



Austin City Council
MINUTES

REGULAR MEETING
THURSDAY, FEBRUARY 15, 2001

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

The City Council of Austin, Texas, convened in a regular meeting on Thursday, February 15, 2001 in the Board Room at Lower Colorado River Authority Hancock Building, 3700 Lake Austin Boulevard.

INVOCATION – Rev. Fred Morgan, Hope Presbyterian Church.

Mayor Pro Tem Goodman called the meeting to order at 9:18 a.m.

1. Approval of minutes for regular meeting of February 8, 2001.
The minutes for the regular meeting of February 8, 2001 was approved on Council Member Wynn's motion, Mayor Pro Tem Goodman's second by a 6-0 vote. Mayor Watson was absent.

Items 2 through 7 were executive session.

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, Council Member Thomas' second by a 6-0 vote. Mayor Watson was absent.

8. Consider settlement agreement in *City of Austin v. BFI Waste Systems of North America, Inc., et al*, Cause No. 2295; proceedings in eminent domain in Travis County Probate Court No. 1.
This item was postponed indefinitely.

Item 9 was pulled for discussion.

10. Approve a resolution authorizing negotiation and execution of a professional services agreement with the following three firms: PARSONS BRINCKERHOFF QUADE & DOUGLAS, INC., Austin, Texas, to provide professional engineering services for Austin-Bergstrom International Airport East Runway Taxiways A & K, in an amount not to exceed \$650,000; PBS&J, Austin, Texas, to provide professional engineering services for the Austin-Bergstrom International Airport West Runway High Speed Exit E-4, in an amount not to exceed \$400,000; and DMJM AVIATION, Houston, Texas, to provide professional engineering services for the Austin-Bergstrom International Airport South Air Cargo Taxi Lane, in an amount not to exceed \$400,000, for a total amount of the three contracts not to exceed \$1,450,000. (Funding in an amount of \$1,450,000 is available in the 2000-2001 Capital Budget of the Aviation Department.) Parsons

Brinkerhoff Quade & Douglas, Inc. - 35.00% DBE (35.00% MBE and 0.0%WBE) PBS&J - 40.00% DBE (32.00% MBE and 8.00% WBE) DMJM Aviation - 32.00% DBE (32.00% MBE and 0.0% WBE)

Resolution No. 010215-10 was approved.

11. C14-00-2115 – Approve second/third readings of an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 205 and 207 Mockingbird Lane (Williamson Creek Watershed) from SF-2, Single Family Residence district zoning to SF-4A, Single Family Residence Small Lot district zoning. First Reading on January 18, 2001; Vote: 6-0, Watson absent. Conditions met as follows: No conditions to be met. Property Owner and Applicant: Henry Benedict Realtors (Henry Benedict). Agent: Land Answers (Phylis Marucci). City Staff: Wendy Walsh, 499-7719.
Ordinance No. 010215-11 was approved.
12. C14-00-2211 - Approve second/third readings of an ordinance amending Chapter 25-2 of the Austin City Code by zoning property locally known as East 51st Street at Old Manor Road (Tannehill Watershed) from AV, Aviation Services district zoning to P, Public district zoning. First reading on January 18, 2001; Vote: 6-0, Watson-absent. Conditions met as follows: No conditions to be met. Applicant: City of Austin. Agent: Public Works and Transportation Department (Charles Nolan). City Staff: Don Perryman, 499-2786.
Ordinance No. 010215-12 was approved.
13. C14-00-2223 – TALAVERA – Approve second/third readings of an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 5711 South Congress Avenue (Williamson Creek Watershed) from LO, Limited Office and GR, Community Commercial District zoning to MF-2-CO, Multi-Family Residence - Conditional Overlay Combining district zoning with conditions. First Reading on January 18, 2001; Vote: 6-0, Watson absent. Conditions met as follows: Conditional overlay and street deed incorporates the conditions approved by Council at first reading. Property Owner and Applicant: Green Acres Investments, Inc. (Hazel Bradshear). Agent: Conley Engineering (Jason Dyke). City Staff: Wendy Walsh, 499-7719.
Ordinance No. 010215-13 was approved.
14. C14-00-2225 - Approve second/third readings of an ordinance amending Chapter 25-2 of the Austin City Code by zoning property locally known as 1500 Rosewood Avenue (Boggy Creek Watershed), from SF-3, Family Residence district zoning to P, Public district zoning. First reading on January 18, 2001; Vote: 6-0, Watson-absent. Conditions met as follows: No conditions to be met. Applicant: City of Austin. Agent: Parks and Recreation Department (Sarah Campbell). City Staff: Don Perryman, 499-2786.
Ordinance No. 010215-14 was approved.
15. C14-00-2239 - Approve second/third readings of an ordinance amending Chapter 25-2 of the Austin City Code by zoning property locally known as 605 West Oltorf (East Bouldin Creek Watershed) from SF-3, Family Residence district zoning to NO-MU, Neighborhood Office-Mixed Use combining district zoning. First reading on January 18, 2001; Vote: 6-0, Watson-absent. Conditions met as follows: No conditions to be met. Applicant: and Agent: Mark Sampson. City Staff: Don Perryman, 499-2786.
Ordinance No. 010215-15 was approved.
16. Approve an ordinance granting a license to 360 Networks, (USA), INC. for the placement of facilities in the public right of way. (Unanticipated license fee revenue for the General Fund in Fiscal Year 2000-2001 in the amount of \$386,655.98.)
Ordinance No. 010215-16 was approved.

