



**Austin City Council  
MINUTES**

**REGULAR MEETING  
THURSDAY, FEBRUARY 13, 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, February 13, 2003 in the Board Room at Lower Colorado River Authority Hancock Building, 3700 Lake Austin Boulevard.

Mayor Garcia called the Council Meeting to order at 12:04 p.m.

Mayor Garcia recessed the meeting at 12:08 p.m. to go into Executive Session

**EXECUTIVE SESSION (No Public Discussion on These Items)**

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 ERCOT scheduling issues in Project No. 25755-PUC Investigation of Over scheduling in ERCOT in August 2001.

**Item 2 was discussed later in the meeting.**

3. 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.
4. 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.**

5. Discuss legal issues related to *Michael King, et al. v. City of Austin, Texas*, Cause Number 96-08899 in the 353<sup>rd</sup> Judicial District Court of Travis county Texas. (Police officers' claim for back wages, lost step increases, etc.).

**No discussion was held on this item.**

**Items 6 & 7 were discussed later in the meeting.**

**The Mayor also announced that items 19 and 61 would be discussed in Executive Session.**

**Executive Session ended at 1:40 p.m.**

**Mayor Garcia called the regular Council meeting back to order at 1:44 p.m.**

**1:30 P.M. CITIZEN COMMUNICATIONS: GENERAL**

8. Grace Lehto - You're violating my constitutional rights.
9. Gus Pena - The old Mueller Airport site is perfect for the new hospital. Continue to monitor Seton to ensure Seton provides needed services and specialists to address the health issues of the people. The appropriate city department needs to scrutinize the construction companies repairing our streets for compliance and adherence to safety issues of the motorists and the construction workers.
10. Mr. Ara Merijanian - Neighborhood Planning and inappropriate residential development in Hancock N.A.
11. Lane Harrell - Immediate response needed on the duplex issue
12. Jennifer L. Gale - Congratulations and Thank-You Mayor Garcia; Council Member Danny Thomas for supporting the armed services, the people of the United States of America and the Republic of Iraq. A platform for all of Austin's ethnic areas.

**Item 13 was set for a time certain at 3:00 p.m.**

**CONSENT AGENDA**

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

**New Items**

14. Approval of minutes from work session of February 5, 2003 and regular meeting of February 6, 2003.  
**The minutes from the work session of February 5, 2003 and the regular meeting of February 6, 2003 were approved.**
15. Consider ratification of the settlement and receipt of \$669,696.64 resolving ERCOT scheduling issues in Project No. 25755-PUC Investigation of Over Scheduling in ERCOT in August 2001. (Related to Executive Session Item No.1)  
**The motion authorizing the ratification of the settlement was approved.**

**Item 16 was pulled for discussion.**

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 on Environmental Quality. (Related to Executive Session Item No. 3)  
**Resolution No. 030213-17 was approved as follows: "Be It Resolved by the City Council of the City of Austin: That the City Manager is authorized 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 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 Directors' meeting on February 19, 2003 and contingent upon LCRA's agreeing to champion and support compliance of development with the September 1, 2000 document entitled 'U.S. Fish and Wildlife Service Recommendations for Protection of Water Quality of Edwards Aquifer.'"

18. Approve a legal services contract with SCOTT, DOUGLASS & MCCONNICO, LLP, Austin, Texas, for legal representation, advice and counsel regarding *Michael King, et al. v. City of Austin, Texas*, Cause Number 96-08899 in the 353<sup>rd</sup> Judicial District Court of Travis County Texas. (Police officers' claim for back wages, lost step increases, etc.). (Related to Executive Session Item No. 5)

**This item was removed from the agenda.**

#### Austin Energy

19. Authorize negotiation and execution of a five-year contract with KINDER MORGAN SOUTH PIPELINE, L.P. (KM) for natural gas transportation and storage services for Austin Energy's Sand Hill Energy Center in an amount not to exceed \$25,200,000, with an option to extend the contract for an additional five year term in an amount not to exceed \$25,200,000, for a total contract amount not to exceed \$50,400,000. (Funding in the amount of \$25,200,000 will be provided through the Electric Fuel Charge revenue. Funding for the extension option is contingent upon available funding in future budgets.) (Electric Utility Commission Review)

**This item was postponed indefinitely.**

#### Economic Growth and Redevelopment Services

20. Approve Amendment No. 2 to a professional services agreement with DABNEY & ASSOCIATES, Houston, Texas, to provide consultation and assistance during the transition of the City's cultural arts organization and the development of a cultural arts policy and revised contract funding process, increasing the contract in an amount not to exceed \$75,000, for a total contract amount not to exceed \$124,259.76. (Funding in the amount of \$75,000 is available in the 2002-2003 Amended Operating Budget for the Economic Growth the Redevelopment Services Office.) (Related Items 13 & 21)

**This item was postponed to February 27, 2003.**

21. Approve an ordinance amending Ordinance No. 020910-01, the 2002-2003 Operating Budget, to create a new program entitled "Cultural Arts" in the Economic Growth and Redevelopment Services Office, and to transfer and add full-time equivalent positions and appropriate funds. [Funding in the amount of \$360,239 is available in the Fiscal Year 2002-2003 amended budget of the Electric Utility and \$35,000 is available from CIP expense refunds (AIPP activity).] (Related Items 13 & 20)

**This item was postponed to February 27, 2003.**

#### Health

22. Approve an Ordinance authorizing acceptance of \$328,512 in additional grant funds from the Texas Department of Health-Bureau of HIV and STD Prevention for the HIV Prevention

Counseling and Partner Elicitation/Health Education Risk Reduction (PCPE/HERR) grant program; and amending Ordinance No. 020910-01, the approved Fiscal Year 2002-2003 Operating Budget, amending the Special Revenue Fund by appropriating \$328,512 in additional grant funds for the Health and Human Services Department's Special Revenue Fund for a total grant amount of \$648,512; and reducing the number of grant-funded FTEs in this program from 8.5 to 7.0 FTEs. (Funding in the amount of \$328,512 is available from the Texas Department of Health-Bureau of HIV and STD Prevention. The grant period is from January 1, 2003 to December 31, 2003. No match is required.) (Related Item 23)

