



Austin City Council
MINUTES

REGULAR MEETING
THURSDAY, NOVEMBER 8, 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, November 8, 2001 in the Board Room at Lower Colorado River Authority Hancock Building, 3700 Lake Austin Boulevard.

INVOCATION – Major Daniel New, Area Commander, Salvation Army

Mayor Watson called the meeting to order at 10:17 a.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 Alvarez' motion, Council Member Thomas' second by a 6-0 vote. Mayor Pro Tem Goodman was off the dais.

1. Approval of minutes for regular meeting of November 1, 2001
The minutes for the regular meeting of November 1, 2001 were approved.

Items 2 through 4 were Executive Session items.

5. Approve a resolution authorizing the City Manager or his designee to negotiate and execute a lease between the City of Austin and the Heritage Society of Austin for real property located at 201 Red River, Austin, Texas, more particularly described as a portion of Lot 1 and Lot 2, Block 13, Original City of Austin, Texas.
Resolution No. 011108-05 was approved with amendments to the 2nd page, 2nd paragraph of the lease agreement to read, " Rehabilitation. Lessee must rehabilitate the House, as defined in 36 CFR §67.2 in accordance with the U.S. Secretary of the Interior's standards as set forth in 36 CFR §67.7 (the "Standards") (collectively called the "Rehabilitation"). Except as provided below, the Rehabilitation must be completed within five (5) years from the Commencement Date (as hereinafter defined) of this Lease, as evidenced by the City issuing a Certificate of Occupancy to Lessee ("Rehabilitation Period"), failing which Lessee is in default of this Lease; the Lease automatically terminates; and the House automatically conveys to City. Provided, however, if Lessee has raised and allocated \$250,000 towards the Rehabilitation of the House, and Lessee has notified the City Manager in writing at least one (1) month in advance of the expiration of the Rehabilitation Period, then the Rehabilitation

Period shall be extended for two (2) additional years, allowing the Rehabilitation to be completed within seven (7) years after the Commencement Date. Provided, further, at any time during the Rehabilitation Period (including all previous extensions), Lessee may request and obtain from the City Council an additional extension of the Rehabilitation Period. If a Certificate of Occupancy has not been issued to Lessee by the end of the Rehabilitation Period (including all extensions), then within 30 days after expiration of the Rehabilitation Period, Lessee must execute any documents of conveyance that the City's City Attorney deems reasonably necessary to perfect title to the House in City.

Items 6 through 17 were pulled for discussion.

18. 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 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. City Staff: Don Perryman, Watershed Protection and Development Review Department, 974-2786. (continued from 8/2/01, 8/30/01, 9/27/01 and 10/11/01)
This item was postponed to January 31, 2002 at the applicant's request.
19. 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 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. City Staff: Don Perryman, Watershed Protection and Development Review Department, 974-2786. (continued from 8/2/01, 8/30/01, 9/27/01 and 10/11/01)
This item was postponed to January 31, 2002 at the applicant's request.
20. Approve a resolution authorizing execution of a construction contract with ASPLUNDH TREE EXPERT CO. – CONSTRUCTION DIVISION, Conyers, Georgia, for replacement of transmission poles in the amount of \$791,348.90 (Funding is available in the 2001-2002 Approved Capital Budget of the Electric Utility Department.) Low bid/ two bids received 2.69% MBE, 0% WBE subcontracting participation.
Resolution No. 011108-20 was approved.
21. Approve an Ordinance calling a Special Runoff Election to be held in the City of Austin to elect a Mayor on December 8, 2001, to fill an unexpired term until June 15, 2003; making provision for the conduct of the election; and declaring an emergency. (Funding in the amount of \$303,881 is available in the Fiscal Year 2001-2002 Support Services Fund.)
This item was removed from the agenda.
22. Amend Ordinance No. 010910-01 the 2001-2002 Operating Budget of the Parks and Recreation Department by appropriating \$180,000 from the Cultural Arts Fund Ending Fund Balance to cover for the increased expenditures for Austin Music Network (\$60,000), Design for Lamar Bridge Underpass public art project (\$60,000) and African American Arts Technical Resource Center (\$60,000). (Funding in the amount of \$180,000 is available in the Cultural Arts ending fund balance in the Parks & Recreation Department.)
This item was removed from the agenda.