17. Approve amendments to ordinances granting licenses for the placement of long distance transmission facilities in the public rights-of-way to Qwest Communications Corporation (Ordinance No. 980205-R); WorldCom Network Services, Inc. (Ordinance No. 9800326-E); GTE Global Networks, Inc. (Ordinance No. 990114-D); Enron Communications (Ordinance No. 990701-32); Williams Communications, Inc. (Ordinance No. 990819-67), PF.Net Network Services Corporation (Ordinance No. 000928-13), El Paso Global Networks (Ordinance No. 000928-32), Global Crossing North American Networks, Inc. (Ordinance No. 010118-11); and for conduit facilities to Z-Net of Texas (Ordinance No. 000518-52). (No anticipated revenue impact due to this action.)

Ordinance No. 010215-17 was approved.

18. Approve an ordinance to annex the Brandt's Crossing annexation area for full purposes. The annexation area consists of approximately 140 acres located east of the intersection of E. Slaughter Lane and IH-35. (Funding necessary to provide services to this undeveloped tract is available in the budgets of the departments who will be providing the services.) (First Reading).

The first reading of this ordinance was approved.

19. Approve an Ordinance authorizing the acceptance of \$50,000 in grant funds from the State of Texas Energy Conservation Office; Amend Ordinance 000912-1, the 2000-2001 Operating Budget of the Planning, Environmental and Conservation Services Department Special Revenue Fund, by appropriating \$50,000 in grant funds from the State of Texas Energy Conservation Office, to establish a program to promote the use of alternative fuel vehicles. (The amount of \$50,000 in U.S. Department of Energy grant funds is available from the State of Texas Energy Conservation Office. City's match is \$15,000. The grant and match will be used to fund one full-time employee to operate the one-year program. The grant term is January 1, 2001 to December 31, 2001. Funding in the amount of \$15,000 is available in the 2000-2001 Operating Budget of the Planning, Environmental & Conservation Services Department.) (Related Item No. 20)

Ordinance No. 010215-19 was approved.

20. Approve a resolution authorizing negotiation and execution of an Interlocal Agreement with the Controller of Public Accounts, State Energy Conservation Office, to allow the City of Austin to act as the fiduciary agent for the Central Texas Clean Cities Program, administering and facilitating the Central Texas Clean Cities Program, in an amount not to exceed \$65,000, unless an additional grant is awarded, which will increase the grant amount by \$25,000, for a total grant amount not to exceed \$90,000. (The amount of \$50,000 in U.S. Department of Energy grant funds is available from the State of Texas Energy Conservation Office. If executed within the month of February, the City may be awarded an additional \$25,000 which will increase the grant in an amount not to exceed \$90,000. The City's match is \$15,000. The grant and City match will fund a full-time employee to operate the one-year program. The grant term is January 1, 2001 to December 31, 2001.) (Related Item No. 19)

Resolution No. 010215-20 was approved.

Items 21 through 22 were pulled for discussion.

23. Approve a resolution authorizing application for grant funding in the amount of \$201,645 for the Austin Police Department, Forensics Division to purchase laboratory equipment for the DNA program. (Grant funding is available from the State of Texas, Governor's Office, Criminal Justice Division, for the grant period February 1, 2001 – January 31, 2003. No cash match is required. Funding for continued program operation is contingent on approval of funding in future budgets.)

Resolution No. 010215-23 was approved.

24. Approve a resolution authorizing the application for and acceptance of \$55,021 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, 2001 to August 31, 2002, and is appropriated in the approved 2000-2001 Special Revenue Budget. This is the second year of a five year grant. No cash match is required the first two years. Grant funding is reduced by 25% per year in the third and subsequent years. Funding for continued operation is contingent on grant renewal and/or approval of funding in future budgets.)
Resolution No. 010215-24 was approved.
25. Approve a resolution authorizing the application for and acceptance of fifth year funding from a five year grant in the amount of \$11,297 from the State of Texas, Governor's Office, Criminal Justice Division, to increase investigation and recovery of stolen property by the Austin Police Department. (Grant funding is available from the State of Texas, Governor's Office, Criminal Justice Division, for the grant period September 1, 2001–August 31, 2002, and is appropriated in the approved 2000-2001 Special Revenue Budget. Grant funding is reduced by 20% each year. A cash match of \$57,927 is required in the fifth year, and will be included in the proposed 2001-2002 Operating Budget. Funding for continued operation is contingent on approval of funding in future budgets.)
Resolution No. 010215-25 was approved.
26. Approve a resolution authorizing execution of a 12-month supply agreement with US FILTER/DAVIS, INC., Tallevast, Florida, to provide bioxide salt for the Water and Waste Water Utility, in an amount not to exceed \$218,750 with two 12-month extension options in an amount not to exceed \$218,750 per extension, for a total contract amount not to exceed \$656,250. (Funding in the amount of \$145,833.33 is available in the 2000-2001 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.) Sole source. US Filter/Davis, Inc. holds the patent for Bioxide. This contract will be awarded in compliance with the 1996 MBE/WBE Ordinance. This is a product that will be provided directly by the vendor. There are no subcontracting opportunities, therefore, no goals were established for this solicitation. (Recommended by Water and Wastewater Commission)
Resolution No. 010215-26 was approved.
27. Approve a resolution authorizing execution of a 12-month supply agreement with ENVIRONMENTAL IMPROVEMENTS, INC., Buda, Texas, to provide Wallace & Tiernan replacement and repair parts for the Water and Waste Water Utility, in an amount not to exceed \$79,000 with two 12-month extension options in the amount not to exceed \$79,000 per extension, for a total contract amount not to exceed \$237,000. (Funding in the amount of \$52,666.67 is available in the 2000-2001 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.) Sole Bidder. This contract will be awarded in compliance with the 1996 MBE/WBE Ordinance. This is a product that will be provided directly by the vendor. There are no subcontracting opportunities, therefore, no goals were established for this solicitation. (Recommended by Water and Wastewater Commission)
Resolution No. 010215-27 was approved.
28. Approve a resolution authorizing execution of a 12-month supply agreement with CAP-TEX INCORPORATED, Austin, Texas, to provide emergency response sludge and sewage pumping, hauling and disposal service for the Water and Waste Water Utility, in an amount not to exceed \$400,000 with two 12-month extension options in the amount not to exceed \$400,000 per extension, for a total contract amount not to exceed \$1,200,000. (Funding in the amount of \$200,000 is available in the 2000-2001 Approved Operating Budget of the Water and Wastewater

Utility. Funding for the remaining six months of the original contract period and extension options will be contingent upon available funding in future budgets.) Low bid/two bids received. This contract will be awarded in compliance with the 1996 MBE/WBE Ordinance. This is a product that will be provided directly by the vendor. There are no subcontracting opportunities, therefore, no goals were established for this solicitation. (Recommended by Water and Wastewater Commission)

Resolution No. 010215-28 was approved.

