at 11:33 a.m. to go into Executive Session was approved on Council Member Wynn's motion, Mayor Pro Tem Goodman's second by a 7-0 vote.

EXECUTIVE SESSION

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

3. Discuss legal issues regarding the Statement of Intent to Change Residential, Commercial, and Industrial Rates for natural gas service in Austin filed by TXU Gas Utility.
4. Receive information from staff regarding selection of Deputy City Clerk.
(Related Item Nos. 5, 6 and 46)
5. Interview candidates for Deputy City Clerk.
(Related Item Nos. 4, 6 and 46)
6. Discuss and evaluate candidates for Deputy City Clerk.
(Related Item Nos. 4, 5 and 46)

Mayor Watson called the meeting back to order at 11:35 p.m. to announce that item 17 would also be discussed during Executive Session.

The motion to recess the meeting at 11:35 a.m. to go into Executive Session was approved on Council Member Thomas' motion, Council Member Griffith's second by a 6-0 vote. Council Member Wynn was off the dais.

Executive session ended at 1:06 p.m.

Mayor Watson called the meeting back to order 1:33 p.m.

CITIZEN COMMUNICATIONS

49. Jimmy Castro - Travis County Bond Election
51. Jennifer L. Gale - For Austin's new government – Jennifer Gale for Mayor – Our Government That Represents The People of Austin Must Have Thirty-Two Individual Single Council Member Districts And a Chief Executive officer As The Mayor Of The City Of Austin.
52. Gavino Fernandez - East Austin Neighborhoods – Eric Mitchell For Mayor!
53. Gus Pena - (1) To Discuss City Issues, Low Income Affordable, Social Services
(No Cuts). Transitional Housing for Families, Veterans. (2) We are in a Recession. Please be prudent and sensitive about the needs and concerns of the poor. Have Nots and Lower Income Residents of Our City of Austin. Don't cut Services that help the children and senior citizens of Austin
54. Jose Quintero - Greater East Austin Neighborhood Association – New Priorities for Austin – Vote for Eric Mitchell. - ABSENT
55. Richard Troxell - Homelessness in Austin
56. John Kunkel - Austin Energy – Property Owners Rights
50. Robert L. Thomas - To discuss building and employment at the Rosewood Recreation Center. -

DISCUSSION ITEMS CONTINUED

46. Consider and possible action on a resolution making an appointment to the position of Deputy City Clerk. (Council Member Danny Thomas, Mayor Pro Tem Jackie Goodman and Council Member Beverly Griffith) (Related Item Nos. 4, 5, and 6)

Resolution No. 011101-46 was approved appointing Yvonne Spence as Deputy City Clerk, on Council Member Thomas' motion, Council Member Griffith's second by a 7-0 vote.

17. Approve a resolution authorizing ratification of an amendment to the professional services agreement with CONSTRUCTION TECHNOLOGY LABORATORIES, Skokie, IL., for forensic testing and design for repair of the joints on the Ullrich Medium Service Transmission Main, in an amount of \$302,000 for a total contact amount not to exceed \$340,000. (Funding in the amount of \$302,000 was included in the 1998-1999 Amended Capital budget of the Water & Wastewater Utility.)

Resolution No. 011101-17 was approved on Council Member Wynn's motion, Council Member Thomas' second by a 7-0 vote.

The motion to recess the meeting at 2:14 p.m. was approved on Council Member Slusher's motion, Council Member Griffith's second by a 7-0 vote.

Mayor Pro Tem Goodman 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 Council Member Griffith's motion, Council Member Wynn's second by a 6-0 vote. Mayor Watson was off the dais.

Items Z-1 through Z-2 were pulled for discussion

- Z-3. C14-01-0120 - Public hearing to amend Chapter 25-2 of the Austin City Code by rezoning property located at 7234 U.S. Highway 290 East (Little Walnut Watershed) from SF-3, Family Residence district, zoning to GR, Community Commercial district, zoning. Zoning and Platting Commission Recommendation: To grant GR-CO, Community Commercial-Conditional Overlay Combining district, zoning with conditions. Property Owner and Applicant: Walnut Creek Partners, L.P. Agent: Simmons-Smith Consulting. City Staff: Annick Beaudet, 974-2975.