23. Amend Ordinance No. 010910-01, the 2001-2002 Approved Operating Budget for the Health and Human Services Department's Special Revenue Fund, Immunization Outreach Grant, by accepting and appropriating an additional \$65,914 in grant funds from the Texas Department of Health - Immunization Services Grant Program, for a total grant amount of \$448,914. (Funding in the amount of \$65,914 is available from the Texas Department of Health, Immunization Division. The grant period is September 1, 2001 through August 31, 2002. No match is required.)
Ordinance No. 011108-23 was approved.
24. Amend Ordinance No. 010910-01, the 2001-2002 Approved Operating Budget for the Health and Human Services Department's Special Revenue Fund, TB Elimination Grant, by accepting and appropriating an additional \$16,033 in grant fund from the Texas Department of Health's - Tuberculosis Elimination Division, for a total grant amount of \$187,033. (Funding in the amount of \$16,033 is available from the Texas Department of Health, Tuberculosis Elimination Division. The grant period is September 1, 2001 through August 31, 2002. No City match is required.)
Ordinance No. 011108-24 was approved.
25. Approve an ordinance adding new section to the City Code relating to the ad valorem taxation of leased vehicles.
Ordinance No. 011108-25 was approved.
26. Approve a resolution to ratify an Interlocal Agreement with the Austin Independent School District for meal services in the amount of \$404,250 for the term of October 1, 2001 to September 30, 2002. (Funding for this agreement was include in the 2000-2001 Operating Budget for the Parks and Recreation Department, in the grants section.)
Resolution No. 011108-26 was approved.
27. Set a public hearing to consider approving the use of parkland for the construction of drainage improvements at East William Cannon and Onion Creek, through dedicated parkland known as Onion Creek Park in accordance with Sec. 26.001 et seq. of the Texas Parks and Wildlife Code. (All costs associated with the drainage improvements as well as any parkland restoration will be paid by the requestor though a previously approved Capital Improvements Project.) (Suggested Date and Time: December 13, 2001 at 6:00 p.m.)
Resolution No. 011108-27 was approved.
28. Approve a resolution authorizing execution of Change Order #19 to the construction contract with TRIPLE H CONTRACTING, INC. / BRH-GARVER, Inc., Joint Venture, Buda, Texas, for repair of the 72" Ullrich Transmission Main in an amount not to exceed \$4,000,000 for a total contract amount not to exceed \$21,498,573.82. (Funding in the amount of \$4,000,000 is available in the 2000-2001 Amended Capital Budget of the Water & Wastewater Utility.) (Recommended by the Water and Wastewater Commission.)
Resolution No. 011108-28 was approved.
29. Approve a resolution authorizing payment to the TEXAS DEPARTMENT OF TRANSPORTATION for the City's 10% participation of the right-of-way acquisition for the U.S. Highway 290 Project, from R.M. 1826 to Brodie Lane, in accordance with the June 27, 1986 Agreement for Right-of-Way Procurement, in the amount of \$91,500. (Funding is available in the 2000-2001 Amended Capital Budget of the Department of Public Works.)
Resolution No. 011108-29 was approved.
30. Approve a resolution authorizing execution of a construction contract with JAY-REESE CONTRACTORS, INC., Austin, Texas, for a taxiway and high speed exit located on the East

Runway system at the Austin-Bergstrom International Airport, in an amount of \$5,285,778.80 plus \$264,284.20 contingency fund, for a total contract amount not to exceed \$5,550,063. (Funding in the amount of \$5,550,063 was included in the 2001-2002 Approved Capital Budget of the Department of Aviation) Lowest of five bids received. 10.36% DBE subcontracting participation. (Recommended by Airport Advisory Board)

Resolution No. 011108-30 was approved.