29. Approve a resolution ratifying payments for cellular telephone service used city-wide obtained through the State of Texas General Services Commission with AT&T Wireless, Redmond, WA, in an amount not to exceed \$540,000. (Funding is included in the 2000-2001 Approved Operating Budgets of various City departments.) This contract has been available through an Interlocal Agreement with the State of Texas General Services Commission for the Tex-An 2000 contracts awarded to provide wireless telephone services. AT&T is one of the approved vendors for wireless services.

Resolution No. 010215-29 was approved.

30. Approve a resolution authorizing the purchase of cellular phone services for 45-months through the State of Texas General Services Commission with AT&T Wireless, Redmond, WA, for wireless telephone services for cellular phones used citywide in the amount not to exceed \$1,196,250 with options to extend for five additional 12-month periods in an amount not to exceed \$319,000 per year, for a total contract amount not to exceed \$2,791,250. (Funding in the amount of \$186,083 was included in the 2000-2001 Operating Budgets of various City departments. Funding for the remaining 38 months of the original contract period and the five extension options are contingent upon available funding in future budgets.) This contract has been available through an Interlocal Agreement with the State of Texas General Services Commission for the Tex-An 2000 contracts awarded to provide wireless telephone services. AT&T is one of the approved vendors for wireless services.

Resolution No. 010215-30 was approved.

Item 31 was pulled for discussion.

32. Approve a resolution authorizing execution of a contract to purchase nine revenue metering current transformers with KUHLMAN ELECTRIC, Versailles, KY, in an amount not to exceed \$84,500 (Funding is available in the 2000-2001 Approved Capital Budget of the Electric Utility Department.) Low bid meeting specification/four bids received. This contract will be awarded in compliance with the 1996 MBE/WBE Ordinance. No subcontracting opportunities were identified; therefore MBE/WBE goals were not established for this solicitation. This contract is for the purchase of commodities, with direct delivery by the manufacturer. (Recommended by Electric Utility Commission)

Resolution No. 010215-32 was approved.

33. Approve a resolution authorizing execution of a 12-month service agreement for leak seal repair with TRANSMISSION & DISTRIBUTION SERVICES, Glenbrook, NV, in an amount not to exceed \$74,065 with three 12-month extension options in an amount not to exceed \$74,065 per option, for a total amount not to exceed \$296,260. (Funding in the amount of \$49,377 is available in the 2000-2001 Approved Operating Budget of the Electric Utility Department. Funding for the remaining four months of the original contract period and the extension options is contingent upon available funding in future budgets.) Sole bid/one bid received. This contract will be awarded in compliance with the 1996 MBE/WBE Ordinance. No subcontracting opportunities were identified; therefore MBE/WBE goals were not established for this solicitation. The Contractor will provide all services with his own workforce. (Recommended by Electric Utility Commission)

Resolution No. 010215-33 was approved.

34. Approve a resolution authorizing execution of a 12-month interlocal contract award to TEXAS AGRICULTURAL EXTENSION SERVICE, Bryan, Texas, for the management and control of vultures in an amount not to exceed \$14,000 with four 12-month extension options in an amount not to exceed \$14,000 per extension for a total contract amount not to exceed \$70,000. (Funding in the amount of \$8,167 was included in the 2000-2001 Approved Operating Budget for the Electric Utility Department. Funding for the remaining five months of the original contract period and extension options is contingent upon available funding in future budgets.) Sole Source. The Texas Agriculture Extension Service has provided this service to the City since September 1998. Current price reflects a 23% increase which can be attributed to an increase in labor. Texas Agricultural Extension Service is the only entity in the State of Texas authorized by the United States Department of Agriculture to provide this service. (Recommended by Electric Utility Commission)

Resolution No. 010215-34 was approved.

35. Approve a resolution authorizing execution of a 12-month service agreement with AUS-TEX PRINTING & MAILING, Austin, Texas, to provide the printing and mailing of letters for the Power Partner Program in an amount not to exceed \$56,640, with two 12-month extension options in an amount not to exceed \$56,640, per extension, for a total contract amount not to exceed \$169,920. (Funding in the amount of \$47,200 is included in the 2000-2001 Approved Operating Budget for the Electric Utility Department. Funding for the final two months of the original contract period and the extension options is contingent upon available funding in future budgets.) Low bidder of two bids received. This contract will be awarded in compliance with the 1996 MBE/WBE Ordinance. No subcontracting opportunities were identified; therefore no MBW/WBE goals were established for this solicitation. All work will be performed by the Contractor's own workforce. (Recommended by Electric Utility Commission)

Resolution No. 010215-35 was approved.

36. Approve a resolution authorizing execution of a 12-month supply agreement for the purchase of voltage regulators with SIEMENS POWER TRANSMISSION & DISTRIBUTION, INC Jackson, MS, in an amount not to exceed \$334,110 with three 12-month extension options in an amount not to exceed \$334,110 per option, for a total amount not to exceed \$1, 336,440. (Funding in the amount of \$194,898 is available in the 2000-2001 Approved Operating Budget of the Electric Utility Department. Funding for the remaining five months of the original contract period and the extension options is contingent upon available funding in future budgets.) Low bid/four bids received. This contract will be awarded in compliance with the 1996 MBE/WBE Ordinance. This is a product that will be provided directly by the vendor. There are no subcontracting opportunities, therefore, no goals were established for this solicitation. (Recommended by Electric Utility Commission)

Resolution No. 010215-36 was approved.

