



**Austin City Council  
MINUTES**

**REGULAR MEETING  
THURSDAY, AUGUST 22, 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, August 22, 2002 in the Board Room at Lower Colorado River Authority Hancock Building, 3700 Lake Austin Boulevard.

**Invocation:** Rev. Sarah Currie, St. Luke Methodist Church

**Mayor Garcia called the Council Meeting to order at 10:12 a.m.**

**Budget Briefings – Fiscal Year 2002-2003**

1. CIP Management Services: Austin Energy, Water and Wastewater Utility, Public Works and CIP.  
**The presentation was made at the Council Work Session on Wednesday, August 21, 2002.**
2. Development, Environment & Transportation Services: Neighborhood Planning and Zoning, Transportation, Planning and Sustainability, Watershed Protection and Development Review.  
**The presentation by the Neighborhood Planning and Zoning was made at the Council Work Session on Wednesday, August 21, 2002. The remaining budget presentations were made by: Lisa Gordon, Assistant City Manager; Austan Librach, Director, Transportation, Planning and Sustainability Department; Mike Heitz, Director, Watershed Protection and Development Review; Joe Pantaloni, Assistant Director, Watershed Protection and Development Review.**

**Mayor Garcia announced that the Council would not convene for an Executive Session.**

**EXECUTIVE SESSION**

3. Discuss legal issues related to *Austin 360 Associates, L.P. v. the City of Austin*, Cause Number GN0-01372 in the 261st Judicial District Court of Travis County, Texas and related issues under Chapter 245 of the Texas Government Code, also known as House Bill 1704 (concerning development of approximately 10 acres near Bluffstone Drive and Bluffstone Cove at Loop 360).  
**Council did not meet in Executive Session; therefore, no discussion took place on this item.**

**Mayor Garcia recessed the Council Meeting at 11:36 a.m.**

**Mayor Garcia called the Council Meeting back to order at 1:32 p.m.**

**CITIZEN COMMUNICATIONS: GENERAL**

4. Bobby Rigney - Harmless off-driveway parking; Equal notification to all citizens (renters) so harmless use is included for community consensus.
5. Scott Henstschel - City-Center Farmers' Market – **ABSENT**; however, Melissa Miller spoke in lieu of Scott Henstschel on the City-Center Farmers' Market
6. Maria Paredes - City-Centered Farmers' Market
7. Emmett Fox - City-Centered Farmers' Market
8. Suzanne Santos - City-Centered Farmers' Market
9. Camille Perry - Yard Parking Ordinance
10. Susana Almanza - No more Industrial Zoning for East Austin. Save the Brooke Neighborhood. Re-zone 618 Tillery to Single Family. Justice for East Austin.
11. Dr. Sylvia Herrera - East Austin: City's Plan for our Neighborhood.
12. Lynn Goodman-Strauss - Decision making by City Employees versus health, safety, legal, financial issues Re: West Austin Park.
13. Pepper Hoops - West Austin Park – Safety concerns (dog leash – free area)
14. Paul Robbins - Not Available

**Item 57 was set for a time certain at 2:00 p.m.**

57. Briefing and presentation by the Public Safety Task Force on its findings and recommendations to the City Council. (Council Member Danny Thomas)  
**The presentation was made by David Evans, Vice Chair of the Public Safety Task Force.**

**CONSENT AGENDA**

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

**Item 15 was approval of the minutes, which occurred later in the meeting.**

**Item 16 was pulled for discussion.**

17. Approve third reading of an ordinance granting a non-emergency medical transfer franchise for MetroCare Services-Austin, LP, under Chapter 6-3 of the City Code. (Approved by Austin-Travis County EMS Advisory Board)  
**Ordinance No. 020822-17 was approved.**
18. Approve an increase of \$110,100 in the annual amount authorized to be expended by the Department of Aviation for rent under a Sublease Agreement for Austin-Bergstrom International Airport Airline Belly Freight Facility to \$400,000 for the current lease year, and further approving a 4% annual escalation in such authorized amount thereafter. (The amount of \$400,000 plus 4% escalator clause is funded by Department of Aviation's Operating Budget. Funding for future years subject to approval of budget.) (Austin Airport Advisory Commission on August 20, 2002.)  
**The motion to increase the annual amount expended for a Sublease Agreement was approved.**

19. Approve negotiation of 13-month contracts with three (3) agencies for HIV services under the US HUD Housing Opportunities for Persons with AIDS (HOPWA) grant for HIV-related housing services: Project Transitions, Inc. in an amount not to exceed \$171,078, Push-Up Foundations, Inc. in an amount not to exceed \$77,143, and The Abundant Life Network in an amount not to exceed \$74,818. [Funding in the amount of \$323,039 is available in the Fiscal Year 2002 Approved Operating Budget of the Health and Human Services Department (HHSD) Special Revenue Fund Housing Opportunities for Persons with AIDS (HOPWA)-HUD grant program. Grant period is October 1, 2001 to September 30, 2004. Contract performance period is September 1, 2002 through September 30, 2003.] (Recommended by HIV Planning Council)  
**The motion to approve the negotiation of contracts, with direction to staff to incorporate into the negotiations appropriate language to address: 1) A "Harm Reduction" Plan\*/Philosophy; and 2) Monitoring the contractor's implementation of the approved plan to verify that it continues to be applied through the term of the contract; and 3) Bring contracts back to Council for execution on August 29, 2002. \*The Harm Reduction philosophy is based on a public health model as outlined by the U.S. Department of Health and Human Services' Health Resources and Services Administration (HRSA). Harm reduction allows providers of services and substance users to collaborate in establishing goals and objectives to reduce drug-related harm that is based on the notion of a client's right to self-determination.**