31. Approve a resolution authorizing execution of a 12-month service agreement with GLASS DOCTOR, Waco, Texas, for automotive glass repair and replacement services in an amount not to exceed \$143,457.85 with two 12-month extension options in an amount not to exceed \$143,457.85 per extension for a total contract amount not to exceed \$430,373.55. (Funding in the amount of \$131,503.02 was included in the 2000-2001 Operating Budget for the Fleet Maintenance Fund of the Finance and Administrative Services Department. Funding for the remaining one month of the original contract period and the extension options will be contingent upon available funding in future budgets.) Low bid/five bids received. This contract will be awarded in compliance with the 1996 MBE/WBE Ordinance, as amended. There are no opportunities for subcontracting. The suppliers of these services normally provide all repair and replacement glass services with their own work force.
Resolution No. 011108-31 was approved.
32. Approve a resolution authorizing execution of a 12-month supply agreement with ALAMO IRON WORKS, INC., San Antonio, Texas, for the purchase of various types of hand tools in an amount not to exceed \$54,144.96 with two 12-month extension options in an amount not to exceed \$54,144.96 per extension for a total contract amount not to exceed \$162,434.88. (Funding in the amount of \$54,144.96 was included in the 2001-2002 Operating Budgets of various City departments. Funding for the extension options is contingent upon available funding in future budgets.) Low bidder/four bids received. This contract will be awarded in compliance with the 1996 MBE/WBE Ordinance, as amended. The recommended awardee will provide these commodities directly to the City. There is no opportunity for subcontracting, therefore, no goals were established for this solicitation.
Resolution No. 011108-32 was approved.
33. Approve a resolution authorizing the Downtown Austin Alliance Service Plan and Budget for 2002-2003. (The Downtown Austin Alliance submitted a 2002-2003 budget for the PID in the amount of \$1,503,715. This will be funded through \$1,432,792 in 2002 assessments (at a 96% collection rate), \$61,822 from interest accrued in the PID Account which includes late payments; and \$150,000 City of Austin annual contribution (\$75,000 Austin Convention Center Fund, and \$75,000 in the Water & Wastewater Utility Fund). Appropriation of the \$1,503,715 in the Redevelopment Services Office Special Revenue Fund will require City Council authorization, and possible adjustment, after the assessment roll hearing on November 29, 2001.) (Related Item Nos. 34 and 35)
Resolution No. 011108-33 was approved.
34. Approve an ordinance authorizing the assessment rate and proposed 2002 assessment roll for the Austin Downtown Public Improvement District (PID). (The 2002 assessment rate of \$0.10/\$100 valuation is estimated to produce \$1,432,792 at a 96% collection rate.) (Related Item Nos. 33 and 35)
Ordinance No. 011108-34 was approved.
35. Set a public hearing on the Austin Downtown Public Improvement District (PID) 2002 assessments. (The proposed 2002 assessment rate at \$0.10/\$100 valuation is estimated to produce \$1,432,792 at a 96% collection rate.) (Suggested Date and Time: November 29 at 6:00 p.m.) (Related Item Nos. 33 and 34)

Resolution No. 011108-35 was approved.

- 36. Amend the Austin City Code, Section 16-4-15 – Speed Limits, by adding Wheatley Avenue from Providence Avenue to Blessing Avenue to the list of streets having a maximum speed limit of 20 mph during certain times for students attending J.J. Pickle Elementary School. (The amount of \$500 for the installation of signs and markings is available in the 2000-2001 Child Safety Fund for the Transportation, Planning and Sustainability Department.)
Ordinance No. 011108-36 was approved.
- 37. Approve a resolution authorizing negotiation and execution of an Interlocal Agreement (O-3 Flex Plan) with other entities in the 5-county Austin/San Marcos Metropolitan Statistical Area (MSA) to improve air quality in the Central Texas region.
Resolution No. 011108-37 was approved.
- 38. Approve an ordinance to annex the Home Depot Tract area for full purposes, establish development standards, and waive certain fees (Approximately 60 acres east of IH 35 at Slaughter Lane). (Funding necessary to provide general government services to this tract is available in the budgets of the departments who will be providing the services.)
Ordinance No. 011108-38 was approved.
- 39. Approve a resolution honoring the veterans of the State of Texas on Veterans Day, November 11, 2001, co-sponsoring the Annual Capitol-City Veterans Day Parade, and designating November 11, 2001 as "Veterans Day" in Austin, Texas. (Mayor Pro Tem Jackie Goodman, Mayor Kirk Watson and Council Member Daryl Slusher)
Resolution No. 011108-39 was approved.

Item 40 was pulled for discussion.

Items 41 through 48 were citizen communications.

Items Z-1 through Z-3 were zoning items.

