



**Austin City Council
MINUTES**

**REGULAR MEETING
THURSDAY, SEPTEMBER 26, 2002**

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, September 26, 2002 in the Board Room at Lower Colorado River Authority Hancock Building, 3700 Lake Austin Boulevard.

Invocation: Rev. David L. Johnson, Selah Restoration Fellowship.

Mayor Garcia called the Council Meeting to order at 12:10 p.m.

Mayor Garcia recessed the meeting at 12:11 p.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.

1. Discuss acquisition of an interest in real property for the Open Space Project (November 2000 Bond Election) through City's Agreement with Hill Country Conservancy.

Item 2 was discussed later in the meeting.

3. Discuss legal issues relating to labor negotiations for a Meet and Confer contract with the Austin Professional Fire Fighters Association.

Item 4 was discussed later in the meeting.

Executive Session ended at 1:35 p.m. and Mayor Garcia called the Council Meeting back to order.

CITIZEN COMMUNICATIONS: GENERAL

5. Gus Pena - To discuss issues from constituents i.e.: Affordable Housing, Crime, Transitional Housing for Homeless Families, Senior Citizens & Youth Issued
7. Robert Thomas - To discuss building and athletic employment at the Rosewood Recreation Center.
6. Hewitt McLennan - Chapter 60: Equal Employment Opportunity, Title 41, Part 60 Code of Federal Regulations, in part requirement for Prime and Subcontractors before awarding Contracts and the City Regulations that apply to Title 41, Part 60 of the Code of Federal Regulations.

Item 8 was taken after an Executive Session that occurred later in the meeting.

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, Mayor Pro Tem Goodman's second on a 7-0 vote.

9. Approval of minutes from work session of August 28, 2002, the regular meetings of August 8, 2002, August 22, 2002 and August 29, 2002 and the budget readings of September 9, and 10, 2002.
The minutes from the work session of August 28, 2002, the regular meetings of August 8, 2002, August 22, 2002 and August 29, 2002 and the budget readings of September 9 and 10, 2002 were approved.
10. Approve execution of a professional services agreement with LAND DESIGN STUDIO, Austin, Texas, for the IH-35 Air Rights Study, for the Transportation, Planning & Sustainability Department in an amount not to exceed \$59,000. (Funding is available in the 2001-2002 Operating Budget of the Transportation, Planning and Sustainability Department.) This contract will be awarded in accordance with the 1996 MBE/WBE Ordinance, as amended. No subcontracting opportunities were identified; therefore, no goals were established. (Continued from August 1, 2002)
The motion to authorize the execution of a professional services agreement was approved.
11. Approve a resolution authorizing the City Manager, or designee, to negotiate and execute all documents related to acquiring approximately 360.22 acres in Hays County in the Barton Springs Recharge Zone north of the City's Rutherford Tract, through a long term lease/donation pursuant to the City's Agreement with Hill Country Conservancy ("HCC"), to be purchased with Open Space bond funds [November 2000]. HCC will acquire the property in its name, pending exercise of City's rights.
Resolution No. 020926-11 was approved as follows: "The City Council authorizes the City Manager to negotiate and execute a long-term leasehold interest in 361.67 acres located in Hays County in the Barton Springs Recharge Zone located on the north side of the City's Rutherford tract from LS Ranch, LTD (John Lloyd) through Hill Country Conservancy ("HCC") in an amount not to exceed \$2,247,779 (\$6,215 per acre) for the Open Space Program. (November 2000)."
12. Approve an ordinance amending Exhibit A to Ordinance No. 020910-04, authorizing fees, fines and charges to be charged by city departments to amend the following electric rate schedules: State General Service – Non-Demand, State General Service – Demand, State Primary Service, Texas Department of Transportation Sign Lighting and Safety Illumination Service, Primary Standby Capacity, and Transmission Standby Capacity because of an amendment to the City of Austin and State of Texas Electric Service Agreement. (Recommended by Electric Utility Commission)
Ordinance No. 020926-12 was approved.
13. Approve an ordinance to increase Airport Fire and Rescue Pay from \$75/month to \$150/month. (Funding in the amount of \$61,200 is included in the 2002-2003 Operating Budget of the Fire Department.)
Ordinance No. 020926-13 was approved.

14. Approve an ordinance authorizing acceptance of \$72,625 in grant funds from the Federal Emergency Management Agency (FEMA) for Assistance to Firefighters Grant Program; and amending Ordinance No. 010910-01, the Fiscal Year 2001-2002 operating budget for the Fire Department, amending the Special Revenue Fund by appropriating \$72,625 in grant funds for the Fire Department Special Revenue Fund. [Funding is available from the Federal Emergency Management Agency (FEMA). An in-kind match of \$31,125 is required from the Fire Department Operating Budget. The grant period is August 15, 2002 through August 14, 2003. (Continued operation of this program is contingent upon available funding in future budgets.)]
Ordinance No. 020926-14 was approved.
15. Approve Amendment No. 5 to the Interlocal Agreement between the City of Austin and Travis County extending animal shelter services for the period October 1, 2002 through September 30, 2003, in an amount not to exceed \$233,172. (Funding is included in the Fiscal Year 2003 Operating Budget for the Health and Human Services Department as a reimbursement from Travis County.)
The motion authorizing Amendment No. 5 to the Interlocal Agreement was approved.
16. Approve an extension of the Interlocal Cooperative Agreement with Travis County for pharmacy services provided to Travis County Medical Assistance Program enrollees and jail inmates, effective October 1, 2002 through September 30, 2003, in an amount not to exceed \$1,147,666. (Funding is included in the Fiscal Year 2003 operating budget for the Health and Human Services Department as a reimbursement from Travis County.)
The motion authorizing an extension of the Interlocal Cooperative Agreement was approved.
17. Approve an extension of the Interlocal Cooperation Agreement between the City of Austin, Travis County and the Travis County Juvenile Board for the Truancy Court Program for the period of October 1, 2002 through September 30, 2003, in an amount not to exceed \$34,000. (Funding is included in the Fiscal Year 2002-2003 Approved Operating Budget for the Health and Human Services Department, General Fund.)
The motion authorizing an extension of the Interlocal Cooperation Agreement was approved.
18. Approve an ordinance authorizing acceptance of \$75,000 in additional grant funds from the Texas Department of Health for the Diabetes Awareness and Education in the Community grant program; and amending Ordinance No.010910-01, the Fiscal Year 2001-2002 Approved Operating Budget, amending the Special Revenue Fund by appropriating \$75,000 in additional grant funds for the Health and Human Services Department's Special Revenue Fund for a total grant amount of \$185,000; and extending the grant period by nine months from July 1, 2002 through March 31, 2003. (Funding in the amount of \$75,000 is available from the Texas Department of Health, Texas Diabetes Program. The grant period now becomes July 1, 2001 through March 31, 2003. No match is required.)
Ordinance No. 020926-18 was approved.
19. Approve a resolution reauthorizing application for a grant award through the Criminal Justice Division, Office of the Governor/Prevention Projects for Youth, Title V Delinquency Prevention Fund. The Grant will be funded for three consecutive 12-month periods beginning April 1, 2001 and ending on March 31, 2004 in the amount of \$250,000 per grant year for a total not to exceed \$750,000. (Grant funding is available from the State of Texas, Governor's Office, Criminal Justice Division. A match of \$128,796 will be provided by volunteer contributions, university interns and city staff.)

Resolution No. 020926-19 was approved.

20. Approve an ordinance authorizing acceptance of \$20,000 in grant funds from the Texas Department of Health, Zoonosis Control Division and amending Ordinance No. 010910-01, the Fiscal Year 2001-2002 Approved Operating Budget, Health and Human Services Special Revenue Fund, for the purpose of spay/neutering animals for low-income residents of Austin, by appropriating \$20,000 in grant funds. (Funds are available from the Texas Department of Health – Zoonosis Control Division. The initial grant period is September 1, 2002 through August 31, 2003. An in-kind match of \$20,000 is included in the Fiscal Year 2001-2002 Approved Health and Human Services Operating Budget.)