**Execution of these contracts will be brought back to Council on August 29, 2002.**

20. Approve an ordinance amending Part 4 of Ordinance No. 020718-84 for the Fiesta de Independencia Foundation Event by authorizing the closure of East 5<sup>th</sup> Street on September 12, 2002 at 7:00 a.m. and open at 12:00 p.m. on September 16, 2002.  
**Ordinance No. 020822-20 was approved.**
21. Approve an Ordinance authorizing acceptance of \$100,000 under the Economic Development Initiative (EDI) Special Projects from the U.S. Department of Housing and Urban Development (HUD) and amend Ordinance No. 010910-01, the Fiscal Year 2001-2002 Operating Budget, amending the Neighborhood Housing and Community Development Special Revenue Fund by appropriating \$100,000 for S.M.A.R.T. Housing. [Funding is available from the U.S. Department of Housing and Urban Development (HUD) from funds authorized by VA-HUD Independent Agencies Appropriations Act for Fiscal Year 2003, EDI Special Projects.]  
**Ordinance No. 020822-21 was approved.**

**Items 22 – 23 were pulled for discussion.**

24. C14-02-0005 – Approve third reading of an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 1100 Stassney Lane (Williamson Creek Watershed) from LR, Neighborhood Commercial district, zoning; MF-2, Multi-family Residential Low Density district, zoning; MF-3, Multi-family Residential Medium Density district, zoning; and GR, Community Commercial district, zoning to SF-6, Townhouse and Condominium Residence district, zoning. Second reading on May 23, 2002. Vote: 5-1-1, Goodman nay and Slusher abstained. First reading on April 25, 2002. Vote: 6-0-1, Slusher abstained. Conditions met as follows: Conditional overlay incorporates the conditions imposed by Council at second ordinance reading. Applicant: Saginaw Partners, Ltd. (Lan Bentsen). Agent: Admiral Construction, Inc. (David Young); Jim Bennett. City Staff: Wendy Walsh, 974-7719. (continued from 8/8/02)  
**This item was postponed to August 29, 2002 with direction to staff to prepare a restrictive covenant to require a minimum of 55% impervious cover capture volume on the site and a**

**total allowable impervious cover of 40% on a conditional overlay per agreement with the applicant. Mayor Pro Tem Goodman also noted that the applicant had changed to Stassney-Central Park Ltd. Admiral Construction Company, General Partner David Young, President. Council Member Slusher abstained.**

**Item 25 was pulled for discussion.**

26. C14-02-0035 – Approve second/third readings of 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 with conditions. First Reading on July 11, 2002; Vote: 7-0. Conditions met as follows: Conditional overlay and restrictive covenant incorporates the conditions imposed or accepted by Council at first ordinance reading. Applicants and Property Owners: John M. and Joyce W. Harmon. Agent: Graves, Dougherty, Hearon & Moody, P.C. (David Hartman). City Staff: Wendy Walsh, 974-7719.  
**This item was postponed to August 29, 2002 at the request of the neighborhood association.**
27. C14-02-0052 – Approve second/third readings of 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, Community Commercial-Mixed Use-Conditional Overlay Combining district, zoning with conditions. First Reading on July 11, 2002; Vote: 7-0. Conditions met as follows: Conditional overlay and restrictive covenant incorporates the conditions imposed or accepted by Council at first ordinance reading. Applicant and Property Owner: Adrienne Arnold. Agent: Michael R. Aulick. City Staff: Wendy Walsh, 974-7719.  
**Ordinance No. 020822-27 was approved.**
28. C14H-01-0015 – Approve second/third readings of an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 1510 San Antonio Street from DMU-CO, Downtown Mixed Use-Conditional Overlay to DMU-H-CO, Downtown Mixed Use-Historic-Conditional Overlay district zoning. First Reading on August 1, 2002; Vote: 7-0. Conditions met as follows: Conditional overlay incorporates the conditions approved by Council at first reading. Applicant: 600 J.V (Mike McGinnis). Agent: Mike McGinnis. City Staff: Glenn Rhoades, 974-2775.  
**Ordinance No. 020822-28 was approved.**
29. C14-02-0086 – Approve second/third readings of an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 2204 W. Anderson Lane (Shoal Creek Watershed) from SF-3, Single Family to GR-MU, General Retail-Mixed Use district zoning. First Reading on August 8, 2002; Vote: 6-0, Wynn off the dais. Conditions met as follows: No conditions were imposed by Council at first reading. Applicant: Mohammed Ghulam. Agent: AIC Designers (Marco Castaneda). City Staff: Glenn Rhoades, 974-2775.  
**Ordinance No. 020822-29 was approved.**
30. Approve application for \$75,000 in grant funding from the U.S. Department of Justice, Office of Justice Programs, Community Oriented Policing Services Office, creating a Culture of Integrity program to hire temporary staff to assist in the documentation of current community outreach efforts and the development of new accountability performance measures. (Grant funding is available from the U.S. Department of Justice, Office of Justice Programs, Community Oriented Policing Services Office, Fiscal Year 2002 COPS Technology Initiative program, for the grant

period of September 1, 2002 through August 31, 2003. No cash match is required. Continued operation of this program is contingent upon available funding in future budgets.)