49. **BOARD AND COMMISSION APPOINTMENTS**

Downtown Commission

Beth Ann Sprengel (Austin Chamber of Commerce Representative)	appointment	Consensus
--	-------------	-----------

Marion Sanchez Lozano (Hispanic Chamber of Commerce Representative)	appointment	Consensus
--	-------------	-----------

Urban Renewal Board

Anthony J. Nelson	appointment	Mayor
-------------------	-------------	-------

DISCUSSION ITEMS

- 50. Approve a resolution appointing Mayor-elect Gustavo L. Garcia as a representative to the Capitol Area Metropolitan Planning Organization (CAMPO) Board and designating Mayor Pro Tem Jackie Goodman as an Alternate representative. (Mayor Kirk Watson)
Resolution No. 011108-50 was approved on Council Member Griffith’s motion, Council Member Slusher’s second by a 6-0 vote. Mayor Pro Tem Goodman was off the dais.

40. Approve a resolution blaming everything that has gone wrong in Austin since I was elected on Kirk Watson. (Council Member Will Wynn)
After a brief presentation by Council Member Wynn, this item was removed from the agenda.
6. C14-01-0046 – Hyde Park Neighborhood Conservation Combining District – Approve third reading of an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 45th Street to the north, 38th Street to the south, Guadalupe to the west, and Duval to the east (Waller Creek Watershed) from SF-3, Family Residence district, SF-3-H, Family Residence-Historic Combining district, MF-1, Multifamily Residence Limited Density district, MF-2, Multifamily Residence Low Density district, MF-3, Multifamily Residence Medium Density district, MF-4, Multifamily Residence Moderate-High Density district, MF-4-H, Multifamily Residence Moderate-High Density-Historic Combining district, LO, Limited Office district, LO-H, Limited Office-Historic Combining district, LR, Neighborhood Commercial district, GR, Community Commercial district, CS, General Commercial Services district, to MF-1-NCCD, Multifamily Residence Limited Density-Neighborhood Conservation Combining District, MF-2-NCCD, Multifamily Residence Low Density-Neighborhood Conservation Combining District, SF-3-NCCD, Family Residence-Neighborhood Conservation Combining District, SF-3-H-NCCD, Family Residence-Historic-Neighborhood Conservation Combining District, LO-NCCD, Limited Office-Neighborhood Conservation Combining District, LO-H-NCCD, Limited Office--Historic-Neighborhood Conservation Combining District, LR-NCCD, Neighborhood Commercial-Neighborhood Conservation Combining District, GR-NCCD, Community Commercial-Neighborhood Conservation Combining District, MF-3-NCCD, Multifamily Residence Medium Density-Neighborhood Conservation Combining District, MF-4-NCCD, MF-4-NCCD, Multifamily Residence Moderate-High Density-Neighborhood Conservation Combining District, and CS-NCCD, General Commercial Services-Neighborhood Conservation Combining District, zoning with conditions. First reading , August 23 ,2001; Vote: 5-2, Watson and Thomas nay. Second reading , October 25 ,2001; Vote: 5-2, Watson and Thomas nay. Conditions met as follows: The zoning ordinance incorporates the conditions imposed by City Council at first ordinance reading. Applicant: City of Austin. Agent: Neighborhood Planning and Zoning Department. City Staff: Glenn Rhoades, 974-2775, Meghan Wieters, Transportation, Planning and Sustainability Department, 974-6386. Note: Property owners have filed protests against inclusion in the NC combining district and valid petitions in opposition to this rezoning request.
The motion to postpone this item to November 29, 2001 was approved on Mayor Pro Tem Goodman’s motion, Council Member Slusher’s second by a 7-0 vote.
7. C14-01-0072 – Villas of Guadalupe - Approve first/second/third readings of an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 2717 Guadalupe Street and 2804-2810 Hemphill Park (Waller Creek Watershed) from CS, General Commercial Services district, zoning to MF-6-CO, Multifamily Residence Highest Density-Conditional Overlay Combining district, zoning. Zoning and Platting Commission Recommendation: To deny MF-6-CO, Multifamily Residence Highest Density-Conditional Overlay Combining district, zoning. Applicant: Villas on Guadalupe L.P. Agent: McHone Real Estate (Mike McHone). City Staff: Glenn Rhoades, 499-2775.
The first reading was approved with amendments on Mayor Pro Tem Goodman’s motion, Council Member Wynn’s second by a 7-0 vote. The amendments were to include a wrap around garage on West 29th Street, Hemphill Park and the alley parallel to Hemphill Park; to restrict the height on West 29th Street to 40 feet and graduating to 60 feet on Guadalupe; the site area will be 800 square feet per efficiency apartments, 1000 square feet per one bedroom apartments, 1200 square feet per two or more room apartments; the open space will be 100 square feet per unit; the area for the wrap around garage will have to be rezoned to CFMU; and the garage must have two or more entrances and exits that are not on the same street.