Ordinance No. 020926-20 was approved.

21. Approve an ordinance authorizing acceptance of \$4,400 in additional grant funds from the Texas Department of Health's Bureau of HIV and STD Prevention Program and amending Ordinance No. 010910-01, the Fiscal Year 2001-2002 Approved Operating Budget for the Health and Human Services Special Revenue Fund, for the Health and Human Services Department's Communicable Disease Program, by appropriating \$4,400 in grant funds for a total grant amount of \$144,400. (Funding in the amount of \$4,400 is available from the Texas Department of Health, Bureau of HIV and STD Prevention. The grant period is September 1, 2001 through August 31, 2002. No match is required.)

Ordinance No. 020926-21 was approved.

22. Approve a resolution to amend the Personnel Policies to increase the number of personal holidays from one to two per calendar year, effective January 1, 2003. (Funding is available in the fiscal year 2002-2003 Operating Budget of City departments.)

Resolution No. 020926-22 was approved.

23. Approve an ordinance to authorize acceptance of an additional \$27,161 in grant funds from the Texas State Library and Archives Commission to provide Interlibrary Loan services through the Austin Public Library, Central Texas Library System; and amending Ordinance No. 010910-01, the 2001-2002 Operating Budget, amending the Library Special Revenue Fund by appropriating an additional \$27,161 for a total grant amount of \$307,161. (Funding in the amount of \$27,161 from the Texas State Library and Archives Commission. Total grant amount is \$307,161. The award period is September 1, 2002 through August 31, 2003. No match is required.)

Ordinance No. 020926-23 was approved.

24. Approve an ordinance to amend Chapter 16-5, Article III, Section 16-5-98 (E) of the City Code relating to civil fines, costs and fees. [Anticipate an increase in General Fund revenues, the first \$34,000 of which (after implementation costs) will be dedicated to adaptive technologies for handicapped youth.]

Ordinance No. 020926-24 was approved.

25. C14H-02-0007 – Approve second/third reading of an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as James Residence, 1114 West 11th Street (Shoal Creek Watershed) from MF-4, Multi-family Residence Moderate-High Density district, zoning to SF-3-H, Family Residence-Historic Combining district, zoning. First reading on August 8, 2002; Vote: 6-0, Wynn off dais. Conditions met as follows: No conditions were imposed by Council at first ordinance reading. Applicant: Standish Meacham. City Staff: Barbara Stocklin, Transportation, Planning and Sustainability Department, 974-2414.

Ordinance No. 020926-25 was approved.

26. C14-02-0112 – OLD WEST AUSTIN NEIGHBORHOOD PLAN REZONINGS – Approve second/third readings of an ordinance amending Chapter 25-2 of the Austin City Code by zoning property locally known as Old West Austin Neighborhood Plan is bounded on the west by Mopac, on the north by Enfield Rd. & W. 15th St., on the east by Lamar Blvd., and on the south by Town Lake (Shoal Creek, Johnson Creek and Town Lake Watersheds). The proposed zoning change will: 1) add a Neighborhood Plan Combining District (NPCD) to each base zoning district; 2) permit the secondary apartment and small lot amnesty; 3) permit the mixed use building special use on Tracts 1-62; and 4) change the base zoning districts on 61 tracts of land: from: Single Family Residence Standard Lot (SF-2), Single Family Residence Standard Lot-Historic (SF-2-H), Family Residence (SF-3); Family Residence-Historic (SF-3-H), Single-Family Residence Small Lot (SF-4A), Townhouse and Condominium Residence (SF-6), Multi-Family Residence-Low Density (MF-2), Multi-Family Residence Medium Density (MF-3), Multi-family Residence Medium Density-Historic (MF-3-H), Multi-Family Residence Moderate-High Density (MF-4), Multi-Family Moderate-High Density – Historic (MF-4-H), Neighborhood Office (NO), Neighborhood Office-Conditional Overlay (NO-CO), Neighborhood Office –Mixed Use Historic Conditional Overlay (NO-MU-H-CO), Public (P), Public-Historic (P-H), Limited Office (LO), Limited Office – Conditional Overlay (LO-CO), Limited Office – Historic (LO-H), Limited Office – Mixed Use (LO-MU), General Office (GO), General Office – Conditional Overlay (GO-CO), Neighborhood Commercial (LR), Community Commercial (GR), Community General – Conditional Overlay (GR-CO), General Commercial Services (CS), General Commercial Services – Historic (CS-H), Commercial-Liquor Sales (CS-1), Commercial Liquor Sales-Conditional Overlay (CS-1-CO), Limited Industrial Service (LI), and Planned Unit Development (PUD) districts; to: Single Family Residence Standard Lot – Neighborhood Plan Combining District (SF-2-NP), Single Family Residence Standard Lot-Historic-Neighborhood Plan Combining District (SF-2-H-NP), Family Residence-Neighborhood Plan Combining District (SF-3-NP); Family Residence-Historic-Neighborhood Plan Combining District (SF-3-H-NP), Single-Family Residence Small Lot-Neighborhood Plan Combining District (SF-4A-NP), Townhouse and Condominium Residence-Neighborhood Plan Combining District (SF-6-NP), Multi-Family Residence-Low Density-Neighborhood Plan Combining District (MF-2-NP), Multi-Family Residence-Medium Density-Neighborhood Plan Combining District (MF-3-NP), Multi-family Residence Medium Density-Historic-Neighborhood Plan Combining District (MF-3-H-NP), Multi-Family Residence Moderate-High Density-Neighborhood Plan Combining District (MF-4-NP), Multi-Family Moderate-High Density – Historic-Neighborhood Plan combining District (MF-4-H-NP), Neighborhood Office-Neighborhood Plan Combining District (NO-NP), Neighborhood Office-Conditional Overlay-Neighborhood Plan Combining District (NO-CO-NP), Neighborhood Office –Mixed Use Historic Conditional Overlay-Neighborhood Plan Combining District (NO-MU-H-CO-NP), Public-Neighborhood Plan Combining District (P-NP), Public-Historic-Neighborhood Plan Combining District (P-H-NP), Limited Office-Neighborhood Plan Combining District (LO-NP), Limited Office – Conditional Overlay-Neighborhood Plan Combining District (LO-CO-NP), Limited Office – Historic-Neighborhood Plan Combining District (LO-H-NP), Limited Office – Mixed Use-Neighborhood Plan Combining District (LO-MU-NP), General Office-Neighborhood Plan Combining District (GO-NP), General Office – Conditional Overlay-Neighborhood Plan Combining District (GO-CO-NP), Neighborhood Commercial-Neighborhood Plan Combining District (LR-NP), Community Commercial-Neighborhood Plan Combining District (GR-NP), Community General Mixed Use Conditional Overlay-Neighborhood Plan Combining District (GR-MU-CO-NP), General Commercial Services Mixed Use Conditional Overlay Neighborhood Plan Combining District (CS-MU-CO-NP), General Commercial Services – Historic Mixed Use Conditional Overlay Neighborhood Plan Combining District (CS-H-MU-CO-NP), Commercial-Liquor Sales-Mixed Use-Conditional Overlay Neighborhood Plan Combining District (CS-1-MU-CO-NP), Limited Industrial Service Conditional Overlay Neighborhood Plan Combining District (LI-CO-NP), and Planned Unit

Development Neighborhood Plan Combining District (PUD-NP), zoning. First Reading on August 29, 2002; Vote: 7-0. Conditions met as follows: Conditional overlay incorporates the conditions imposed by Council at first ordinance reading. Applicant: City of Austin. Agent: Neighborhood Planning & Zoning Department. City Staff: Thomas Bolt, 974-2755; Steve Barney, Neighborhood Housing & Community Development Department, 974-3126. Note: A valid petition has been filed by a property owner in opposition to this rezoning request.