**The motion authorizing an application for grant funding was approved.**

31. Approve application for \$750,000 in grant funding from the U.S. Department of Justice, Office of Justice Programs, Community Oriented Policing Services Office, Fiscal Year 2002 COPS Technology Initiative program to purchase Mobile Data Computers for the Austin Police Department. (Grant funding is available from the U.S. Department of Justice, Office of Justice Programs, Community Oriented Policing Services Office, Fiscal Year 2002 COPS Technology Initiative program, for the grant period of September 1, 2002 through August 31, 2003. No cash match is required. Continued operation of this program is contingent upon available funding in future budgets.)

**The motion authorizing an application for grant funding was approved.**

32. Approve a resolution to authorize the filing of eminent domain proceedings to acquire a permanent wastewater easement containing 783 square feet of land and a temporary workspace easement containing 627 square feet of land out of Lot 2, Block 1, A. L. Royster Addition, located at 3157 Highway 71, from Lloyd White and Ethel White, for the Del Valle Water & Wastewater Annexation Project, in the amount of \$1,116. (Funding is included in the 2001-2002 Amended Capital Budget of the Water & Wastewater Utility.)

**Resolution No. 020822-32 was approved.**

33. Approve a resolution to authorize the filing of eminent domain proceedings to acquire a permanent wastewater easement containing 781 square feet of land and a temporary workspace easement containing 781 square feet of land out of Lot 3, Block 1, A. L. Royster Addition, Travis County, Texas, located at 3155 Highway 71, from Walter White, for the Del Valle Water & Wastewater Annexation Project, in the amount of \$1,175. (Funding is included in the 2001-2002 Amended Capital Budget of the Water & Wastewater Utility.)

**Resolution No. 020822-33 was approved.**

34. Approve a resolution to authorize the filing of eminent domain proceedings to acquire a permanent wastewater easement containing 780 square feet of land and a temporary work space easement containing 781 square feet of land out of Lot 1, Block 1, Davidson City Addition, Travis County, Texas, located at 3161 Highway 71, from Ethel White a/k/a Ethel Walker, for the Del Valle Water & Wastewater Annexation Project, in the amount of \$1,171. (Funding is included in the 2001-2002 Amended Capital Budget of the Water & Wastewater Utility.)

**Resolution No. 020822-34 was approved.**

35. Approve a resolution to authorize the filing of eminent domain proceedings to acquire a permanent wastewater easement containing 7,868 square feet of land located in the Willis Avery Survey Number 81, at 1517 East Anderson Lane, from ACC Development Corporation, formerly known as American Condominium Corporation of Houston, for the U.S. 183 - Cameron to U.S. 290 Utility Relocation Project, in the amount of \$11,015. (Funding is included in the 2001-02 Amended Capital Budget of the Water & Wastewater Utility.)

**Resolution No. 020822-35 was approved.**

**Item 36 was pulled for discussion.**

37. Approve negotiation and execution of a professional services agreement with KROLL SCHIFF & ASSOCIATES, Bastrop, Texas, to provide professional engineering design and construction phase services for Security System Improvements at the Austin-Bergstrom International Airport,

in an amount not to exceed \$300,000. (Funding is available in the Fiscal Year 2001-2002 Capital Budget of the Aviation Department.) 30% DBE subconsultant participation.