Ordinance No. 011101-Z3 was approved.

Item Z-4 was pulled for discussion.

The motion to recess the meeting at 5:31 p.m. was approved on Council Member Wynn's motion, Mayor Pro Tem Goodman's second by a 7-0 vote.

Mayor Watson called the meeting back to order at 6:26 p.m.

DISCUSSION ITEMS CONTINUED

61. 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 motion to postpone this item to November 29, 2001 was approved on Mayor Pro Tem Goodman's motion, Council Member Thomas' second by a 7-0 vote.

66. 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)
The motion to postpone this to November 29, 2001 was approved on Mayor Pro Tem Goodman's motion, Council Member Thomas' second by a 7-0 vote.
60. Conduct a public hearing regarding a proposed rate increase by TXU Gas Distribution.
The public hearing was closed on Council Member Griffith's motion, Council Member Slusher's second by a 7-0 vote.
65. Consider and possible action to adopt an ordinance amending TXU Gas Utility's Tariff for Gas Services, filed in accordance with Ordinance Number 870917-A.
Ordinance No. 011101-65 was approved on Council Member Thomas' motion, Council Member Griffith's second by a 7-0 vote.
64. Conduct a public hearing to consider 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
The motion to postpone this item to November 29, 2001 was approved on Council Member Wynn's motion, Council Member Griffith's second by a 6-0 vote. Council Member Slusher was off the dais.
69. Consider 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.
The motion to postpone this item to November 29, 2001 was approved on Council Member Griffith's motion, Council Member Thomas' second by a 7-0 vote.
57. Conduct a public hearing for the limited purpose annexation of the following annexation areas:
**B.) Wildhorse Ranch (approximately 1899 acres on the south side of US 290 E at the intersection of US 290 E and proposed SH 130).
The public hearing for Wildhorse Ranch was closed on Council Member Slusher's motion, Council Member Wynn's second by a 6-0 vote. Council Member Alvarez was off the dais.**
- A.) Avery Ranch Cedar Park Release Area (approximately 14.7 acres east of Parmer Lane on the south side of Brushy Creek within the Avery Ranch project)
The public hearing for Avery Ranch Cedar Park Release Area was closed on Council Member Wynn's motion, Council Member Slusher's second by a 6-0 vote. Council Member Alvarez was off the dais.**
58. Conduct a public hearing on the full purpose annexation of the revised Barker Ranch annexation area; and petition and direct the City Manager to annex certain Proposition 2 areas. (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 public hearing was closed on Council Member Slusher's motion, Council Member Griffith's second by a 6-0 vote. Council Member Alvarez was off the dais.

59. Conduct a public hearing to receive citizen comments on proposed amendments to the City's federal annual Action Plan 2000-2001, including the transfer of \$750,000 in Community Development Block Grant (CDBG) funds from the Homeowner Rate Buy Down and Acquisition and Development (Rental) programs to the Architectural Barrier Removal and Emergency Home Repair programs, from funds which will be carried forward into Fiscal Year 2001-2002. [Prior-year CDBG funds in the amount of \$600,000 are available from the Homeowner Rate Buy Down program and in the amount of \$150,000 are available from the Acquisition and Development (Rental) program.]

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

63. Conduct a public hearing to 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.)

The motion to postpone this item to November 29, 2001, set for a time certain of 6:00 p.m. was approved on Council Member Griffith's motion, Council Member Thomas' second by a 7-0 vote.

68. 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.)

The motion to postpone this item to November 29, 2001, set for a time certain of 6:00 p.m. was approved on Council Member Griffith's motion, Council Member Thomas' second by a 7-0 vote.