**Ordinance No. 030213-22 was approved.**

23. Authorize execution of a 12-month contract agreement with AIDS SERVICES OF AUSTIN, in an amount not to exceed \$100,000, The WRIGHT HOUSE WELLNESS CENTER, in an amount not to exceed \$100,000, and MHMR/CARE in an amount not to exceed \$141,538, with three 12-month extension options each, with totals not to exceed \$400,000 for AIDS Services of Austin, \$400,000 for The Wright House Wellness Center, and \$566,152 for MHMR/CARE respectively. [Funding in the amount of \$341,538 is available in the Fiscal Year 2003 Approved Operating Budget of the Health and Human Services Department (HHSD) Special Revenue Fund TDH HIV Prevention Counseling and Partner Elicitation (PCPE/HERR) grant program. Grant period is January 1, 2003 to December 31, 2003. Extension options are contingent upon available funding in future budgets.] (Related Item 22)

**The motion authorizing the execution of a contract agreement was approved.**

24. Approve an Interlocal Cooperation Agreement between the City of Austin and Travis County to fund and administer the Summer Youth Employment program for the period October 1, 2002 through September 30, 2003, at a cost to the City not to exceed \$290,005 with one annual renewal in the amount of \$306,047, for a total amount not to exceed \$596,052. (Funding in the amount of \$256,228 is available in the Fiscal Year 2002-2003 Approved Operating Budget of the Health and Human Services Department and \$33,777 is available in the Fiscal Year 2002-2003 Approved Operating Budget for the Human Resources Department for the first 12-month period. Funding for renewal options will be contingent on future fiscal year budgets.)

**The motion authorizing an Interlocal Cooperation Agreement was approved.**

#### **Neighborhood Planning and Zoning**

25. Approve an ordinance amending Ordinance No. 010830-41, to correct conditions of zoning for the property known as the West 23<sup>rd</sup> Street Apartments, located at 906-912 West 23<sup>rd</sup> Street and 825 West 24<sup>th</sup> Street, and described in zoning file C14-01-0050. City Staff: Glenn Rhoades, 974-2775.

**Ordinance No. 030213-25 was approved.**

26. Approve an ordinance amending Ordinance No. 030109-23, to correct conditions of zoning for the property located at 9530 U.S. Highway 290 East and described in zoning file C14-01-0134. City Staff: Annick Beaudet, 974-2975.

**Ordinance No. 030213-26 was approved.**

27. C14-02-0145b -- Approve second/third readings of an ordinance amending Chapter 25-2 of the Austin City Code by zoning property locally known as 912 Dalton Lane (Carson Creek Watershed) from I-RR, Interim-Rural Residence district, zoning to LI-CO, Limited Industrial Services-Conditional Overlay Combining district, zoning. First Reading on December 12, 2002: Vote 7-0. Conditions met as follows: Conditional Overlay incorporates the conditions approved

by Council at first ordinance reading. Applicant: Dennis & Alice Kerwin. Agent: Jenkins & Gilchrist, PC (Myron Dornic), Brown McCarroll (Nikelle Meade). City Staff: Annick Beaudet, 974-2975.

**Ordinance No. 030213-27 was approved.**

28. C14-02-0171 – Approve second/third readings of an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 10318 Old Manchaca Road (Slaughter Creek Watershed) from SF-2, Single Family Residence Standard lot district, zoning to SF-3-CO, Family Residence-Conditional Overlay Combining district, zoning. First reading on January 16, 2003; Vote: 7-0. Conditions met as follows: Conditional Overlay incorporates the conditions approved by Council at first ordinance reading. Applicant and Property Owner: Lou Ann Page. Agent: Land Answers (Jim Wittliff). City Staff: Wendy Walsh, 974-7719.

**Ordinance No. 030213-28 was approved.**

29. C14-02-0137 – Approve second/third readings of an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 7402 Brodie Lane (Williamson Creek Watershed-Barton Springs Zone) from SF-3, Family Residence district, zoning to NO-CO, Neighborhood Office-Conditional Overlay Combining district, zoning. First Reading on December 5, 2002; Vote: 7-0. Conditions met as follows: Conditional Overlay and restrictive covenant incorporates the conditions approved or accepted by Council at first ordinance reading. Applicant and Property Owner: Deborah Duckett and Daniel Wood. Agent: Crocker Consultants (Sarah Crocker). City Staff: Wendy Walsh, 974-7719.

**Ordinance No. 030213-29 was approved.**

30. C14-02-0179 – Approve second/third readings of an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 6834 Austin Center Drive (Shoal Creek Watershed) from GO-CO, General Office-Conditional Overlay Combining district, zoning to GO-CO, General Office-Conditional Overlay Combining district, zoning. First Reading on January 9, 2003; Vote: 7-0. Conditions met as follows: The ordinance incorporates the conditions imposed by Council at first ordinance reading. Applicant: HUB Properties (Adrian Overstreet). Agent: Kimley Horn and Associates (Scott Foster). City Staff: Glenn Rhoades, 974-2775.

**Ordinance No. 030213-30 was approved.**

31. C14-02-0162 – Approve second/third readings of an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 301 West Anderson Lane (Buttermilk Branch Creek Watershed) from SF-3, Family district zoning to CS-CO, General Commercial Services-Conditional Overlay Combining district zoning. First Reading on January 9, 2003; Vote: 5-0, Goodman and Thomas off the dais. Conditions met as follows: The ordinance incorporates the conditions imposed by Council at first ordinance reading. Applicant: Texas Conference Associates of the Seventh Day Adventists (Karl Doerner) Agent: Larry Kleinkemper. City Staff: Glenn Rhoades, 974-2775.

**Ordinance No. 030213-31 was approved.**

32. C814-01-0038 – Parmer/Walnut Creek P.U.D. – Approve third reading of an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 1200 Block of Parmer Lane (Walnut Creek Watershed) from SF-6, Townhouse and Condominium Residence district, RR, Rural Residence district, and LO, Limited Office district, zoning to PUD, Planned Unit Development district, zoning 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.) and Bury and Partners, Inc. (James Knight, P.E.). City Staff: Sherri Gager, 974-3057. (Continued from 1/30/03)

**This item was postponed to March 6, 2003.**

33. C14-01-0026 – Approve second/third readings of an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 10106-10200 Giles Lane (Decker Creek Watershed) from DR, Development Reserve district, zoning to LI-CO, Limited Industrial Services-Conditional Overlay Combining district, zoning. First Reading on May 9, 2002: Vote 5-0 (Goodman/Thomas out of room). Conditions met as follows: Conditional Overlay incorporates the conditions approved by Council at first ordinance reading. Applicant: Giles Holdings, LP (Steven Mobley). Agent: Associated Consulting Engineers (Ken Tunks). City Staff: Annick Beaudet, 974-2975.