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

38. Approve negotiation and execution of a professional services agreement with ROSS & BARUZZINI, Webster Groves, Missouri, to provide professional engineering design and construction phase services for Airfield Security Gate Improvements at the Austin-Bergstrom International Airport, in an amount not to exceed \$100,000. (Funding is available in the Fiscal Year 2001-2002 Capital Budget of the Aviation Department.) 26.7% DBE subconsultant participation.  
**The motion authorizing the negotiation and execution of a professional services agreement was approved.**
39. Approve negotiation and execution of an amendment to the existing professional services agreement with MALCOLM PIRNIE, INC., Austin, Texas, for professional engineering services for the Govalle Tunnel Odor/Corrosion Control Project in an amount not to exceed \$392,468 for a total contact amount of \$2,277,621. (Funding in the amount of \$392,468 is available in the 2001-2002 Capital Budget of the Water & Wastewater Utility.) Overall subconsultant participation for this project including this Phase is: 13.4% MBE, 2.3% WBE. (Recommended by Water & Wastewater Commission)  
**The motion authorizing the negotiation and execution of a professional services agreement was approved.**
40. Approve negotiation and execution of an amendment to the existing professional services agreement with MALCOLM PIRNIE, INC., Austin, Texas, to investigate the failure of the tunnel liner in the Onion Creek Wastewater Tunnel, in an amount not to exceed \$74,826 for a total agreement of \$2,352,447. (Funding in the amount of \$74,826 is available in the 2001-2002 Capital Budget of the Water & Wastewater Utility.) Overall subconsultant participation for this project including this Phase is 13.1% MBE, 2.2% WBE. (Recommended by Water & Wastewater Commission)  
**The motion authorizing the negotiation and execution of an amendment to a professional services agreement was approved.**
41. Approve an ordinance for the vacation of 32,713 square feet of right-of-way at the 6900 Block of Enterprise Court. (The amount of \$24,535 in revenue will be receipted to the General Fund.) (Recommended by Planning Commission)  
**Ordinance No. 020822-41 was approved.**
42. Approve an ordinance for the vacation of 5,000 square feet of aerial rights from Mean Sea Level Elevation of 490.6 to Mean Sea Level Elevation of 845.0 out of the 500 block of East 4<sup>th</sup> Street, the 500 Block of East 5<sup>th</sup> Street, and the 400 Block of Red River Street. (Recommended by Planning Commission)  
**Ordinance No. 020822-42 was approved.**
43. Approve negotiation and execution of a contract with DELOITTE & TOUCHE LLP, Austin, Texas, for the purchase of an analysis of accounting and reporting processes as related to implementation of Senate Bill 7 in an amount not to exceed \$299,000. (Funding is available in the 2001-2002 Amended Operating Budget for the Electric Utility Department.) Best proposal of four proposals received. This contract will be awarded in compliance with the 1996 MBE/WBE Ordinance as amended. No subcontracting opportunities were identified; therefore, no goals

were established for this solicitation. All work will be done with the contractor's own workforce.

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

44. Approve negotiation and execution of a service agreement with EPGT TEXAS PIPELINE, Houston, Texas, for natural gas transportation and related services to the Electric Utility Department power plants for a term up to five years in an amount not to exceed \$32.5 million with an option to extend up to an additional five years at a cost not to exceed \$32.5 million for a total amount not to exceed \$65 million. (Funding in the amount of \$32.5 million is included in the Electric Utility Fuel Charge Revenue for the Electric Utility Department. Funding for future years is contingent upon available funding in future budgets.) Best proposal of seven 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 a service agreement was approved.**
45. Approve an ordinance authorizing acceptance of \$30,000 in federal pass-through grant funds from the United States Department of Energy through the State Energy Conservation Office; Amend Ordinance 010910-01, the 2001-2002 Operating Budget of the Transportation, Planning & Sustainability Department Special Revenue Fund by appropriating \$30,000 in pass-through grant funds to provide fifteen (15) \$2,000 rebates for the purchase of Alternative Fuel vehicles by Central Texas Clean Cities Program Stakeholders. (The amount of \$30,000 in pass-through funds from the Department of Energy and managed through the State Energy Conservation Office. A City match is not required. The term of the rebate program is August 1, 2002-December 31, 2003.) (Related Item: Interlocal Agreement)  
**Ordinance No. 020822-45 was approved.**
46. Approve a resolution authorizing negotiation and execution of an Interlocal Agreement with the State Energy Conservation Office to provide rebates for the purchase of dedicated alternative fuel vehicles by Clean Cities Stakeholders in an amount not to exceed \$30,000. (The amount of \$30,000 in grant funds is available from the United States Department of Energy through the State Energy Conservation Office. The pass-through grant term is August 1, 2002 – December 31, 2003. The rebate program will extend until December 31, 2003, or until all rebates have been paid out, whichever comes first.) (Related Item: Budget Amendment)  
**Resolution No. 020822-46 was approved.**
47. Approve a resolution authorizing negotiation and execution of an Interlocal Agreement with Capital Metropolitan Transportation Authority (Capital Metro) for Capital Metro to provide approximately \$29 million in funding for transportation projects to be completed by the City as agreed upon by Capital Metro and the City, and establish a process for determining the projects to be funded through this interlocal. [Estimated \$29 million source of funding from Capital Metro's sales tax collections (1/4 cent of each collected within the City's jurisdiction.)]  
**Resolution No. 020822-47 was approved.**
48. Approve an ordinance to amend ordinance No. 010910-02 the 2001-02 Capital Budget of the Transportation, Planning & Sustainability Department, by:
- 1) Appropriating \$3,150,000 to a new account entitled "Regional Mobility Studies (CMTA Funding)";
  - 2) Increasing the appropriation for the Schools Pedestrian Safety Projects (CMTA Funding) by \$1,000,000;

- 3) Increasing the appropriation for the Sidewalks (CMTA Funding) Project by \$1,500,000 for installation of sidewalks along arterials and in neighborhoods including the ADA Comprehensive Plan;
- 4) Appropriating \$500,000 to a new account entitled "Montopolis Bicycle/Pedestrian Bridge & Paths (CMTA Funding)";
- 5) Appropriating \$1,000,000 to a new account entitled "Traffic Signalization (CMTA Funding)";
- 6) Appropriating \$7,718,980, to a new account entitled "Roadway Improvements/Construction (CMTA Funding)";
- 7) Appropriating \$1,000,000 to a new account entitled "Intersection Improvements (CMTA Funding)";
- 8) Increasing the appropriation for the Great Streets / Traditional Neighborhood Corridors Project (CMTA Funding) by \$5,730,000.
- 9) Appropriating \$2,120,000 to a new account entitled "Regional Safety & Mobility Improvements (CMTA Funding)".
- 10) Appropriating \$4,500,000 to a new account entitled "Maintenance and Construction" (CMTA Funding).