37. Approve amendment No. 2 to the contract with CERAMIC COOLING TOWER COMPANY, c/o Enviro-Tex, San Antonio, Texas, for the purchase of a cooling tower, to increase contract authorization in the amount not to exceed \$10,328, for a revised total amount not to exceed \$861,575. (Funding is available in the 2000-2001 Approved Capital Budget for the Electric Utility Department.) This contract will be awarded in compliance with the 1996 MBE/WBE Ordinance. No subcontracting opportunities were identified, therefore, MBE/WBE goals were not established for this solicitation. This contract is for the purchase of commodities with direct delivery by the manufacturer. (Recommended by Electric Utility Commission)

Resolution No. 010215-37 was approved.

38. Approve a resolution authorizing negotiation and execution of a 12-month service agreement with YPS FACILITY SERVICES, Austin, Texas, for the maintenance, operation and training services

for the district cooling plant in an amount not to exceed \$200,000 with two twelve-month extension options in an amount not to exceed \$200,000 per extension for a total contract amount not to exceed \$600,000. (Funding in the amount of \$116,662 was included in the 2000-2001 Approved Operating Budget for the Electric Utility Department. Funding for the balance of the original contract period and the extension options is contingent upon available funding in future budgets.) Best proposal/two proposals received. This contract will be awarded in compliance with the 1996 MBE/WBE Ordinance. This is a product that will be provided directly by the vendor. There are no subcontracting opportunities, therefore, no goals were established for this solicitation. (Recommended by Electric Utility Commission)

Resolution No. 010215-38 was approved.

39. Adopt a resolution authorizing the City Manager to sell the City's interests in the former Davenport Ranch Shared Water Facilities, negotiate and execute a settlement agreement with Loop 360 Water Supply Corporation, Rivercrest Water Systems, Inc., and Davenport Ltd. regarding the disposition of the water treatment plant and related facilities, and negotiate and execute a wholesale water agreement with Rivercrest Water Systems, Inc.. (The sale of the City's interests in the former Davenport Ranch Shared Water Facilities and settlement agreement will result in a financial gain to the City of Austin of approximately \$650,000. The 30-year positive NPV for the wholesale water contract with Rivercrest is \$1.6 million.) (Recommended by Water & Wastewater Commission)

Resolution No. 010215-39 was approved.

Items 40 through 45 were pulled for discussion.

46. Approve a resolution authorizing negotiation and execution of an amendment to the professional services agreement with KURKJIAN ENGINEERING CORPORATION (MBE/FH), Austin, Texas, for construction phase services for the Upper Walnut Creek Interceptor Project, in an amount not to exceed \$575,000 for a total contract amount not to exceed \$1,194,721. (Funding is included in the 2000-2001 Capital Budget of the Water & Wastewater Utility.) 29.0% MBE Prime, 0% MBE subcontracting participation, 42% WBE subcontracting participation. (Recommended by Water & Wastewater Commission) (Related Item No. 47)

Resolution No. 010215-46 was approved.

47. Approve a resolution authorizing a construction contract award to SOUTHLAND CONTRACTING, INC., Ft. Worth, Texas, for a wastewater line for the Upper Walnut Creek Interceptor Project, in an amount not to exceed \$7,994,274.94, and a contingency in an amount not to exceed \$400,000, for a total contract amount not to exceed \$8,394,274.94. (Funding in the amount of \$8,394,274.94 is included in the 2000-2001 Capital Budget of the Water & Wastewater Utility.) Lowest of four bids received. 37.29% MBE subcontracting participation, 1.58% WBE subcontracting participation. (Recommended by Water & Wastewater Commission) (Related Item No. 46)

Resolution No. 010215-47 was approved.

48. Approve a resolution authorizing negotiation and execution of amendments to the 1997 Annexation Engineering Design Rotation List Agreement with the following three of thirteen firms: BAKER-AICKLEN & ASSOCIATES, INC., Cedar Park, Texas; KURKJIAN ENGINEERING CORP. (MBE), Austin, Texas, and RAYMOND CHAN & ASSOCIATES, INC. (MBE), Austin, Texas, for additional water and wastewater design and construction engineering services for the 1997 Annexed Area Program, increasing each of the three agreements in an amount not to exceed \$1,200,000 for a combined total amount of the thirteen rotation agreements not to exceed \$4,160,000. (Funding in the amount of \$1,200,000 is included in the 2000-2001 Capital Budget of the Water & Wastewater Utility.) BAKER-AICKLEN & ASSOCIATES, INC. 5.2% MBE subcontracting participation, 16.8% WBE subcontracting participation; KURKJIAN

ENGINEERING CORP. (MBE) 77.7% MBE PRIME, 10.5% MBE subcontracting participation, 10.1% WBE subcontracting participation, RAYMOND CHAN & ASSOCIATES, INC. (MBE) 71.0% MBE PRIME, 0% MBE subcontracting participation, 28.2% WBE subcontracting participation. (Recommended by Water and Wastewater Commission)

Resolution No. 010215-48 was approved.

49. Approve a resolution authorizing negotiation and execution of an amendment to the professional services agreement with TURNER COLLIE & BRADEN, INC., Austin, Texas, for final design phase services for water reuse/non potable water for the South Austin Regional Wastewater Treatment Plant Expansion and Improvements Project, in an amount not to exceed \$912,024, for a total amount not to exceed of \$16,993,899. (Funding in the amount of \$912,024 is available in the 2000-2001 Capital Budget of the Water & Wastewater Utility.) 6.9% MBE subcontracting participation, 55.3% WBE subcontracting participation. (Recommended by Water & Wastewater Commission)

Resolution No. 010215-49 was approved.