**This item was postponed to April 3, 2003 at the request of the applicant.**

#### **Parks and Recreation**

34. Approve execution of a construction contract with MAC Inc. (MBE/MH, 79.6%), Austin, Texas, for ADA improvements to the PARD Main Office Building located at 200 S. Lamar Blvd, in an amount not to exceed \$137,000. (Funding is included in the 2002-03 Capital Budget of the Parks & Recreation Department.) Lowest of three bids. 11% MBE, 5.39% WBE subcontracting participation.

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

#### **Police**

35. Approve a resolution authorizing application and acceptance of \$88,437 in continuation grant funding from the State of Texas, Governor's Office, Criminal Justice Division to fund one full-time equivalent (FTE) Detective position 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, 2003 to August 31, 2004. This is the second year of a five-year grant. There is no cash match this year.)

**Resolution No. 030213-35 was approved.**

36. Approve a resolution authorizing the application and 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 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, 2003 to August 31, 2004. This is the second year of a five-year grant. There is no cash match for this year of the grant.)

**Resolution No. 030213-36 was approved.**

37. Approve a resolution authorizing the application for and acceptance of \$27,511 in renewal grant funding from the State of Texas, Governor's Office, Criminal Justice Division to continue the APD Outreach to Immigrant Families program. (Grant funding is available from the State of Texas, Governor's Office, Criminal Justice Division, for the grant period September 1, 2003 to August 31, 2004, and is appropriated in the approved 2002-2003 Austin Police Department Special Revenue Budget. This is the application for the fourth year of a five-year grant. The cash

match for this grant is \$30,337. Funding for continued operation is contingent upon grant renewal and/or approval of funding in future budgets.)

**Resolution No. 030213-37 was approved.**

**Item 38 was pulled for discussion.**

**Public Works**

39. Approve an amendment to increase the overall authorization to the existing professional services agreements with the following eight firms: FUGRO SOUTH (formerly Fugro-McClelland-Southwest), INC., Austin, Texas; TERRA-MAR, INC. (MBE/NA, 68.78%) Austin, Texas; TRINITY ENGINEERING TESTING CORPORATION, Austin, Texas; HBC ENGINEERING, INC., Austin, Texas; RABA-KISTNER-BRYTEST CONSULTANTS, INC., Austin, Texas; JACK H. HOLT Ph.D. & ASSOCIATES, INC (WBE/FR, 99.47%), Austin, Texas; HVJ ASSOCIATES (formerly Maxim Technologies), Austin, Texas; INTEGRATED TESTING AND ENGINEERING COMPANY (MBE/MA, 100%), Austin, Texas; to provide professional, geotechnical engineering services for street, drainage, building, electric, water, wastewater, solid waste and park projects for a period of approximately four months, or until authorized funding is expended, in an amount not to exceed \$225,000, for a total contract amount not to exceed \$1,769,000. (Funding in the amount of \$225,000 is available in the Capital and/or Operating Budgets of the Department of Public Works and various other departments for which services are required.) FUGRO SOUTH, INC. 13.16% MBE, 17.11% WBE; TERRA-MAR, INC. 11% MBE, 15.84%; TRINITY ENGINEERING TESTING CORPORATION, 0% MBE, 5.01% WBE; HBC ENGINEERING, INC. 20.54% MBE, 3.66% WBE; RABA-KISTNER-BRYTEST CONSULTANTS, INC. 27.09% MBE, .54% WBE; JACK H. HOLT Ph.D. & ASSOCIATES, INC. 41% MBE, 0% WBE; HVJ ASSOCIATES 50.38% MBE, 12.36% WBE; INTEGRATED TESTING AND ENGINEERING COMPANY, 0% MBE, 0% WBE subconsultants participation. **The motion authorizing an increase in the overall authorization to the existing professional services agreements was approved.**
40. Approve an amendment to increase the overall authorization to the existing professional services agreements with the following ten firms: RODRIGUEZ ENGINEERING LABORATORIES (MBE/MH, 79.64%), Austin, Texas; FUGRO SOUTH, INC., Austin, Texas; RABA-KISTNER-BRYTEST CONSULTANTS, INC., Austin, Texas; TRINITY ENGINEERING TESTING CORPORATION, Austin, Texas; JACK H. HOLT Ph.D. & ASSOCIATES, INC. (WBE/FR, 88.51%), Austin, Texas; HBC ENGINEERING, INC., Austin, Texas; PROFESSIONAL SERVICE INDUSTRIES, INC., Austin, Texas; GROUND TECHNOLOGY, INC. (WBE/FA, 100%), Houston, Texas; HVJ ASSOCIATES, INC., (MBE/MB, 47.86%), Austin, Texas; and ENGINEERING CONSULTING SERVICES, LTD., Austin, Texas, to provide construction materials engineering and testing services for City of Austin Capital Improvement Program projects for a period of approximately four months, or until authorized funding is expended, in an amount not to exceed \$750,000, for a total contract amount not to exceed \$3,694,000. (Funding in the amount of \$ 750,000 is available in the Capital and/or Operating Budgets of the Department of PublicWorks and various other departments for which services are required.) RODRIGUEZ ENGINEERING LABORATORIES 1.04% MBE, 19.32% WBE; FUGRO SOUTH, INC. 41.94% MBE, 1.68% WBE; RABA-KISTNER-BRYTEST CONSULTANTS, INC. 62.91% MBE, .50% WBE; TRINITY ENGINEERING TESTING CORPORATION 0% MBE, 2.56% WBE; JACK H. HOLT Ph.D. & ASSOCIATES, INC. 8.15% MBE, 3.33% WBE; HBC ENGINEERING, INC. 0% MBE, .15% WBE; PROFESSIONAL SERVICE INDUSTRIES, INC. 16.49% MBE, 8.43%, WBE; GROUND TECHNOLOGY, INC. 0% MBE, 0% WBE; HVJ

ASSOCIATES, INC. 2.9% WBE, 22.5% MBE; ENGINEERING CONSULTING SERVICES, LTD 3.94% WBE, 45.16% MBE subconsultants participation.