[The amount of \$28,218,980 million in revenue is available from an interlocal agreement with Capital Metropolitan Transportation Authority. (1/4 cent of each cent collected within the City's jurisdiction.)]

**Ordinance No. 020822-48 was approved with the following change. Delete the word "Pedestrian" in Part 1, (B), to read "Appropriate \$1,000,000 to the Schools Safety Projects (CMTA Funding) project account." Before the vote was taken Council Member Wynn noted that he was relying on the revised proposal from staff showing projects to be funded with Capital Metro funds. It showed \$500,000 moved from Intermodal Station Planning and Implementation to the Visioning Study.**

49. Approve an ordinance adding Section 16-4-20 to the City Code, and to add North Lamar Boulevard (Loop 275) from Mile Point 2.298 (744 feet north of Oakbrook Trail) to Mile Point 3.725 (375 feet south of Little Oak Drive) to the list of streets having a maximum speed limit of 35 miles per hour, during certain times. (Funding will be provided by the Texas Department of Transportation.)  
**Ordinance No. 020822-49 was approved.**
50. Approve an ordinance to amend Section 16-4 of the City Code to add Interstate Highway 35 South, from Slaughter Lane to the Travis County Line, to the list of streets having a maximum speed limit of 60 miles per hour where the posted signs indicate road construction, maintenance or repair activities. (Funding will be provided by the Texas Department of Transportation.)  
**Ordinance No. 020822-50 was approved.**
51. Approve execution of a construction contract with BLASTCO INCORPORATED, Irving, Texas, for construction of the Pond Springs Reservoir Exterior & Interior Re-coating and Safety Improvements Project for the Water and Wastewater Utility in the amount of \$893,220, plus \$89,322 to be used as a contingency fund for change orders, for a total amount not to exceed \$982,542. (Funding in the amount of \$982,542.00 is available in the 2001-2002 Amended Capital Budget of the Water and Wastewater Utility.) Lowest of eight bids received. 0% MBE, 17.58% WBE subcontracting participation. (Recommended by Water and Wastewater Commission)  
**The motion authorizing the execution of a construction contract was approved.**



- 52. Approve execution of a construction contract with BSI UTILITIES, Sugarland, Texas, for the Oakmont Heights Water Main Project in the amount of \$1,203,285.50, and a contingency of \$60,164.00, for a total contract amount not to exceed \$1,263,449.50. (Funding in the amount of \$1,263,449.50 is available in the Fiscal Year 2000-2001 Amended Capital Budget of the Water and Wastewater Utility. Lowest of two bids received. 23.8% MBE, 8.4% WBE subcontracting participation. (Recommended by Water and Wastewater Commission)  
**The motion authorizing the execution of a construction contract was approved.**
  
- 53. Approve negotiation and execution of an amendment to the existing professional services agreement with PBS & J, Austin, Texas, for additional preliminary engineering services for the Robert E. Lee Road Relief Interceptor Improvements Project, in the amount not to exceed \$148,536, for a total amount not to exceed \$743,701. (Funding in the amount of \$148,536 is available in the 2001-2002 Amended Capital Budget of the Water and Wastewater Utility.) Overall subconsultant participation for this project including this phase is 17.9% MBE and 7.3% WBE. (Recommended by Water and Wastewater Commission)  
**The motion authorizing the negotiation and execution of an amendment to a professional services agreement was approved.**
  
- 54. Approve negotiation and execution of an Interlocal Agreement with TRAVIS COUNTY for the relocation of existing water facilities as part of the Mozelle Lane/Cecil Drive/Perkins Drive Drainage Improvements and Overlay project, in an amount not to exceed \$29,740 (\$23,740 + \$6,000 contingency). (Funding in the amount of \$29,740 is available in the 1995-1996 Amended Capital Budget of the Water and Wastewater Utility.) (Recommended by Water and Wastewater Commission)  
**This item was postponed indefinitely.**
  
- 55. Approve negotiation and execution of an Interlocal Agreement with Water Control and Improvement District No. 10 (WCID No. 10) for using WCID No. 10's water main to transport a water supply to the Davenport Ranch Area location in southwest Travis County along Capital of Texas Highway South of Lake Austin. (Funding in the amount of \$50,000 is available in the Fiscal year 2001-2002 Amended Capital Budget of the Water and Wastewater Utility.) (Recommended by Water and Wastewater Commission)  
**The motion authorizing the negotiation and execution of an Interlocal Agreement was approved.**
  