50. Consider an ordinance waiving the requirements of sections 15-11-11(B) and 15-11-18 of the City Code and the permit fee and deposit under Ordinance No. 000912-04 for the Chuy's Hot to Trot 5K Run on May 15, 2001. (Council Member Beverly Griffith)

Ordinance No. 010215-50 was approved.

51. Approve a resolution to direct the City Manager to develop a cost reimbursement agreement with Austin Revitalization Authority for the design and construction of the water and wastewater improvements needed in support of the East 11th Street Redevelopment. (Council Member Danny Thomas and Council Member Daryl Slusher)

Resolution No. 010215-51 was approved.

Item 52 was pulled for discussion.

53. Approve the use of Town Lake as a swim course for a triathlon event to be staged downtown by Run Tex Event Productions on May 28, 2001, and waive fee and ordinance requirements incident thereto. (Council Member Will Wynn)

Ordinance No. 010215-53 was approved.

Item 54 was pulled for discussion.

55. Approve a resolution to direct the City Manager to examine the feasibility of a residential parking program for the Hyde Park Neighborhood and report back to Council within 30 days. (Mayor Pro Tem Goodman)

Resolution No. 010215-55 was approved.

56. Approve an ordinance waiving the requirements of sections 15-11-11(B) and 15-11-18 of the City Code and the permit fee and deposit under Ordinance No. 000912-04 for the 3rd Annual Lone Star 2001 5K/10K Run for Scleroderma, to be held on March 24, 2001 at the North Austin Medical Center. (Mayor Pro Tem Jackie Goodman)

Ordinance No. 010215-56 was approved.

Item 57 was a citizen communication.

Items 58 through 70 were zoning items.

71. Discuss City of Austin v. Pauwels Canada, Inc., et al., Cause No. 98-00300, Travis County District Court.

This item was removed from the agenda because it is a duplicate of item 7.

Item 71 was an executive session item.

72. Consider settlement proposal in City of Austin v. Pauwels Canada, Inc., et al., Cause No. 98-00300, Travis County District Court.

The item was removed from the agenda because it is a duplicate of item 9.

73. Approve a resolution supporting the passage of Senate Bill 87 and House Bill 587 by the 77th Texas Legislature. (Mayor Kirk Watson, Council Member Thomas and Council Member Alvarez.) Resolution No. 010215-73 was approved.

74. Approve third reading of an ordinance repealing and replacing Article II of Chapter 2-4 of the City Code regarding the Austin Airport Advisory Commission. (Mayor Kirk Watson, Council Member Daryl Slusher and Council Member Beverly Griffith.)

This item was postponed until March 1, 2001.

Items 75 through 82 were citizen communications.

DISCUSSION ITEMS

21. Approve an ordinance amending Chapter 8-14 of the City Code affecting the towing of vehicles within the City of Austin. The proposed ordinance includes 1) a revision to the incident management plan that addresses wrecker responses during rush-hour traffic on key thoroughfares, 2) general ordinance revisions based on a recent federal court ruling and staff recommendations, and 3) a recommendation to increase the standard non-consent tow fee rate from \$65 to \$85; to increase the non-consent tow fee rate for vehicles over 10,000 pounds from \$300 to \$393; to authorize an additional \$35 fee for use of flat bed trucks during standard rush-hour rotation tows. (No additional funding is required; however, Fiscal Year 2001 projected revenue for Police will be reduced by \$22,000 due to a recent federal court ruling.)

The motion to approve the first reading of this ordinance by accepting staff's recommendation with the following changes, was made on Council Member Thomas' motion, Council Member Griffith's second. The changes were: to increase the tow fee rate from \$65 to \$95 and to increase the flatbed premium from rush hour to City-wide application at \$35.00.

The substitute motion made by Council Member Alvarez was to approve staff recommendation except increase the fee from \$65 to \$85 and set the fee for the use of flat bed trucks to \$25 for city-wide tow. This motion was seconded by Council Member Slusher, who later withdrew his second. There being no second to the substitute, Council returned to the main motion.

The first reading of this ordinance with the changes stated above was approved by a 4-2 vote. Those voting aye were: Mayor Pro Tem Goodman, and Council Members Griffith, Thomas and Wynn. Those voting nay were: Council Members Alvarez and Slusher. Mayor Watson was absent.

The motion to re-consider this item to allow the rate changes go into effect immediately upon passage of the ordinance was approved on Council Member Wynn's motion, Council Member Griffith's second by a 4-2 vote. Those voting aye were: Mayor Pro Tem Goodman, and Council Members Griffith, Thomas and Wynn. Those voting nay were: Council Members Alvarez and Slusher. Mayor Watson was absent.

The first reading of this ordinance was approved adopting staff's recommendation with the following changes on Council Member Thomas' motion, Council Member Griffith's second by

a 4-2 vote. Those voting aye were: Mayor Pro Tem Goodman, and Council Members Griffith, Thomas and Wynn. Those voting nay were: Council Members Alvarez and Slusher. Mayor Watson was absent. The changes were: to increase the tow fee rate from \$65 to \$95; to increase the flatbed premium from rush hour to City-wide application at \$35.00; and to allow the rate changes to go into effect immediately upon passage of the ordinance.

