



**Austin City Council
MINUTES**

**REGULAR MEETING
THURSDAY, JANUARY 30, 2003**

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, January 30, 2003 in the Board Room at Lower Colorado River Authority Hancock Building, 3700 Lake Austin Boulevard.

Invocation: Dr. Jack Sheffield, Episcopal Priest, Deep River Ministries

Mayor Garcia called the Council Meeting to order at 12:16 p.m.

Mayor Garcia recessed the meeting at 12:18 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.

Private Consultation with Attorney - Section 551.071

1. Discuss legal issues related to *Save our Springs Alliance and Circle C Neighborhood Association v. City of Austin, Circle C Land Corporation and Stratus Properties, Inc.*, Cause No. GN-202018-3, 261st Judicial District Court, Travis County, Texas; *Save Our Springs Alliance v. City of Austin and Circle C Land Corporation*, Cause No. GN-300095, 126th Judicial District Court, Travis County, Texas; and other legal issues related to the Save Our Springs Ordinance and the Settlement Agreement between the City of Austin and Stratus Properties.
2. Discuss legal issues relating to the City's application for certificates of convenience and necessity for water and wastewater service before the Texas Commission on Environmental Quality.
3. Discuss legal issues relating to water rights permitting matters along the Colorado River involving the City of Austin, the Lower Colorado River Authority, and other parties before the Texas Commission on Environmental Quality.

No discussion was held on this item

4. Discuss legal issues related to lease of Brackenridge Hospital and Children's Hospital of Austin.

Item 5 was discussed later in the meeting.

Executive Session ended at 1:57 p.m.

Mayor Garcia called the Council Meeting back to order at 2:02 p.m.

CITIZEN COMMUNICATIONS: GENERAL

6. Akwasi Evans - Reparation and support for Police Monitor's Office
7. Anthony Gonzales - Police Monitor **Absent**
8. Trek English - Renewal of WW Contract by City Staff W/O Posting or City Council Approval.
9. Grace Lehto - Flooding
10. Gus Pena - We ask that the City continue A Strong Push for Affordable Low Income Housing, Transitional Housing for Homeless Families. Allow the Public to participate Early on Regarding Budget Shortfalls. Remember the Poor, Have Nots and Disenfranchised during this tough Economic ERA. **Absent**
12. Tyffany M. Howard - City Police Monitor
13. Jake Billingsley - City Accountability
11. Jennifer L. Gale - Should the Austin City Council fail to remove Stanley L. Knee et al. for the Austin Police Department's clear obstruction of Justice then it will be time for the people to act.
14. Susana Almanza - Police shouldn't be allowed to use horses as weapons to hurt people. Horses should be used as transportation only. No cruelty to animals. **Absent**
15. Sona Santana - Horse Unit or Mounted Police.

CONSENT AGENDA

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

16. Approval of minutes from worksession of January 15, 2003 and regular meeting of January 16, 2003.

The minutes from the work session of January 15, 2003 and the regular meeting of January 16, 2003 were approved.

Action on Executive Session Item

17. Approve a resolution directing the City Manager to Negotiate and Execute a settlement with the Lower Colorado River Authority (LCRA) settling LCRA's protest of the City's application for Certificates of Convenience and Necessity for Water and Wastewater service before the Texas Commission for Environmental Quality.

Resolution No. 030130-17 was approved with the following amendment:

The City Manager is authorized to negotiate a settlement with the Lower Colorado River Authority (LCRA) settling LCRA's protest of the City's application for Certificates of Convenience and Necessity for Water and Wastewater service before the Texas Commission for Environmental Quality in accordance with the terms and conditions set

forth in Exhibit A attached to this Resolution and providing for additional satisfactory water quality protection assurances for the Edwards Aquifer contingent upon the adoption of this settlement by LCRA at its Board of Director's meeting on February 19, 2003.

Aviation

18. Authorize negotiation and execution of an amendment to the Austin-Bergstrom International Airport Concession Lease Agreement with HARLON'S BAR-B-Q Bergstrom IV L.T.D/SIERRA CONCESSIONS JOINT VENTURE to permit the operation of a Popeye's Famous Fried Chicken restaurant and establish new concession rates for that facility. (Possible additional revenue to the City of \$13,200 per year.) (Recommended by Austin Airport Advisory Commission)

This item was postponed indefinitely.

19. Authorize acceptance of grants from the Federal Aviation Administration, the Transportation Security Administration, and other agencies of the United States government in an amount not to exceed thirty million dollars (\$30,000,000) to the City of Austin Department of Aviation for Austin-Bergstrom International Airport for the fiscal year ending September 30, 2003. (Grant reimbursement will apply to projects in the 2002-2003 Approved Capital and/or Operating Budget of the Aviation Department. Grant funds will be placed in the Airport Capital Fund, the ABIA Improvement Funds and/or the ABIA Operating Fund.) (Approved by Austin Airport Advisory Commission)

The motion authorizing the acceptance of grants was approved.

City Clerk

Item 20 was pulled for discussion.

Community Care Services

21. Authorize a resolution for the negotiation and renewal of an Interlocal agreement between the City of Austin and Austin Travis County Mental Health/Mental Retardation Center (ATCHMHMR), Austin, Texas, for mental health counseling and services in an amount not to exceed \$143,500 for a period of twelve months commencing on February 1, 2003, with renewal options of up to four additional twelve-month periods for a total amount not to exceed \$574,000. [Funding in the amount of \$143,500 is available through a U.S. Health and Human Services Public Health Service Section 330(e) New Start Grant awarded to the Primary Care Department in March 2002. This amendment has no impact on the Primary Care Department's operating fund. Current operations and scope of work will remain unchanged. Funding for the extension options is contingent upon available funding in future budgets.]

Resolution No. 030130-21 was approved.

Law

22. Approve execution of an amendment to the legal services agreement with BRACEWELL & PATTERSON, L.L.P., Austin, Texas, for legal representation, advice, and counsel concerning water rights permit matters (Drought Management Plan; Surface Water Return Flows & LCRA Certificate of Adjudication) involving the Colorado River and the Lower Colorado River Authority for an increase of \$250,000, with a total contract amount not to exceed \$537,000. (Funding in the amount of \$250,000 is available in the 2002-2003 Approved Operating Budget of the Water and Wastewater Utility.)

The motion authorizing the execution of an amendment to the legal services agreement was approved.

23. Approve outside counsel contract for FULBRIGHT & JAWORSKI L.L.P., Austin, Texas, to provide legal counsel to the City regarding hospital and health care issues including the Brackenridge Hospital lease and hospital district issues, in an amount not to exceed \$100,000. (Funding is available in the 2002-2003 Approved Operating Budget of the Hospital Fund.)
The motion authorizing the outside counsel contract was approved.
24. Approve outside counsel contract for ANDREWS & KURTH, L.L.P., Austin, Texas, to provide legal counsel to the City regarding MBE, WBE and purchasing issues, in an amount not to exceed \$100,000. (Funding is available in the 2002-2003 Approved Operating Budget of the Economic Development Fund.)
The motion authorizing the outside counsel contract was approved.