- 56. Appointments of Boards and Commissions.  
 The following appointments were made:

<u>Board/ Appointee</u>	<u>Consensus/ Council Member</u>	<u>Appointment/ Reappointment</u>
<b><u>Commission on Immigrant Affairs</u></b>		
Louise Lan Hoang	Consensus	Appointment
<b><u>Community Development Commission</u></b>		
Jeffery Lynn Lewis	Council Member Thomas	Appointment
Sabino Renteria (East Austin Neighborhood Rep)	Consensus	Reappointment
<b><u>Construction Advisory Committee</u></b>		
Michael Andrew Murphy	Mayor Pro Tem Goodman	Appointment

**Electric Utility Commission**

Thomas J. Owens	Council Member Thomas	Reappointment
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**Electrical Board**

Ronny K. Williams	Council Member Thomas	Appointment
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**Ethics Review Commission**

Ashton Cumberbatch	Council Member Thomas	Appointment
Stephen Yelenosky	Mayor Pro Tem Goodman	Reappointment

**Federally Qualified Health Center Board**

Henry Z. Narvaez (David Powell Clinic Rep)	Consensus	Appointment
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**Planning Commission**

Rhonda Pratt	Council Member Thomas	Appointment
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**Renaissance Market Commission**

Janis Morgan	Consensus	Reappointment
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**Resource Management Commission**

Katherine G. Osborne	Council Member Alvarez	Appointment
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**Telecommunications Commission**

Matthew Curtis	Consensus	Reappointment
Adrian Roel Pineda	Mayor Garcia	Appointment

**Water and Wastewater Commission**

Glen M. Coleman	Consensus	Appointment
Chien-Ying Lee	Mayor Pro Tem Goodman	Reappointment

**Item 57 was a briefing that occurred earlier in the meeting.**

58. Approve an ordinance on third reading amending Sections 16-5-22 and 16-5-98 of the City Code related to parking in a front or side yard of a residential property. (Council Member Danny Thomas, Council Member Betty Dunkerley and Mayor Gus Garcia)  
**This item was postponed to August 29, 2002.**

**Item 59 was pulled for discussion.**

60. Approve a resolution appointing a Legislative Committee of the City Council to consider and propose a legislative program for the 78th Legislative Session and present to the Austin City Council for consideration and approval. (Mayor Gus Garcia)  
**Resolution No. 020822-60 appointing Mayor Gus Garcia, Mayor Pro Tem Jackie Goodman and Council Member Daryl Slusher to the Legislative Committee was approved.**
61. Acceptance of the Judicial Performance Evaluation Advisory Committee's report and the Clerk's Municipal Court Work plan as recommended by the City Council Judicial Subcommittee. (Mayor Gus Garcia, Mayor Pro Tem Jackie Goodman, and Council Member Will Wynn)  
**The motion to accept the Judicial Performance Evaluation Advisory Committee Report and the Clerk's Municipal Court Work Plan was approved.**

**Item Z-1 was pulled for discussion.**

- Z-2. C14-02-0083 – Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 2308 Riddle Road (Slaughter Creek Watershed) from DR, Development Reserve district, zoning to SF-3, Family Residence district, zoning. Zoning and Platting Commission Recommendation: To grant SF-3, Family Residence district, zoning. Applicant and Property Owner: Roberts Realty, Inc. (John W. Garner). Agent: Carlson Brigrance & Doering, Inc. (Lauretta Dowd). City Staff: Wendy Walsh, 974-7719.  
**Ordinance No. 020822-Z-2, for SF-3, Family Residence district zoning, was approved on a 7-0 vote.**
- Z-3. C14-02-0087 – Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 111 West William Cannon Drive (Williamson Creek Watershed) from GR, Community Commercial district, zoning to CS-1, Commercial-Liquor Sales district, zoning. Zoning and Platting Commission Recommendation: To grant CS-1-CO, Commercial-Liquor Sales - Conditional Overlay Combining district, zoning with conditions. Applicant and Property Owner: Vicky's Liquor Store (Michael O. Mgba). City Staff: Wendy Walsh, 974-7719.  
**Ordinance No. 020822-Z-3, for CS-1-CO, Commercial-Liquor Sales – Conditional Overlay Combining district zoning with conditions, was approved.**

ZONING DISCUSSION ITEM

- Z-1. C14-02-0042 – Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 9007 Manchaca Road (South Boggy/Slaughter Creek Watersheds) from DR, Development Reserve district, zoning to LR, Neighborhood Commercial district, zoning. Zoning and Platting Commission Recommendation: To grant LO-MU-CO, Limited Office - Mixed Use - Conditional Overlay Combining district, zoning. Property Owner: Jackson Properties (James Terrance Jackson). Agent: Boardwalk Properties (Terry Jackson). City Staff: Wendy Walsh, 974-7719.  
**The motion to close the public hearing was approved on Council Member Slusher's motion, Mayor Pro Tem Goodman's second on a 7-0 vote.**