22. Approve an ordinance prohibiting aggressive or intimidating solicitation.
This item was postponed until March 8, 2001 on Council Member Griffith's motion, Mayor Pro Tem Goodman's second by a 5-0 vote. Mayor Watson was absent. Council Member Slusher was off the dais.
31. Approve a resolution authorizing negotiation and execution of an eight-month contract with BUSINESSES INVEST IN GROWTH (BIG), Austin, Texas, to provide the technical assistance portion of the Micro-enterprise Technical Assistance and Lending Services Program, in an amount not to exceed \$106,667. (Funding is available in the Fiscal Year 2000-2001 Neighborhood Housing and Community Development Office (NHCD) special revenue fund for the Community Development Block Grant (CDBG)). No MBE/WBE goals have been established for this contract. BIG is a non-profit entity, and most of its subcontracted training services are provided free or at a reduced cost as a public service by professionals such as accountants or lawyers. Therefore, MBE/WBE participation goals would be inappropriate for this project.
Resolution No. 010215-31 was approved by adding the option of two-twelve month contracts and with the following friendly amendment on Council Member Thomas' motion, Council Member Griffith's second by a 5-1 vote. Mayor Watson was absent. Council Member Slusher voted no. Mayor Pro Tem Goodman's friendly amendment requesting that any renewals of the contract be presented to Council for adoption and execution was accepted by the maker of the motion and Council Member Griffith, who made the second.
40. Amend Ordinance No. 000912-2, the 2000-2001 Capital Budget by increasing appropriations to the Water and Wastewater Utility by \$1,237,500 and creating a new wastewater project known as "Stone Hedge" for \$1,237,500. (Funding will be provided from the proceeds of debt issuance when the annual obligation comes due in future budget years. See related reimbursement resolution.) (Recommended by Water & Wastewater Commission and Planning Commission) (Related Item Nos. 41 and 42)
Ordinance No. 010215-40 was approved on Council Member Alvarez' motion, Council Member Slusher's second by a 6-0 vote. Mayor Watson was absent.
41. Approve a resolution declaring official intent to reimburse construction costs in the amount of \$1,237,500 to be paid for developer reimbursements for the Stone Hedge Wastewater project. (The amount of \$1,237,500 for the Water and Wastewater Utility to be funded by the issuance of commercial paper.) (Recommended by Water & Wastewater Commission) (Related Item Nos. 40 and 42)
Resolution No. 010215-41 was approved on Council Member Alvarez' motion, Council Member Slusher's second by a 6-0 vote. Mayor Watson was absent.
42. Approve a resolution authorizing negotiation and execution of a cost reimbursement agreement with Langley Lakeline Corporation, G.P., providing terms and conditions for construction of a 18 and 24-inch wastewater main, and appurtenances to provide wastewater service within and near the proposed Stone Hedge Subdivision located north of R.M. 620, east of Lake Creek Parkway, west of West Parmer Lane/FM 437 and South of Brushy Creek with City cost reimbursement in an amount not to exceed \$1,237,500, for actual "hard" construction costs. (Funding is included in the 2000-2001 Amended Capital Budget of the Water and Wastewater Utility. Based on conservative build-out of the Stone Hedge Subdivision, the 30-Year Financial Analysis of this City

investment projects a positive 30-year net present value.) (Recommended by Water & Wastewater Commission) (Related Item Nos. 40 and 41)

Resolution No. 010215-42 was approved on Council Member Alvarez' motion, Council Member Slusher's second by a 6-0 vote. Mayor Watson was absent.

43. Amend Ordinance No. 000912-2, the 2000-2001 Capital Budget by increasing appropriations to the Water and Wastewater Utility by \$12,000,000 and creating a new water project known as "Stone Hedge Subdivision" for \$12,000,000. (Funding will be provided from the proceeds of debt issuance when the annual obligation comes due in future budget years. See related reimbursement resolution.) (Recommended Water & Wastewater Commission and Planning Commission) (Related Item Nos. 44 and 45)

Ordinance No. 010215-43 was approved on Council Member Alvarez' motion, Council Member Slusher's second by a 6-0 vote. Mayor Watson was absent.

44. Approve a resolution declaring official intent to reimburse construction costs in the amount of \$12,000,000 to be paid for developer reimbursements for the Stone Hedge Subdivision Water project. (The amount of \$12,000,000 for the Water and Wastewater Utility to be funded by the issuance of commercial paper.) (Recommended by Water & Wastewater Commission) (Related Item Nos. 43 and 45)

Resolution No. 010215-44 was approved on Council Member Alvarez' motion, Council Member Slusher's second by a 6-0 vote. Mayor Watson was absent.

45. Approve a resolution authorizing negotiation and execution of a cost reimbursement agreement with Langley Lakeline Corporation, G.P., providing terms and conditions for construction and design of a 24 and 36-inch water main, and reservoir and appurtenances to provide water service within and near the proposed Stone Hedge Subdivision located north of R.M. 620, east of Lake Creek Parkway, west of West Parmer Lane/FM 437 and South of Brushy Creek with City cost reimbursement in an amount not to exceed \$12,000,000, for actual "hard" and "soft" construction costs; and adopt an Ordinance waiving the requirements of Section 25-9-63, of the City Code, relating to amount of cost reimbursement; and waiving requirements of Section 25-9-67 relating to the reimbursement schedule. (Funding is included in the 2000-2001 Amended Capital Budget of the Water and Wastewater Utility, see related item. Based on conservative build-out of the Stone Hedge Subdivision, the 30-Year Financial Analysis of this City investment projects a negative 30-year net present value.) (Recommended by Water & Wastewater Commission) (Related Item Nos. 43 and 44)

Resolution No. 010215-45A and Ordinance No. 010215-45B were approved on Council Member Alvarez' motion, Council Member Slusher's second by a 6-0 vote. Mayor Watson was absent.

The City Council recessed at 11:52 a.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.

3. Discuss legal issues regarding the value and possible sale of the City's interests in the Davenport Ranch Shared Water Facilities.

No action was taken.

4. Discuss settlement proposal in *City of Austin v. BFI Waste Systems of North America, Inc., et al*, Cause No. 2295; proceedings in eminent domain in Travis County Probate Court No. 1.

7. Discuss acquisition of real property for the Greenway and Destination Parks as authorized under Proposition Two of the November 1998 Bond Election.