Ordinance No. 020926-26 was approved with directions to City of Austin staff to initiate rezoning of 1706 and 1708 West 6th Street from SF-3-NP to NO-MU-CO-NP zoning.

27. C14H-02-0005 – Approve second/third readings of an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as Moreland-Melendez House, 1301 E. Cesar Chavez Street (Town Lake Watershed) from CS-MU-CO-NP, General Commercial Services-Mixed Use-Conditional Overlay-Neighborhood Plan Combining district zoning, to CS-MU-H-CO-NP, General Commercial Services-Mixed Use-Historic-Conditional Overlay-Neighborhood Plan Combining district, zoning. First reading on July 11, 2002; Vote: 7-0. Conditions met as follows: No conditions were imposed by Council at first ordinance reading. Applicant: City of Austin Historic Landmark Commission. Property Owner: Richard Roberts. City Staff: Barbara Stocklin, Transportation, Planning and Sustainability Department, 974-2414.
Ordinance No. 020926-27 was approved.
28. C14H-02-0006 – Approve second/third readings of an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as Sears-King House, 209 West 39th Street (Waller Creek Watershed) from SF-3-NCCD, Family-Residence-Neighborhood Conservation combining district zoning, to SF-3-H-NCCD, Family-Residence-Historic-Neighborhood Conservation combining district, zoning. First reading on July 11, 2002; Vote: 7-0. Conditions met as follows: No conditions were imposed by Council at first ordinance reading. Applicant and Property Owner: Stephen Wechsler and Inga Marie Carmeal. City Staff: Barbara Stocklin, Transportation, Planning and Sustainability Department, 974-2414.
Ordinance No. 020926-28 was approved.
29. C14-02-0019 – Hammons Hotel – Approve second reading of an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 2031 East State Highway 71 (Carson Creek Watershed) from I-RR, Interim-Rural Residence district, zoning to LI-PDA, Limited Industrial Services-Planned Development Area Combining district, zoning for Tract 1 and GR, Community Commercial district, zoning for Tract 2. First Reading on June 27, 2002; Vote: 6-0, Goodman off the dais. Conditions met as follows: Conditional overlay incorporates the conditions approved by Council at first ordinance reading. Applicant: Austin Bergstrom Airport, Ltd. (George Kucera). Agent: Crocker Consultants (Sarah Crocker). City Staff: Glen Rhoades, 974-2775.
The second reading of the ordinance was approved.
30. C14-02-0020 – Approve second/third readings of an ordinance amending Chapter 25-2 of the Austin City Code by zoning property locally known as 9414-9416 Anderson Mill Road (Lake Creek Watershed) from I-RR, Interim-Rural Residence district, zoning to LR-CO, Neighborhood Commercial-Conditional Overlay Combining district, zoning. First Reading on August 29, 2002; Vote: 7-0. Conditions met as follows: Conditional overlay incorporates the conditions approved by Council at first ordinance reading. Applicant: Myrtle Lentz Estate (Wallace Lentz). Agent: Terry Monahan. City Staff: Sherri Gager, 974-3057.
Ordinance No. 020926-30 was approved.

Item 31 was pulled for discussion.

32. C14-02-0035 – Approve second/third readings of an ordinance amending Chapter 25-2 of the Austin City Code by zoning property locally known as 3226 West Slaughter Lane (Slaughter Creek Watershed) from I-RR, Interim-Rural Residence district, zoning to MF-4-CO, Multi-family Residence Moderate-High Density-Conditional Overlay Combining district, zoning with conditions. First Reading on July 11, 2002; Vote: 7-0. Conditions met as follows: Conditional overlay and restrictive covenant incorporates the conditions imposed or accepted by Council at first ordinance reading. Applicants and Property Owners: John M. and Joyce W. Harmon. Agent: Graves, Dougherty, Hearon & Moody, P.C. (David Hartman). City Staff: Wendy Walsh, 974-7719. (Continued from 8/22/02 and 8/29/02)

This item was postponed to October 24, 2002 at the request of the applicant.

33. Approve execution of a contract with Shaffer Concrete, Pflugerville, Texas for construction of Quail Creek Park Expansion, in the amount of \$50,776. (Funding was included in Fiscal Year 2001- 2002 approved Capital Budget of the Parks and Recreation Department.) Lowest of eight 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 motion authorizing the execution of a contract was approved.

Item 34 was pulled for discussion.

35. Approve an ordinance authorizing the acceptance of \$42,500 in grant funding from the State of Texas, Governor's Office, Criminal Justice Division, Safe and Drug-Free Schools and Communities Act Fund and amending Ordinance No. 010910-01, the Fiscal Year 2001-2002 operating budget, Police Department Special Revenue Fund, by appropriating \$42,500 for the Austin Faith Community Network to increase youth activities and continue hosting the annual conference. (Grant funding is available from the State of Texas, Governor's Office, Criminal Justice Division, for the grant period September 1, 2002 to August 31, 2003. This is the first year of a five-year grant. There is no cash match for the first year of this grant.)

Ordinance No. 020926-35 was approved.

36. Approve an ordinance authorizing the acceptance of \$88,437 in grant funding from the State of Texas, Governor's Office, Criminal Justice Division and amending Ordinance No. 010910-01, the Fiscal Year 2001-2002 General Fund operating budget to add 1 full-time equivalent (FTE) for the Police Department, and the Police Department Special Revenue Fund operating budget by appropriating \$88,437 in grant funds for the FTE and related equipment in the Sex Offender Apprehension and Registration (SOAR) Unit. (Grant funding is available from the State of Texas, Governor's Office, Criminal Justice Division, for the grant period September 1, 2002 to August 31, 2003. This is the first year of a five-year grant. There is no cash match for the first year of this grant.)

Ordinance No. 020926-36 was approved.

37. 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. 020910-06. (Funding for the requested change is available within the Approved Fiscal Year 2002-2003 Operating Budget.)

Ordinance No. 020926-37 was approved.

38. Approve execution of Change Order #1 to the construction contract with ARCHER WESTERN CONTRACTORS LTD., Arlington, Texas, for installation of new motor control center, wet well

isolation valves, and influent well modifications for debris removal, as part of the South Austin Regional Wastewater Treatment Plant Lift Station #1 and Bar Screens Project, in the amount of \$550,000, for a total contract amount not to exceed \$4,962,000. (Funding in the amount of \$550,000 is available in the 2001-2002 Amended Capital Budget of the Water & Wastewater Utility.) Overall MBE/WBE participation, including change order: 10.04% MBE, 8.23% WBE. (Recommended by Water and Wastewater Commission)

The motion authorizing the execution of Change Order #1 to the construction contract was approved.

39. Approve negotiation and execution of an amendment to the professional services agreement with TURNER COLLIE & BRADEN, INC., Austin, Texas, for professional engineering services for the Northeast Service Area Interim Regional Wastewater Treatment Plant and Infrastructure Improvements Project, in the amount of \$1,299,035, for a total contract amount not to exceed \$1,649,035. (Funding in the amount of \$1,299,035 is available in the 2000-2001 Amended Capital Budget of the Water & Wastewater Utility.) Overall Subconsultant participation for this project including this Phase is 15.6% MBE, 20.1% WBE, (Recommended by Water and Wastewater Commission)

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

40. Approve execution of a construction contract with HIGH SIERRA ELETRONICS, Grass Valley, California, for installation of railroad-style low water crossing gates and flood warning equipment on Old Bee Caves Road at Williamson Creek, to be linked to the City's Early Flood Warning System, in the amount of \$85,487. (Funding was included in the Operating Budget of the Public Works Department.) Sole Bid.