Neighborhood Planning and Zoning

Item 25 was pulled for discussion.

26. Approve an ordinance to amend Ordinance No.010927-27, to correct the conditions of zoning for the property known as the Woodway Village located at 4500-4510 Block of Nuckols Crossing. City Staff: Greg Guernsey, 974-2387.
Ordinance No. 030130-26 was approved with an effective date of January 30, 2003.
27. C814-99-0001.01 – Avery Ranch PUD – Approve second/third readings of an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 15201 Avery Ranch Boulevard at 10500-10550 Parmer Lane (Brushy Creek Watershed) from PUD, Planned Unit Development district, zoning to PUD, Planned Unit Development district, zoning. First Reading on October 10, 2002; Vote: 7-0. Conditions met as follows: No conditions were imposed by City Council at first ordinance reading. Applicant: Developers of Avery Ranch (Robert D. Wunsch). Agent: Henry Gilmore, Attorney at Law (Henry H. Gilmore). City Staff: Sherri Gager, 974-3057.
Ordinance No. 030130-27 was approved.
28. C14-02-0150 – Columbia/St. David's Healthcare – Approve second/third readings of an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 919 East 32nd Street (Waller Creek Watershed) from GO, General Office district, zoning to CS-CO, General Commercial Services-Conditional Overlay Combining district, zoning. First reading on January 16, 2003. Vote: 6-0, Garcia off the dais. Conditions met as follows: Conditional Overlay and restrictive covenant incorporates conditions imposed or accepted by City Council at first ordinance reading. Applicant: Columbia/St. David Healthcare (Malcolm Besisle). Agent: John Joseph (Minter, Joseph and Thornhill). City Staff: Glenn Rhoades, 974-2775.
Ordinance No. 030130-28 was approved.
29. C814-01-0038 – Parmer/Walnut Creek P.U.D. – Approve third readings of an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 1200 Block of Parmer Lane from SF-6, Townhouse and Condominium Residence district, zoning; RR, Rural Residence district, zoning and LO, Limited Office district, zoning to PUD, Planned Unit Development with conditions. Second Reading on August 8, 2002; Vote: 7-0. First Reading on November 29, 2001; Vote: 7-0. Conditions met as follows: The ordinance incorporates the

conditions imposed by Council at second ordinance reading. Applicants: FSKMS Ranch Ltd. (John Scofield, Edgar and Linda Perry, Vernon Scofield, and Glen and Martha Chilek). Agent: Armbrust Brown, L.L.P. (Richard Suttle, Jr.). City Staff: Sherri Gager, 974-3057.

This item was postponed to February 13, 2003.

30. C14-02-0105 - Approve second reading of 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 Residence district, zoning to LO-MU, Limited Office-Mixed Use-Combining district, zoning as amended by the applicant from the original request of LR, Neighborhood Commercial district, zoning. City Council approved NO, Neighborhood Office district, zoning at first reading. First reading on September 26, 2002; Vote: 7-0. Conditions met as follows: No conditions were imposed by City Council at first ordinance reading. Applicant: Charles Demel. Agent: Brad Greenblum. City Staff: Glenn Rhoades, 974-2775.
The second reading of the ordinance for NO district zoning was approved. Mayor Garcia voted nay.
31. C14-02-0133 – Approve second reading of an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 2007 West Koenig Lane (Shoal Creek Watershed) from SF-3, Family Residence district, zoning to LO, Limited Office district, zoning as originally requested by the applicant. City Council approved NO, Neighborhood Office district, zoning at first reading. First reading on October 24, 2002; Vote: 5-0, Dunkerley absent, Garcia off the dais. Conditions met as follows: No conditions were imposed by City Council at first ordinance reading. Applicant: Virgilio Escutia. and Agent: Brad Greenblum. City Staff: Glenn Rhoades, 974-2775.
The second reading of the ordinance for NO district zoning was approved. Mayor Garcia voted nay.

Item 32 was pulled for discussion.

Police

33. Approve a resolution authorizing the application for \$69,431 in grant funding from the Texas Alcoholic Beverage Commission for officer overtime, equipment lease and other costs to implement APD's Alcohol Control Unit's Underage Drinking Prevention program. (Grant funding is available from the Texas Alcoholic Beverage Commission for the grant period April 1, 2003 – March 31, 2004. An in-kind match is required. Funding for the continued operation of this program is contingent upon available funding in future budgets.)
Resolution No. 030130-33 was approved.
34. Approve an ordinance authorizing the acceptance of \$125,000 in grant funding from the U.S. Department of Justice, Office of Justice Programs, Community Oriented Policing Services Office, *Creating a Culture of Integrity* program and amending Ordinance No. 020910-01 the Fiscal Year 2002-2003 operating budget, Police Department Special Revenue Fund, by appropriating \$125,000 in grant funds to hire temporary staff to assist in the documentation of current community outreach efforts and the development of new accountability performance measures. (Grant funding is available from the U.S. Department of Justice, Office of Justice Programs, Community Oriented Policing Services Office, *Creating a Culture of Integrity* program, for the grant period of September 1, 2002 through March 30, 2004. No cash match is required. Continued operation of this program is contingent upon available funding in future budgets.)

Ordinance No. 030130-34 was approved.

Item 35 was pulled for discussion.

Public Works

36. Approve an ordinance for the vacation of 72 square feet of right-of-way at the 300 Block of Trinity Street. (No revenue will be receipted to the General Fund.) (Recommended by Zoning and Platting Commission)
Ordinance No. 030130-36 was approved.
37. Approve a resolution authorizing the negotiation and execution of an easement to allow access for the Robinson Ranch across City property at Martin Hill Reservoir, in exchange for the grant of access easements across areas of the Robinson Ranch adjacent to the Reservoir.
Resolution No. 030130-37 was approved.
38. Approve payment to the TEXAS DEPARTMENT OF TRANSPORTATION for the City's 10% participation of the right-of-way acquisition for the U.S. Highway 183 Project, from East of US 290 to S.H. 71, in accordance with the June 27, 1986 Agreement for Right-of-Way Procurement, in the amount of \$46,500. (Funding is available in the 2002-2003 Amended Capital Budget of the Transportation Planning & Sustainability Department.)
The motion authorizing payment was approved.
39. Approve execution of a construction contract with CASH CONSTRUCTION CO., LTD., Pflugerville, Texas, for construction and installation of water and wastewater infrastructure in support of the Del Valle Water & Wastewater Annexation Program, in an amount not to exceed \$657,223.60. (Funding is available in the 2002-2003 Amended Capital Budget of the Water & Wastewater Utility. Lowest of five bids received. 23.81% MBE, 8.69% WBE subcontracting participation. (Recommended by Water and Wastewater)
The motion authorizing the execution of a construction contract was approved.
40. Approve execution of a construction contract with BLAND/SCHROEDER/ARCHER, L.P., by Bland/Schroeder, Inc., it's General Partner, Austin, Texas, for street reconstruction and utility improvements on East St. Elmo Road from Todd Lane to Nuckols Crossing, in the amount of \$847,124.50, plus \$84,712.45 contingency, for a total amount not to exceed \$931,836.95. (Funding in the amount of \$516,406.55 is included in the 2002-2003 Capital Budget of the Public Works Department; \$415,430.40 is included in the Fiscal Year 2002-2003 Amended Capital Budget of the Water & Wastewater Utility.) Lowest of six bids received. 14.52% MBE, 6.86% WBE subcontracting participation.
The motion authorizing the execution of a construction contract was approved.
41. Approve execution of a construction contract with HUTCHISON CONSTRUCTION, INC., Austin, Texas, for renovation of the Oswaldo "A.B." Cantu/Pan American Recreation Center, in an amount not to exceed \$1,309,100. (Funding is included in the 2001-2002 Capital Budget of the Parks and Recreation Department.) Lowest responsive bid of seven bids received. 9.14% MBE, 12.38% WBE subcontracting participation.
The motion authorizing the execution of a construction contract was approved.
42. Approve execution of a construction contract with JNM CONSTRUCTION, INC. (MBE/MH, 71.23%), Manor, Texas, for replacement of a waterline at 32nd Street between Red River and IH-