**The first reading of the ordinance, for LO-MU-CO, Limited Office-Mixed Use-Conditional Overlay Combining District zoning, was approved on Mayor Pro Tem Goodman's motion, Council Member Slusher's on a 7-0 vote.**

DISCUSSION ITEMS

22. Approve an ordinance amending the Austin Tomorrow Comprehensive Plan by adopting the Upper Boggy Creek Neighborhood Plan for the area bounded by the former Robert Mueller Municipal Airport site to the north, Airport Boulevard and Walnut and Cedar Avenues to the east, MLK Jr. Boulevard and Manor Road to the south, and IH-35 and the University of Texas to the west. (There is no fiscal impact associated with adopting the Upper Boggy Creek Neighborhood Plan. An estimate of the fiscal impact to implement all of the recommendations in the plan is \$7,623,500. This plan is advisory and does not legally obligate the Council to implement any particular recommendation.) (Continued from 8/1/02)  
**Ordinance No. 020822-22 was approved adopting the Upper Boggy Creek Neighborhood Plan's Future Land Use Map (FLUM) to denote mixed use for Tract 16 and single-family for Tract 17 on Council Member Dunkerley's motion, Council Member Slusher's second on a 6-0 vote. Mayor Garcia was off the dais.**

23. C14-02-0057 – Upper Boggy Creek Neighborhood Plan Rezoning – Approve first/second/third readings of an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 2917 Cherrywood Road (Tract 16) and 3001 Cherrywood Road (Tract 17) (Upper Boggy Creek Watershed). The proposed zoning change will: 1) add a NP, Neighborhood Plan Combining District (NPCD) to each base zoning district; 2) permit the secondary apartment and small lot amnesty special uses; and 3) change the base zoning district from SF-2, Single Family Residence Standard Lot, district zoning to LR-MU-CO-NP, Neighborhood Commercial-Mixed Use-Conditional Overlay-Neighborhood Plan Combining district, zoning for Tract 16; and from CS, General Commercial Services, district zoning to GR-MU-CO-NP, Community Retail-Mixed Use-Conditional Overlay-Neighborhood Plan Combining district, zoning for Tract 17. Planning Commission Recommendation: To grant LR-MU-CO-NP, Neighborhood Commercial-Mixed Use-Conditional Overlay-Neighborhood Plan Combining district, zoning with conditions for Tract 16; and to grant GR-MU-CO-NP, Community Retail-Mixed Use-Conditional Overlay-Neighborhood Plan Combining district, zoning for Tract 17. Applicant: City of Austin. Agent: Neighborhood Planning & Zoning Department. City Staff: Mark Walters, 974-7695 and Annick Beaudet, 974-2975. Note: Valid petitions have been filed in opposition to these rezoning requests. (continued from 8/1/02)

**The first reading of the ordinance to rezone Tract 16 to LR-MU-CO-NP, Neighborhood Commercial-Mixed Use-Conditional Overlay-Neighborhood Plan Combining District zoning and Tract 17 to SF-3-NP, Family Residence Neighborhood Plan Combining District zoning was approved on Council Member Dunkerley's motion, Council Member Thomas' second on a 6-0 vote. Mayor Garcia was off the dais.**

25. C14-02-0028 – Approve second/third readings of an ordinance amending Chapter 25-2 of the Austin City Code by rezoning 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. First Reading on July 11, 2002; Vote: 7-0. Conditions met as follows: Conditional overlay incorporates the conditions imposed by Council at first ordinance reading. Applicant: Morelia Group, Inc. (Octavio Rosales). Agent: Land Answers (Jim Wittliff). City Staff: Wendy Walsh, 974-7719.

**The motion to allow public comment, even though the public hearing was previously closed, was approved on Council Member Alvarez's motion, Council Member Dunkerley's second on a 6-0 vote. Mayor Pro Tem Goodman was off the dais.**

**This item was postponed to August 29, 2002 to allow a Department of Health inspection on the property was approved on Council Member Thomas' motion, Council Member Alvarez' second on a 6-0 vote. Council Member Dunkerley was off the dais.**

36. Approve negotiation and execution of Change Order #3 to the construction contract with MARTIN K. EBY CONSTRUCTION COMPANY, INC., Austin, Texas, for subsurface conditions discovered during construction; structural, electrical, plumbing revisions; site security, traffic controls, environmental controls monitoring, and other costs required during the interim period between Phase II (Parking Garage Structure) construction completion and Phase III (City Hall & Plaza) construction start; and a contingency for unknown construction changes during the remaining Phase II construction period at the New City Hall Parking Garage Structure, increasing the contract in the amount of \$392,255, for a total contract amount not to exceed \$6,330,144.26. (Funding in the amount of \$392,255 is available in the 2001-2002 Amended Capital Budget of the Public Works Department.) Overall participation, including this proposed change order: 5.37% MBE, 14.62% WBE.