The motion authorizing the execution of a construction contract was approved.

41. Approve execution of a construction contract with SALAS CONSTRUCTORS INC. (MBE/MH, 82.76%), Austin Texas, for pavement improvements in alleys along Colorado Street between 4th and 6th Streets, in the amount of \$146,153.75. (Funding in the amount of \$132,740 was included in the Operating Budget of the Public Works Department; \$3,000 is available in the 1995-1996 Amended Capital Budget and \$10,413.75 is available in the 2001-2002 Amended Capital Budget of the Water and Wastewater Utility.) Second lowest bid of seven bids. 12.31% MBE, 1.85% WBE subcontracting participation.

The motion authorizing the execution of a construction contract was approved.

42. Approve payment to the TEXAS DEPARTMENT OF TRANSPORTATION for the City's 10% participation of the right-of-way acquisition for SH 71 from Woodward Street to FM 973 at Del Valle, in accordance with the June 27, 1986 Agreement for Right-of-Way Procurement, in the amount of \$43,100.30. (Funding is available in the 2000-2001 Amended Capital Budget of the Transportation Planning & Sustainability Department.)

The motion authorizing payment was approved.

43. Approve negotiation and execution of a 12-month contract with THE HOBBS GROUP, INC., Austin, Texas, through FACTORY MUTUAL INSURANCE COMPANY for the purchase of All Risk Property and Boiler & Machinery Insurance and loss prevention services for City property (excluding Electric Utility Department) in an amount not to exceed \$2,443,000 with three 12-month extension options in amounts not to exceed \$2,936,380 for the first extension, \$3,684,509 for the second extension, and \$4,612,556 for the third extension for a total contract amount not to exceed \$13,676,445. (Funding in the amount of \$2,443,000 is available in the 2002-2003 Approved Operating Budgets of various city funds. Funding for the extension options will be contingent upon available funding in future budgets.) Best and lowest of two proposals received.

This contract will be awarded in accordance with the 1996 MBE/WBE ordinance, as amended. No subcontracting opportunities were identified; therefore, no goals were established.

The motion authorizing negotiation and execution of a contract was approved.

44. Approve execution of Modification No. 3 to the contract with JOHN L. WORTHAM & SON, L.L.P., Houston, Texas, through LLOYD'S OF LONDON for a rate increase in the purchase of Electric Utility Department All Risk Property and Boiler & Machinery Insurance and loss prevention services providing for a premium increase of \$850,000 for the second extension option period of 10/1/02 through 9/30/03, which results in a new premium not to exceed \$4,400,000; and providing for a premium increase of \$850,000 for the third extension option period of 10/1/03 through 9/30/04, which results in a new premium not to exceed \$4,400,000; all of which results in a total premium increase of \$1,700,000 for a total amended contract amount not to exceed \$13,707,495. (Funding in the amount of \$850,000 is available in the 2002-2003 Approved Operating Budget of the Electric Utility Department. Funding for the extension option is contingent upon available funding in future budgets.)

The motion authorizing execution of Modification No. 3 to the contract was approved.

45. Approve execution of a 36-month contract with ING EMPLOYEE BENEFITS, San Antonio, Texas, to provide basic, supplemental and dependent life insurance for employees and basic life insurance for retirees, in the amount not to exceed \$10,380,000. [Funding in the amount of \$2,595,000 for the first 9 months was included in the 2002-2003 Approved Operating Budget for the Employee Benefits Fund - \$337,350 (13%) is funded by City Contributions and the remaining \$2,257,650 (87%) is funded by Employee Contributions. Funding for the remaining 27 months of the initial contract term and the extension options are contingent upon approval of funding in future budgets.] Low responsive bid/eleven bids received. This contract will be awarded in compliance with the MBE/WBE ordinance. No subcontracting opportunities were identified; therefore, no goals were established for this solicitation.

The motion authorizing execution of a contract was approved.

46. Approve execution of a contract with ALL WEATHER POWERSPORTS, Georgetown, Texas, for the purchase of one mini track loader for the Watershed Protection and Development Review Department in an amount not to exceed \$82,166. (Funding is included in the 2002-2003 Approved Capital Budget of the Watershed Protection and Development Review Department.)

The motion authorizing execution of a contract was approved.

47. Approve execution of a contract with HOUSTON-GALVESTON AREA COUNCIL OF GOVERNMENTS COOPERATIVE PURCHASING PROGRAM, Houston, Texas, for the purchase of 114 full-size police patrol sedans and two mid-size sedans in the amount of \$2,458,064.96. (Funding in the amount of \$1,718,692.59 is included in the 2002-2003 Vehicle Acquisition Fund; \$675,503.66 is included in the 2002-2003 Operating Budget of the Austin Police Department and \$63,868.71 is included in the 2002-2003 Operating Budget of the Aviation Department.) Philpott Motors, Port Neches, Texas, will supply all of these vehicles. This vendor is under contract with H-GAC to supply vehicles statewide as a result of a competitive bidding process through H-GAC.

The motion authorizing execution of a contract was approved.

48. Approve execution of a contract with HOUSTON-GALVESTON AREA COUNCIL OF GOVERNMENTS COOPERATIVE PURCHASING PROGRAM, Houston, Texas, for the purchase of various size truck chassis with mounted bodies and pick-up trucks for the Watershed Protection and Development Review Department in the amount of \$485,207.02. (Funding is

included in the 2002-2003 Capital Budget of the Watershed Protection and Development Review Department.) These vehicles have been competitively bid through H-GAC.

The motion authorizing execution of a contract was approved.

49. Approve execution of a contract through the TEXAS LOCAL STATEWIDE PURCHASING COOPERATIVE with their contract vendor RDO EQUIPMENT COMPANY, Manor, Texas, for the purchase of one tractor/loader for the Watershed Protection and Development Review Department in the amount of \$64,447.71. (Funding is included in the 2002-2003 Capital Budget of the Watershed Protection and Development Review Department.) The local John Deere authorized dealer, RDO EQUIPMENT CO., Manor, Texas who is currently under contract with the Texas Local Statewide Government Purchasing Cooperative, will supply this equipment. This tractor/loader has been competitively bid through this cooperative.
The motion authorizing execution of a contract was approved.
50. Approve negotiation and execution of a contract with TREEFOLKS, INC., Austin, Texas for tree planting services in an amount not to exceed \$138,000. (Funding is available in the 2001-2002 Amended Operating budget of the Electric Utility Department.) Sole Proposal. This contract will be awarded in accordance with the 1996 MBE/WBE Ordinance, as amended. No subcontracting opportunities were identified; therefore, no goals were established.
The motion authorizing negotiation and execution of a contract was approved.
51. Approve execution of Amendment No. 6, to increase the contract with TRITECH SOFTWARE SYSTEMS, INC., San Diego, CA, in an amount not to exceed \$142,340, for the purchase and installation of a Voyager Query and Contact capability to be incorporated into the City's Computer Aided Dispatch System for a total contract amount not to exceed \$7,563,893.40. (Funding in the amount of \$142,340 for Voyager Query and Contact is available from a \$200,000 grant that was received from the U.S. Department of Justice, Office of Justice Programs, Community Oriented Policing Services Office, and Promoting Cooperative Strategies to Reduce Racial Profiling program.) This contract was awarded in accordance with the 1996 MBE/WBE Ordinance, as amended. No subcontracting opportunities were identified for this amendment.
The motion authorizing execution of Amendment No. 6 was approved.
52. Approve execution of a one-year interlocal agreement with Austin Community College to provide software training for small business owners in an amount not to exceed \$16,370. (Funding was included in the 2001-2002 Approved Budget of the Department of Small and Minority Business Resources.)
The motion authorizing execution of an interlocal agreement was approved.
53. Approve acceptance of grant funding from the Capital Area Planning Council (CAPCO) under the 2002 Regional Solid Waste Grant Program in the amount of \$43,000 to purchase a hazardous materials storage building for the Household Hazardous Waste Collection Facility. [Grant from the 2002 Regional Solid Waste Grant Program (CAPCO). Funding is available in the Fiscal Year 2002-2003 Proposed Capital Budget of the Solid Waste Services Department. Grant period is from October 1, 2002 to August 31, 2003. No City match is required.] (Recommended by Solid Waste Advisory Commission)
This item was postponed to October 3, 2002.