35, and along IH-35 frontage road between 32nd Street and 30th Street, in an amount not to exceed \$360,219.50. (Funding was included in the 2002-2003 Amended Capital Budget of the Water & Wastewater Utility.) Lowest responsive bid of five bids received. 4.74% WBE subcontracting participation. (Recommended by Water & Wastewater Commission)

This item was removed from the agenda due to a bid protest.

43. Approve execution of a construction contract PRC ROOFING COMPANY, INC. (MBE/MH, 54.13%), Houston, Texas, for reroofing the Montopolis Recreation Center, in an amount not to exceed \$166,713. (Funding in the amount \$57,652.80 is included in the 2002-2003 Capital Budget of the Parks & Recreation Department. The balance of \$109,060.20 is included in the Trust and Agency Account.) Lowest of three bids received. No MBE/WBE subcontracting participation.

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

44. Approve negotiation and execution of an amendment to the professional services agreement with PBS&J, Austin, Texas, for construction phase services for the Creek Bend Flood Control Project, Phase II, in an amount not to exceed \$54,000 for a total agreement amount not to exceed \$865,223.85. (Funding in the amount of \$40,434.72 is included in the 1999-2000 Capital Budget of the Watershed Protection & Development Review Department; \$11,516.97 is available in the 1995-1996 Amended Capital Budget and \$2,048.31 is available in the 2002-2003 Amended Capital Budget of the Water & Wastewater Utility.) Overall subconsultant participation for this project including this phase is 8.9% MBE and 16.9% WBE.

The motion authorizing the negotiation and execution of an amendment to the professional services agreement was approved.

45. Approve an ordinance to amend Ordinance No. 020909-02 the 2002-2003 Capital Budget of the Health and Human Services Department by appropriating \$600,000 to the "Health & Human Services Administrative Campus – Renovations" project. (Funded by the future issuance of Certificates of Obligation.) (Related Item 46 & 47)

Ordinance No. 030130-45 was approved.

46. Approve a resolution to declare official intent to reimburse \$600,000 in costs related to the renovation of the Health & Human Services Department Administrative Campus located at 601 Airport Boulevard and amend the two-year GO Bond Sale Schedule.

(The amount of \$600,000 to be reimbursed from the issuance of Certificates of Obligation in August 2003 or later.) (Related Item 45 & 47)

Resolution No. 030130-46 was approved.

47. Approve execution of a construction contract with THE BARR COMPANY, (MBE/FH, 17.2%), Austin, Texas, for renovation of the Health & Human Services Department Administrative Campus located at 601 Airport Boulevard, in the amount of \$1,803,775 with a contingency of \$72,000 for a not to exceed amount of \$1,875,775. (Funding is available in the 2002-2003 Capital Budget of the Health & Human Services Department.) Lowest of three bids received. 48.65% MBE, 16.88% WBE subcontracting participation. (Related Item 45 & 46)

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

Purchasing

48. Approve ratification of a 12-month service agreement with AMERICAN SOCIETY FOR QUALITY, Milwaukee, Wisconsin, for the purchase of analysis and research services in an

amount not to exceed \$48,000. And approve execution of a 12-month service agreement with AMERICAN SOCIETY FOR QUALITY, Milwaukee, Wisconsin, for the purchase of analysis and research services in an amount not to exceed \$48,000 for a total contract amount not to exceed \$96,000. (Funding in the amount of \$48,000 is available in the 2002-2003 Amended Operating Budget for the Electric Utility Department.) This contract will be awarded in compliance with the 1996 MBE/WBE Ordinance, as amended. No subcontracting opportunities were identified; therefore, no goals were established for this solicitation.

The motion authorizing the ratification of a service agreement was approved.

49. Approve ratification of a 15-month service agreement with LEXIS/NEXIS, Carol Stream, Illinois, for the purchase of public record retrieval services in an amount not to exceed \$68,925. And approve execution of a nine-month service agreement with LEXIS/NEXIS, Carol Stream, Illinois, for the purchase of public record retrieval services in an amount not to exceed \$42,507 with a 12-month extension option in an amount not to exceed \$56,676, for a total contract amount not to exceed \$168,108. (Funding in the amount of \$42,507 is available in the 2002-2003 Amended Operating Budget for the Electric Utility Department for the current contract year. Funding for the extension option is contingent upon future budgets.) Sole Source. This contract will be awarded in compliance with the 1996 MBE/WBE Ordinance, as amended. No subcontracting opportunities were identified; therefore, no goals were established for this solicitation.

The motion authorizing the ratification of a service agreement was approved.

50. Approve ratification of a 12-month service agreement with PLATTS RESEARCH & CONSULTING, Boulder, Colorado, for the purchase of analysis and research services in an amount not to exceed \$129,600. Approve a 12-month service agreement with PLATTS RESEARCH & CONSULTING, Boulder, Colorado, for the purchase of analysis and research services in an amount not to exceed \$126,300 with two 12-month extension options in an amount not to exceed \$148,400 for the first extension option and \$157,304 for the second extension option, for a total contract amount not to exceed \$561,604. (Funding in the amount of \$126,300 is available in the 2002-2003 Amended Operating Budget of the Electric Utility Department. Funding for the extension options is contingent upon funding in future budgets.) 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 motion authorizing the ratification of a service agreement was approved.

51. Approve execution of a contract with SIEMENS POWER T & D c/o FAPCO, Inc., New Braunfels, Texas, for the purchase of 15kV circuit breakers in an amount not to exceed \$44,100. (Funding is available in the 2002-2003 Amended Capital Budget of the Electric Utility Department.) Low bidder/four bids received. This contract will be awarded in compliance with the MBE/WBE Ordinance, as amended. No subcontracting opportunities were identified; therefore MBE/WBE goals were not established for this solicitation. This contract is for the purchase of commodities, with direct delivery by the manufacturer.

The motion authorizing the execution of a contract was approved.