**The motion authorizing an increase in the overall authorization to the existing professional services agreements was approved.**

41. Approve execution of a construction contract with BASSWOOD GROUP, L.P., San Antonio, Texas, for the Eubank Acres Service to Annexed Areas #2000 Project B Water and Wastewater Improvements Project, in the amount of \$2,098,750, plus \$209,875 contingency, for a total contract amount not to exceed \$2,308,625. (Funding in the amount of \$2,308,625 is available in the Fiscal Year 2002-2003 Amend Capital Budget of the Water & Wastewater Utility.) Lowest of the three bids received. 22.75% MBE, 5.38% WBE subcontracting participation. (Recommended by Water and Wastewater Commission)

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

#### **Purchasing**

42. Approve execution of a contract with HYDROLYNX SYSTEMS, INC., West Sacramento, CA, for the purchase of NovaStar base station upgrades, laptops, internet server, automated data transfer, ALERT Talk 3 upgrade, NovaScore software, RemX upgrade, installation, and training for the City's Flood Early Warning System (FEWS), in an amount not to exceed \$83,355. (Funding is available in the Fiscal Year 1998-1999 Amended Capital Budget.) This purchase is necessary to protect public health and safety, and thus, is exempt from competitive bidding under Chapter 252 of the Local Government Code.

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

43. Approve execution of a 12-month services agreement with ANA LAB CORPORATION, Kilgore, Texas, to provide priority & regulated pollutant analyses services for the Water and Wastewater Utility, in an amount not to exceed \$125,000 with two 12-month extension options in an amount not to exceed \$125,000 per extension, for a total contract amount not to exceed \$375,000. (Funding in the amount of \$68,666 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 meeting specifications/five bids 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 the execution of a services agreement was approved.**

44. Approve execution of a 12-month supply agreement with BECTON/DICKINSON DIAGNOSTIC SYSTEMS, dba BD DIAGNOSTIC SYSTEMS, Sparks, MD, for the purchase of diagnostic screening supplies to screen inmates at the Del Valle correctional facility for two sexually transmitted diseases, in an amount not to exceed \$45,058, with two 12-month extension options in an amount not to exceed \$45,058 per extension, for a total contract amount not to exceed \$135,174. (Funding in the amount of \$26,284 is available in the 2002-2003 Approved Operating Budget of the Health and Human Services Department. Funding for the remaining five months of the original contract period and the extension options is contingent upon available funding in future budgets.) 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. This purchase will be awarded in compliance with State law under the public health and safety exemption to competitive bidding.

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



45. Approve execution of a contract with MATCOR INC., Sugar Land, Texas, for the refurbishment of the cathodic protection systems at Decker and Holly Power Plants in an amount not to exceed \$159,825. (Funding is available in the 2002-2003 Amended Capital Budget for the Electric Utility Department.) Low bid/three bids received. No MBE/WBE subcontracting participation.  
**The motion authorizing the execution of a contract was approved.**
46. Approve execution of a contract with THE F. B. LEOPOLD COMPANY, INC. Zelienople, PA, for the purchase of an eighteen-piece filter under drain system and associated filtration media for the Ullrich Water Treatment Plant required by the Austin Clean Water Act for the Water & Wastewater Utility Department, in an amount not to exceed \$1,524,729. (Funding is available in the 2002-2003 Capital Budget of the Water & Wastewater Utility Department.) Low bidder/two bids 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. (Recommended by Water and Wastewater Commission) (Related Item 47 & 48)  
**The motion authorizing the execution of a contract was approved.**
47. Approve execution of a contract with CONTINENTAL BLOWER LLC, Liverpool, NY, for the purchase of two air scour blowers for the Ullrich Water Treatment Plant for the Water & Wastewater Utility Department, in an amount not to exceed \$222,854. (Funding is included in the 2002-2003 Amended Capital Budget of the Water & Wastewater Utility Department.) Only bid 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. (Recommended by Water and Wastewater Commission) (Related Item 46 & 48)  
**The motion authorizing the execution of a contract was approved.**
48. Approve execution of a contract with DORR-OLIVER EIMCO USA INC., Salt Lake City, Utah, for the purchase of two up-flow solids contact clarifier mechanisms for the Ullrich Water Treatment Plant required by the Water & Wastewater Utility Department, in an amount not to exceed \$3,157,780. (Funding is available in the 2002-2003 Approved Capital Budget of the Water & Wastewater Utility Department.) Only bid 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. (Related Item 46 & 47)  
**The motion authorizing the execution of a contract was approved.**
49. Approve execution of a 12-month service agreement with ENTERPRISE RENT A CAR, Austin, Texas, for rental services for the Austin Police Department in an amount not to exceed \$85,800, with two 12-month extension options in an amount not to exceed \$85,800 per extension for a total contract amount not to exceed \$257,400. (Funding in the amount of \$42,900 was included in the 2002-2003 Approved Operating Budget of the Austin Police Department. Funding for the remaining six months of the original contract period and the extension options is contingent upon available funding in future budgets.) 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 for this solicitation.  
**The motion authorizing the execution of a service agreement was approved.**
50. Approve the execution of a contract with HOUSTON-GALVESTON AREA COUNCIL OF GOVERNMENTS COOPERATIVE PURCHASING PROGRAM, Houston, Texas, for the purchase of 13 Mobile Data Computing Terminals for use in EMS ambulances in an amount not to exceed \$122,347.45. (Funding in the amount of \$122,347.45 is available in the 2002-2003

Approved Operating Budget of the Emergency Medical Services Department.) This purchase provides for 13 Motorola MW800 Mobile Data Computing Terminals (MDTs) through the Interlocal Cooperative Purchasing Agreement with the Houston-Galveston Area Council of Governments (HGAC).

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

51. Approve execution of a contract through the TEXAS LOCAL STATEWIDE PURCHASING COOPERATIVE (BUYBOARD) with their contract vendor PROFESSIONAL TURF PRODUCTS, San Antonio, Texas, for the purchase of mowing equipment for the Parks and Recreation Department in the amount not to exceed \$219,880. (Funding in the amount of \$156,560 is available in the 2002-2003 Vehicle Acquisition Fund. Funding in the amount of \$63,320 is available in the 2002-2003 Operating Budget of the Parks and Recreation Department.) These units have been competitively bid through the Texas Local Statewide Government Purchasing Cooperative BuyBoard and Professional Turf Products, San Antonio, Texas is currently under contract to supply this type of mowers.