54. Approve acceptance of grant funding from the Capital Area Planning Council (CAPCO) under the 2002 Regional Solid Waste Grant Program in the amount of \$30,000 to develop a public education campaign addressing the proper manner with which to dispose of hypodermic needles and sharps from home health care. In addition, provisions would be made to accept hypodermic needles and sharps from residents at the Household Hazardous Waste Collection Facility. [Funding in the amount of \$30,000 is from the 2002 Regional Solid Waste Grant Program (CAPCO and Texas Natural Resource Conservation Commission.)] (Recommended by Solid Waste Advisory Commission)
This item was postponed to October 3, 2002.
55. Approve an ordinance to amend Ordinance 010910-01, the Fiscal Year 2001-2002 Special Revenue Fund of the Transportation, Planning & Sustainability Department by accepting and appropriating \$6,000 in grant funds from the Department of Energy for the "Advancing the Choice" events, and appropriating Program Income donated by Clean Cities participants in the amount of \$14,000 for administration and facilitation of the Central Texas Clean Cities Program for a total of \$20,000. (Program Income of \$14,000 will be deposited in the 2001-2002 Special Revenue Fund of the Transportation, Planning & Sustainability Department. Grant funds of \$6,000 will be deposited to the Fiscal Year 2001-2002 Special Revenue Fund of the Transportation, Planning & Sustainability Department.)
Ordinance No. 020926-55 was approved.
56. Approve an ordinance to annex the Kallestad Tract for full purposes. (Approximately 11 acres located in Travis County north of FM 2222 approximately seven tenths of a mile east of the intersection of FM 2222 and Riverplace Blvd). (Funding necessary to provide general governmental services to this tract is available in the budgets of the department which will be providing the services.) (Effective date of Ordinance is December 25, 2002.)
Ordinance No. 020926-56 was approved.
57. Approve an ordinance to annex the Interport South Tract for full purposes. (Approximately 135 acres approximately .6 mile south of SH 71 and 495 feet east of FM 973). (Funding necessary to provide general governmental services to this tract is available in the budgets of the department which will be providing the services.) (Effective date of Ordinance is December 25, 2002.)
Ordinance No. 020926-57 was approved.
58. Approve an ordinance to annex the Tumbleweed Hill tract for full purposes. (Approximately 17 acres in Travis County north of FM 2222 approximately one mile east of the intersection of FM 2222 and Riverplace Blvd) (Funding necessary to provide general governmental services to this tract is available in the budgets of the department which will be providing the services.) (Effective date of Ordinance is December 25, 2002.)
Ordinance No. 020926-58 was approved.

59. Approve an ordinance to annex the Jamail Tract for full purposes. (Approximately 33 acres in Travis County north of FM 2222 approximately one mile east of the intersection of FM 2222 and Riverplace Blvd) (Funding necessary to provide general governmental services to this tract is available in the budgets of the department which will be providing the services.) (Effective date of Ordinance is December 25, 2002.)
Ordinance No. 020926-59 was approved.
60. Approve an ordinance to amend Ordinance No. 010910-02, the 2001-2002 Capital Budget by increasing appropriations to the Water and Wastewater Utility by \$232,000 and creating a new water project known as "Nalle Woods Subdivision" for \$232,000. (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. 61 and 62)
Ordinance No. 020926-60 was approved.
61. Approve a resolution to declare official intent to reimburse construction costs in the amount of \$232,000 to be paid for developer reimbursements for the Nalle Woods Subdivision Water 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. 60 and 62)
Resolution No. 020926-61 was approved.
62. Authorize negotiation and execution of a cost reimbursement agreement with Nalle Bunny Run Farm Family, Ltd., providing terms and conditions for construction of a 12-inch water main and appurtenances to provide a second water feed to the proposed Nalle Woods Subdivision, located at 4700 North Capital of Texas Highway, with City cost reimbursement in an amount not to exceed \$232,000, for actual "hard" construction costs; adopt an Ordinance waiving the requirements of Section 25-9-61, of the City Code, relating to facilities eligible for cost reimbursement; waiving the requirements of Section 25-9-67, City Code, relating to cost reimbursement payments. (Funding is included in the 2001-2002 Amended Capital Budget of the Water and Wastewater Utility. Based on conservative build-out of the Nalle Woods Subdivision, the 30-Year Financial Analysis of this City investment, projects a positive 30-year net present value.) (Recommended by Water and Wastewater Commission) (Related Item Nos. 60 and 61)
The motion to authorize negotiation and execution of a cost reimbursement agreement was approved and Ordinance No. 020926-62 was approved.
63. Approve an ordinance to amend Ordinance No. 010910-02, the 2001-2002 Capital Budget by increasing appropriations to the Water and Wastewater Utility by \$2,432,700 and creating a new water project known as "F.M. 812 Commercial Park" for \$2,432,700. (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. 64 and 65)
Ordinance No. 020926-63 was approved.
64. Approve a resolution to declare official intent to reimburse construction costs in the amount of \$2,432,700 to be paid for developer reimbursements for the F.M. 812 Commercial Park Water 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. 63 and 65)
Resolution No. 020926-64 was approved.

65. Authorize the negotiation and execution of a cost reimbursement agreement with RICE PARK, INC., providing terms and conditions for construction of a 36-inch water main and appurtenances to provide water service to the proposed F.M. 812 Commercial Park, located east of Highway 183 South on F.M. 812, with City cost reimbursement in an amount not to exceed \$2,432,700, for actual "hard" construction costs and engineering; adopt an Ordinance waiving the requirements of Section 25-9-63, of the City Code, relating to amount of cost reimbursement. (Funding is included in the 2001-2002 Amended Capital Budget of the Water and Wastewater Utility. Based on conservative build-out of the F.M. 812 Commercial Park, the 30-Year Financial Analysis of this City investment, projects a negative 30-year net present value.) (Recommended by Water and Wastewater Commission) (Related Item Nos. 63 and 64)

The motion authorizing negotiation and execution of a cost reimbursement agreement was approved and Ordinance No. 020926-65 was approved.

66. Approve an agreement with Chateau Communities at Bluff Springs, L.P. for purchase of a 12-inch wastewater line and a 20-foot wide easement comprised of 0.527 acres out of a 166.026 acre tract in the Santiago Del Valle Grant for an amount not exceed \$90,072. (Funding is available in the 2001-2002 Amended Capital Budget of the Water and Wastewater Utility.) (Recommended by Water and Wastewater Commission)

The motion authorizing an agreement was approved.

67. Approve negotiation and execution of an Interlocal Agreement with TRAVIS COUNTY for the relocation of existing water facilities as part of the Mozelle Lane/Cecil Drive/Perkins Drive Drainage Improvements and Overlay project, in southeast Travis County, Texas in an amount not to exceed \$495,000. (Funding is available in the 2001-2002 Amended Capital Budget of the Water and Wastewater Utility.) (Recommended by Water and Wastewater Commission)

The motion authorizing negotiation and execution of an Interlocal Agreement was approved.