52. Approve the execution of Amendment No. 1 to a professional services agreement with EDWARD J. SHERWOOD, M.D., Lago Vista, Texas, as the interim Health Authority, to extend the agreement for an additional 12-month period and to increase the agreement in an amount not to exceed \$130,000 for a total contract amount not to exceed \$170,000. [Funding in the amount of \$75,000 was included in the 2002-2003 Approved Operating Budget of the Health and

Human Services Department (HHSD) Special Revenue Fund. Funding for the remaining five months of the contract (the grant year ends in August) is contingent upon available funding in future budgets.] This contract was awarded in accordance with the 1996 MBE/WBE ordinance, as amended. No subcontracting opportunities were identified; therefore, no goals were established.

The motion authorizing the execution of Amendment No. 1 to a professional services agreement was approved.

53. Approve negotiation and execution of a professional services agreement with CARL WALKER, INC., Atlanta, GA, for an operational review and evaluation of parking and shuttle bus systems at Austin-Bergstrom International Airport in the amount not to exceed \$85,000. (Funding is available in the Approved 2002-2003 Operating Budget for the Aviation Department.) Best proposal/six proposals 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. (Approved by Austin Airport Advisory Commission)

The motion authorizing the negotiation and execution of a professional services agreement was approved.

54. Approve execution of a 12-month supply agreement with FERGUSON INDUSTRIAL DIVISION, Austin, Texas, to provide reinforced concrete meter boxes and covers for the Water and Wastewater Utility, in an amount not to exceed \$54,958.75 with two 12-month extension options in an amount not to exceed \$54,958.75 per extension, for a total contract amount not to exceed \$164,876.25. (Funding in the amount of \$36,639.17 is available in the 2002-2003 Approved Operating Budget of the Water and Wastewater Utility. Funding for the remaining four months of the original contract period and extension options will be contingent upon available funding in future budgets.) Low bid 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.

The motion authorizing the execution of a supply agreement was approved.

Item 55 was pulled for discussion.

Transportation Planning and Sustainability

56. Approve a resolution authorizing execution of the revised Capital Area Metropolitan Planning Organization Joint Powers Agreement, expanding the board membership to include seven State Representatives, and reflecting the change of the organization's name from Austin Transportation Study to Capital Area Metropolitan Planning Organization.

Resolution No. 030130-56 was approved.

57. Approve a resolution authorizing the City of Austin to enter into a License Agreement with the Texas Department of Transportation for street events in calendar year 2003 that propose to temporarily close or cross the Texas Department of Transportation roadways.

Resolution No. 030130-57 was approved.

58. Approve a resolution extending the City of Austin's ETJ to include approximately 1,689 acres in Webberville area of eastern Travis County (approximately 1,689 acres west of the intersection of FM 969 and Blake Manor Road).

Resolution No. 030130-58 was approved.

59. Approve an ordinance amending Ordinance 020910-01, the 2002-2003 Operating Budget of the Transportation, Planning & Sustainability Department by accepting and appropriating \$25,000 in grant funds from the U.S. Department of Energy through the Texas State Energy Conservation Office for a total grant amount of \$50,000, to continue the City's involvement in the Clean Cities Program to August 31, 2003; and appropriating Program Income donated by Clean Cities participants in the estimated amount of \$10,000 for administration of the Central Texas Clean Cities Program for a total program income of \$24,000. (The amount of \$25,000 in grant funds is available from the U.S. Department of Energy. A \$12,500 match is required. Funding for the match is available in the 2002-2003 Operating Budget of the Transportation, Planning & Sustainability Department. \$10,000 in program income will be deposited in the 2002-2003 Special Revenue Fund of the Transportation, Planning & Sustainability Department. The grant term is November 1, 2002 to August 31, 2003.) (Related Item 60)
Ordinance No. 030130-59 was approved.
60. Approve a resolution authorizing negotiation and execution of an Interlocal Agreement with the State of Texas Energy Conservation Office to continue the City's involvement in the Clean Cities Program to August 31, 2003 in an amount not to exceed \$37,500 (\$25,000 grant through the State from the Department of Energy; \$12,500 in matching funds from the City.) (The amount of \$25,000 in grant funds is available from the U.S. Department of Energy through the State of Texas Energy Conservation Office. A \$12,500 match is required. Funding is available in the 2002-2003 Operating Budget of the Transportation, Planning & Sustainability Department.) (Related Item 59)
Resolution No. 030130-60 was approved.
61. Approve an ordinance amending Section 16-4-15-Speed Limits, of the City Code by adding Oak View Drive, from 94 feet north of Narrow Oak Trail to 245 feet south of Township Trail, to the list of streets having a maximum speed of 20 miles per hour during certain times. (Funding in the amount of \$3500 is available in the 2002-2003 Operating Budget of the Child Safety Section of the Transportation Planning and Sustainability Department.)
Ordinance No. 030130-61 was approved.
62. Approve an ordinance to amend the Austin City Code, Section 16-4-33 Speed Limits, by adding Ridgeline Boulevard from R.M. 620 to Lakeline Boulevard, to the list of streets having a maximum speed limit of 40 mph. (Funding in the amount of \$400 for the installation of signs is available in the Fiscal Year 2002-2003 operating budget of the Transportation, Planning & Sustainability Department.)
Ordinance No. 030130-62 was approved.

Water and Wastewater

63. Approve an ordinance amending Ordinance No. 020909-02, the 2002-2003 Capital Budget by increasing appropriations to the Water and Wastewater Utility by \$72,089 for the water project known as the "East 11th Street Redevelopment (Phase One)" for a total not to exceed amount of \$1,176,089. (Funding in the amount of \$72,089 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 Items 64 & 65)
Ordinance No. 030130-63 was approved.

