



**Austin City Council  
MINUTES**

**REGULAR MEETING  
THURSDAY, JULY 11, 2002**

The following represents the actions taken by the Austin City Council in the order they occurred during the meeting. While the minutes are not in sequential order, all agenda items were discussed.

The City Council of Austin, Texas, convened in a regular meeting on Thursday, July 11, 2002 in the Board Room at Lower Colorado River Authority Hancock Building, 3700 Lake Austin Boulevard.

**Invocation:** Rev. Magdalene Holm-Roesler, Pastor, Holy Cross Lutheran Church

**Mayor Garcia called the meeting to order at 12:13 p.m.**

**Mayor Garcia recessed the meeting at 12:15 p.m. to go into Executive Session.**

**EXECUTIVE SESSION**

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

1. Discuss legal issues relating to labor negotiations for a Meet and Confer contract with the Austin Professional Fire Fighters Association.
2. Discuss settlement proposal resolving ERCOT scheduling issues in Project No. 25755-PUC Investigation of Over Scheduling in ERCOT in August 2001.
3. Discuss legal issues concerning the appeal of the Zoning and Platting Commission's decision to deny a non-substantial revision to the Harris Branch Planned Unit Development Land Use Plan (Harris Branch PUD) located at 1375 U.S. Highway 290 East at Harris Branch. **This item was postponed to July 18, 2002.**

**The Executive Session ended and Mayor Garcia called the meeting back to order at 1:40 p.m.**

**Item 4 was discussed in an Executive Session held later in the day.**

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

9. Libba Letton - Getting Midwives back into Brackenridge
10. Motaz Al-Hasan - Intel Stopped the Project in Austin But is completing one in Israel
11. Natalis Uzoff-Galletti - Getting Midwives Back Into Brack Hospital
12. G. Ann Tarleton - Continuation of Midwifery services at city-funded hospitals -- **ABSENT**
13. Gus Pena - (1) Do not cut youth programs or senior citizen programs. (2) More and more people need affordable housing and transitional housing for homeless families. (3) Start including the public in the budgetary process. Educate the public early about the budget and possible cuts.
14. Ricky Bird - Safeguarding the Aquifer
15. Gavino Fernandez - Equity in City Services – El Con Citio A Coalition of Mexican-American Neighborhood Assoc.
16. Dr. John Day - Getting midwives back at Brack.
17. Susana Almanza - Equity and Justice for East Austin. End the Gentrification!
18. Jose Quintero-Equity & Justice – The conflict of Interest of appointing commissions – regarding Gentrification.

**Mayor Garcia recessed the Council Meeting at 2:28 p.m. to go into the Board of Director's Meeting of the Austin Housing Finance Corporation (AHFC). See separate minutes for action taken in the AHFC meeting.**

**Mayor Garcia called the Council Meeting back to order at 2:30 p.m.**

44. Approve appointment of Council Member Betty Dunkerley and reappointing Council Members Raul Alvarez, Danny Thomas and Will Wynn to the Board of Directors of Reinvestment Zone Number Fifteen, City of Austin, Texas, a Tax Increment Financing Reinvestment Zone.  
**Resolution No. 020711-44 was approved on Council Member Dunkerley's motion, Council Member Wynn's second on a 7-0 vote.**

**Mayor Garcia recessed the Council Meeting at 2:32 p.m. to go into the Board of Director's Meeting of the Tax Increment Financing (TIF) Refinement Zone #15. See separate minutes for action taken in the TIF meeting.**

**Mayor Garcia called the Council Meeting back to order at 2:39 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 Wynn's motion, Mayor Pro Tem Goodman's second on a 7-0 vote.**

5. Authorize an amendment to the legal services contract with Denton, Navarro & Bernal, P.C., for representing the City as chief negotiator and legal counsel in matters relating to labor negotiations for a Meet and Confer contract with the Austin Professional Fire Fighters Association, for an increase of \$40,000, resulting in a total contract limit of \$80,000. (Funding in the amount of \$40,000 is available in the 2001-2002 Amended Operating Budget of the Austin Fire Department.) (Related to Executive Session Item No. 1)  
**The motion authorizing the amendment was approved.**
6. Consider a settlement proposal resolving ERCOT Investigation of Over Scheduling in ERCOT in August 2001. (Related to Executive Session Item No. 2) Project No. 25755-PUC

**This item was postponed indefinitely.**

**Item 7 was pulled for discussion.**

8. Authorize the negotiation and execution of a legal services contract with Denton, Navarro & Benton, P.C., for representation in *Jeff White v. City of Austin*, Cause Number GN201624 in the 126th Judicial District Court of Travis County, Texas for a contract amount of \$50,000.  
**The motion authorizing the negotiation and execution of a legal services contract was approved.**

**Items 9-18 were Citizen Communications.**

**Item 19 was the minutes that were approved later in the meeting.**

20. Approve an ordinance to authorize changing the street name for a portion of CAMERON ROAD to HARRIS BRANCH PARKWAY (from the intersection of Cameron Road and Harris Branch Parkway northerly to the intersection of Cameron Road and Gregg Lane). [The processing fee (\$415) has been paid by the requestor. Street sign replacement fees (\$500) will be paid by the requester upon passage of the ordinance.]  
**Ordinance No. 0200711-20 was approved.**
21. Authorize execution of a contract with MOBILITY INC., Atlanta Georgia, to provide a Field Services Automation System for the Electric Utility Department in an amount not to exceed \$898,732 with options to purchase maintenance for two additional years for \$52,000 per year, for a total contract amount not to exceed \$1,002,732. (Funding in the amount of \$898,732 is available in the 2001-2002 Amended Capital Budget of Electric Utility Department. The maintenance options are contingent upon available funding in future budgets.) Best proposal of eight proposals received. This contract will be awarded in accordance with the 1996 MBE/WBE Ordinance, as amended. No subcontracting opportunities were identified; therefore, no goals were established.  
**The item was postponed indefinitely.**
22. Authorize negotiation and execution of a contract with FILE NET CORPORATION, Costa Mesa, CA, to purchase Web content management software and implementation services, in an amount not to exceed \$359,300. (Funding in the amount of \$209,300 is available in the 2001-2002 Amended Operating Budget of the Electric Utility Department. Funding for \$150,000 is available in the 2001-2002 Amended Capital Budget of the Electric Utility Department.) Best Proposal of fifteen proposals received. This contract will be awarded in accordance with the 1996 MBE/WBE Ordinance, as amended. No subcontracting opportunities were identified; therefore, no goals were established.  
**The motion authorizing the negotiation and execution of the contract was approved.**

**Items 23 to 42 were set for a time certain of 5:45 p.m.**

43. Approve execution of an Interim Restructuring Agreement and an Interconnection Agreement, in substantially the forms attached, for the SOUTH TEXAS PROJECT (STP) as necessary (1) to divide the property and equipment of one of the owners of STP into generation and transmission assets, and (2) to provide an interconnection agreement between the STP generating plant and the

transmission and distribution service providers (TDSPs) receiving power from STP, as required by the electric restructuring legislation enacted in 1999 (S.B. 7).