Executive session ended at 1:36 p.m. and Mayor Pro Tem Goodman called the meeting back to order.

CITIZEN COMMUNICATIONS

57. Gus Peña – City of Austin needs to expedite low-income affordable housing initiatives. Many people are in need of transitional housing. Please expedite funding of transitional housing initiatives. - ABSENT
75. Paul Robbins - ABSENT
76. Jennifer L. Gale – How Lovely – Our new Austin City Hall faces the First Street Bridge
77. Richard Troxell – Homelessness in Austin
78. Rolando Pina – South Austin Community Gardens 7th Annual Event, Saturday, February 24, 2001, 1-3 p.m. Celebrate Happy Plants and Flowers – Tree Folks Orchard Dedication. Former City Council person Margaret “tree lady” Hofman. Refreshment and Entertainment, Lee Ann Atherton and The South Austin Community Gospel Choir. Location: Salvation Army Community Center, 5th at Cumberland, 78704.
79. Larry Mann – Use of Town Lake
80. Dr. Sylvia Herrera – Tank Farm residential protest on contamination of off site properties. – Saturday, February 17, 2001.
81. Susan Almanza, PODER – Neighborhood planning and the displacement of people of color.
82. Robert L. Thomas – To discuss unfairness in employment practices at the Rosewood Park and Recreation Center.

The City Council recessed at 2:10 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.

2. Discuss legal issues regarding labor negotiation with the Austin Police Association
5. Discuss legal issues related to the regulation of solicitation and panhandling and sidewalk obstruction.
6. Discuss *City of Austin v. Pauwels Canada, Inc. et al.*, Cause No. 98-00300, Travis County District Court.

Executive session ended at 4:04 p.m. and Mayor Pro Tem Goodman called the meeting back to order.

DISCUSSION ITEMS CONTINUED

9. Consider settlement agreement in *City of Austin v. Pauwels Canada, Inc. et al.*, Cause No. 98-00300, Travis County District Court.
Resolution No. 010215-09 was approved accepting the \$2.7 million from Recovery Services, Inc., on Council Member Slusher’s motion, Council Member Alvarez’ second by a 4-0 vote. Council Members Griffith and Wynn were off the dais. Mayor Watson was absent.

ZONING CONSENT

All of the following zoning items were acted on by one motion. No separate discussion or action occurred on any of the items. The public hearings were closed and the consent items were approved on Council Member Wynn's motion, Mayor Pro Tem Goodman's second by a 5-0 vote. Council Member Thomas was off the dais. Mayor Watson was absent.

58. C14-00-2074 – Public hearing to amend Chapter 25-2 of the Austin City Code by rezoning property locally known as 1109 East 52nd Street, from LR, Neighborhood Commercial district zoning to CS, General Commercial Services district zoning. Planning Commission Recommendation: To deny CS, General Commercial Services district zoning. Applicant: Eugene Mees. Agent: CDM (Helga Williams). City Staff: Katie Larsen, 499-3072. (continued from 10/26/00 and 1/18/01)

The first reading of this ordinance was approved.

59. C14T-00-2163 – Brandt's Crossing – Public hearing to amend Chapter 25-2 of the Austin City Code by zoning property locally known as 2300-2304 Brandt Road (Onion Creek Watershed) from I-RR, Interim-Rural Residence district zoning to TND, Traditional Neighborhood District zoning. Planning Commission Recommendation: To grant TND, Traditional Neighborhood District zoning. Property Owner and Applicant: Steve Unger, Ray Garner, John Blazier. Agent: SDC Austin Communities (Haythem Dawlett). City Staff: Trann Lackey, 499-3341. (continued from 1/18/01, 1/25/01 and 2/1/01)

This item was postponed until March 1, 2001 at the applicant's request.

60. C14-00-2175 – Public hearing to amend Chapter 25-2 of the Austin City Code by rezoning property locally known as 1007 East 39th Street (Waller Creek Watershed) from SF-3, Family Residence district zoning to LO-MU, Limited Office-Mixed Use Combining district zoning. Planning Commission Recommendation: To deny LO-MU, Limited Office-Mixed Use Combining district zoning. Applicant: Susan Morgan and F. Ethelynnn Bee. City Staff: Tom Bolt, 499-2741. Note: A valid petition has been filed in opposition to this rezoning request. (continued from 1/18/01)

This item was postponed until March 8, 2001 because a full Council is needed due to a valid petition.

61. C14-00-2180 – Public hearing to amend Chapter 25-2 of the Austin City Code by rezoning property locally known as 607 Fletcher Street (East Bouldin Creek Watershed) from SF-3, Family district zoning to LO, Limited Office district zoning. Planning Commission Recommendation: To deny LO, Limited Office district zoning. Applicant: Rosa Elia Sosa. City Staff: Adam Smith, 499-2755. (continued from 11/30/00, 12/14/00 and 1/18/01)

This item was postponed until March 22, 2001 by staff.

62. C14-00-2194 - Public hearing to amend Chapter 25-2 of the Austin City Code by zoning property locally known as 1901 Mariposa Drive (Country Club Watershed) from I-SF-3, Interim-Family Residence district zoning to MF-3, Multifamily Residence Medium Density district zoning. Planning Commission Recommendation: To grant MF-3, Multifamily Residence Medium Density district zoning. Applicant and Agent: James Crockett. City Staff: Susan Villarreal, 499-6319

Ordinance No. 010215-62 was approved.

63. C14-00-2201 (RCT) Public hearing to amend Chapter 25-2 of the Austin City Code by terminating a restrictive covenant for property locally known as 6705 Manor Road (Little Walnut Creek Watershed). Planning Commission Recommendation: To grant the request to terminate the restrictive covenant. Property Owner and Applicant: Ridgelea Properties (Charles Porter). Agent: Simmons-Smith Consulting Group (Michael Simmons-Smith). City Staff: Rachel Everidge, 499-2332. (continued from 2/1/01)

This item was postponed until March 8, 2001 at the applicant's request.