68. Appointments of Boards and Commissions.

The following appointments were made:

<u>Board/ Appointee</u>	<u>Consensus/ Council Nominee</u>	<u>Appointment/ Reappointment</u>
Animal Advisory Commission		
Kathy Hamilton	Council Member Wynn's	Reappointment
Kim Percival	Mayor Garcia's	Reappointment
Becky Rohne	Mayor Pro Tem Goodman's	Reappointment
Arts Commission		
Suzie H. Harriman	Council Member Dunkerley's (Effective October 1, 2002)	Appointment
Kathleen Harman	Mayor Garcia's	Reappointment

Bond Oversight Committee

Rosemary Castleberry

Consensus
Parks and Recreation Board Rep.

Reappointment

Chien Lee

Consensus
Water and Wastewater Commission Rep.

Reappointment

Child Care Council

Mary Ellen Galvan

Council Member Wynn's

Appointment

City of Austin Commission for Women

Dazerina McKelvy

Council Member Dunkerley's

Appointment

Shannon P. Butterworth

Council Member Wynn's

Appointment

Commission on Immigrant Affairs

Stanley Main

Consensus

Reappointment

Construction Advisory Committee

Conrad Masters

Mayor Garcia's

Reappointment

Design Commission

Girard Kinney

Consensus

Reappointment

Perry Lorenz

Council Member Slusher's

Reappointment

Downtown Commission

Perry Lorenz

Consensus
Design Commission Rep.

Reappointment

Robert Craig Nasso

Consensus
Downtown Resident

Reappointment

Chris Riley

Consensus
Planning Commission Rep.

Reappointment

Electrical Board

Steven R. Pomikahl

Council Member Wynn's

Appointment

Ethics Review Commission

Jo Ann Merica

Consensus
Travis County Bar Association Rep.

Reappointment

Hector Ortiz

Council Member Alvarez'

Reappointment

Impact Fee Advisory Committee

William Moore

Consensus

Reappointment

MHMR Board of Trustees

Robert Chapa

Consensus

Reappointment

Toni Inglis

Consensus

Reappointment

Music Commission

Angela Tharp Gillen

Mayor Pro Tem Goodman's

Appointment

Renaissance Market Commission

Robert Edgecomb

Consensus

Reappointment

Solid Waste Commission

Alex G. Zwarun

Consensus

Appointment

Water & Wastewater Commission

Rodney Madden

Council Member Dunkerley's

Appointment

Sharon Hernandez-Dorow

Mayor Garcia's

Appointment

Zoning and Platting Commission

Janis Pinnelli

Consensus

Appointment

69. Approve an ordinance closing certain streets, authorizing reimbursement, and waiving certain fees and requirements under Chapter 15-11 of the City Code for the Thunder Cloud Subs Turkey Trot to be held on November 28, 2002. (Council Member Betty Dunkerley and Mayor Gus Garcia)
Ordinance No. 020926-69 was approved.
70. Approve a resolution honoring the veterans of the State of Texas on Veterans Day, November 11, 2002, co-sponsoring the Annual Capitol-City Veterans Day Parade, and designating November 11, 2002 as "Veterans Day" in Austin, Texas And approving an ordinance waiving or reimbursing fees. (Mayor Pro Tem Jackie Goodman, Mayor Gus Garcia and Council Member Raul Alvarez)
Resolution No. 020926-70A and Ordinance No. 020926-70B were approved.
71. Approve a resolution amending Resolution No. 970612-34, adopted by Council on June 12, 1997, to provide for special event fee waivers for certain Council endorsed events. (Council Member Wynn)
This item was postponed to October 3, 2002.
72. Approve a resolution directing City Manager to initiate alley vacation process for the entire alley between Salina Street and Chicon Street, starting at the intersection of the alley and East 2nd Street and going north approximately 138.05 feet to the northerly lot line of Lot 12. (Council Member Raul Alvarez, Mayor Gus Garcia and Council Member Danny Thomas)
Resolution No. 020926-72 was approved.
73. Approve a resolution directing the City Manager to study the feasibility and make recommendations on implementing the findings of the Carbon Dioxide Strategy Report and report back to the City Council in 60 days. (Mayor Pro Tem Jackie Goodman and Council Member Raul Alvarez)
Resolution No. 020926-73 was approved with the following friendly amendment from Council Member Alvarez. The friendly amendment was to change the resolution to read, "That the City Manager is directed to study the feasibility of implementing the findings of the Carbon Dioxide Strategy Report, make recommendations on potential strategies to further reduce greenhouse gas emissions from landfills, waste treatments plants and non-road (transportation) sources, and report back to the Council in 60 days."

Mayor Garcia recessed the Council Meeting to go into Executive Session at 2:41 p.m.

EXECUTIVE SESSION

2. Discuss legal issues related to the Application for a Preliminary Permit for a proposed hydroelectric project on Longhorn Dam. (Notice was published in the Federal Register, Volume 67, No.155, dated August 12, 2002.)
4. Discuss legal issues related to hazardous pipelines.

The Council Meeting was called back to order at 4:25 p.m.

ZONING HEARINGS AND APPROVAL OF ORDINANCES/RESTRICTIVE COVENANTS

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

- Z-1. C814-88-0001 (RCA) – Conduct a public hearing and approve a restrictive covenant amendment for the property locally known as 2800 Waymaker Way (Lake Austin Watershed). Zoning and Platting Recommendation: To grant the restrictive covenant amendment with conditions. Applicant: Parmer Ridge Limited (John Lloyd). Agent: Armbrust, Brown and Davis (Kris Kasper) City Staff: Glenn Rhoades, 974-2775. (Continued from 5/23/02 and 8/8/02)
This item was postponed to October 24, 2002 at the request of staff.
- Z-2. C14-02-0046 – Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning the property locally known as the northwest corner of West Slaughter Lane and Texas Oaks Drive (Slaughter Creek Watershed) from DR, Development Reserve district, zoning to GR-CO, Community Commercial - Conditional Overlay Combining district, zoning. Zoning and Platting Commission Recommendation: To grant LR-CO, Neighborhood Commercial - Conditional Overlay Combining district, zoning. Applicant and Property Owner: Wattinger Management Company, Inc. (Vernon R. Wattinger). Agent: Law Offices of Glenn K. Weichert (Glenn K. Weichert). City Staff: Wendy Walsh, 974-7719.
Ordinance No. 020926-Z2, for LR-CO, Neighborhood Commercial – Conditional Overlay Combining district zoning, was approved.
- Z-3. C14-02-0071SH – Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning the property locally known as 1190-1192 Navasota Street (Waller Creek Watershed) from SF-3-NP, Family Residence-Neighborhood Plan Combining district, zoning to CS-MU-CO-NP, General Commercial Services-Mixed Use-Conditional Overlay-Neighborhood Plan Combining district, zoning. Planning Commission Recommendation: To grant CS-MU-CO-NP, General Commercial Services-Mixed Use-Conditional Overlay-Neighborhood Plan Combining district, zoning. Applicant: City of Austin (Neighborhood Housing and Community Development. Agent: Urban Design (Laura Toups). City Staff: Annick Beaudet, 974-2975. (Continued from 8-26-02)
Ordinance No. 020926-Z3, for CS-MU-CO-NP, General Commercial Services-Mixed Use-Conditional Overlay-Neighborhood Plan Combining district zoning, was approved.
- Z-4. C14-02-0072 – Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by zoning property locally known as 2463 State Highway 71 East (Colorado River Watershed) from I-SF-2, Interim-Single Family Residence Standard Lot, district, zoning to CS-1, Commercial-Liquor Sales district, zoning for Tract 1 and GR-CO, Community Commercial-Conditional Overlay Combining district, zoning for Tract 2. Zoning and Platting

Commission Recommendation: To grant CS-1, Commercial-Liquor Sales district, zoning for Tract 1 and GR-CO, Community Commercial-Conditional Overlay Combining district, zoning for Tract 2. Applicant and Property Owner: Kris Hawkins. Agent: Lenworth Consulting (Nash Gonzalez). City Staff: Annick Beaudet, 974-2975.