8. C14-01-0128SH – Cottage Community – Approve second/third readings of an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 10300 Dessau Road (Little Walnut Creek Watershed) from SF-2, Single Family Residence Standard Lot district, zoning, to LO-MU-CO, Limited Office-Mixed Use-Conditional Overlay Combining district zoning, with conditions. First reading November 1, 2001; Vote: 5-2, Griffith and Thomas abstaining. Conditions met as follows: Conditional overlay incorporates the conditions imposed by City Council at first ordinance reading. Applicant: Hazel Sanson Revocable Trust. Agent: Graves, Dougherty, Hearon and Moody, P.C. (Micheal Whellan). City Staff: Annick Beaudet, 974-3072. Note: A valid petition has been filed in opposition to this rezoning request. **The second reading of this ordinance was approved on Council Member Wynn’s motion, Mayor Watson’s second by a 5-1-1 vote. Those voting aye were: Mayor Watson, Mayor Pro Tem Goodman and Council Members Alvarez, Slusher and Wynn. Those voting nay were: Council Member Thomas. Council Member Griffith abstained.**

The motion to recess the meeting at 11:25 p.m. to go into Executive Session was approved on Mayor Pro Tem Goodman’s motion, Council Member Wynn’s second by a 7-0 vote.

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 related to settlement with Met Center Partners-6, Ltd. regarding contract for the construction of redundant dual-feed electric service to former PSINet facility at Met Center Development.
3. Discuss financial & capital improvement planning issues.

Executive session ended at 11:45 p.m.

Mayor Watson called the meeting back to order at 1:32 p.m.

CITIZEN COMMUNICATIONS

41. Jimmy Castro - Organ Donation
42. Gus Pena - (1) Mayor Council/Members Remember the needs of the Residents of the City Of Austin’s Needy, Have Nots and Low Income, Homeless Families. (2) Need to continue the aggressive push for low income affordable housing. (3) Please remember our Military Veterans on Veterans Day who gave the Ultimate Sacrifice and paid the Ultimate price for our Country. God Bless America
43. Jennifer L. Gale - Austin’s New Government
44. Monica O. Nwevo - The Minority Activists and their Local Security Affiliates Want To Kill Me Strategically.
45. Susana Almanza - Close Holly Power Plant – Protect East Austin
46. Dr. Sylvia Herrera - Holly Power Plant Is A Health Threat
47. Veronica Hernandez - Closing Holly Power Plant
48. Ashton Cumberbatch, Jr. – Mayor’s assistance in racial reconciliation efforts.

DISCUSSION ITEMS CONTINUED

4. Approve settlement with Met Center Partners-6, Ltd regarding contract for the construction of redundant dual-feed electric service to former PSINet facility at Met Center Development. Resolution No. 011108-04 was approved on Council Member Wynn's motion, Council Member Griffith's second by a 7-0 vote.

The motion to recess the meeting at 2:00 p.m. was approved on Council Member Griffith motion, Council Member Thomas' second by a 7-0 vote.

Mayor Watson called the meeting back to order at 4:01 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 consent items were approved on Mayor Pro Tem Goodman's motion, Council Member Wynn's second by a 6-0 vote. Council Member Thomas was off the dais.

Z-1. C14-84-213 (DE) - Public hearing to amend Chapter 25-2 of the Austin City Code by rezoning property locally known as 6204 - 6304 South 1st Street (Williamson Creek Watershed) from GR, Community Commercial district, zoning to GR, Community Commercial district, zoning to delete a portion of a condition of the zoning site plan. Zoning and Platting Commission Recommendation: To grant GR-CO, Community Commercial-Conditional Overlay Combining district, zoning to delete a portion of a condition of the zoning site plan with conditions. Applicant and Property Owner: Sacred Family Chapel (Charles Villasenor). Agent: Permit and Development Solutions (Betty Torres). City Staff: Wendy Walsh, 974-7719.
The first reading of this ordinance was approved.