**This item was postponed to July 18, 2002.**

**Item 44 was approved earlier in the meeting.**

45. Approve an ordinance amending Ordinance No. 990826-92, the Tax Increment Financing Reinvestment Zone (TIF) creation ordinance, to provide for administrative purchasing authority by the City Manager, for TIF related expenses in amounts not to exceed the current limitation on administrative purchasing authority.  
**Ordinance No. 020711-45 was approved.**
46. Approve execution of the following service agreements to implement the adopted Project Plan for Tax Increment Financing (TIF) Reinvestment Zone #15: 1) A twelve month service agreement with CIE MANAGEMENT SERVICES (MBE), Austin, Texas, for litter removal, sidewalk cleaning and hardscape maintenance services on Blocks 2 and 4 in an amount not to exceed \$12,420, with one (1) six-month (6) extension option in an amount not to exceed \$6,210, for a total contract amount not to exceed \$18,630; and 2) Approve the use of an existing City service agreement with PAMPERED LAWN AUSTIN INC., Austin, Texas, in an amount not to exceed \$800 for nine months of tree maintenance for the street trees on Blocks 2 and 4. (Funding in the amount of \$19,430 is available in the Tax Increment Financing Fund for Tax Increment Financing Reinvestment Zone #15.)  
**The motion authorizing the execution of the agreements was approved.**
47. Set a public hearing regarding the application submitted by MetroCare Services-Austin, LP, dba MetroCare Services, for a non-emergency medical transfer franchise under Chapter 6-3 of the City Code. (Suggested Date and Time: July 18, 2002 at 6:00 p.m.).  
**The motion setting the public hearing was approved.**
48. Approve acceptance of \$1,996,261 in TEA-21 grant funds from Texas Department of Transportation; and amend Ordinance No. 010910-02, the 2001-2002 Capital Budget of the Parks and Recreation Department on appropriating \$1,996,261 in TEA-21 grant funds from the Texas Department of Transportation for construction of Northern Walnut Creek Trail. (Funded by TEA-21 grant proceeds. Matching funds of \$1,330,841 will be included in the 2002-2003 Proposed Capital Budget.)  
**Ordinance No. 020711-48 was approved.**
49. Approve an ordinance authorizing acceptance of \$21,000 in additional grant funds from the Texas Department of Health, Refugee Health Division; amending Ordinance No. 010910-01, the Fiscal Year 2001-2002 Approved Operating Budget for the Health and Human Services Department Special Revenue Fund on appropriating \$21,000 in grant funds for the Refugee Health Screening Program, for a total grant amount of \$173,000. (Funding is available from the Texas Department of Health, Refugee Health Screening Program. The grant period is October 1, 2001 through September 30, 2002. No match is required.)  
**Ordinance No. 020711-49 was approved.**
50. Approve a resolution to amend the Personnel Policies to establish leave accrual rates for EMS employees working a forty-two (42) hour workweek. (Funding will be included in the proposed fiscal year 2002-2003 Operating Budgets of Emergency Medical Service Department.)  
**Resolution No. 020711-50 was approved.**

51. Authorize the negotiation and execution of an amendment to the 2001-2002 contract with Austin Housing Finance Corporation (AHFC) for an amount not to exceed \$330,875 for a total contract amount not to exceed \$13,149,919 for the purpose of increasing the amounts available under the Down Payment Assistance Program. (Funds in the amount of \$330,875 are available from Home Year Fund 10, Fiscal Year 2001-2002.)

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

**Item 52 was pulled for discussion.**

53. C14-01-0001 - The Vintage on Town Lake - Approve second/third readings of an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 1400 East Riverside Drive (Town Lake Watershed) from SF-3, Family Residence district, zoning to a MF, Multifamily Residence district, zoning classification. First reading on June 14, 2001; Vote: 7-0. Conditions met as follows: No conditions were imposed by City Council at first ordinance reading. Applicant: Street Development Ltd. (Robert N. Garrett III). Agent: Jim Bennett and Crocker Consultants (Sara Crocker). City Staff: Don Perryman, Watershed Protection and Development Review Department, 974-2786. (Continued from 8/2/01, 8/30/01, 9/27/01, 10/11/01, 11/8/01, 1/31/02, 1/27/02 and 6/27/02).

**The second reading of the ordinance was approved with conditions agreed to between the applicant and the South River City Citizens Neighborhood Association.**

54. C14-01-0002 - The Vintage on Town Lake - Approve second/third readings of an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 1400 Edgecliff Street (Town Lake Watershed) from SF-3, Family Residence district, zoning to a MF, Multifamily Residence district, zoning classification. First reading on June 14, 2001; Vote: 7-0. Conditions met as follows: No conditions were imposed by City Council at first ordinance reading. Applicant: Street Development Ltd. (Robert N. Garrett III). Agent: Jim Bennett and Crocker Consultants (Sara Crocker). City Staff: Don Perryman, Watershed Protection and Development Review Department, 974-2786. (Continued from 8/2/01, 8/30/01, 9/27/01, 10/11/01, 11/8/01, 1/31/02, 1/27/02 and 6/27/02)

**The second reading of the ordinance was approved with conditions agreed to between the applicant and the South River City Citizens Neighborhood Association.**

55. C814-01-0038 - Parmer/Walnut Creek P.U.D. - Approve second reading of an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as the 1200 Block of Parmer Lane (Walnut Creek Watershed) from SF-6, Townhouse and Condominium Residence district, zoning, RR, Rural Residence district, zoning and LO, Limited Office district, zoning to P.U.D., Planned Unit Development district, zoning. First reading on November 29, 2001; Vote: 7-0. 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. (Continued from 6/27/02)

**This item was postponed to July 18, 2002 at the Neighborhood Association's request.**

56. Authorize an amendment of an Interlocal Agreement with Travis County to include an additional \$70,000 transfer from the County to the City of Austin Police Department, for a total not to exceed \$170,000, to enhance the 9-1-1 emergency telephone system by mapping addresses in the unincorporated areas of Travis County. (Funding is available from Travis County for the period September 1, 2001 through August 31, 2002.)

**The motion authorizing the execution of the amendment was approved.**

57. Authorize application for and acceptance of \$341,680 in grant funding from the U.S. Department of Justice, Bureau of Justice Assistance, Local Law Enforcement Block Grant Program, to fund data conversion for the Automated Fingerprint Identification System (AFIS) and overtime for special projects for the Austin Police Department. (Funding in the amount of \$341,680 in grant funding is available from the U. S. Department of Justice, Bureau of Justice Assistance, Local Law Enforcement Block Grant Program, for the grant period October 1, 2002 to September 30, 2004. A required cash match of \$60,000 is included in the Proposed Fiscal Year 2002-2003 Operating Budget for the Austin Police Department.)  
**The motion to apply for and accept the grant funding was approved.**
58. Authorize application for grant funding in the amount of \$250,000 for the Austin Police Department, Forensics Division to purchase information management systems for physical and photographic evidence. (Grant funding is available from the Department of Justice, National Institute of Justice, Crime Laboratory Improvement Program for the grant period October 1, 2002 – September 30, 2004. An in-kind match is required.)  
**The motion to apply for grant funding was approved.**
59. Authorize execution of a construction contract with SALAS CONSTRUCTORS INC. (MBE/MH, 82.17%), Austin, Texas, for alley pavement improvements at 2<sup>nd</sup>, 3<sup>rd</sup> and 4<sup>th</sup> Street alleys between Trinity and San Jacinto, in the amount of \$144,175. (Funding in the amount of \$134,850 was included in the Operating Budget of the Public Works Department. \$9,325 was included in the Fiscal Year 2001-2002 Amended Capital Budget of the Water & Wastewater Utility.) Lowest bid of ten bids received. 15.26% MBE, 1.06% WBE subcontracting participation.  
**The motion authorizing the execution of the contract was approved.**
60. Authorize execution of a construction contract with CAPITAL EXCAVATION COMPANY, Austin, Texas, for street and utility improvements on William Cannon Drive from Brodie Lane to Westgate Boulevard, as part of the William Cannon Drive Reconstruction, Overlay and Utility Adjustments Project, and William Cannon/Brodie TSM Intersection Improvements Project, in the amount of \$1,370,834.43 plus \$68,541.72 contingency, for a total contract amount not to exceed \$1,439,376.15. (Funding in the amount of \$818,441.11 is included in the 2001-2002 Capital Budget of the Department of Public Works; \$615,374.99 is included in the 1999-2000 Amended Capital Budget of the Transportation, Planning & Sustainability Department; \$5,560.06 is available in the 1995-1996 Amended Capital Budget of the Water & Wastewater Utility.) Lowest of three bids received. 5.8% MBE, 48.68% WBE subcontracting participation.  
**The motion authorizing the execution of the contract was approved.**
61. Authorize execution of a construction contract with SOUTHWEST CORPORATION, Austin, Texas, for renovation of 6,000 square feet in the City-owned One Texas Center, located at 505 Barton Springs Road, in the amount of \$119,170. (Funding in the amount of \$104,170 was included in the Approved Fiscal Year 2001-2001 Operating Budget of the Economic Development Fund. \$15,000 was included in the Approved Fiscal Year 2001-2002 Capital Budget of the Financial & Services Department.) Lowest of two bids received. 20.03% MBE, 14% WBE subcontracting participation.  
**The motion authorizing the execution of the contract was approved.**
62. Authorize negotiation and execution of an amendment to the professional services agreement with MALCOLM PIRNIE, INC., Austin, Texas, for additional professional engineering and

program management consulting of water and wastewater services to annexed areas under both the 1997 and 2000 Annexation Programs, the Davenport and Balcones areas, and additional cCAPRIS modules, in the amount of \$2,256,897.93 for a total agreement amount not to exceed \$11,122,096.73. (Funding in the amount of \$1,447,289.93 is available in the 2000-2001 Amended Capital Budget of the Water & Wastewater Utility; \$556,608 is available in the 1995-1996 Amended Capital Budget of the Water & Wastewater Utility; \$253,000 is available in the 2000-2001 Amended Capital Budget of the Public Works Department.) On a cumulative basis, the minority participation is 18.93% MBE and 24.87% WBE. (Recommended by Water and Wastewater Commission)