64. C14-00-2201 - Public hearing to amend Chapter 25-2 of the Austin City Code by zoning property locally known as 6705 Manor Road (Little Walnut Creek Watershed) from I-SF-3, Interim-Family Residence district zoning to GR-CO, Community Commercial-Conditional Overlay Combining district zoning. Planning Commission Recommendation: To grant GR-CO, Community Commercial-Conditional Overlay Combining district zoning with conditions. Property Owner and Applicant: Ridgelea Properties (Charles Porter) Agent: Simmons-Smith Consulting Group (Michael Simmons-Smith). City Staff: Rachel Everidge, 499-2332. (continued from 1/18/01 and 2/1/01)

This item was postponed until March 8, 2001 at the applicant's request.

65. C14-00-2217 – Public hearing to amend Chapter 25-2 of the Austin City Code by rezoning property locally known as 803, 809, and 813 Martin Luther King Blvd. (Shoal Creek Watershed) from MF-4, Multifamily Residence Moderate-High Density district zoning and LO, Limited Office district zoning to GO-MU, General Office-Mixed Use combining district zoning. Planning Commission Recommendation: To grant GO-MU-CO, General Office-Mixed Use-Conditional Overlay Combining district zoning with conditions. Applicant: Austin Rehabilitation Center (Bill Wigmore) and SR Development (Bill Gurasich). Agent: Lopez, Phelps and Vaughn (Amelia Phelps). City Staff: Glenn Rhoades, 499-2775.

This item was postponed until March 8, 2001 at the neighborhood's request.

66. C14-00-2236 – Public hearing to amend Chapter 25-2 of the Austin City Code by rezoning property locally known as 609 West 9th Street (Shoal Creek Watershed) from GO, General Office district zoning to GO-MU, General Office-Mixed Use Combining district zoning. Planning Commission Recommendation: To grant to GO-MU, General Office-Mixed Use Combining district zoning. Applicant: Wade Wilson. Agent: Amelia Lopez-Phelps and Vaughn (Rick Vaughn). City Staff: Glenn Rhoades, 499-2775.

Ordinance No. 010215-66 was approved.

67. C14-00-2242 – Swanson's Crossing Retail – Public hearing to amend Chapter 25-2 of the Austin City Code by rezoning property locally known as the 1216 West Slaughter Lane (Slaughter Creek Watershed) from DR, Development Reserve district zoning to LR, Neighborhood Commercial – Conditional Overlay Combining district zoning with conditions. Planning Commission Recommendation: To grant LR, Neighborhood Commercial – Conditional Overlay Combining district zoning with conditions. Property Owner and Applicant: Bette Swanson (Executrix). Agent: Land Answers (Phylis Marucci). City Staff: Wendy Walsh, 499-7719.

Ordinance No. 010215-67 was approved.

68. C14-00-2243 – Public hearing to amend Chapter 25-2 of the Austin City Code by rezoning property locally known as 7525 West State Highway 71 West (Williamson Creek Watershed) from RR, Rural Residential district zoning to GO, General Office district zoning. Planning Commission Recommendation: To grant GO-CO, General Office-Conditional Overlay Combining district zoning with conditions. Applicant: Gary Steele and Jeff Coffman. Agent: Jim Bennett. City Staff: Glenn Rhoades, 499-2775.

Ordinance No. 010215-68 was approved.

69. C14-00-2257 – Public hearing to amend Chapter 25-2 of the Austin City Code by rezoning property locally known as 6901 Guadalupe (Waller Creek Watershed) from SF-3, Family Residence district zoning to MF-1, Multifamily Residence Limited Density district zoning. Planning Commission Recommendation: To grant MF-1-CO, Multifamily Residence Limited Density-Conditional Overlay Combining district zoning with conditions. Applicant: Thomas Darrel Zachary. Agent: Crocker Consultants (Lena Lund). City Staff: Glenn Rhoades, 499-2775.

The first reading of this ordinance was approved.

70. C14-00-2259 – Public hearing to amend Chapter 25-2 of the Austin City Code by rezoning property locally known as 7003 Guadalupe (Waller Creek Watershed) from SF-3, Family Residence district zoning to MF-1, Multifamily Residence Limited Density district zoning.. Planning Commission Recommendation MF-1-CO, Multifamily Residence Limited Density-Conditional Overlay Combining district zoning with conditions. Applicant: Collette Kuemmel. Agent: Crocker Consultants (Lena Lund). City Staff: Glenn Rhoades, 499-2775.
The first reading of this ordinance was approved.

DISCUSSION ITEM CONTINUED

52. Approve an ordinance amending Ordinance No. 960627-I by extending the waiver of development fees for projects located within Subdistricts 1 and 2 of the East 11th Street Neighborhood Conservation and Combining District. (Council Member Danny Thomas)
Ordinance No. 010215-52 was approved on Council Member Thomas' motion, Council Member Alvarez' second by a 6-0 vote. Mayor Watson was absent.
54. Consider a resolution appointing directors to the First Step Corporation. (Council Member Danny Thomas)
The City Council approved a resolution making recommendations to the First Step Corporation Board of Directors as possible appointees to their Board of Directors and encouraging them to amend their bylaws to allow for the appointment of two youth members to the board on Council Member Thomas' motion, Council Member Alvarez' second by a 5-1 vote. Council Member Slusher voted no. Mayor Watson absent

The motion to adjourn the meeting at 5:05 p.m. was approved on Council Member Griffith's motion, Mayor Pro Tem Goodman's second by a 6-0 vote. Mayor Watson was absent.

The minutes for the regular meeting of February 15, 2001 was approved on Council Member Alvarez' motion, Council Member Wynn's second by a 7-0 vote.