Z-2. C14-01-0080 - Public hearing to amend Chapter 25-2 of the Austin City Code by rezoning property locally known as 7800 Block of San Felipe Boulevard (Rattan Creek Watershed) from CS-CO, General Commercial Services-Conditional Overlay Combining district, zoning to MF-2, Multifamily Residence Low Density district, zoning. Planning Commission Recommendation: To grant MF-2, Multifamily Residence Low Density district, zoning. Applicant: John Pieratt (Pieratt No, 1, LLC). Agent: Jim Bennett. City Staff: Sherri Gager, 499-3057. (continued from 9/27/01 and 10/25/01)
This item was postponed to December 6, 2001 at the applicant's request.

Z-3. C14-01-0114 - Public hearing to amend Chapter 25-2 of the Austin City Code by rezoning property located at 1611 Dungan Lane (Little Walnut Watershed) from LI, Limited Industrial Services district, zoning to CS-1-CO, Commercial-Liquor Sales-Conditional Overlay Combining district, zoning. Zoning and Platting Commission Recommendation: To deny CS-1-CO, Commercial-Liquor Sales-Conditional Overlay Combining district, zoning. Property Owner and Applicant: Grubb II, Inc. (Fay Klein). Agent: Jim Bennett. City Staff: Annick Beaudet, 974-2975. (continued from 11/1/01)
This item was pulled from the agenda. No action required.

DISCUSSION ITEMS CONTINUED

9. C14-01-0023a – Brodie Springs - Approve third reading of an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 10400 Block of Brodie Lane (Slaughter Creek Watershed) from I-RR, Interim-Rural Residence district zoning to SF-2, Single Family Residence Standard Lot district zoning. First Reading on October 11, 2001; Vote: 5-2, Slusher and Griffith nay. Second Reading on October 25, 2001; Vote: 4-3, Slusher, Griffith and Alvarez nay. Property Owner and Applicant: Larry Niemann. Conditions met as follows: Restrictive covenant offered by applicant incorporates the conditions accepted by Council on

first ordinance reading. Agent: Cunningham-Allen, Inc. (Jana Rice). City Staff: Wendy Walsh, 499-7719.

Ordinance No. 011108-09 was approved with amendments to the covenant on Mayor Pro Tem Goodman's motion, Council Member Thomas' second by a 4-3 vote. Those voting aye were: Mayor Watson, Mayor Pro Tem Goodman and Council Members Thomas and Wynn. Those voting nay were: Council Members Alvarez, Griffith and Slusher. The covenant will include these provisions: City-approved water quality plan permit, at initial construction; City operating permit –like commercial pond permitting; Pond Operating Technical Manual – to be approved by City staff; access inspection and monitoring of entire water quality facility by government entities, Cave Association, and Barton Springs Edwards Aquifer Conservation District; any kind of water testing or monitoring by above entities is okay; third-party professional inspection – to be done annually; third-party professional inspection to be paid for by Homeowner's Association; third-party professional report to be given to City; City can require Homeowner's Association to fix and maintain as designed; City has option to fix and repair; bill association if Homeowners Association doesn't maintain; water testing can only be used as indicators that something may be malfunctioning in the water quality system, as designed, for subdivision; if City is satisfied with the accuracy of the water testing results, City can (1) require the association to notify members of recommended by the City that individual homeowners should take to improve water quality, (2) require immediate clean out of the pond, (3) require immediate repair of any part of system that is not functioning as designed, and (4) require the association to report back to the City what actions were taken; annual association-sponsored environmental sensitivity seminars; Homeowners Association's fining authority to make individuals comply with association rules regarding environmental protection (Integrated Pest Management and Environmental Management Plan); repairs to any structure preventing water from entering re-charge feature by Homeowners Association.

10. C14-01-0023b – Brodie Springs - Approve third reading of an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 10400 Block of Brodie Lane (Slaughter Creek Watershed) from I-RR, Interim-Rural Residence district zoning to SF-2, Single Family Residence Standard lot district zoning. First Reading on October 11, 2001; Vote: 5-2, Slusher and Griffith nay. Second Reading on October 25, 2001; Vote: 4-3, Slusher, Griffith and Alvarez nay. Property Owner and Applicant: Larry Niemann. Conditions met as follows: Restrictive covenant offered by applicant incorporates the conditions accepted by Council on first ordinance reading. Agent: Cunningham-Allen, Inc. (Jana Rice). City Staff: Wendy Walsh, 499-7719.

Ordinance No. 011108-10 was approved with the same amendments shown in item #9 above, on Mayor Pro Tem Goodman's motion, Council Member Thomas' second by a 4-3 vote. Those voting aye were: Mayor Watson, Mayor Pro Tem Goodman and Council Members Thomas and Wynn. Those voting nay were: Council Members Alvarez, Griffith and Slusher.