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

63. Authorize execution of a 12-month supply agreement with AIRGAS SOUTHWEST, INC., Austin, Texas, to provide medical grade oxygen for the Emergency Medical Services Department in an amount not to exceed \$53,359 with two 12-month extension options in an amount not to exceed \$53,359 per extension, for a total contract amount not to exceed \$160,077. (Funding in the amount of \$2,223.29 was included in the 2001-2002 Approved Operating Budget of the Emergency Medical Services Department. Funding for the remaining eleven and 1/2 months of the original contract period and extension options is contingent upon available funding in future budgets.) Sole bid. 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 the agreement was approved.**

64. Authorize execution of a contract with APPLIED BIOSYSTEMS, Foster City, CA, for the purchase of a DNA genetic analyzer, software and peripherals and three years of maintenance in an amount not to exceed \$69,312.70. (Funding was included in the 2001-2002 Operating Budget of the Austin Police Department.) Sole source. 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 the contract was approved.**

65. Authorize execution of a 12-month supply agreement with UNIFORM CONCEPTS (WBE/FR), Austin, Texas, to provide uniforms work trousers and shirts in an amount not to exceed \$65,648.25 with two 12-month extension options in an amount not to exceed \$65,648.25 per extension for a total contract amount not to exceed \$196,944.75. (Funding for \$16,412.07 was included in the 2001-2002 Operating Budget for various City departments. Funding for the remaining nine months of the original contract period and extension options is contingent upon available funding in future budgets.) Low bidder/six 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 the agreement was approved.**

66. Authorize execution of a 12-month supply agreement with J-V TRUCKING, INC., Austin, Texas, to provide topsoil in an amount not to exceed \$176,850 with two 12-month extension options in an amount not to exceed \$176,850 for a total contract amount not to exceed \$530,550; and a 12-month supply agreement with CAPITOL AGGREGATES, LTD, Austin, Texas, to provide sandy loam in an amount not to exceed \$42,585, with two 12-month extension options in an amount not to exceed \$42,585 per extension option, for a total contract amount not to exceed \$127,755; for the Watershed Protection and Development Review Department, Water and Wastewater Utility, Public Works and Parks and Recreation

Department. [Funding for the amount of \$54,858 was included in the 2001-2002 Operating Budgets of the various Departments: Watershed Protection and Development Review Department (\$29,937), Water and Wastewater Utility (\$20,912), Public Works (\$3,000), and the Parks and Recreation Department (\$1,009). Funding for the remaining nine months of the original contract period and extension options is contingent upon available funding in future budgets.] Low bidders/two bids received. This contract will be awarded in compliance with the 1996 MBE/WBE Ordinance, as amended. The materials will be provided directly to the City by the contractor. There are no subcontracting opportunities; therefore no goals were established for this solicitation.

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

67. Authorize execution of a contract with S & C ELECTRIC COMPANY, c/o Fred Oberlender & Associates, Houston, Texas, to provide pad mounted switchgear parts for the Water and Wastewater Utility, in an amount not to exceed \$170,278. (Funding for the amount of \$170,278 is available in the 2001-2002 Approved Operating Budget of the Water and Wastewater Utility.) Sole source. 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 the contract was approved.**

68. Authorize negotiation and execution of a 12-month contract with AFFILIATED COMPUTER SERVICES, INC. (ACS), Lexington, KY, to provide maintenance and upgrades of the Banner Human Resource Management System (HRMS) Technical Currency Program (TCP) software in an amount not to exceed \$128,332, with three 12-month extension option in amounts not to exceed \$90,761, \$93,938, and \$97,226 respectively for a total contract amount not to exceed \$410,257. (Funding for \$128,332 is available in the 2001-2002 Approved Operating Budget of the Financial and Administrative Services Department. Funding for the extension options will be contingent upon available funding in future budgets.) Sole Source. 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 the contract was approved.**

69. Set public hearings for the full purpose annexation of the Anderson Mill Road municipal annexation plan area (approximately 183 acres located on Anderson Mill Road approximately two thirds of a mile east of the intersection of FM 620 and Anderson Mill Road). (Suggested dates and times: August 1, 2002 at 6:00 pm., Lower Colorado River Authority Hancock Building; August 5, 2002 at 6:30 pm., Hope Presbyterian Church, 11512 Olson Dr. Austin, Texas.) (Financial data will be submitted with the annexation RCA)

**The motion setting the public hearing was approved.**

70. Set public hearings for the full purpose annexation of the following annexation areas:  
**Avery Ranch Areas** (Approximately 118 acres in Williamson County at the intersection of Avery Ranch Blvd and Parmer Ln and approximately 875 feet south of the intersection of Avery Ranch Blvd and Morgan Creek Drive).  
**COA Walnut Creek Parks** (Approximately 439 acres in Travis County along Walnut Creek north of the intersection of Criswell and Sprinkle Road; southeast of the intersection of US 290 East and Ferguson Cutoff; and southeast of the intersection of Ferguson Cutoff and Old Manor Road).



**McKinney Park East** (Approximately 52 acres in Travis County approximately 425 feet south of the intersection of Winter Haven Road and Alum Rock Drive).

**Springfield Subdivision Phase C** (Approximately 56 acres in Travis County approximately 135 feet south of the intersection of Alum Rock Drive and Thaxon Road).

**Morse TND** (Approximately 254 acres in Travis County east of Dessau Road and east of the intersection of Applegate Drive and Dessau Road).

**Dessau Road** (Approximately 31 acres in Travis County of Dessau Road right-of-way (ROW) from approximately one tenth of a mile south of the intersection of Dessau Road and Sprinkle Cutoff Road south to approximately three tenths of a mile north of the intersection of Dessau Road and Rundberg Lane)

**Cameron Business Park** (Approximately 5 acres in Travis County east of Dessau Road approximately three tenths of a mile north of the intersection of Dessau Road and Rundberg Lane). (Suggested Dates and Times: August 1, 2002 at 6.p.m., Lower Colorado River Authority Hancock Building August 8, 2002 at 6.p.m., Lower Colorado River Authority Hancock Building) (Financial data will be submitted with the annexation RCA.)

**The motion setting the public hearings was approved.**

71. Approve a resolution to amend Resolution No. 980430-37, to reduce on approximately 6 acres the area of extraterritorial jurisdiction (ETJ) released by that resolution to the Village of San Leanna, and accepting the area back into the City of Austin's ETJ. (The affected land includes 5 acres located at the end of Bethel Church Road approximately 820 feet from the intersection of FM 1626 and Bethel Church road, and 1 acre inside the right-of-way of Tunnel Trail). (The acceptance of this ETJ will not have a fiscal impact.)

**Resolution No. 020711-71 was approved.**

72. Approve a resolution authorizing the release of 56 acres of extraterritorial jurisdiction (ETJ) from the City of Austin to the City of Manor. (The acreage is located on Gregg Manor Road immediately north of the Manor ISD high school campus and includes Gregg Manor Road right of way.)

**Resolution No. 020711-72 was approved.**

73. Approve an ordinance to amend the Austin City Code by modifying the Basic Traffic Ordinance, Section 16-4 -16, Speed Limits, on adding Salt Springs Drive from 206 feet north of the intersection of Asa Drive and Colton-Bluff Springs Road with Salt Springs Drive, to 206 feet south of the intersection of Tara Drive with Salt Springs Drive, to the list of streets having a maximum speed of 25 mph at certain times for students attending Palm Elementary School. (Funding in the amount of \$10,000 is available in the 2001-2002 Child Safety Fund for the Transportation, Planning and Sustainability Department.)