ZONING DISCUSSION

- Z-1. C14-01-0072 – Villas of Guadalupe - Public hearing to amend Chapter 25-2 of the Austin City Code by rezoning property locally known as 2717 Guadalupe Street and 2804-2810 Hemphill Park (Waller Creek Watershed) from CS, General Commercial Services district, zoning to MF-6-CO, Multifamily Residence Highest Density-Conditional Overlay Combining district, zoning. Zoning and Platting Commission Recommendation: The Commission will consider this rezoning request at their meeting of October 30, 2001. Applicant: Villas on Guadalupe L.P. Agent: McHone Real Estate (Mike McHone). City Staff: Glenn Rhoades, 499-2775.

The motion to suspend the rules allowing 20 minutes more for the "in favor" side, since they have already been allowed 1 hour and 20 minutes and 1 ½ hours for the "opposing" side, was approved on Council Member Slusher's motion, Council Member Wynn's second by a 7-0 vote.

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

The motion to postpone action on this item to November 29, 2001, was made on Council Member Griffith's motion, Mayor Pro Tem Goodman's second.

The substitute motion to approve on first reading failed on Council Member Wynn's motion, Mayor Watson's second by a 2-5 vote. Those voting aye were: Mayor Watson and Council Member Wynn. Those voting nay were: Mayor Pro Tem Goodman and Council Members Alvarez, Griffith, Slusher and Thomas.

The motion to approve the main motion of postponing this item until November 29, 2001 with a friendly amendment of postponing this item for one week and to allow mediation with staff between all of the interested parties were made on Council Member Griffith's motion, Mayor Pro Tem Goodman's second.

Council Member Griffith withdrew her motion.

The motion to postpone this item to November 8 2001, directing a mediation with Tracy Watson, between all of the interested parties was approved on Council Member Slusher's motion, Council Member Thomas' second by a 7-0 vote.

- Z-2. 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). City Staff: Annick Beaudet, 974-2975.

The motion to postpone this item to November 29, 2001 was approved on Council Member Griffith's motion, Council Member Wynn's second by a 7-0 vote.

- Z-4. C14-01-0128SH – Cottage Community – Public hearing to amend Chapter 25-2 of the Austin City Code by rezoning property locally known as 10300 Dessau Road from SF-2, Single Family Residence Standard Lot district, zoning, to LO-MU, Limited Office-Mixed Use-Combining district zoning. Zoning and Platting Commission Recommendation: To grant LO-MU-CO, Limited Office-Mixed Use-Conditional Overlay Combining district zoning, with conditions. Applicant: Hazel Sanson Revocable Trust. Agent: Graves, Dougherty, Hearon and Moody, P.C. (Micheal Whellan). City Staff: Annick Beaudet, 974-3072. Note: A valid petition has been filed in opposition to this rezoning request. (continued from 10/11/01 and 10/25/01)

The motion to suspend the rules to allow 40 minutes each side was approved on Mayor Pro Tem Goodman's motion, Council Member Thomas second by a 7-0 vote.

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

The motion to suspend the rules to allow the meeting to go pass 10:00 p.m. was approved on Council Member Wynn's motion, Council Member Slusher's second by a 6-1 vote. Mayor Watson voted no.

The motion to approve on first reading, directing staff to mediate or facilitate a meeting between the neighborhood and the applicant to help negotiate the issues and to bring back to Council on November 8, 2001, was approved on Council Member Slusher's motion, Mayor Watson's second by a 5-0-2 vote. Council Members Griffith and Thomas abstained.

DISCUSSION ITEMS CONTINUED

62. 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 to November 29, 2001, set as a time certain as the first item to be heard at 6:00 p.m. was approved on Council Member Alvarez' motion, Council Member Griffith's second by a 6-0 vote. Mayor Watson was off the dais.

67. Consider and possible action 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 to November 29, 2001, set as a time certain as the first item to be heard at 6:00 p.m. was approved on Council Member Alvarez' motion, Council Member Griffith's second by a 6-0 vote. Mayor Watson was off the dais.

The meeting was adjourned at 10:53 p.m.

The minutes for the regular meeting of November 1, 2001 were approved on Council Member Alvarez' motion, Council Member Thomas' second by a 6-0 vote. Mayor Pro Tem Goodman was off the dais.