64. Approve a resolution to declare official intent to reimburse construction costs in the amount of \$72,089.00 to be paid for developer reimbursements for the "East 11th Street Redevelopment (Phase One) project". (Funding in the amount of \$72,089.00 for the Water and Wastewater Utility to be funded by the issuance of commercial paper.) (Recommended by Water and Wastewater Commission) (Related Items 63 & 65)
Resolution No. 030130-64 was approved.
65. Authorize negotiation and execution of an amendment to the existing Cost Reimbursement Agreement with Austin Revitalization Authority, a Texas non-profit corporation, to increase the amount of City cost reimbursement for construction of a 12-inch water main, 10 and 8-inch gravity wastewater mains, and appurtenances to provide water and wastewater service within and near the "East 11th Street Redevelopment (Phase One)", located between East 11th Street, Juniper Street, I.H. 35 and Navasota Street by \$72,089, to an amount not to exceed \$1,176,089. (Funding in the amount of \$72,089 is included in the 2002-2003 Amended Capital Budget of the Water and Wastewater Utility. (Recommended by Water and Wastewater Commission) (Related Items 63 & 64)
The motion authorizing the negotiation and execution of an amendment to the existing Cost Reimbursement Agreement was approved.
66. Approve an ordinance amending Ordinance No. 020909-02, the 2002-2003 Capital Budget by appropriating to the Water and Wastewater Utility by \$192,532.14 for water and \$670,851.87 for wastewater and creating a new water and wastewater project known as "East 11th Street Redevelopment (Phase Two)". (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 67 & 68)
Ordinance No. 030130-66 was approved.
67. Approve a resolution to declare official intent to reimburse construction costs in the amount of \$863,384.01 to be paid for developer reimbursements for the "East 11th Street Redevelopment (Phase Two) project". (Funding for the Water and Wastewater Utility to be funded by the issuance of commercial paper.) (Recommended by Water and Wastewater Commission) (Related Items 66 & 68)
Resolution No. 030130-67 was approved.
68. Authorize negotiation and execution of a cost reimbursement agreement with Austin Revitalization Authority, Inc., a Texas non-profit corporation, providing terms and conditions for construction of 8 and 12-inch water mains, 8 and 12-inch gravity wastewater mains, and appurtenances to provide water and wastewater service within and near the "East 11th Street Redevelopment Area (Phase Two)", located between East 11th Street, Juniper Street, I.H. 35 and Navasota Street with City cost reimbursement in an amount not to exceed \$863,384.01, for actual "hard" construction costs and design, engineering, interest and project management; adopt an Ordinance waiving the application fee established in City Ordinance No. 020910-04, in the amount of \$440, for processing of Service Extension Request numbers 2206 and 2207; waiving the requirement for payment of the construction inspection fees established in City Ordinance No. 020910-04, in an amount not to exceed \$38,000; waiving the requirement for payment of water and wastewater tap permit fees and water and wastewater tap and connection fees in an amount not to exceed \$5,400 established in City Ordinance No. 020910-04; waiving the requirement for payment of water and wastewater capital recovery fees established in Article 3 of Chapter 25-9, City Code, in an amount not to exceed \$39,140; waiving the requirements of Section 25-9-39, of the City Code, relating to the posting of fiscal security; waiving the

requirements of Section 25-9-61, relating to facilities eligible for cost reimbursement; waiving the requirements of Section 25-9-63, relating to amount of cost reimbursement; waiving the requirements of Section 25-9-67, relating to cost reimbursement payments; waiving certain requirements of Sections 25-9-64 and 25-9-65, relating to the processing of projects involving cost reimbursements; and waiving the provisions of Section 25-9-93, requiring payment of tap permit fees, connection fees, and capital recovery fees at the time of application for a tap permit. (Funding is included in the 2002-2003 Amended Capital Budget of the Water and Wastewater Utility.) (Recommended by Water and Wastewater Commission)

(Related Items 66 & 67)

Ordinance No. 030130-68 was approved.

69. Approve an ordinance amending Ordinance No. 020909-02, the 2002-2003 Amended Capital Budget by increasing appropriations to the Water and Wastewater Utility by \$45,000 and creating a new water project known as "Trinity Publications" for \$45,000. (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 Items 70 & 71)

Ordinance No. 030130-69 was approved.

70. Approve a resolution to declare official intent to reimburse construction costs in the amount of \$45,000 to be paid for developer reimbursements for the Trinity Publications Water project. (Funding for the Water and Wastewater Utility to be funded by the issuance of commercial paper.) (Related Items 69 & 71)

Resolution No. 030130-70 was approved.

71. Authorize negotiation and execution of a cost reimbursement agreement with Trinity Publications, providing terms and conditions for construction of a 20-inch steel encased bore and associated bore pits to facilitate water utility service to the Trinity Publications building located at 8416 North I.H. 35, with City cost reimbursement in an amount not to exceed \$45,000, 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. (Funding is included in the 2002-2003 Amended Capital Budget of the Water and Wastewater Utility.) (Recommended by Water and Wastewater Commission) (Related Items 69 & 70)

Ordinance No. 030130-71 was approved.

Watershed Protection and Development Review Department

Item 72 was pulled for discussion.

ITEMS FROM COUNCIL

73. Appointments to Boards and Commissions.
The following appointments were made:

<u>Board/ Appointee</u>	<u>Consensus/ Council Nominee</u>	<u>Appointment/ Reappointment</u>
<u>Community Development Commission</u>		
Matthew Hersh	Council Member Slusher's	Appointment
Bobbie Johnson (St. John's Neighborhood Representative)	Consensus	Reappointment

Design Commission

Phillip Alan Reed	Council Member Wynn's	Reappointment
Richard Weiss	Mayor Garcia's	Reappointment

Downtown Commission

Michelle Brinkman (Urban Transportation Com. Rep.)	Consensus	Reappointment
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Electric Utility Commission

Barada Sarma	Mayor Garcia's	Reappointment
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Federally Qualified Health Center Board

Glenda Parks (Health Care Representative)	Consensus	Reappointment
Pekham Bhattacharya	Consensus	Appointment

Human Rights Commission

James Hill	Consensus	Reappointment
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Impact Fee Advisory Committee

Michael Glaros (ETJ Representative)	Consensus	Appointment
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Medical Assistance Program Advisory Board

Trish O'Day (At-Large)	Consensus	Appointment
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Mexican American Cultural Center Advisory Board

Martha Coteria (Latino Arts Community)	Consensus	Appointment
Lola Flores (At-Large)	Consensus	Appointment
Frances Jones (Business Community)	Consensus	Appointment
Mary Margaret Navar (Latino Arts Community)	Consensus	Appointment
Stephen Parks (Latino Arts Community)	Consensus	Appointment
Donato Rodriguez (Latino Arts Community)	Consensus	Appointment
Clemencia Zapata (Latino Arts Community)	Consensus	Appointment
Manuel Zuniga (At-Large)	Consensus	Appointment
Rosie Mendoza (Business Community)	Consensus	Appointment

Telecommunications Commission

Chad Williams	Council Member Slusher's	Appointment
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Urban Forestry Board

Leonard Lyons	Council Member Thomas'	Appointment
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Urban Transportation Commission

Michelle Brinkman	Mayor Pro Tem Goodman's	Reappointment
Michael Dahmus	Council Member Slusher's	Reappointment

74. Approve a resolution directing the City Manager to reexamine Chapter 12-5 (Smoking in Public Places) and prepare a "smoke-free" ordinance alternative that addresses new research findings regarding the negative health effects of second hand smoke. (Mayor Gus Garcia).

Resolution No. 030130-74 was approved.

Item 75 was pulled for discussion.

76. Adopt a resolution approving the issuance of a loan by the Northeast Higher Education Facilities Corporation of Daingerfield, Texas to St. Andrew's Episcopal School under Chapter 53 of the Texas Education Code for the purpose of the acquisition, construction, renovation and equipment of educational facilities including a library located at the 31st Street Campus in the City. (The Internal Revenue Code requires the City's approval as the school is located in the City's jurisdiction; however, there is no recourse against the City and the loans are not payable out of taxes and are secured by and payable solely from funds provided by the borrower.) (Mayor Gus Garcia)

Resolution No. 030130-76 was approved.

77. Approve an ordinance waiving the residence requirement for Rosie Mendoza to allow her appointment to the Mexican American Cultural Center advisory board. (Council Member Raul Alvarez, Mayor Gus Garcia and Council Member Betty Dunkerley)

Ordinance No. 030130-77 was approved with an effective date of January 30, 2003.