**Ordinance No. 020711-73 was approved.**

**Item 74 was pulled for discussion.**

75. Approve acceptance of \$25,000 in grant funds from the State of Texas Energy Conservation Office; Amend Ordinance 010910-1, the 2001-02 Operating Budget of the Transportation, Planning & Sustainability Department Special Revenue Fund on appropriating \$25,000 in grant funds from the State of Texas Energy Conservation Office, to continue the Clean Cities program for the term June 1, 2002 to August 31, 2003. (Funding in the amount of \$25,000 from the State

of Texas Energy Conservation Office. A \$6,250 City match is required. Funding for the match is available in the 2001-2002 operating budget for Transportation, Planning & Sustainability, Special Revenue Fund.) (Related Item No. 76)

**Ordinance No. 020711-75 was approved.**

76. Approve 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 \$31,250 (\$25,000 grant from the State; \$6,250 matching funds from the City.) (Funding in the amount of \$25,000 from the State of Texas Energy Conservation Office. A \$6,250 match is required. Funding is available in the 2001-02 Operating Budget of Transportation, Planning & Sustainability Department Special Revenue Fund.) (Related Item No. 75)

**The motion authorizing the negotiation and execution of the agreement was approved.**

77. Amend Ordinance No. 010910-2, the 2001-2002 Capital Budget by increasing appropriations to the Water and Wastewater Utility Department by \$781,250 and creating a new wastewater project known as "Colton Bluff Subdivision" for \$781,250. (Funding will be provided from the proceeds of debt issuance when the annual obligation comes due in future budget years.) (Recommended by Water and Wastewater Commission) (Related Item Nos. 78 and 79)

**Ordinance No. 020711-77 was approved.**

78. Approve a resolution to declare official intent to reimburse construction costs in the amount of \$781,250 to be paid for developer reimbursements for the Colton Bluff Subdivision Wastewater project. (The amount of \$781,250 for the Water and Wastewater Utility to be funded by the issuance of commercial paper.) (Recommended by Water and Wastewater Commission) (Related Item Nos. 77 and 79)

**Resolution No. 020711-78 was approved.**

79. Approve negotiation and execution of a cost reimbursement agreement with Workforce Land Development, Ltd., a Texas Limited partnership, providing terms and conditions for construction of a 24-inch gravity wastewater main and appurtenances to provide wastewater service to the proposed Colton Bluff Subdivision, located at the Colton Bluff Springs Road and McKinney Falls Parkway intersection, with City cost reimbursement in an amount not to exceed \$781,250, for actual "hard" construction costs, engineering and project management; adopt an Ordinance waiving the requirements of Section 25-9-63, of the City Code relating to amount of cost reimbursement; waiving the requirement for payment of the construction inspection fees established in City Ordinance No. 010910-05, in an amount not to exceed \$35,000. (Funding in the amount of \$781,250 is included in the 2001-2002 Amended Capital Budget of the Water and Wastewater Utility, see related item. Based on conservative build-out of Colton Bluff Subdivision, the 30-Year Financial Analysis of this City investment projects a positive 30-year net present value.) (Recommended by Water and Wastewater Commission) (Related Item Nos. 77 and 78)

**Ordinance No. 020711-79 was approved.**

80. Amend Ordinance No. 010910-2, the 2001-2002 Capital Budget by increasing appropriations to the Water and Wastewater Utility Department by \$687,500 and creating a new water project known as "Colton Bluff Subdivision" for \$687,500. (Funding will be provided from the proceeds of debt issuance when the annual obligation comes due in future budget years. (Recommended by Water and Wastewater Commission) (Related Item Nos. 81 and 82)

**Ordinance 020711-80 was approved.**

81. Approve a resolution to declare official intent to reimburse construction costs in the amount of \$687,500 to be paid for developer reimbursements for the Colton Bluff Subdivision Water project. (The amount of \$687,500 for the Water and Wastewater Utility to be funded by the issuance of commercial paper.) (Recommended by Water and Wastewater Commission) (Related Item Nos. 80 and 82)

**Resolution No. 020711-81 was approved.**

82. Authorize negotiation and execution of a cost reimbursement agreement with Workforce Land Development, Ltd., a Texas limited partnership providing terms and conditions for construction of a 24-inch water main and appurtenances to provide water service to the proposed Colton Bluff Subdivision, located at the Colton Bluff Springs Road and McKinney Falls Parkway intersection, with City cost reimbursement in an amount not to exceed \$687,500, for actual "hard" construction costs, engineering and project management; adopt an Ordinance waiving the requirements of Section 25-9-63, of the City Code, relating to amount of cost reimbursement; waiving the requirement for payment of the construction inspection fees established in City Ordinance No. 010910-05, in an amount not to exceed \$32,000. (Funding in the amount of \$687,500 is included in the 2001-2002 Amended Capital Budget of the Water and Wastewater Utility, see related item. Based on conservative build-out of Colton Bluff Subdivision, the 30-Year Financial Analysis of this City investment projects a positive 30-year net present value.) (Recommended by Water and Wastewater Commission) (Related Item Nos. 80 and 81)

**Ordinance No. 020711-82 was approved.**

83. 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 an existing restaurant, located at 2300 East Cesar Chavez, which is proposing to add the sale of alcoholic beverages, and a church. (Suggested Date and Time: August 1, 2002 at 6:00 p.m.)

**The motion setting the public hearing was approved.**

84. 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 bar at 217 Congress Avenue and a day-care facility at 213 Congress Avenue. (Suggested Date and Time: August 1, 2002 at 6:00 p.m.)

**The motion setting the public hearing was approved.**

85. 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 bar at 120 West 5<sup>th</sup> and a school located at 216 East 4<sup>th</sup> Street. (Suggested Date and Time: August 1, 2002 at 6:00 p.m.)

**The motion setting the public hearing was approved.**

86. Appointments to Boards and Commissions.

**The motion making the following appointments to boards and commission was approved:**

Bond Oversight Committee

Carla Schuller (Library Commission representative)

appointment      Consensus

City of Austin Commission for Women

Nikelle S. Meade

appointment

Slusher

Downtown Commission

Dan Leary (Historic Landmark Commission rep.)

appointment

Consensus

Electric Utility Commission

Shudde Fath

reappointment

Slusher

Neal Kocurek

reappointment

Wynn

Environmental Board

Tim Jones

reappointment

Slusher

Phil Moncada

reappointment

Alvarez

Ethics Review Commission

Matthew A. Hersh

reappointment

Slusher

Francis A. McIntyre (League of Women Voters rep.)

reappointment

Consensus

MBE/WBE Advisory Committee

Jonathan Betcher

appointment

Consensus

Mahesh Naik

reappointment

Consensus

Mechanical, Plumbing & Solar Board

Thomas Combs

reappointment

Consensus

Bertis R. Ward

reappointment

Consensus

Parks and Recreation Board

Amy Babich

reappointment

Goodman

Renaissance Market Commission

Laura Anne Wisdom

reappointment

Consensus

Resource Management Commission

Jeffrey Scott Beckage

reappointment

Consensus

Robert Mueller Municipal Airport (RMMA) Plan Implementation Commission

Donna Carter

reappointment

Consensus

Matt Harris

reappointment

Consensus

Larry McKee

reappointment

Consensus

Solid Waste Advisory Commission

Charles M. Cree

reappointment

Wynn

Telecommunications Commission

Leslie Pool

reappointment

Dunkerley

Urban Forestry Board

Brandi Marie Clark

reappointment

Consensus

Zoning and Platting Commission

Angular Adams

reappointment

Slusher

Betty Baker

reappointment

Goodman

87. Approve a resolution creating a Council Subcommittee on Healthcare Issues, appointing memberships to the Council subcommittees, and appointing Council representatives to local intergovernmental boards. (Mayor Gus Garcia)  
**Resolution No. 020711-87 was approved.**

**Items 88 and 89 were set for a time certain of 6:00 p.m.**

#### DISCUSSION ITEMS

52. Approve the negotiation and execution of a Neighborhood Commercial Management Loan Program (NCMP) subordinate loan to BLT Properties, Ltd. in an amount not to exceed \$250,000, for a portion of the costs associated with the construction of a 15,000 square foot office/warehouse to be located at 2906 Martin Luther King Boulevard. (Funding is available in the Neighborhood Housing and Community Development Department (NHCD) Special Revenue Fund – 27<sup>th</sup> CDBG year. Community Development Block Grant.)  
**The loan program was approved on Council Member Wynn's motion, Mayor Garcia's second on a 7-0 vote.**
74. Approve an ordinance to amend Ordinance No. 010910-02 the 2001-2002 Capital Budget of the Transportation, Planning & Sustainability Department by re-allocating \$675,000 from the Congress Avenue Bridge transportation enhancement project and \$930,000 from the Upper Boggy Creek Bikeway transportation enhancement project to the following public safety-related transportation improvement projects: \$967,000 for the Lance Armstrong Bikeway; \$200,000 for the South Lamar/U.S. 290 Barrier Removal project; and \$438,000 for the Pleasant Valley Bike Route Phase II project. (Capital Metropolitan Transportation Authority ¼ cent fund for Fiscal Year 2001; \$675,000 to be reallocated from the Congress Avenue Bridge local match, \$930,000 to be reallocated from the Upper Boggy Creek Bikeway local match. Action requires concurrent approval by Capital Metro.)  
**Ordinance No. 020711-74 was approved on Council Member Wynn's motion, Mayor Garcia's second on a 7-0 vote.**
19. Approval of minutes from work session of June 26, 2002 and regular meeting of June 27, 2002.  
**The minutes from the work session of June 26, 2002 and the regular meeting of June 27, 2002 were approved on Council Member Wynn's motion, Council Member Goodman's second on a 7-0 vote.**

**Mayor Garcia recessed the meeting at 3:23 p.m. to go into Executive Session.**

4. Discuss legal issues related to *Save Our Springs Alliance and Circle C Neighborhood Association v. The City of Austin*, Circle C Land Corporation and Stratus Properties, Inc., Cause Number GN202018 in the 261st Judicial District Court of Travis County, Texas and legal issues related to Circle C Land Corp. (Stratus) Settlement Agreement.