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

52. Approve execution of a contract through the TEXAS LOCAL STATEWIDE PURCHASING COOPERATIVE (BUYBOARD) with their contract vendor SIDDONS FIRE APPARATUS, INC., Houston, Texas, for the purchase of four mini-pumper trucks and three combination ladder-pumper fire trucks for the Austin Fire Department in an amount not to exceed \$2,476,527. (Funding in the amount of \$1,145,709.40 is available in the 2002-2003 Vehicle Acquisition Fund. Funding in the amount of \$1,330,817.60 is available in the 2002-2003 Capital Budget of the Austin Fire Department.) These units have been competitively bid through the Texas Local Statewide Government Purchasing Cooperative BuyBoard and Siddons Fire Apparatus, Houston, Texas is currently under contract to supply this type of vehicles.

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

#### **Transportation Planning and Sustainability**

53. Approve issuance of a Street Event Permit to Fado's Irish Pub to close the 200 block of West 4<sup>th</sup> Street on March 15, 2003, beginning at 6:00 a.m. through March 16, 2003 at 6:00 a.m., for a St. Patrick's Day fee paid event.

**The motion authorizing the issuance of a Street Event Permit was approved.**

#### **Water and Wastewater**

54. Approve execution of a construction contract with MATOUS CONSTRUCTION LTD., Belton, Texas, for the Hornsby Bend Govalle Process Modifications, in the amount of \$1,459,000, plus \$91,000.00 to be used as a contingency fund for change orders, for a total amount not to exceed \$1,550,000. (Funding in the amount of \$1,550,000 is available in the 2002-2003 Amended Capital Budget of the Water and Wastewater Utility.) Lowest of the seven responsive bids received. 24.27% MBE, 0.82% WBE subcontracting participation. (Recommended by Water and Wastewater Commission)

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

#### **Set Public Hearing(s)**

55. Set a public hearing to consider an amendment to the Holly Neighborhood Plan, part of the Austin Tomorrow Comprehensive Plan, to change the Future Land Use Map from mixed-use,

industrial, single-family residential, multi-family, civic, and transportation to commercial mixed-use, commercial, industrial, and civic for properties zoned Limited Industrial Service (LI) district within the Holly Planning Area. (Suggested Date and Time: March 27, 2003 at 4:00 p.m.)

**The public hearing was set for March 27, 2003 at 4:00 p.m.**

56. Set public hearings for the full purpose annexation of the Avery Ranch Area (Approximately 15 acres in Williamson County south of Avery Ranch Blvd approximately 1,134 feet east of the intersection of Parmer Lane and Avery Ranch Blvd). (Suggested Dates and Times: February 27, 2003 at 6:00 pm., Lower Colorado River Authority Hancock Building; March 6, 2003 at 6:00 pm., Lower Colorado River Authority Hancock Building)

**The public hearing was set for February 27, 2003 at 6:00 p.m. at the Lower Colorado River Authority Hancock Building and March 6, 2003 at 6:00 p.m. at the Lower Colorado River Authority Hancock Building.**

57. Set a public hearing to consider amendments to certain City subdivision regulations regarding drainage and transportation requirements, for consistency with Travis County regulations, in accordance with the Agreement on Subdivision Platting in the Extraterritorial Jurisdiction between the City of Austin and Travis County. (Suggested Date and Time: March 6, 2003 at 6:00 p.m.)

**The public hearing was set for March 6, 2003 at 6:00 p.m.**

#### **ITEMS FROM COUNCIL**

58. Appointments to Boards and Commissions

**The following appointments were made:**

<b><u>Board/ Appointee</u></b>	<b><u>Consensus/ Council Nominee</u></b>	<b><u>Appointment/ Reappointment</u></b>
<b><u>Community Development Commission</u></b>		
Jeffery Lewis	Council Member Thomas'	Reappointment
<b><u>Federally Qualified Health Center Board</u></b>		
Rose Lancaster	Consensus	Reappointment
<b><u>Historic Landmark Commission</u></b>		
Frank Ivy	Consensus	Appointment
<b><u>Library Commission</u></b>		
Carol Martin	Consensus	Appointment
<b><u>Urban Transportation Commission</u></b>		
Cris Feldman	Council Member Wynn's	Reappointment
Dana Lockler	Council Member Alvarez'	Reappointment

**Item 59 was pulled for discussion.**

60. Approve a resolution directing the City Manager to initiate amendments to Section 25-8-41 of the City Code relating to water quality variance determinations by the Land Use Commission.

(Council Member Betty Dunkerley, Mayor Pro Tem Jackie Goodman and Council Member Daryl Slusher)

**Resolution No. 030213-60 was approved.**

**Item 61 was pulled for discussion**

### **DISCUSSION ITEM**

38. Approve an ordinance to establish classifications and number of positions in the classified service of the Police Department and repealing Ordinance No. 020926-37. (Funding in the amount of \$234,867 for the requested change is available within the Approved Fiscal Year 2002-2003 Operating Budget.)

**Ordinance No. 030213-38 was approved on Council Member Alvarez' motion, Council Member Slusher's second on a 7-0 vote.**

**Mayor Garcia recessed the meeting at 2:37 p.m. to go into Executive Session**

### **EXECUTIVE SESSION**

6. Discuss acquisition of an interest in real property for Open Space as authorized under Proposition 2 of the November 7, 2000 Bond Election.
2. Discuss legal issues related to a possible settlement agreement For *Penny King v City of Austin, Cause No. 96-08899*, in the Travis County District Court. (Personal injury claim arising out of a motor vehicle accident involving an APD officer).