11. C14-01-0023c – Brodie Springs - Approve third reading of an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 10400 Block of Brodie Lane (Slaughter Creek Watershed) from I-RR, Interim-Rural Residence district zoning to SF-2, Single Family Residence Standard Lot district zoning. First Reading on October 11, 2001; Vote: 5-2, Slusher and Griffith nay. Second Reading on October 25, 2001; Vote: 4-3, Slusher, Griffith and Alvarez nay. Property Owner and Applicant: Larry Niemann. Conditions met as follows: Restrictive covenant offered by applicant incorporates the conditions accepted by Council on first ordinance reading. Agent: Cunningham-Allen, Inc. (Jana Rice). City Staff: Wendy Walsh, 499-7719.

Ordinance No. 011108-11 was approved with the same amendments shown in item #9 above, on Mayor Pro Tem Goodman's motion, Council Member Thomas' second by a 4-3 vote.

Those voting aye were: Mayor Watson, Mayor Pro Tem Goodman and Council Members Thomas and Wynn. Those voting nay were: Council Members Alvarez, Griffith and Slusher..

12. C14-01-0023d – Brodie Springs - Approve third reading of an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 10400 Block of Brodie Lane (Slaughter Creek Watershed) from I-RR, Interim-Rural Residence district zoning to SF-2, Single Family Residence Standard Lot district zoning. First Reading on October 11, 2001; Vote: 5-2, Slusher and Griffith nay. Second Reading on October 25, 2001; Vote: 4-3, Slusher, Griffith and Alvarez nay. Property Owner and Applicant: Larry Niemann. Conditions met as follows: Restrictive covenant offered by applicant incorporates the conditions accepted by Council on first ordinance reading. Agent: Cunningham-Allen, Inc. (Jana Rice). City Staff: Wendy Walsh, 499-7719.

Ordinance No. 011108-12 was approved with the same amendments shown in item #9 above, on Mayor Pro Tem Goodman's motion, Council Member Thomas' second by a 4-3 vote. Those voting aye were: Mayor Watson, Mayor Pro Tem Goodman and Council Members Thomas and Wynn. Those voting nay were: Council Members Alvarez, Griffith and Slusher. The amendments would be to the 2nd bullet to read, "City operating permit – like commercial pond permitting; to the 5th bullet to read, "Access inspection and monitoring of entire water quality facility by government entities, Cave Association, and Barton Springs/Edwards Aquifer Conservation Districts; and to add an additional bullet to read, "Repairs to any structure preventing water from entering re-charge feature by home owner's association.

13. C14-01-0024 – Brodie Springs - Approve third reading of an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 3300 Block of Squirrel Hollow Drive (Slaughter Creek Watershed) from I-RR, Interim-Rural Residence district zoning to SF-2, Single Family Residence Standard Lot district zoning. First Reading on October 11, 2001; Vote: 5-2, Slusher and Griffith nay. Second Reading on October 25, 2001; Vote: 4-3, Slusher, Griffith and Alvarez nay. Property Owner and Applicant: Larry Niemann. Conditions met as follows: Restrictive covenant offered by applicant incorporates the conditions accepted by Council on first ordinance reading. Agent: Cunningham-Allen, Inc. (Jana Rice). City Staff: Wendy Walsh, 499-7719.

Ordinance No. 011108-13 was approved with the same amendments shown in item #9 above, on Mayor Pro Tem Goodman's motion, Council Member Thomas' second by a 4-3 vote. Those voting aye were: Mayor Watson, Mayor Pro Tem Goodman and Council Members Thomas and Wynn. Those voting nay were: Council Members Alvarez, Griffith and Slusher.

14. C14-01-0025a – Brodie Springs - Approve third reading of an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 10500-10600 Block of Brodie Lane (Slaughter Creek Watershed) from I-RR, Interim-Rural Residence district zoning to SF-2, Single Family Residence Standard Lot district zoning. First Reading on October 11, 2001; Vote: 5-2, Slusher and Griffith nay. Second Reading on October 25, 2001; Vote: 4-3, Slusher, Griffith and Alvarez nay. Property Owner and Applicant: Larry Niemann. Conditions met as follows: Restrictive covenant offered by applicant incorporates the conditions accepted by Council on first ordinance reading. Agent: Cunningham-Allen, Inc. (Jana Rice). City Staff: Wendy Walsh, 499-7719.