**The Executive Session ended and Mayor Garcia called the meeting back to order at 4:58 p.m.**

#### ZONING CONSENT

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

- Z-1. C814-88-0001 (RCA) - Conduct a public hearing and approve a restrictive covenant amendment for the property locally known as 2800 Waymaker Way (Lake Austin Watershed). Zoning and Platting Recommendation: To grant the restrictive covenant amendment with conditions. Applicant: Parmer Ridge Limited (John Lloyd). Agent: Arnbrust, Brown and Davis (Kris Kasper) City Staff: Glenn Rhoades, 974-2775. (Continued from 5/23/02).  
**The item was postponed to August 8, 2002 at staff's request.**
- Z-2. C14H-02-0005 – Moreland-Melendez House – Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 1301 E. Cesar Chavez Street (Town Lake Watershed) from CS-MU-CO-NP, General Commercial Services-Mixed Use-Conditional Overlay-Neighborhood Plan district, zoning, to CS-MU-H-CO-NP, General Commercial Services-Mixed Use-Historic-Conditional Overlay-Neighborhood Plan district, zoning. Planning Commission Recommendation: To grant CS-MU-H-CO-NP, General Commercial Services-Mixed Use-Historic-Conditional Overlay-Neighborhood Plan district, zoning. Historic Landmark Commission Recommendation: To grant CS-MU-H-CO-NP, General Commercial Services-Mixed Use-Historic-Conditional Overlay-Neighborhood Plan district, zoning. Applicant: City of Austin, Historic Landmark Commission. City Staff: Barbara Stocklin, Transportation, Planning and Sustainability Department, 974-2414.  
**The first reading of the ordinance adopting the Planning Commission's recommendation of CS-MU-H-CO-NP zoning was approved.**
- Z-3. C14H-02-0006 – Sears-King Residence – Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by zoning property locally known as 209 W. 39th Street (Waller Creek Watershed) from SF-3-NCCD, Family Residence-Neighborhood Conservation Combining district, zoning, to SF-3-H-NCCD, Family Residence-Historic-Neighborhood Conservation Combining district, zoning. Planning Commission Recommendation: To grant to SF-3-H-NCCD, Family Residence-Historic-Neighborhood Conservation Combining district, zoning. Historic Landmark Commission Recommendation: To grant to SF-3-H-NCCD, Family Residence-Historic-Neighborhood Conservation Combining district, zoning. Applicant: Stephen Weschler and Inga Marie Carmel. City Staff: Barbara Stocklin, Transportation, Planning and Sustainability Department, 974-2414.  
**The first reading of the ordinance adopting the Planning Commission's recommendation of SF-3-H-NCCD zoning was approved.**
- Z-4. C14-02-0028 – Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by zoning property locally known as 4604 - 4610 Teri Road (Williamson Creek Watershed) from LO, Limited Office district, zoning to LR-CO, Neighborhood Commercial- Conditional Overlay Combining district, zoning. Planning Commission Recommendation: To grant LR-CO, Neighborhood Commercial- Conditional Overlay Combining District zoning. Applicant: Morelia Group, Inc. (Octavio Rosales). Agent: Land Answers (Jim Wittliff). City Staff: Wendy Walsh, 974-7719. (Continued from 5/23/02)  
**The first reading of the ordinance adopting the Planning Commission's recommendation of LR-CO zoning was approved. Staff was directed to determine the neighborhood's position of SCAN and Franklin Park prior to the second and third ordinance readings.**

**Z-5 was pulled for discussion**

- Z-6. C14-02-0045 – Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by zoning property locally known as 4404 West William Cannon Drive (Williamson Creek Watershed) from GR-CO, Community Commercial- Conditional Overlay Combining district, zoning for Tracts 1 and 3, and CS-1-CO, Commercial-Liquor Sales-Conditional Overlay Combining district, zoning for Tract 2 to CS-1-CO, Commercial-Liquor Sales-Conditional Overlay Combining district, zoning for Tract 1 and GR-CO, Community Commercial-Conditional Overlay Combining district, zoning for Tracts 2 and 3. Zoning and Platting Commission Recommendation: To grant CS-1-CO, Commercial-Liquor Sales-Conditional Overlay Combining district, zoning for Tract 1, and GR-CO, Community Commercial-Conditional Overlay Combining district, zoning for Tracts 2 and 3. Applicant & Property Owner: William Cannon / Brushy Country, L.P. (Louis R. Williams). Agent: Richard L. Crank, ASLA. City Staff: Wendy Walsh, 974-7719.

**The first reading of the ordinance adopting the Zoning and Platting Commission's recommendation of CS-1-CO zoning was approved with a requirement to use native plants and include an integrated pest management plan.**

**Items Z-7 to Z-10 were pulled for discussion.**

- Z-11. C14-02-0059 – Conduct a public hearing and approve an ordinance amending Chapter 25- 2 of the Austin City Code by zoning property locally known as 13498 Pond Springs Road (Lake Creek Watershed) from I-RR, Interim-Rural 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: K.P. Angel, Inc. (Ginny Simpson). Agent: Site Specifics (John Hussey). City Staff: Sherri Gager, 974-3057.

**Ordinance No. 020711-Z11, adopting the Zoning and Platting Commission's recommendation for GR-CO, Community Commercial-Conditional Overlay zoning was approved.**

- Z-12. C14-02-0061 – Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 2101 West Slaughter Lane (Slaughter Creek Watershed) from SF-2, Single Family Residence Standard Lot district, zoning to NO-CO, Neighborhood Commercial-Conditional Overlay Combining district, zoning. Zoning and Platting Commission Recommendation: To grant NO-CO, Neighborhood Commercial-Conditional Overlay Combining district, zoning. Applicant: Russell Robertson. Agent: Chris Sanders. City Staff: Glen Rhoades, 974-2775.

**This item was postponed to August 1, 2002 at the applicant's request.**

- Z-13. C14-02-0062 - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 11005 Burnet Road (Walnut Creek Watershed) from LI, Limited Industrial Services district, zoning to CS-1, Commercial-Liquor Sales district, zoning. Planning Commission Recommendation: To grant CS-1, Commercial-Liquor Sales district, zoning. Applicant: Kramer Plaza Limited Partnership. Agent: Monica Moore. City Staff: Annick Beaudet, 974-2975.