Ordinance No. 020926-Z4, for CS-CO, General Commercial Services-Conditional Overlay district zoning for Tract 1 and GR-CO, Community Commercial-Conditional Overlay Combining district zoning for Tract 2, was approved.

- Z-5. C14-02-0076 – Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally know as 12008 & 12010 Pollyanna Avenue (Walnut Creek Watershed) from SF-1, Single Family Residence Large Lot district, zoning to SF-3, Family Residence district, zoning. Zoning and Platting Commission Recommendation: To grant SF-3-CO, Family Residence-Conditional Overlay Combining district, zoning with conditions. Applicant and Property Owner: Michael Byrne. Agent: Jim Bennett. City Staff: Annick Beaudet, 974-2975. Note: A valid petition has been filed in opposition to this rezoning request. (Continued from 8/8/02 and 8-26-02)
This item was postponed to October 10, 2002 at the request of the neighborhood.
- Z-6. C14-02-0082SH – Public hearing to amend Chapter 25-2 of the Austin City Code by zoning property locally known as 333 East Slaughter Lane (Onion Creek Watershed) from I-RR, Interim - Rural Residence district, zoning to MF-3-CO, Multi-family Residence Medium density Conditional Overlay Combining district, zoning. Zoning and Platting Commission Recommendation: To grant MF-3-CO, Multi-family Residence Medium Density - Conditional Overlay Combining district, zoning. Applicant and Property Owner: South Austin Land Venture Ltd. (Michael D. Atlas). Agent: The Faust Group (Bill Faust). City Staff: Wendy Walsh, 974-7719.
Ordinance No. 020926-Z6, for MF-3-CO, Multi-family Residence Medium Density - Conditional Overlay Combining district zoning, was approved.
- Z-7. C14-02-0084 – Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 8600 to 8700 block of Big View Drive (Lake Austin Watershed) from CR, Community Recreation district, zoning to LA, Lake Austin Residence district, zoning. Zoning and Platting Commission Recommendation: To grant LA, Lake Austin Residence district, zoning. Applicant: Lake Austin River Place Ltd. (James Kerby) Agent: PBS&J (Frank Del Castillo). City Staff: Glenn Rhoades, 974-2775.
Ordinance No. 020926-Z7, for LA, Lake Austin Residence district zoning, was approved.
- Z-8. C14-02-0095 – Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 6900 Old Bee Caves Road (Williamson Creek Watershed) from RR, Rural Residential, district zoning to CS-CO, General Commercial Services-Conditional Overlay Combining district, zoning. Zoning and Platting Commission Recommendation: To grant CS-CO, General Commercial Services-Conditional Overlay Combining district, zoning with conditions. Applicant and Property Owner: Dwayne Dougherty. Agent: Jim Bennett. City Staff: Annick Beaudet, 974-2975.
The first reading of the ordinance was approved with the condition that the landowner execute a restrictive covenant containing the Stratus requirements of an Integrated Pest Management Plan and a native plants restriction list.
- Z-9. C14-02-0096 – SBC Services – Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 5501 Spicewood Springs (Bull Creek Watershed) from AG, Agricultural district, zoning to LO, Limited Office

district, zoning. Zoning and Platting Commission Recommendation: To grant LO, Limited Office district, zoning. Applicant: SBC Services (Robert Chavez). Agent: Vincent, Gerard and Associates (Vince Huebinger). City Staff: Glenn Rhoades, 974-2775.

Ordinance No. 020926-Z9, for LO, Limited Office district zoning, was approved.

Item Z-10 was pulled for discussion.

- Z-11. C14-02-0106 – Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning the property locally known as West William Cannon Drive, west of Beckett Road (Williamson Creek Watershed) from SF-3, Family Residence district, zoning to GO, General Office district, zoning. Zoning and Platting Commission Recommendation: To grant GO-CO, General Office-Conditional Overlay Combining district, zoning. Applicant and Property Owner: Lumbermen's Investment Corp. (Melvin W. Bilich). Agent: Carlson, Brigance & Doering, Inc. (Lauretta Dowd). City Staff: Wendy Walsh, 974-7719.

The first reading of the ordinance was approved with direction the condition that the landowner execute a restrictive covenant containing the Stratus requirements of an Integrated Pest Management Plan and a native plants restriction lists.

- Z-12. C14-02-0109 – Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning the property locally known as 700 - 900 Block of East Stassney Lane (Williamson Creek Watershed) from GR, Community Commercial district, zoning to CS-CO, General Commercial Services-Conditional Overlay Combining, district, zoning. Zoning and Platting Commission Recommendation: To grant CS-CO, General Commercial Services - Conditional Overlay Combining district, zoning. Applicant and Property Owner: Stassney Heights Ltd. (James H. Matoushek). Agent: Roemer, Haskins L.C. (Edd Haskins). City Staff: Wendy Walsh, 974-7719.

Ordinance No. 020926-Z12, for CS-CO, General Commercial Services - Conditional Overlay Combining district zoning, was approved.

- Z-13. C14-02-0115 – Gus Garcia Park – Public hearing to amend Chapter 25-2 of the Austin City Code by rezoning property locally known as 1101 East Rundberg Lane (Little Walnut Creek Watershed) from SF-3, Family Residence district, zoning to P, Public district, zoning. Zoning and Platting Commission Recommendation: To grant P-CO, Public-Conditional Overlay Combining district, zoning. Applicant: City of Austin. Agent: Parks and Recreation Department (Sarah Campbell). City Staff: Sherri Gager, 974-3057.

Ordinance No. 020926-Z13, for P-CO, Public-Conditional Overlay Combining district zoning, as recommended by the Zoning and Platting Commission, was approved.

Zoning Discussion Items

- Z-10. C14-02-0105 – Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 1502 West Koenig Lane (Shoal Creek Watershed) from SF-3, Family district zoning to LR, Neighborhood Commercial district, zoning. Zoning and Platting Commission Recommendation: To grant NO, Neighborhood Office district, zoning. Applicant and Agent: Charles Demel. City Staff: Glenn Rhoades, 974-2775.

The motion to close the public hearing was approved on Council Member Wynn's motion, Mayor Pro Tem Goodman's second on a 5-0 vote. Council Members Slusher and Thomas were off the dais.

The first reading of the ordinance to grant NO, Neighborhood Office district zoning, as recommended by staff, was approved on Council Member Wynn's motion, Mayor Pro Tem Goodman's second on a 7-0 vote.

Discussion Items

8. Presentation and possible action on the proposed hazardous pipeline ordinance.
The presentation was made by Lisa Gordon, Assistant City Manager, and Chief Gary Warren, Austin Fire Department.

Mayor Garcia recessed the Council Meeting at 5:17 p.m.

Mayor Garcia called the Council Meeting back to order at 6:25 p.m.

34. Authorize an Interlocal Agreement between the City of Austin and Travis County for an Organized Crime Attorney in an amount not to exceed \$88,500. (Funding is available in the Fiscal Year 2002-2003 operating budget for the Austin Police Department.)
The motion authorizing an Interlocal Agreement was approved on Council Member Wynn's, Council Member Thomas' second on a 7-0 vote.