**The motion authorizing the negotiation and execution of Change Order #3 was approved on Council Member Wynn's motion, Council Member Thomas' second on a 7-0 vote.**

**The Council Meeting was recessed at 5:36 p.m.**

**Mayor Garcia called the Council Meeting back to order at 6:39 p.m.**

**PUBLIC HEARINGS AND POSSIBLE ACTION**

64. Conduct a public hearing to approve a resolution for 11,895 square foot (0.27 acre) temporary work space and 10,895 square foot (0.25 acre) wastewater use agreement to allow the construction of wastewater improvements for Eubank Acres Project B along Walnut Creek at North Lamar through dedicated parkland known as Walnut Creek Greenway Parkland in accordance with Sec. 26.001 et seq. of the Texas Parks and Wildlife code. (All costs associated with the line, as well as any parkland restoration, will be paid by the requestor from a previously approved CIP account.) (Recommended by Parks and Recreation Board)  
**The public hearing was closed and Resolution No. 020822-64 was approved on Council Member Dunkerley's motion, Mayor Pro Tem Goodman's second on a 6-0 vote. Council Member Wynn was off the dais.**
65. Conduct a public hearing for the full purpose annexation of the following annexation areas:
- Interport South** (Approximately 135 acres in Travis County south of SH 71 approximately 495 feet east of FM 973).  
**The public hearing was closed on Council Member Thomas' motion, Council Member Dunkerley's second on a 6-0 vote. Council Member Wynn was off the dais.**
- Kallestad Tract** (Approximately 11 acres located in Travis County north of FM 2222 approximately seven tenths of a mile east of the intersection of FM 2222 and Riverplace Blvd).  
**The public hearing was closed on Council Member Slusher's motion, Council Member Dunkerley's second on a 7-0 vote.**
- Tumbleweed Hill** (Approximately 17 acres in Travis County north of FM 2222 approximately one mile east of the intersection of FM 2222 and Riverplace Blvd).  
**The public hearing was closed on Council Member Slusher's motion, Council Member Dunkerley's second on a 7-0 vote.**
- Jamail Tract** (Approximately 33 acres in Travis County north of FM 2222 approximately one mile east of the intersection of FM 2222 and Riverplace Blvd).  
**The public hearing was closed on Mayor Pro Tem Goodman's motion, Council Member Dunkerley's second on a 7-0 vote.**
66. Conduct a public hearing to receive public comment on the proposed rate changes for wholesale customers for the Water and Wastewater Utility as part of the 2002-2003 Proposed Budget.  
**The public hearing was closed on Council Member Thomas' motion, Mayor Pro Tem Goodman's second on a 7-0 vote.**
67. Conduct a public hearing to receive public comment on the proposed rate and fee increases for the Drainage Fee of the Watershed Protection and Development Review Department as part of the 2002-2003 Proposed Budget.

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

68. Conduct a public hearing to receive public comment on the proposed revisions to the Electric Fee Schedule and Fuel Adjustment Clause of the Electric Rate Schedule for Austin Energy, the Electric Utility Department, as part of the City of Austin's Proposed Budget for Fiscal Year 2002-2003.

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

69. Conclude staff presentations and conduct a public hearing to receive public comment on the City of Austin proposed budget for Fiscal Year 2002-2003 with respect to the following Departments Neighborhood Planning and Zoning, Transportation, Planning and Sustainability, Watershed Protection and Development Review, Public Works/CIP, Water and Wastewater, and Austin Energy.

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

70. 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. (continued from 6/27/02, 7/11/02 and 7/18/02)

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

**Resolution No. 020822-70 was approved as follows on Mayor Pro Tem Goodman's motion, Council Member Wynn's second on a 7-0 vote. Staff inserted the following changes in the resolution: Page three, number 4, third line, insert the words, "for Gregg-Howard Lane" after the word "dedication." On page three, number 4, eleventh line, insert the words, "the design, engineering and construction of" after the words "other than."**

59. Approve a resolution authorizing the City Manager to negotiate and execute an Interlocal Agreement with other governmental entities to participate in the Greater Austin Chamber of Commerce's Project American Dream regarding the use of tax foreclosed properties for affordable housing. (Mayor Pro Tem Jackie Goodman, Council Member Raul Alvarez and Council Member Betty Dunkerley)

**The motion by Council Member Thomas to change the resolution as follows died due to the lack of a second. The proposed changes were (a) to delete the words "and execution" in the first sentence, (b) to delete "execute, attest and affix the city's seal to" in the seventh sentence and (c) add the following to the end, "The City Council further approves the AHFC to receive/acquire these foreclosed properties and with Travis County, ACC, AISD, ARA and the Chambers establish an equitable process for purchase and first right of refusal for neighborhood CHDO's."**

**Resolution No. 020822-59, was approved as amended on Council Member Alvarez' motion, Council Member Slusher's second on a 6-1 vote. Council Member Thomas voted no. The amendments changed the resolution as follows: (a) delete the words "and execution" in the first sentence, and (b) delete "execute, attest and affix the city's seal to" in the seventh line.**

**The motion to adjourn the meeting at 8:02 p.m. was approved on Council Member Slusher's motion, Council Member Wynn's second on a 7-0 vote.**

**The minutes from the work session of August 21, 2002 and regular meeting of August 22, 2002 were approved on consent. The consent items were approved on Council Member Alvarez' motion, Council Member Dunkerley's second on a 7-0 vote.**