**The Mayor announced item 61 would also be discussed in Executive Session.**

**Executive Session ended at 4:00 p.m.**

**Mayor called the regular Council meeting back to order at 4:04 p.m.**

### **Briefing**

13. Presentation by the Arts Commission of its annual report and recommendations concerning an interim process for next year's cultural contracts. (Related to Items 20 & 21)

**The presentation was made by Mel Ziegler, Chair of the Arts Commission.**

### **Discussion Items**

16. Approve settlement agreement for *Penny King v City of Austin, Cause No. 96-08899*, in the Travis County District Court. (Related to Executive Session Item No. 2)

**The motion authorizing settlement agreement in the amount of \$132,500 was approved on Council Member Dunkerley's motion, Mayor Pro Tem Goodman'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' motion, Council Member Wynn's second on a 7-0 vote.**

- Z-1. C14-02-0178 -- Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 608 Ralph Ablanado Drive (Slaughter Creek Watershed) from DR, Development Reserve district, zoning to LO-CO, Limited Office-Conditional Overlay Combining district, zoning. Zoning and Platting Commission Recommendation: To grant LO-CO, Limited Office-Conditional Overlay Combining district, zoning. Applicant and Property Owner: Thomas E. Davern. Agent: Keller Williams (Tina Dugey). City Staff: Wendy Walsh, 974-7719.  
**Ordinance No. 030213-Z1 was approved.**
- Z-2. C14-02-0188 -- Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 5506 Highway 290 West (Barton Creek Watershed-Barton Springs Zone) from DR, Development Reserve district, zoning to CS, General Commercial Services district, zoning. Zoning and Platting Commission recommendation: To grant CS-CO, General Commercial Services-Conditional Overlay Combining district, zoning with conditions. Applicant: R & K Investments (Russel Moore). Agent: McCann and Associates. City Staff: Annick Beaudet, 974-2975.  
**The first reading was approved including the integrated pest management and Grow Green provisions.**

**Items Z-3 through Z-5 were pulled for discussion.**

- Z-6. C14-02-0181 -- Champion Property -- Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 6101-6404 City Park Road, 6509-6909 FM 2222 (Bull Creek Watershed) from DR, Development Reserve district, zoning and LR-CO, Neighborhood Commercial-Conditional Overlay Combining district zoning to LR-CO, Neighborhood Commercial-Conditional Overlay Combining district zoning. Zoning and Platting Commission Recommendation: To grant LR-CO, Neighborhood Commercial district, zoning with conditions. Applicant: Champion Assets (Josie Ellen Champion). Agent: Graves, Dougherty, Hearon (David Hartman). City Staff: Glenn Rhoades, 974-2775.  
**This item was postponed indefinitely at the applicant's request.**

**Items Z-7 through Z-8 were pulled for discussion.**

### **ZONING DISCUSSION ITEMS**

- Z-3. C14-02-0065 -- Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as Manchaca Road at Ravenscroft Drive (Slaughter Creek Watershed) from RR, Rural Residence district, zoning to GR, Community Commercial district, zoning. Zoning and Platting Commission Recommendation: To grant GR-CO, Community Commercial district zoning with conditions. Applicant: 14.44 Joint Venture (Kevin McCright). Agent: Urban Design Group (Laura Toups). City Staff: Glenn Rhoades, 974-2775.  
**The public hearing was closed on Council Member Slusher's motion, Council Member Dunkerley's second on a 7-0 vote.**

The first reading of the ordinance supporting staff's recommendation for LR-LO zoning was approved on Council Member Wynn's motion, Council Member Thomas' second on a 7-0 vote.

- Z-4. C14-02-0066 -- Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as Manchaca Road at Ravenscroft Drive (Slaughter Creek Watershed) from RR, Rural Residence district, zoning to GR, Community Commercial district, zoning. Zoning and Platting Commission Recommendation: To grant LR-CO, Neighborhood Commercial district, zoning with conditions and LO, Limited Office district zoning. Applicant: 14.44 Joint Venture (Kevin McCright). Agent: Urban Design Group (Laura Toups). City Staff: Glenn Rhoades, 974-2775.

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

The first reading of the ordinance supporting staff's recommendation for LR and LO zoning was approved on Council Member Wynn's motion, Council Member Thomas' second on a 7-0 vote.

- Z-5. C14-02-0189 -- Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 2403 South Lamar Blvd. (West Bouldin Creek Watershed) from SF-3, Family Residence district, zoning to GR, Community Commercial district, zoning. Zoning and Platting Commission recommendation: To grant GR-CO, Community Commercial-Conditional Overlay Combining district, zoning with conditions. Applicant: Bank of America, N.A. Trustee (Gonzalo G. Gonzalez, V.P.). Agent: Sarah Crocker. City Staff: Annick Beaudet, 974-2975.

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

There was a motion for the first reading of the ordinance supporting staff recommendation made by Council Member Dunkerley and second by Council Member Thomas. There was a friendly amendment from Mayor Pro Tem Goodman for the first reading of the ordinance supporting the Zoning and Platting Commission's recommendation for GR-CO zoning. This was accepted by the maker of the motion and Council Member Thomas, who seconded the motion. This passed on a 7-0 vote.

#### DISCUSSION ITEM

61. Approve a resolution directing the City Manager to initiate the procedure for enacting a moratorium regarding duplex development pursuant to Section 212.131 et. seq. of the Texas Local Government Code. (Mayor Pro Tem Jackie Goodman)

Resolution No. 030213-61 was approved as follows: "Be it Resolved by the City Council of the City of Austin: That the City Manager is directed to initiate the procedure for enacting interim development regulations regarding high residency single-unit-plex (high residency duplex) development. Be It Further Resolved: That the Planning Commission and Zoning and Platting Commission begin the Land Development Code amendment process regarding single-unit-plex (high residency duplex) development so that recommendations are before the Council for public hearing and action to approve on or before March 27, 2003.

The Mayor recessed the Council Meeting at 5:29 p.m.