31. C14-02-0028 – Approve third reading of an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 4604 - 4610 Teri Road (Williamson Creek Watershed) from LO, Limited Office district, zoning to LR-CO, Neighborhood Commercial-Conditional Overlay Combining district, zoning. Second Reading on August 29, 2002; Vote: 6-1, Goodman nay. First Reading on July 11, 2002; Vote: 7-0. Conditions met as follows: Conditional overlay incorporates the conditions imposed by Council at first ordinance reading. Applicant: Morelia Group, Inc. (Octavio Rosales). Agent: Land Answers (Jim Wittliff). City Staff: Wendy Walsh, 974-7719. (Continued from 8/22/02)
There was a motion by Mayor Pro Tem Goodman to deny the zoning. This was seconded by Council Member Dunkerley for purposes of discussion. After the discussion, Mayor Pro Tem Goodman withdrew her motion.

Ordinance No. 020926-31 for LR-CO, Neighborhood Commercial Conditional Overlay Combining district, zoning with conditions imposed by Council at the first ordinance reading was approved on Council Member Alvarez' motion, Council Member Wynn's second on a 6-1 vote. Mayor Pro Tem Goodman voted no.

Zoning Discussion Items

- Z-14. Conduct a public hearing and consider an ordinance amending the Austin Tomorrow Comprehensive Plan by adopting the SOUTHEAST COMBINED NEIGHBORHOOD PLAN for the area bounded by IH-35 to the west, Ben White to the north, Hwy 183 to the east, and to the south Burleson Rd., Smith School Rd, the McKinney Falls State Park property line, and Williamson Creek. (An estimate of the fiscal impact to implement all of the recommendations in the plan is \$7,387,940 (+ \$10,000 annual maintenance costs). This plan is advisory and does not legally obligate the Council to implement any particular recommendation.) (Recommended by Planning Commission)
The motion to close the public hearing was approved on Council Member Thomas' motion, Mayor Pro Tem Goodman's second on a 6-0 vote. Council Member Slusher was off the dais.

The motion to approve the plan as presented on first reading was approved on Mayor Pro Tem Goodman's motion, Mayor Garcia's second on a 7-0 vote. Staff was directed to contact the homeowners along Highway 183 to be sure they understand that their property is proposed for future commercial zoning.

- Z-15. C14-02-0128 – SOUTHEAST AUSTIN COMBINED NEIGHBORHOOD PLAN REZONINGS – Conduct a public hearing and approve an ordinance amending Chapter 25 of the Austin City Code by rezoning property known as the Southeast Austin Combined Neighborhood Plan area, which is bounded by Ben White Boulevard on the north; Burleson Road, Smith School Road, the Texas Parks & Wildlife boundary, and Williamson Creek on the south; U.S. Highway 183 on the east; and IH-35 on the west (Carson, Country Club, Onion and Williamson Creek Watersheds). The proposed zoning change will: 1) add a Neighborhood Plan Combining District (NPCD) to each base zoning district; 2) permit the neighborhood urban center special use on Tract 46; 3) permit the neighborhood mixed use building special use on Tracts 5, 11-16, and 49; and 4) change the base zoning districts on 69 tracts of land: from: SF-2, Single Family Residence Standard Lot district, zoning; I-SF-2, Interim-Single Family Residence Standard Lot district, zoning; SF-3, Family Residence district, zoning; MF-1, Multi-Family Residence-Limited Density district, zoning; MF-2, Multi-Family Residence-Low Density district, zoning; LO, Limited Office district, zoning; LO-CO, Limited Office-Conditional Overlay Combining district, zoning; LR, Neighborhood Commercial district, zoning; GR, Community Commercial district, zoning; CS, General Commercial Services district, zoning; CS-1, Commercial Services-Liquor Sales district, zoning; LI, Limited Industrial Services district, zoning; LI-CO, Limited Industrial Services-Conditional Overlay Combining district, zoning; DR, Development Reserve district, zoning; and RR, Rural Residential district, zoning; to: SF-2-NP, Single Family Residence Standard Lot-Neighborhood Plan Combining district, zoning; SF-2-CO-NP, Single Family Residence Standard Lot-Conditional Overlay-Neighborhood Plan Combining district, zoning; MF-1-NP, Multi-Family Residence-Limited Density-Neighborhood Plan Combining district, zoning; NO-MU-NP, Neighborhood Office-Mixed Use-Neighborhood Plan Combining district, zoning; LR-NP, Neighborhood Commercial-Neighborhood Plan Combining district, zoning; LR-MU-NP, Neighborhood Commercial-Mixed Use-Neighborhood Plan Combining district, zoning; GR-NP, Community Commercial-Neighborhood Plan Combining district, zoning; GR-MU-NP, Community Commercial-Mixed Use-Neighborhood Plan Combining district, zoning; CS-NP, General Commercial Services-Neighborhood Plan Combining district, zoning; CS-MU-NP, General Commercial Services-Mixed Use-Neighborhood Plan Combining district, zoning; CS-1-NP, General Commercial Services-Liquor Sales-Neighborhood Plan Combining district, zoning; CH-NP, Commercial Highway-Neighborhood Plan Combining district, zoning; W/LO-NP, Warehouse/Limited Office-Neighborhood Plan Combining district, zoning; LI-NP, Limited Industrial Services-Neighborhood Plan Combining district, zoning; LI-CO-NP, Limited Industrial Services-Conditional Overlay-Neighborhood Plan Combining district, zoning; and P-NP, Public-Neighborhood Plan Combining district, zoning. Planning Commission Recommendation: To grant SF-2-NP, Single Family Residence Standard Lot-Neighborhood Plan Combining district, zoning; SF-2-CO-NP, Single Family Residence Standard Lot-Conditional Overlay-Neighborhood Plan Combining district, zoning; MF-1-NP, Multi-Family Residence-Limited Density-Neighborhood Plan Combining district, zoning; NO-MU-NP, Neighborhood Office-Mixed Use-Neighborhood Plan Combining district, zoning; LR-NP, Neighborhood Commercial-Neighborhood Plan Combining district, zoning; LR-MU-NP, Neighborhood Commercial-Mixed Use-Neighborhood Plan Combining district, zoning; GR-NP, Community Commercial-Neighborhood Plan Combining district, zoning; GR-MU-NP, Community Commercial-Mixed Use-Neighborhood Plan Combining district, zoning; CS-NP, General Commercial Services-

Neighborhood Plan Combining district, zoning; CS-MU-NP, General Commercial Services-Mixed Use-Neighborhood Plan Combining district, zoning; CS-1-NP, Commercial Services-Liquor Sales-Neighborhood Plan Combining district, zoning; CH-NP, Commercial Highway-Neighborhood Plan Combining district, zoning; W/LO-NP, Warehouse/Limited Office-Neighborhood Plan Combining district, zoning; LI-NP, Limited Industrial Services-Neighborhood Plan Combining district, zoning; LI-CO-NP, Limited Industrial Services-Conditional Overlay-Neighborhood Plan Combining district, zoning; and P-NP, Public-Neighborhood Plan Combining district, zoning. Applicant: City of Austin. Agent: Neighborhood Planning and Zoning Department. City Staff: Sonya Lopez, Neighborhood Planning & Zoning Department, 974-7694; Wendy Walsh, Neighborhood Planning & Zoning Department, 974-7719. **The motion to close the public hearing was approved on Council Member Thomas' motion, Mayor Pro Tem Goodman's second on a 6-0 vote. Council Member Slusher was off the dais.**

The motion to approve the Franklin Park, McKinney and Southeast Neighborhood Plan Rezoning (NPCD), per the Planning Commission's recommendation, on first reading, was approved on Mayor Pro Tem Goodman's motion, Mayor Garcia's second on a 7-0 vote.

The motion to adjourn the meeting at 8:27 p.m. was approved on Council Member Slusher's motion, Mayor Garcia's second on a 7-0 vote.

The minutes from the regular meeting of September 26, 2002 were approved on October 3, 2002 on Mayor Pro Tem Goodman's motion, Council Member Dunkerley's second by a 7-0 vote.