78. Approve a resolution appointing Council Member Daryl Slusher as the lead Council Member to develop and guide the process for community dialogue over the next 90 days, monitor the investigation, and recommend Council policy on environmental issues related to Barton Creek, Barton Springs and other waterways. (Mayor Gus Garcia)

Resolution No. 030130-78 was approved.

79. Approve an ordinance waiving certain fee requirements under City Code Chapter 15-11 in connection with the Austin Jewish Community Day School event to be held on March 9, 2003. (Council Member Will Wynn, Council Member Betty Dunkerley and Mayor Pro Tem Jackie Goodman)

Ordinance No. 030130-79 was approved.

80. Approve an ordinance waiving and/or reimbursing certain fees and requirements under Chapter 15-11 of the City Code and authorizing closure of certain streets for the Southwest Key Go for the Gold 10k event to be held on March 15, 2003. (Mayor Gus Garcia and Council Member Raul Alvarez)

Ordinance No. 030130-80 was approved.

Set Public Hearing(s)

81. Set a public hearing to consider a request for a waiver from the minimum distance requirement of City Code Section 8-3-4(A) between a proposed convenience store at 2105 South Congress and a school located at 201 E. Mary Street. (Suggested Date and Time: February 13, 2003 at 6:00 p.m.)

The public hearing was set for February 13, 2003 at 6:00 p.m.

82. Set public hearings for the full purpose annexation of the following annexation areas:
Dessau Road right-of-way (ROW) (Approximately .818 acres in Travis County of Dessau Road right-of-way (ROW) at approximately three tenths of a mile north of the intersection of Dessau Road and Rundberg Lane for approximately 225 feet).

Sheldon Tract (Approximately 210 acres in Travis County east of the intersection of Thaxton Road and Salt Springs Drive).

(Suggested Dates and Times: February 6, 2003 at 6:00 p.m., Lower Colorado River Authority Hancock Building; February 13, 2003 at 6:00 p.m., Lower Colorado River Authority Hancock Building) (Financial data will be submitted with the annexation RCA.)

The public hearings were set for February 6, 2003 at 6:00 p.m., Lower Colorado River Authority Hancock Building; and February 13, 2003 at 6:00 p.m., Lower Colorado River Authority Hancock Building.

83. Set public hearings for the full purpose annexation of the following annexation areas:

Dittmar Tract (Approximately 1 acre in Travis County approximately 1488 feet south and 333 feet east of the intersection of Thaxton Road and Salt Springs Drive).

Sunset Valley Apartments (approximately 45 acres in Travis County east of Brodie Lane approximately 490 feet north of the intersection of Brodie Ln and William Cannon).

(Suggested Dates and Time: February 27, 2003 at 6:00 p.m., Lower Colorado River Authority Hancock Building; March 6, 2003 at 6:00 p.m., Lower Colorado River Authority Hancock Building)

The public hearings were set for February 27, 2003 at 6:00 p.m., Lower Colorado River Authority Hancock Building; and March 6, 2003 at 6:00 p.m., Lower Colorado River Authority Hancock Building.

Mayor recessed the Council meeting at 4:24 p.m.

Mayor called the Council meeting back to order at 4:39 p.m.

DISCUSSION ITEMS

20. Approve a motion authorizing the City Clerk to negotiate and execute an agreement with Travis County for the City's use of Travis County's voting equipment and for the County Clerk to administer the City's election. (Funding in the amount of \$1,060,121 was included in the 2002-2003 Approved Operating Budget of the Office of the City Clerk)
- The motion authorizing the City Clerk to negotiate and execute an agreement was approved on Council Member Wynn's motion and Council Member Dunkerley's second on a 7-0 vote.**

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 Council Member Thomas's motion, Council Member Wynn's second on a 7-0 vote.

- Z-1. C14-02-0041 – London Park Retail – Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by zoning property locally known as 11521 North FM 620 (Bull Creek Watershed) from SF-2, Single Family Residence-Standard Lot district, zoning and DR, Development Reserve district, zoning to GR, Community Commercial district, zoning. Zoning and Platting Commission Recommendation: To grant GR-CO, Community Commercial Services-Conditional Overlay Combining district, zoning. Applicant: London Enterprises 620 Joint Venture (Mike London). Agent: Bury and Partners, Inc. (James B. Knight). City Staff: Sherri Gager, 974-3057. (continued from 1/16/03)

The first reading of the ordinance for GR-CO was approved.

- Z-2. C14H-02-0008 – Municipal Airport Hangar – Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 4201 Airport Boulevard (Boggy Creek Watershed) from AV, Aviation Services district, zoning to AV-H, Aviation Services-Historic Combining district, zoning. Planning Commission Recommendation: To grant AV-H, Aviation Services-Historic Combining district, zoning. Historic Landmark Commission Recommendation: To grant AV-H, Aviation Services-Historic Combining district, zoning. Applicant: Historic Landmark Commission. Applicant and Property Owner: City of Austin. City Staff: Steve Sadowsky, Transportation, Planning and Sustainability Department, 974-6454. (continued from 12/12/02)

The first reading of the ordinance for AV-H was approved. Council Member Slusher voted nay.

Items Z-3 & Z-4 were pulled for discussion.

- Z-5. C14-02-0067.01 – Fairview Park Rezoning- Tract 54 – Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 1203 Hillside Avenue (a.k.a. 0 Hillside Avenue) (East Bouldin Creek Watershed) from Multi-family Residence-Medium Density-Neighborhood Conservation Combining (MF-3-NCCD) district, zoning to Family Residence-Neighborhood Conservation Combining (SF-3-NCCD) district, zoning. Zoning and Platting Commission Recommendation: To grant Family Residence-Neighborhood Conservation Combining (SF-3-NCCD) district, zoning. Applicant: City of Austin. Property Owners: Stanley P. Hafner and Johanna L. Sullivan. Agent: Neighborhood Planning & Zoning Department. City Staff: Sherri Gager, 974-3057. (continued from 1/9/03)

The first reading of the ordinance was approved.

Item Z-6 was pulled for discussion.

NEIGHBORHOOD PLAN

- Z-7. NPA-02-0005.01 – Montopolis Neighborhood Plan Amendment – Approve an ordinance amending the Montopolis Neighborhood Plan and the Austin Tomorrow Plan to revise the Future Land Use Map to change the use of a portion of the “Steiner Tract” located at 7300-7320 Riverside Drive from Office to Residential. First Reading on November 21, 2002: Vote 6-0, Goodman absent. Planning Commission Recommendation: No recommendation. Property Owner: T.C. Steiner and Son (Robert Steiner). Agent: Minter, Joseph, & Thornhill, P.C. (John M. Joseph). City Staff: Annick Beaudet, 974-2975. (continued from 1/9/03)

Ordinance No. 030130-Z7 was approved.