5:30 P.M.      **LIVE MUSIC:** Shu-Yi Huang Scott

**PROCLAMATIONS**

**Mayor Garcia called the Council to go into Executive Session at 6:15 p.m.**

**EXECUTIVE SESSION**

7.      Evaluate the performance and consider compensation of the Municipal Court Clerk.

**The Executive Session ended at 7:16 p.m.**

**Mayor Garcia called the regular Council meeting back to order at 7:19 p.m.**

**PUBLIC HEARINGS**

64.      Conduct a public hearing to consider a request for a waiver from the minimum distance requirement of Section 8-3-4(A) of the City Code to allow a proposed convenience store located at 2105 South Congress to sell beer and wine within 300 feet of Fulmore Middle School.  
**This item was postponed to March 6, 2003 on Council Member Wynn's motion, Mayor Pro Tem Goodman's second on a 5-0 vote. Mayor Garcia and Council Member Thomas were off the dais.**
63.      Conduct a public hearing to approve approximately 0.101 acres (4,403 square feet) for right-of-way and 0.158 acres (6,867 square feet) temporary construction Use Agreement to allow the construction of Dittmar Road Improvements, Manchaca Road to South 1<sup>st</sup> Street through dedicated parkland known as Dittmar Park in accordance with Sec. 26.001 et seq. of the Texas Parks and Wildlife code.  
**The public hearing was closed on Council Member Wynn's motion, Mayor Pro Tem Goodman's second on a 5-0 vote. Mayor Garcia and Council Member Thomas were off the dais.**
62.      Conduct a public hearing 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).  
**The public hearing was closed on Council Member Thomas' motion, Council Member Slusher's second on a 5-0 vote. Mayor Garcia and Council Member Wynn were off the dais.**
- Sheldon Tract** (Approximately 210 acres in Travis County east of the intersection of Thaxton Road and Salt Springs Drive).  
**The public hearing was closed on Council Member Thomas' motion, Council Member Alvarez' second on a 5-0 vote. Mayor Garcia and Council Member Wynn were off the dais.**

**ZONING DISCUSSION ITEMS**

- Z-7. Conduct a public hearing and consider an ordinance amending the Austin Tomorrow Comprehensive Plan by adopting the Govalle/Johnston Terrace Combined Neighborhood Plan for the area bounded by Oaks Springs, Airport Blvd. and Austin & NW Railroad on the north, 183 – Ed Bluestein on the east, Colorado River on the south, and Pleasant Valley and Webberville Road on the west (see attached map). (There is no fiscal impact associated with adopting the Govalle/Johnston Terrace Combined Neighborhood Plan. An estimate of the fiscal impact to implement all of the recommendations in the plan is \$704,000. This plan is advisory and does not legally obligate the Council to implement any particular recommendation.)  
**The public hearing was closed on Council Member Dunkerley's motion, Council Member Wynn's second on a 6-0 vote. Council Member Slusher was off the dais.**

**The first reading of the ordinance with the following amendments was approved on Council Member Alvarez' motion, Council Member Thomas' second on a 7-0 vote. The amendments were as follows: Approve the neighborhood plan as recommended by staff with the exception of those properties listed below with valid petitions; establishing a Local Manufacturing District with the properties with industrial uses designated as industrial for future land use and the remaining properties designated with their actual present use in the area bounded by Seventh Street, Caesar Chavez, Springdale and Tillery have legal conforming use; and designating Tract 144 as single family on future land use maps.**

**The motion to approve on first reading the balance of the neighborhood plan (excluding the area covered above and the properties listed below), as recommended by staff, was approved on Mayor Pro Tem Goodman's motion, Council Member Wynn's second on a 6-0-1 vote. Council Member Alvarez abstained because the properties are near his home.**

**The motion to approve on first reading Tract 24 – Warehousing/Limited Office for property located at 1002 Springdale Road, was approved on Council Member Slusher's motion, Mayor Pro Tem Goodman's second on a 6-0 vote. Mayor Garcia was off the dais.**

**The motion to approve on first reading Tract 32a – Office; Tract 32b – Mixed Use for property located at 618 Tillery was approved on Council Member Alvarez' motion, Council Member Thomas' second on a 7-0 vote.**

**The motion to approve on first reading Tract 112, Commercial for property located at 740 Airport Blvd., was approved on Council Member Alvarez' motion, Council Member Dunkerley's second on a 7-0 vote.**

**The motion to approve on first reading Tract 111, Mixed Use for property located at 777 Shady Lane, was approved on Council Member Alvarez' motion, Council Member Dunkerley's second on a 7-0 vote.**

**The motion to approve on first reading Tract 112, Commercial for property located at 750, 760, and 764 Airport Blvd. was approved on Council Member Alvarez' motion, Council Member Thomas' second on a 7-0 vote.**

**The motion to approve on first reading Tract 136, Office for property located at 0 Bolm Road (Lots 1, 2, and 3 Synnot Glenn Subdivision) was approved on Council Member Alvarez' motion, Council Member Thomas' second on a 7-0 vote.**



**The motion to approve on first reading Tract 137c, Industrial for property located at 1700 and 1704 Smith Road was approved on Council Member Alvarez' motion, Council Member Slusher's second on a 7-0 vote.**

**The motion to approve on first reading Tract 137c, Industrial for property located at 1800 and 1808 Smith Road was approved on Council Member Alvarez' motion, Council Member Dunkerley's second on a 7-0 vote.**