**Ordinance No. 020711-13 adopting the Planning Commission's request for CS-1, Commercial-Liquor Sales district zoning, was approved.**

- Z-14. C14-02-0070 – Home Depot – Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by zoning property locally known as 8801 IH-35 South and 100-200 Slaughter Lane East (Onion Creek Watershed) from I-RR, Interim-Rural Residence district, zoning to CS, General Commercial Services district zoning. Zoning and Platting Commission Recommendation: To grant CS-CO, General Commercial Services-Conditional with conditions. Applicant & Property Owner: Home Depot USA, Inc. (Jacob R. Pritcher, Jr.). Agent: Drenner Stuart Wolff Metcalfe von Kreisler, LLP (Michele C. Haussmann). City Staff: Wendy Walsh, 974-7719.  
**Ordinance No. 020711-14 adopting the Planning Commission's recommendation of CS-CO, General Commercial Services-Conditional Overlay Combining district zoning, was approved.**

**Z-15 was pulled for discussion.**

#### ZONING DISCUSSION ITEMS

- Z-5. C14-02-0035 - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by zoning property locally known as 3226 West Slaughter Lane (Slaughter Creek Watershed) from I-RR, Interim-Rural Residence district, zoning to MF-4-CO, Multi-family Residence Moderate - High Density-Conditional Overlay Combining district, zoning. Zoning and Platting Commission Recommendation: To grant MF-4-CO, Multi-family Residence Moderate-High Density-Conditional Overlay Combining district, zoning with conditions. Property Owners: John M. and Joyce W. Harmon. Agent: Graves, Dougherty, Hearon & Moody, P.C. (David Hartman). City Staff: Wendy Walsh, 974-7719.  
**The public hearing was closed on Council Member Wynn's motion, Council Member Slusher's second on a 7-0 vote.**

**The first reading of the ordinance adopting the Zoning and Platting Commission recommendation of MF-4-CO zoning was approved on Council Member Slusher's motion, Council Member Wynn's second on a 7-0 vote. The applicant has agreed to comply with the initial agreement with the neighborhood association and will work with the staff to draft language to address environmental concerns (i.e., use of native plants and an integrated pest management plan) raised by Council Member Slusher before the second and third ordinance readings.**

- Z-7. C14-02-0052 – Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by zoning property locally known as 10300 Old San Antonio Road (Slaughter Creek Watershed) from I-RR, Interim-Rural Residence district, zoning to GR-MU-CO, Commercial-Mixed Use-Conditional Overlay Combining district, zoning. Zoning and Platting Commission Recommendation: To grant GR-MU-CO, Community Commercial-Mixed Use-Conditional Overlay Combining district, zoning with conditions. Applicant & Property Owner: Adrienne Arnold. Agent: Michael R. Aulick. City Staff: Wendy Walsh, 974-7719.  
**The public hearing was closed on Council Member Slusher's motion, Council Member Wynn's second on a 7-0 vote.**

**The first reading of the ordinance adopting the Zoning and Platting Commission recommendation of GR-MU-CO zoning was approved; however, the zoning of the flood plain 'RR' district and the re-subdivision of the existing two tracts was removed, on Council Member Wynn's motion, Council Member Slusher's second on a 7-0 vote**



The meeting was recessed at 5:43 p.m. to allow for Live Music and Proclamations.

The meeting was called back to order at 6:33 p.m.

DISCUSSION ITEM CONTINUED

7. Authorize negotiation and execution of legal services contracts with Renea Hicks and Scott, Douglas & McConnico, L.L.P., Austin, Texas, for representation in, *Save Our Springs Alliance and Circle C Neighborhood Association v. The City of Austin, Circle C Land Corporation and Stratus Properties, Inc.*, Cause Number GN202018 in the 261st Judicial District Court of Travis County, Texas. (Related to Executive Session Item No. 4)  
**The contracts were approved on Council Member Wynn's motion, Council Member Dunkerley's second on a 7-0 vote.**

ZONING DISCUSSION ITEMS CONTINUED

- Z-8. C14-02-0053 – Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by zoning property locally known as 3600 Presidential Boulevard (Onion Creek Watershed) from I-RR, Interim-Rural Residence district, zoning to AV, Aviation Services district, zoning. Zoning and Platting Commission Recommendation: To grant AV-CO, Aviation Services-Conditional Overlay Combining district, zoning and RR, Rural Residence district, zoning. Applicant & Property Owner: City of Austin, Department of Aviation (Shane Harbinson). City Staff: Wendy Walsh, 974-7719.

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

**The first reading of the ordinance adopting staff's recommendation of AV zoning was approved on Council Member Dunkerley's motion, Council Member Slusher's second on a 7-0 vote. Staff was directed to explore additional drainage improvements/enhancements for development in or adjacent to the floodplain prior to the second and third ordinance readings.**

- Z-9. C14-02-0054 – Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by zoning property locally known as North of Crozier Lane, Cardinal Loop and Shapard Lane (Colorado River Watershed) from I-RR, Interim-Rural Residence district, zoning to AV, Aviation Services district, zoning. Zoning and Platting Commission Recommendation: To grant AV-CO, Aviation Services-Conditional Overlay Combining district, zoning with conditions. Applicant & Property Owner: City of Austin, Department of Aviation (Shane Harbinson). City Staff: Wendy Walsh, 974-7719.

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

**The first reading of the ordinance adopting staff's recommendation of AV zoning was approved on Council Member Dunkerley's motion, Council Member Slusher's second on a 7-0 vote. Staff was directed to explore additional drainage improvements/enhancements for development in or adjacent to the floodplain prior to the second and third ordinance readings**

- Z-10. C14-02-0056 – Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 6403 Johnny Morris Road (Walnut Creek Watershed) from SF-3, Family Residence district, zoning to MH, Mobile Home Residence district, zoning. Zoning and Platting Commission Recommendation: To grant MH-CO, Mobile Home Residence-Conditional Overlay Combining district, zoning with conditions. Applicant: Lynx Property Services. Agent: Keith Whittington. City Staff: Glen Rhoades, 974-2775.  
**The public hearing was closed on Council Member Slusher's motion, Council Member Wynn's second on a 7-0 vote.**

**The first reading of the ordinance adopting staff's recommendation of MH zoning with conditions was approved on Council Member Slusher's motion, Council Member Wynn's second on a 7-0 vote. Staff was directed to study the cost of sidewalk improvement and the traffic impact along Johnny Morris Road before the second and third ordinance readings.**

- Z-15. C14-02-0089 – H.E.B. – Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 7909 F.M. 1826 (Williamson Creek Watershed) from RR, Rural Residence district, zoning to GR, Community Commercial district, zoning. Zoning and Platting Commission Recommendation: To grant GR, Community Commercial district, zoning. Applicant & Property Owner: HEB Grocery Company, LP. (Kathy Ozment). Agent: Drenner Stuart Wolff Metcalfe von Kreisler, LLP (Michele C. Haussmann). City Staff: Wendy Walsh, 974-7719.  
**The public hearing was closed on Council Member Slusher's motion, Council Member Wynn's second on a 7-0 vote.**

**Ordinance No. 020711-Z15 adopting the Zoning and Platting Commission's recommendation of GR, Community Commercial district zoning, was approved on Council Member Wynn's motion, Council Member Slusher's second on a 7-0 vote.**

#### PUBLIC HEARINGS

88. Conduct a public hearing to consider an appeal of the Zoning and Platting Commission's decision to deny an administrative amendment to the Harris Branch Planned Unit Development Land Use Plan. The proposed site is located at 1375 U.S. Highway 290 East at Harris Branch Parkway. File # C814-90-0003.12. Appellant: John McCullough, HB Properties, Ltd., applicant for Harris Branch Planned Unit Development. Agent: Charles Steinman, 454-6777. City Staff: Susan Villarreal, Watershed Protection and Development Review Department, 974-6319.  
**This item was postponed to July 18, 2002 at staff's request.**
89. Conduct a public hearing to consider a variance request to allow construction of a residential condominium in the existing 100-year and 25-year floodplains of Hancock Branch at 1605 Houston Street.  
**This item was postponed to July 18, 2002 at staff's request.**

#### Circle C Land Corp. (Stratus) Proposed Settlement

**The motion that Stratus be permitted to have six representatives present in the Council Chambers during the entire time the Stratus items were considered and that those organizations in opposition have the same number of representatives present was approved on Council Member Wynn's motion, Council Member Thomas' second on a 7-0 vote.**

The motion to suspend the rules to allow Council to meet after 10:00 p.m. was approved on Council Member Alvarez' motion, Council Member Dunkerley's second on a 5-0 vote. Council Members Slusher and Thomas were off the dais.

The motion to close public comment on all Stratus items posted on this agenda (including all settlement agreement and zoning items) was approved on Council Member Wynn's motion, Council Member Slusher's second on a 7-0 vote.

The first reading of the following three ordinances (23, 26 and 27) was approved with these friendly amendments on Council Member Wynn's motion, Mayor Pro Tem Goodman's second on a 6-1 vote. Council Member Alvarez voted no. The friendly amendments were as stated below. The sponsor of each amendment is indicated. The friendly amendments were accepted by the maker of the motion and Mayor Pro Tem Goodman, who seconded the motion.