- Z-8. C14-01-0010 – Steiner Tract – Approve second/third readings of an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 7300-7320 Riverside Drive and 900 Bastrop Highway from SF-2, Single Family Standard Lot district, zoning and SF-3, Family Residence district, zoning to SF-6-CO-NP, Townhouse and Condominium Residence-Conditional Overlay-Neighborhood Plan Combining District, zoning for Tract 1 and MF-3-CO-NP, Multi-family Residence Medium Density-Conditional Overlay-Neighborhood Plan Combining district, zoning for Tract 2 and CS-NP, General Commercial Services-Neighborhood Plan Combining district, zoning for Tract 3. First Reading on November 21, 2002; Vote 6-0, Goodman absent. Conditions met as follows: Conditional Overlay and restrictive covenant

incorporates the conditions imposed or accepted by Council at first ordinance reading. Applicant and Property Owner: T.C. Steiner and Son (Robert Steiner). Agent: Minter, Joseph, & Thornhill, P.C. (John M. Joseph). City Staff: Annick Beaudet, 974-2975. (continued from 1/9/03)
Ordinance No. 030130-Z8 was approved.

DISCUSSION ITEMS

25. Approve an ordinance establishing procedures for amending the neighborhood plan elements of the Austin Tomorrow Comprehensive Plan. (Planning Commission adopted a resolution establishing a neighborhood plan amendment process and criteria for employing the process.) (3rd reading)

This item was postponed to February 27, 2003 on Mayor Pro Tem Goodman's motion, Council Member Dunkerley's second on a 7-0 vote.

Mayor Garcia recessed the Council Meeting at 5:49 p.m. for Live Music and Proclamations. The Mayor announced Council would go into Executive Session to discuss the following item. Executive Session started at 5:49 p.m.

EXECUTIVE SESSION

5. Evaluate the performance and consider compensation of the City Auditor.

Execution Session ended at 6:58 p.m.

Mayor Garcia called the Council meeting back to order at 7:01 p.m.

6:00 P.M. PUBLIC HEARINGS AND POSSIBLE ACTION

84. Conduct a public hearing to consider an ordinance or a variance request to allow construction of a room addition to an existing portion of the residence at 2315 Island Wood Road in the 25-year floodplain of Lake Austin.

The public hearing was closed on Council Member Wynn's motion, Mayor Pro Tem Goodman's second, on a 7-0 vote.

Ordinance No. 030130-84 was approved on Council Member Wynn's motion, Mayor Pro Tem Goodman's second on a vote 5-2. Mayor Garcia and Council Member Slusher voted nay.

ZONING DISCUSSION ITEMS

- Z-3. C14H-02-0015 – Moore-Williams House – Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property known as 1312 Newning Street (East Bouldin Creek Watershed) from MF-3, Multi-Family Residence-Medium Density to MF-3-H, Multi-Family Residence-Medium Density-Historic Combining district, zoning. Historic Landmark Commission Recommendation: To grant MF-3-H Multi-Family Residence-Medium Density-Historic Combining district, zoning. Zoning and Platting Commission Recommendation: To grant MF-3-H Multi-Family Residence-Medium Density,-Historic Combining district, zoning for a portion of the property. Applicant: City of Austin. Property

Owner: Ray Bier (Leslie Perry - John Joseph, Jr., agent). City Staff: Steve Sadowsky, Transportation, Planning and Sustainability Department, 974-6454.

The public hearing was closed on Council Member Wynn's motion, Council Member Dunkerley's second on a 7-0 vote.

The motion to approve MF-3-H zoning on the first reading was made by Council Member Wynn and seconded by Council Member Alvarez.

The substitute motion for SF-3-H zoning on the first reading was approved on Mayor Pro Tem Goodman's motion, Council Member Slusher's second on a 6-1 vote. Council Member Wynn voted nay.

- Z-4. C14-02-0067 – Fairview Park NCCD Rezoning – Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property located east of South Congress Avenue, south of East Riverside Drive and East Bouldin Creek, north of East Monroe Street and west of Alameda Drive, Sunset Lane and Eastside Drive (Town Lake, Blunn Creek and East Bouldin Creek Watersheds). The proposed zoning change will: 1) modify boundaries of the Neighborhood Conservation Combining District (NCCD) to add new properties, will modify the site development regulations applicable to the NCCD and change the base zoning districts on 53 tracts of land: from: Family Residence (SF-3) district; Family Residence-Conditional Overlay Combining (SF-3-CO) district, Multi-Family Residence-Low Density (MF-2) district, Multi-Family Residence-Low Density-Historic Combining (MF-2-H) district, Multi-Family Residence-Low Density-Neighborhood Conservation Combining (MF-2-NCCD) district, Multi-Family Residence-Medium Density (MF-3) district, Multi-Family Residence-Medium Density-Neighborhood Conservation Combining (MF-3-NCCD) district, Multi-Family Residence-Moderate-High Density (MF-4) district, Multi-Family Residence-Moderate-High Density-Historic Combining (MF-4-H) district, General Commercial Services (CS) district, Commercial-Liquor Sales (CS-1) district; to: Family Residence-Neighborhood Conservation Combining (SF-3-NCCD) district, Family Residence-Conditional Overlay-Neighborhood Conservation Combining (SF-3-CO-NCCD) district, Multi-Family Residence-Low Density-Neighborhood Conservation Combining (MF-2-NCCD) district, Multi-Family Residence-Low Density-Historic-Neighborhood Conservation Combining (MF-2-H-NCCD) district, Multi-Family Residence-Medium Density-Neighborhood Conservation Combining (MF-3-NCCD) district, Multi-Family Residence-Medium Density-Historic-Neighborhood Conservation Combining (MF-3-H-NCCD) district, Multi-Family Residence-Moderate-High Density- Neighborhood Conservation Combining (MF-4-NCCD) district, Multi-Family Residence-Moderate-High Density-Historic Combining (MF-4-H-NCCD) district, General Commercial Services-Neighborhood Conservation Combining (CS-NCCD) district, Commercial Liquor Sales-Neighborhood Conservation Combining (CS-1-NCCD) district. Zoning and Platting Commission Recommendation: To grant Family Residence-Neighborhood Conservation Combining (SF-3-NCCD) district, Family Residence-Conditional Overlay-Neighborhood Conservation Combining (SF-3-CO-NCCD) district, Multi-Family Residence-Low Density-Neighborhood Conservation Combining (MF-2-NCCD) district, Multi-Family Residence-Low Density-Historic-Neighborhood Conservation Combining (MF-2-H-NCCD) district, Multi-Family Residence-Medium Density-Neighborhood Conservation Combining (MF-3-NCCD) district, Multi-Family Residence-Medium Density-Historic-Neighborhood Conservation Combining (MF-3-H-NCCD) district, Multi-Family Residence-Moderate-High Density-Neighborhood Conservation Combining (MF-4-NCCD) district, Multi-Family Residence-Moderate-High Density-Historic Combining (MF-4-H-NCCD) district, General Commercial

Services-Neighborhood Conservation Combining (CS-NCCD) district, Commercial Liquor Sales-Neighborhood Conservation Combining (CS-1-NCCD) district, zoning; with conditions. Applicant: City of Austin. Agent: Neighborhood Planning & Zoning Department. City Staff: Sherri Gager, 974-3057. (continued from 1/9/03)

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

The first reading of the ordinance adopting staff's recommendation was approved on Council Member Dunkerley's motion, Council Member Slusher's second on a 7-0 vote.