Ordinance No. 011108-14 was approved with the same amendments shown in item #9 above, on Mayor Pro Tem Goodman's motion, Council Member Thomas' second by a 4-3 vote. Those voting aye were: Mayor Watson, Mayor Pro Tem Goodman and Council Members Thomas and Wynn. Those voting nay were: Council Members Alvarez, Griffith and Slusher.

15. C14-01-0025b – Brodie Springs - Approve third reading of an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 10500-10600 Block of Brodie Lane (Slaughter Creek Watershed) from I-RR, Interim-Rural Residence district zoning to SF-2, Single Family Residence Standard Lot district zoning. First Reading on October 11, 2001; Vote: 5-2, Slusher and Griffith nay. Second Reading on October 25, 2001; Vote: 4-3, Slusher, Griffith and Alvarez nay. Property Owner and Applicant: Larry Niemann. Conditions met as follows: Restrictive covenant offered by applicant incorporates the conditions accepted by Council on first ordinance reading. Agent: Cunningham-Allen, Inc. (Jana Rice). City Staff: Wendy Walsh, 499-7719.
- Ordinance No. 011108-15 was approved with the same amendments shown in item #9 above, on Mayor Pro Tem Goodman's motion, Council Member Thomas' second by a 4-3 vote. Those voting aye were: Mayor Watson, Mayor Pro Tem Goodman and Council Members Thomas and Wynn. Those voting nay were: Council Members Alvarez, Griffith and Slusher.**
16. C14-01-0025c – Brodie Springs - Approve third reading of an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 10500-10600 Block of Brodie Lane (Slaughter Creek Watershed) from I-RR, Interim-Rural Residence district zoning to SF-2, Single Family Residence Standard Lot district zoning. First Reading on October 11, 2001; Vote: 5-2, Slusher and Griffith nay. Second Reading on October 25, 2001; Vote: 4-3, Slusher, Griffith and Alvarez nay. Property Owner and Applicant: Larry Niemann. Conditions met as follows: Restrictive covenant offered by applicant incorporates the conditions accepted by Council on first ordinance reading. Agent: Cunningham-Allen, Inc. (Jana Rice). City Staff: Wendy Walsh, 499-7719.
- Ordinance No. 011108-16 was approved with the same amendments shown in item #9 above, on Mayor Pro Tem Goodman's motion, Council Member Thomas' second by a 4-3 vote. Those voting aye were: Mayor Watson, Mayor Pro Tem Goodman and Council Members Thomas and Wynn. Those voting nay were: Council Members Alvarez, Griffith and Slusher.**
17. C14-01-0025d – Brodie Springs - Approve third reading of an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 10500-10600 Block of Brodie Lane (Slaughter Creek Watershed) from I-RR, Interim-Rural Residence district zoning to SF-2, Single Family Residence Standard Lot district zoning. First Reading on October 11, 2001; Vote: 5-2, Slusher and Griffith nay. Second Reading on October 25, 2001; Vote: 4-3, Slusher, Griffith and Alvarez nay. Property Owner and Applicant: Larry Niemann. Conditions met as follows: Restrictive covenant offered by applicant incorporates the conditions accepted by Council on first ordinance reading. Agent: Cunningham-Allen, Inc. (Jana Rice). City Staff: Wendy Walsh, 499-7719.
- Ordinance No. 011108-17 was approved with the same amendments shown in item #9 above, on Mayor Pro Tem Goodman's motion, Council Member Thomas' second by a 4-3 vote. Those voting aye were: Mayor Watson, Mayor Pro Tem Goodman and Council Members Thomas and Wynn. Those voting nay were: Council Members Alvarez, Griffith and Slusher.**

The motion to recess the meeting at 4:15 p.m. was approved on Council Member Thomas' motion, Council Member Slusher's second by a 7-0 vote.

The motion to adjourn the meeting at 6:17 p.m. was approved on Council Member Thomas' motion, Council Member Slusher's second by a 7-0 vote.

The amended minutes for the meeting of September 27, 2001 and the minutes for the meeting of November 8, 2001 were approved. Mayor Garcia abstained since he was not in office at the time of these meetings on Council Member Thomas' motion, Council Member Wynn's second by a 5-0 vote. Mayor Pro Tem Goodman and Council Member Griffith were off the dais.