- Before the second reading, City staff would work with Stratus to finalize an agreement to establish funding for the acquisition of open space on environmentally sensitive land (Slusher);
- Language will be drafted for the settlement that requires Stratus to build water controls to the standards in place in Austin at the time the actual construction occurs (Slusher);
- Language will be drafted for the settlement that requires Stratus to build water controls to the standards in place in Austin at the time the actual construction occurs with the following condition: that there is no loss of impervious cover, that the cost of the new standards is not more than 10% more than the cost of the current standards, and that the benefit to the water quality improvements is at least 10% as determined by City staff (Slusher);
- That language be developed for Tract 107 to require a 300' setback from the sinkholes where possible (Slusher);
- That Stratus agree to participate in a regional effort starting this fall to develop a plan to preserve the aquifer (Slusher);
- That language be included to provide a funding mechanism to guarantee perpetual performance, maintenance, remediation and repair of water quality protection measures (compliant with City ordinance requirements in this document), and that third party administration of said funds be provided for inspection, monitoring and enforcement of this provision by the Barton Springs/Edwards Aquifer Conservation District (Goodman);
- Down-zoning, the language included in the agreement be stricken and that mutually acceptable language be substituted (Goodman).

23. Approve an ordinance on first/second reading adopting a settlement with Circle C Land Corp (Stratus) concerning development of approximately 1,260 acres of land in Southwest Austin, and Travis and Hays counties located generally in the Circle C area. The Agreement provides for fee waivers and infrastructure improvements for development of the land in the total amount of \$15,000,000. The Agreement provides for waivers of \$1,500,000 in development fees, and \$1,500,000 for a chiller. As part of the \$15,000,000 the Agreement also provides for waivers of water and wastewater fees in an amount not to exceed \$4,500,000, and cost reimbursement for offsite and onsite water extensions in an amount not to exceed \$3,600,000.

Funding of \$371,000 for South Bay Lane right-of-way acquisition is available in the 2001-2002 approved budget of the Transportation and Sustainability Department. Funding for the fire station site has been included in the 2001-2002 capital budget of the Fire Department. (Related Item Nos. 24-29).

**See motion stated above for first reading only.**

26. Approve an ordinance on first/second reading to amend Ordinance No. 010910-02 the 2001-2002 Capital Budget of the Transportation, Planning & Sustainability Department by transferring and appropriating \$371,000 from the Rutherford Land Street Improvement Project to the South Bay Lane Extension Project. (Funding is available from the Rutherford Lane Street Improvement Project account.) (Related Item Nos. 23-25 and 27-29)

**See motion stated above for first reading only.**

27. Approve an ordinance on first/second reading to amend Ordinance No. 010910-2, the 2001-2002 Capital Budget by increasing appropriations to the Water and Wastewater Utility by \$3,600,000 to the water project known as "Circle C Land Corp." (Funding will be provided from the proceeds of debt issuance when the annual obligation comes due in future budget years.) (First and Second Reading) (Related Items Nos. 23-26, 28 and 29)

**See motion stated above for first reading only.**

24. Authorize negotiation and execution of a contract for fee simple acquisition of portion of Tract 110 situated in the Circle C Subdivision, Travis County, Texas owned by Circle C Land Corp. (Stratus), for the Circle C Fire Station Project, in an amount not to exceed \$1,000,000. (Funding is available in the 2001-2002 Approved Capital Budget of the Fire Department.) (Related Item Nos. 23, 25-29)

**Action was deferred until July 18, 2002.**

25. Authorize negotiation and execution of a contract for fee simple acquisition of a portion of Tract 110 situated in the Circle C Subdivision, Travis County, Texas owned by Circle C Land Corp., for the South Bay Lane Extension Project in an amount not to exceed \$371,000. (Funding is in the 2001-2002 Amended Capital Budget of the Transportation Planning and Sustainability Department.) (Related Item No. 23, 24, 26-29)

**Action was deferred until July 18, 2002.**

28. Approve a resolution to declare official intent to reimburse construction costs in the amount of \$3,600,000 to be paid for developer reimbursements for the Circle C Land Corp. Water project. (Funding for the Water and Wastewater Utility to be funded by the issuance of commercial paper.) (Related Item Nos. 23-27 and 29)

**Action was deferred until July 18, 2002.**

29. Authorize negotiation and execution of a cost reimbursement agreement with Circle C Land Corp, providing terms and conditions for construction of 12 and 16-inch water mains, pressure reducing valve, pressure zone boundary modifications, and appurtenances to provide water service to Lots 103, 106, 107 and 110 within Circle C, with City cost reimbursement in an amount not to exceed \$3,600,000, for actual "hard" and "soft" construction costs; adopt an Ordinance waiving the requirement of Section 25-9-38, City Code, relating to expiration of a service extension request; waiving the requirement of Section 25-9-61, City Code, relating to facilities eligible for cost reimbursement; waiving the requirement of Section 25-9-63, City Code, relating to amount of cost reimbursement; waiving the requirements of Section 25-9-67, City

Code, relating to cost reimbursement payments. (Funding is included in the 2001-2002 Amended Capital Budget of the Water and Wastewater Utility.) (Related Item Nos. 23-28)

**Action was deferred until July 18, 2002.**

**Zoning items 30 to 42 were approved on first reading, with a friendly amendment on item 36 on Council Member Wynn's motion, Council Member Dunkerley's second on a 6-1 vote. Council Member Alvarez voted no.**

30. C814-01-0065 - Bear Lake P.U.D. - Continue a public hearing and approve an ordinance on first/second reading amending Chapter 25-2 of the Austin City Code by zoning property locally known as the southeast corner of S.H. 45 and F.M. 1826 (Slaughter / Bear Creek Watersheds) from unzoned and I-RR, Interim-Rural Residence district, zoning to P.U.D., Planned Unit Development district, zoning. Zoning and Platting Commission Recommendation: To grant P.U.D., Planned Unit Development district, zoning with conditions. Applicant and Property Owner: Stratus Properties (Kenneth Blaker). Agent: - Metcalfe von Kreisler, LLP. (Michele Haussmann). City Staff: Wendy Walsh, 974-7719. (Continued from 12/13/01, 1/17/02, 2/14/02, 3/21/02, 4/18/02 and 6/27/02)  
**See above.**
31. C14-02-0040.101 - Stratus Properties - Continue a public hearing and approve an ordinance on first/second reading amending Chapter 25-2 of the Austin City Code by zoning property locally known as the northeast corner of West Slaughter Lane and FM 1826, a 57 acre tract of land, more or less, out of the Jesse Williams Survey No. 62 and the John Moore Survey No. 66, Travis County, Texas (Williamson Creek and Slaughter Creek Watersheds) from I-RR, Interim-Rural Residence district, zoning to GR-MU, Community Commercial-Mixed Use-Combining district, zoning. Zoning and Platting Commission Recommendation: The Zoning and Platting Commission will consider this request on June 18, 2002. Applicant: City of Austin. Agent: Neighborhood Planning and Zoning Department. Property Owners: Stratus Properties and others. City Staff: Greg Guernsey, 974-2387. (Continued from 6/27/02)  
**See above.**
32. C14-02-0040.102 - Stratus Properties - Continue a public hearing and approve an ordinance on first/second reading amending Chapter 25-2 of the Austin City Code by zoning property locally known as the south side of West Slaughter Lane, beginning at a point approximately 1,200 feet east of FM1826 (between the water tank and Escarpment Blvd.), a 68 acre tract of land, more or less, out of the John Moore Survey No. 66, the Jesse Williams Survey No. 62, the John Bright Survey No. 63, and the Samuel Hamilton Survey No. 16, Travis County, Texas. (Williamson Creek and Slaughter Creek Watersheds) from I-RR, Interim-Rural Residence district, zoning to CS-MU, General Commercial Services-Mixed Use-Combining district, zoning. Zoning and Platting Commission Recommendation: The Zoning and Platting Commission will consider this request on June 18, 2002. Applicant: City of Austin. Agent: Neighborhood Planning and Zoning Department. Property Owners: Stratus Properties and others. City Staff: Greg Guernsey, 974-2387. (Continued from 6/27/02)  
**See above.**
33. C14-02-0040.103 - Stratus Properties - Continue a public hearing and approve an ordinance on first/second reading amending Chapter 25-2 of the Austin City Code by zoning property locally known as the area north of West Slaughter Lane at its intersection with Escarpment Blvd., a 62 acre tract of land, more or less, out of the Samuel Hamilton Survey No. 16, Travis County, Texas (Williamson Creek and Slaughter Creek Watersheds) from I-RR, Interim-Rural Residence

district, zoning to LR-MU, Neighborhood Commercial-Mixed Use-Combining district, zoning. Zoning and Platting Commission Recommendation: The Zoning and Platting Commission will consider this request on June 18, 2002. Applicant: City of Austin. Agent: Neighborhood Planning and Zoning Department. Property Owners: Stratus Properties and others. City Staff: Greg Guernsey, 974-2387. (Continued from 6/27/02)