- Z-8. C14-02-0183 – Govalle/Johnston Terrace Combined Neighborhood Plan Rezoning – Conduct a public hearing and approve an ordinance amending Chapter 25 of the Austin City Code by rezoning property known as the Govalle/Johnston Terrace Combined Neighborhood Plan area, area boundaries include Oaks Springs Road, Airport Boulevard and Austin & N.W. Railroad on the north, U.S. Highway 183 - Ed Bluestein Boulevard on the east, Colorado River on the south, and Pleasant Valley Road and Webberville Road on the west (Boggy Creek, Colorado River, Fort Branch and Tannehill Creek Watersheds). The proposed zoning change will create two Neighborhood Plan Combining Districts (NPCD) covering the entire area. Under the proposed Govalle/ NPCD, the proposed zoning change will: 1) add the Neighborhood Mixed Use Building special use for Tracts 4, 5, 24, 27, 32b, 47, 48, 49, 52a, 91, 100, 139a, 139b, 2) permit Neighborhood Urban Center special use for Tracts 47, 139a, and 139b; and 3) permit small lot amnesty for the entire planning area. Under the proposed Johnston Terrace NPCD, the proposed zoning change will: 1) add the Neighborhood Mixed Use Building special use for Tracts 131 and 132b; and 2) permit small lot amnesty for the entire planning area. The proposed zoning change will also change the base zoning districts on 187 tracts of land from: SF-3, Family Residence district; MF-2-CO, Multi-Family Residence Low Density-Conditional Overlay Combining district; MF-3, Multi-Family Residence Medium Density district; LO, Limited Office district; LO-CO, Limited Office-Conditional Overlay Combining district; GO, General Office district; GO-CO, General Office-Conditional Overlay Combining district; LR, Neighborhood Commercial district; GR, Community Commercial district; CS, General Commercial Services district; CS-CO, General Commercial Services-Conditional Overlay Combining district; CS-1, Commercial Liquor Sales district; LI, Limited Industrial Services district, zoning to: RR-NP, Rural Residential-Neighborhood Plan Combining district; SF-3-NP, Family Residence-Neighborhood Plan Combining district; SF-4A-NP, Single Family Residence Small Lot-Neighborhood Plan Combining district; MF-2-NP, Multi-Family Residence Low Density-Neighborhood Plan Combining district; MF-3-NP, Multi-Family Residence Medium Density-Neighborhood Plan Combining district; NO-MU-NP, Neighborhood Office-Mixed Use-Neighborhood Plan Combining district; LO-CO-NP, Limited Office-Conditional Overlay-Neighborhood Plan Combining district; LO-MU-NP, Limited Office-Mixed Use-Neighborhood Plan Combining district; LO-MU-CO-NP, Limited Office-Mixed Use-Conditional Overlay-Neighborhood Plan Combining district; GO-NP, General Office-Neighborhood Plan Combining district; LR-MU-NP, Neighborhood Commercial-Mixed Use-Neighborhood Plan Combining district; GR-NP, Community Commercial-Neighborhood Plan Combining district; GR-CO-NP, Community Commercial-Conditional Overlay-Neighborhood Plan Combining district; GR-MU-NP, Community Commercial-Mixed Use-Neighborhood Plan Combining district; GR-MU-CO-NP, Community Commercial-Mixed Use-Conditional Overlay-Neighborhood Plan Combining district; W/LO-NP, Warehouse, Limited Office-Neighborhood Plan Combining district; CS-NP, General Commercial Services-Neighborhood Plan Combining district; CS-CO-NP, General Commercial Services-Conditional Overlay-Neighborhood Plan Combining district; CS-MU-CO-NP, General Commercial Services-Mixed Use-Conditional Overlay-Neighborhood Plan Combining district; CS-1-CO-NP, Commercial Liquor Sales-Conditional Overlay-Neighborhood

Plan Combining district; CS-1-MU-CO-NP, Commercial Liquor Sales-Mixed Use-Conditional Overlay-Neighborhood Plan Combining district; LI-CO-NP, Limited Industrial Services-Conditional Overlay-Neighborhood Plan Combining district; and P-NP, Public-Neighborhood Plan Combining district, zoning. Planning Commission Recommendation: To grant the request with conditions. Applicant: City of Austin. Agent: Neighborhood Planning and Zoning Department. City Staff: Annick Beaudet, Neighborhood Planning & Zoning Department, 974-2975, and Steve Rossiter, Neighborhood Planning & Zoning Department, 974-2598. Note: property owners in opposition to this rezoning request have filed valid petitions. (Planning Commission voted to recommend the Govalle/Johnston Terrace Neighborhood Plan to the City Council for adoption.)

**The public hearing was closed on Council Member Dunkerley's motion, Council Member Wynn's second on a 6-0 vote. Council member Slusher was off the dais.**

**The motion to approve the first reading to zone the Local Manufacturing District to consistent with the Plan so that properties designated industrial are zoned LI CO NP with the remaining properties in the Local Manufacturing District zoned consistent with their current use and the Plan, delete Track 56 from the area recommended for rezoning, and leave Tract 144 as SF3 was approved on Council Member Alvarez' motion, Council Member Thomas' second on a 7-0 vote.**

**The motion to approve the first reading to zone the remaining property in the neighborhood plan as recommended by staff, excluding the property described above and below, was approved on Mayor Pro Tem Goodman's motion, Council Member Thomas' second on a 6-0-1 vote. Council Member Alvarez abstained because these properties are near his home.**

**The motion to approve WLO zoning for 1002 Springdale Road was approved on Council Member Slusher's motion, Mayor Pro Tem Goodman's second on a 6-0 vote. Mayor Garcia was off the dais.**

**The motion to approve LO-CO-NP zoning for Tract 32a and LO-MU-CO-NP for Tract 32b, 618 Tillery Street was approved on Council Member Alvarez' motion, Council Member Thomas' second on a 7-0 vote.**

**The motion to approve CS-CO-NP zoning for Tract 112, 740 Airport Blvd., was approved on Council Member Alvarez' motion, Council Member Thomas' second on a 7-0 vote.**

**The motion to approve GR-MU-CO-NP zoning for Tract 111, 777 Shady Lane, was approved on Council Member Alvarez' motion, Council Member Thomas' second on a 7-0 vote.**

**The motion to approve CS-CO-NP zoning for Tract 112, 750, 760 and 764 Airport Blvd., was approved on Council Member Alvarez' motion, Council Member Thomas' second on a 7-0 vote.**

**The motion to approve GO-NP zoning for Tract 136, 0 Bolm Road (Lots 1, 2 and 3 Synnott Glenn Subdivision) was approved on Council Member Alvarez' motion, Council Member Thomas' second on a 7-0 vote.**

**The motion to approve IP zoning for Tract 137c, 1700 and 1704 Smith Road, was approved on Council Member Alvarez' motion, Council Member Slusher's second on a 7-0 vote.**

**The motion to approve IP zoning for Tract 137c, 1800 and 1808 Smith Road, was approved on Council Member Alvarez' motion, Council Member Dunkerley's second on a 7-0 vote.**

**The conditional overlays as outlined by staff for the following properties are included in the above motions as described in the Motion Sheet for Govalle/Johnston Terrace Combined Neighborhood Plan: Tract 32a, Tract 32b, Tract 111, and Track 112.**

**Mayor Pro Tem Goodman indicated the following properties will be reviewed for possible zoning changes before the second and third readings: Tracts 25B, 56, 106 and 136.**

#### **DISCUSSION ITEM**

59. Approve an ordinance regarding the performance evaluation and compensation package for the Municipal Court Clerk. (Mayor Gus Garcia)  
**This item was postponed to February 27, 2003.**

**The motion to adjourn the meeting at 9:43 p.m. was approved on Council Member Dunkerley's motion, Council Member Alvarez second on a 7-0 vote.**

**The minutes for the Regular Meeting of February 13, 2003 were approved on February 27, 2003 on Mayor Pro Tem Goodman's motion, Council Member Dunkerley's second on a 6-0 vote. Council Member Slusher was off the dais.**