The motion to include the property owned by Mr. Donald B. Dial which is located at 409 E. Riverside (Tract 51) in the NCCD was approved on Mayor Pro Tem Goodman's motion, Council Member Wynn's second on a 7-0 vote.

The motion to include the property owned by Mr. Roy J. Henderson which is located at 0 Newning Avenue, 1301 Newning Avenue and 1307 Newning Avenue (Tracts 22, 23 and 25) in the NCCD was approved on Council Member Wynn's motion, Council Member Alvarez' second on a 7-0 vote.

The motion to include the property owned by Mr. Raymond J. Bier which is located at 1310 Newning Avenue, 1312 Newning Avenue, and 1318 Newning Avenue (Tracts 26, 27 and 28) in the NCCD was approved on Council Member Dunkerley's motion, Council Member Alvarez' second on a 7-0 vote.

- Z-6. C14-02-0102 – 3401 Joint Venture – Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by zoning property locally known as 3305-3415 West Slaughter Lane (Slaughter Creek Watershed-Barton Springs Zone) from I-SF-2, Interim-Single Family Standard Lot district, zoning, and SF-2, Single Family Standard Lot district, zoning to LR, Neighborhood Commercial district, zoning for Tracts 1 and 3, and LO, Limited Office district, zoning for Tract 2 and 4. Zoning and Platting Commission Recommendation: To grant LR-MU-CO, Neighborhood Commercial-Mixed Use-Conditional Overlay Combining district, zoning. Applicant: George Cantu, Thomas Carlson, Michael Doer, Linda Cates, Kenneth Polk, Daniel and Lydia Acuna. Agent: Lauretta Dowd. City Staff: Glenn Rhoades, 974-2775. **The public hearing was closed on Mayor Pro Tem Goodman's motion, Council Member Dunkerley's second on a 7-0 vote.**

The first reading of the ordinance for LO for Tracts 2 and 4 and LR for Tract 1 and 3 was approved on Council Member Dunkerley's motion, Council Member Thomas' second on a 4-3 vote. Council Member Alvarez, Mayor Pro Tem Goodman, and Council Member Wynn voted nay.

DISCUSSION ITEMS

32. C14-02-0167 – Approve second/third readings of an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 4601 Southwest Parkway (Barton Creek Watershed-Barton Springs Zone) from LR, Neighborhood Commercial district, zoning to CS-1-CO, Commercial-Liquor Sales-Conditional Overlay Combining district, zoning. First Reading on January 9, 2003; Vote: 7-0. Conditions met as follows: Conditional Overlay and restrictive covenant incorporates the conditions imposed or accepted by Council at first ordinance reading.

Applicant and Property Owner: Cal Tex Holdings (Carroll Laborde). Agent: Jim Bennett. City Staff: Annick Beaudet, 974-2975.

This item was postponed to February 6, 2003 on Council Member Slusher's motion, Council Member Dunkerley's second on a 7-0 vote.

35. Approve an ordinance repealing and replacing Chapter 10-5 of the City Code relating to noise and amplified sound; relocating the restrictions on amplified sound in a city park by amending Chapter 11-1 of the City Code to add a new Article 2; relocating the provision relating to a permit for use of sound equipment at a street event in Chapter 15-11 of the City Code; and amending Ordinance No. 020910-04 to add new outdoor music venue fees to the fees charged by the Watershed Protection and Development Review Department. (Music Commission Review – 1/14/03 and Downtown Commission Review – 1/15/03)

Ordinance No. 030130-35 was approved with the following amendments on Council Member Wynn's motion, Council Member Alvarez' second on a 6-0 vote. Mayor Pro Tem Goodman was off the dais.

- **Exempt South-By-Southwest from the ordinance;**
- **Create an appeal process for the Outdoor Music Venue Permit process;**
- **Tighten Language in the residential provisions to better reflect the intent of the Noise Ordinance Committee.**

75. Approve a resolution regarding the performance evaluation and compensation package for the City Auditor. (Mayor Gus Garcia)

The motion to confirm the evaluation was favorable was approved on Council Member Alvarez' motion, Council Member Wynn's second on a 7-0 vote.

A motion was made to suspend the rules to allow Council to meet after 10 p.m. on Council Member Thomas' motion, Mayor Pro Tem Goodman's second on a 7-0 vote.

55. Approve execution of Amendment No. 9 to a professional services agreement with KENNETH THREADGILL MUSIC PROJECT, Austin, Texas, for management and operation of the Austin Music Network (AMN), for the expenditure of \$506,250, in conformance with the approved Fiscal Year 2002-2003 Operating Budget, for the remaining nine months of the fifth year of the agreement, for a total contract amount not to exceed \$3,223,000 and to require additional contract performance measures. (Funding in the amount of \$450,000 is available in the Approved 2002-2003 Operating Budget for the Finance and Administrative Services Department.)

The motion to deny the execution of the contract by Council Member Wynn failed due to the lack of a second.

The motion authorizing the execution of Amendment No. 9 to a professional services agreement was approved on Mayor Pro Tem Goodman's motion, Council Member Thomas' second on a 6-1 vote. Council Member Wynn voted nay.

The motion to reconsider this item was approved on Council Member Dunkerley's motion, Mayor Garcia's second on a 7-0 vote.

The motion to amend the contract to add recommendations from the Music Commission and other amendments to make the contract comply with other City contracts was

approved on Council Member Dunkerley's motion, Council Member Thomas' second on a 6-1 vote. Council Member Wynn voted nay.

72. Consider an ordinance repealing Section 25-12-3, Appendix Chapter 3 of the City Code (the One and Two Family Dwelling Code 1995 Edition), adopting the International Residential Code, 2000 Edition, and adopting certain local amendments to the 2000 International Residential Code. [Recommended by Mechanical, Plumbing and Solar Board. Recommended by Building and Fire Code Board with one exception (references to the air admittance valves).]
A motion to adopt the International Residential Code with the exception recommended by the Building and Fire Code Board concerning the air admittance valves was made by Council Member Alvarez. Council Member Wynn seconded it.

The first reading of the substitute motion to adopt the International Residential Code per the recommendation by the Mechanical, Plumbing and Solar Board was approved on Council Member Slusher's motion; Mayor Pro Tem Goodman's second on a 4-3 vote. Those voting aye were Mayor Garcia, Mayor Pro Tem Goodman, and Council Members Slusher and Thomas. Those voting nay were Council Members Alvarez, Dunkerley and Wynn.

The motion to adjourn the meeting at 11:30 p.m. was approved on Council Member Slusher's motion, Council Member Wynn's second on a 7-0 vote.

The minutes for the Regular Meeting of January 30, 2003 were approved on February 6, 2003 on Council Member Thomas' motion, Council Member Wynn's second on a 7-0 vote.