**See above.**

34. C14-02-0040.104 – Stratus Properties – Continue a public hearing and approve an ordinance on first/second reading amending Chapter 25-2 of the Austin City Code by zoning property locally known as the southwest corner of West Slaughter Lane and Escarpment Blvd., a 16 acre tract of land, more or less, out of the Samuel Hamilton Survey No. 16, Travis County, Texas (Slaughter Creek Watershed) from I-RR, Interim-Rural Residence district, zoning to RR, Rural Residence district, zoning. Zoning and Platting Commission Recommendation: The Zoning and Platting Commission will consider this request on June 18, 2002. Applicant: City of Austin. Agent: Neighborhood Planning and Zoning Department. Property Owners: Stratus Properties and others. City Staff: Greg Guernsey, 974-2387. (Continued from 6/27/02)
- See above.**
35. C14-02-0040.105 – Stratus Properties – Continue a public hearing and approve an ordinance on first/second reading amending Chapter 25-2 of the Austin City Code by zoning property locally known as the southeast corner of West Slaughter Lane and Escarpment Blvd., a 9 acre tract of land, more or less, out of the Samuel Hamilton Survey No. 16, Travis County, Texas (Slaughter Creek Watershed) from I-RR, Interim-Rural Residence district, zoning to RR, Rural Residence district, zoning. Zoning and Platting Commission Recommendation: The Zoning and Platting Commission will consider this request on June 18, 2002. Applicant: City of Austin. Agent: Neighborhood Planning and Zoning Department. Property Owners: Stratus Properties and others. City Staff: Greg Guernsey, 974-2387. (Continued from 6/27/02)
- See above.**
36. C14-02-0040.106 – Stratus Properties – Continue a public hearing and approve an ordinance on first/second reading amending Chapter 25-2 of the Austin City Code by zoning property locally known as the northwest corner of West Slaughter Lane and South Mopac Expressway (Loop 1), a 12 acre tract of land, more or less, out of the Samuel Hamilton Survey No. 16, Travis County, Texas (Williamson Creek and Slaughter Creek Watersheds) from I-RR, Interim-Rural Residence district, zoning to GR, Community Commercial district, zoning. Zoning and Platting Commission Recommendation: The Zoning and Platting Commission will consider this request on June 18, 2002. Applicant: City of Austin. Agent: Neighborhood Planning and Zoning Department. Property Owners: Stratus Properties and others. City Staff: Greg Guernsey, 974-2387. (Continued from 6/27/02)
- See above. The friendly amendment was to include wording to prohibit service station use in the recharge zone – Tract 106. This was accepted by the maker of the motion, Council Member Wynn and Council Member Dunkerley, who seconded the motion.**
37. C14-02-0040.108 – Stratus Properties – Continue a public hearing and approve an ordinance on first/second reading amending Chapter 25-2 of the Austin City Code by zoning property locally known as the northwest corner of West Slaughter Lane and Brodie Lane, a 106 acre tract of land, more or less, out of the Samuel Hamilton Survey No. 16, Travis County, Texas (Slaughter Creek Watershed) from I-RR, Interim-Rural Residence district, zoning to GR-MU, Community Commercial-Mixed Use-Combining district, zoning. Zoning and Platting Commission Recommendation: The Zoning and Platting Commission will consider this request on June 18,

2002. Applicant: City of Austin. Agent: Neighborhood Planning and Zoning Department. Property Owners: Stratus Properties and others. City Staff: Greg Guernsey, 974-2387. (Continued from 6/27/02)

**See above.**

38. C14-02-0040.109 – Stratus Properties – Continue a public hearing and approve an ordinance on first/second reading amending Chapter 25-2 of the Austin City Code by zoning property locally known as the area west of Dahlgreen Avenue and approximately 930 feet south of La Crosse Blvd. (and generally west of Galsworthy Lane, and north & east of Redmond Road and Aylford Court), a 20 acre tract of land, more or less, out of the Samuel Hamilton Survey No. 16, Travis County, Texas (Slaughter Creek Watershed) from I-RR, Interim-Rural Residence district, zoning to RR, Rural Residence district, zoning. Zoning and Platting Commission Recommendation: The Zoning and Platting Commission will consider this request on June 18, 2002. Applicant: City of Austin. Agent: Neighborhood Planning and Zoning Department. Property Owners: Stratus Properties and others. City Staff: Greg Guernsey, 974-2387. (Continued from 6/27/02)
- See above.**
39. C14-02-0040.110 – Stratus Properties – Continue a public hearing and approve an ordinance on first/second reading amending Chapter 25-2 of the Austin City Code by zoning property locally known as the area west of South Mopac Expressway (Loop 1), north of State Highway 45, east of Dahlgreen Avenue and generally east of Beachmont Lane, Bexley Lane and the un-built extension of Escarpment Blvd., north of State Highway 45 and south of La Crosse Avenue and generally south of Mordred Lane, a 247 acre tract of land, more or less, out of the Samuel Hamilton Survey No. 16, Travis County, Texas (Williamson Creek and Slaughter Creek Watersheds) from I-RR, Interim-Rural Residence district, zoning to CH-PDA, Commercial Highway Services-Planned Development Area district, zoning. Zoning and Platting Commission Recommendation: The Zoning and Platting Commission will consider this request on June 18, 2002. Applicant: City of Austin. Department. Property Owners: Stratus Properties and others. City Staff: Greg Guernsey, 974-2387. (Continued from 6/27/02)
- See above.**
40. C14-02-0040.111 – Stratus Properties – Continue a public hearing and approve an ordinance on first/second reading amending Chapter 25-2 of the Austin City Code by zoning property locally known as the southeast corner of La Crosse Avenue and South Mopac Expressway (Loop 1), a 17 acre tract of land, more or less, out of the Samuel Hamilton Survey No. 16, Travis County, Texas (Slaughter Creek Watershed) from I-RR, Interim-Rural Residence district, zoning to RR, Rural Residence district, zoning. Zoning and Platting Commission Recommendation: The Zoning and Platting Commission will consider this request on June 18, 2002. Applicant: City of Austin. Agent: Neighborhood Planning and Zoning Department. Property Owners: Stratus Properties and others. City Staff: Greg Guernsey, 974-2387. (Continued from 6/27/02)
- See above.**
41. C14-02-0040.112 – Stratus Properties – Continue a public hearing and approve an ordinance on first/second reading amending Chapter 25-2 of the Austin City Code by zoning property locally known as the area generally east of South Mopac Expressway (Loop 1) and southeast of the proposed extension of La Crosse Avenue (at its Center), and generally northeast of Wyldwood Drive, a 50 acre tract of land, more or less, out of the Samuel Hamilton Survey No. 16, Travis County, Texas (Slaughter Creek Watershed) from I-RR, Interim-Rural Residence district, zoning to RR, Rural Residence district, zoning. Zoning

and Platting Commission Recommendation: The Zoning and Platting Commission will consider this request on June 18, 2002. Applicant: City of Austin. Agent: Neighborhood Planning and Zoning Department. Property Owners: Stratus Properties and others. City Staff: Greg Guernsey, 974-2387. (Continued from 6/27/02)

**See above.**

42. C14-02-0040.114 – Stratus Properties – Continue a public hearing and approve an ordinance on first/second reading amending Chapter 25-2 of the Austin City Code by zoning property locally known as the northeast corner of State Highway 45 and FM 1826, a 16 acre tract of land, more or less, out of the Corbet Stevens Survey No. 63, Travis County, Texas (Slaughter Creek Watershed) from I-RR, Interim-Rural Residence district, zoning to GR, Community Commercial district, zoning. Zoning and Platting Commission Recommendation: The grant GR-CO, Community Commercial-conditional Overlay Combining district, zoning. Applicant: City of Austin. Agent: Neighborhood Planning and Zoning Department. Property Owners: Stratus Properties and others. City Staff: Greg Guernsey, 974-2387. (Continued from 6/27/02)

**See above.**

**The motion to adjourn the meeting at 2:30 a.m. was approved on Council Member Slusher's motion, Mayor Garcia's second on a 7-0 vote.**