



**Austin City Council
MINUTES**

**REGULAR MEETING
THURSDAY, OCTOBER 31, 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, October 31, 2002 in the Board Room at Lower Colorado River Authority Hancock Building, 3700 Lake Austin Boulevard.

Invocation: Messianic Rabbi David Hall, Zion Messianic Synagogue

Mayor Garcia called the Council Meeting to order at 12:06 p.m.

Mayor Garcia recessed the meeting at 12:09 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.

Private Consultation with Attorney - Section 551.071

1. Discuss legal issues related to *Northwest Austin MUD #1, et al. v. City of Austin, Cause Number GN203378* in the 53rd Judicial District Court of Travis County, Texas (involves tax issues in this particular MUD).
31. Discuss legal issues related to the notice of claims filed by Christopher Ochoa and Richard Danziger.

Executive Session ended at 1:35 p.m.

Mayor Garcia called the Council meeting back to order at 1:36 p.m.

2. Gus Pena - To discuss Seton's new proposed hospital and its implications on the poor, uninsured have nots. To ensure the rights of patients are not compromised at the City, County health clinics, Brackenridge and Seton Hospitals. To advocate for the poor, have nots and the disenfranchised. **Absent**
3. Richard Troxell - Homelessness

4. Gavino Fernandez - Robert Donley Memorial Park to Replace Holly Power Plant – Tanks **Absent**
5. William H. Schreiber - Illegally Posted [PARTIAL] Parking Sign and Contest of Ticket Rule Timing Problems.
6. Jennifer L. Gale - It's pretty spooky to think this Halloween in a cold Frightful way that anyone would vote for anybody other than Jennifer Gale for Austin's Mayor of the Capitol City. An Autumn Announcement.

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 Slusher's motion, Mayor Pro Tem Goodman's second on a 7-0 vote.

7. Approval of minutes from work session of October 23, 2002 and regular meeting of July 18, 2002 and October 24, 2002.
The minutes from the work session of October 23, 2002 and the regular meeting of July 18, 2002 and October 24, 2002 were approved.
8. Approve an ordinance adding Chapter 6-1 to the Code of the City of Austin to create a new City-owned and City-licensed hospital, and amending Chapter 2-4 to establish the governing board for the new hospital, which will be located on the 5th Floor of Brackenridge Hospital.
Ordinance No. 021031-8 was approved.
9. Approve execution of 12-month contracts with two agencies for HIV services under the US HUD Housing Opportunities for Persons with AIDS (HOPWA) grant for HIV-related housing services: AIDS Services of Austin in an amount not to exceed \$795,940, and Project Transitions, Inc. in an amount not to exceed \$255,731, for a total amount not to exceed \$1,051,671. [Funding in the amount of \$919,560 is available in the Fiscal Year 2003 Approved Operating Budget of the Health and Human Services Department (HHSD) Special Revenue Fund HOPWA-HUD grant program. Grant period is October 1, 2002 to September 30, 2005; and \$132,111 is available in the Fiscal Year 2002 Approved Operating Budget of the Health and Human Services Department (HHSD) Special Revenue Fund HOPWA-HUD grant program. Grant period is October 1, 2001 to September 30, 2004. Contract performance period is October 1, 2002 through September 30, 2003.] (Recommended by HIV Planning Council)
The motion authorizing the execution of a contract was approved.
10. Approve an ordinance authorizing acceptance of \$22,430 in additional grant funds from the Texas Department of Transportation for the Austin/Travis County Youth Traffic Safety Project, and amending Ordinance No. 020910-01, the Fiscal Year 2002-2003 Approved Operating Budget, amending the Special Revenue Fund by appropriating \$22,430 in additional grant funds for the Health and Human Services Department's Special Revenue Fund for a total grant amount of \$98,430; and authorize an additional 0.25 grant-funded full-time equivalent (0.25 FTE) Public Health Program Specialist position for a total of two grant-funded positions (2.0 FTEs). (Funding in the amount of \$22,430 is available from the Texas Department of Transportation. The grant period is October 1, 2002-September 30, 2003. A City in-kind match of \$14,779 is required and included in the Fiscal Year 2003 Approved Operating Budget of the Health and Human Services Department.)
Ordinance No. 021031-10 was approved.

11. Approve City Council meeting schedule for the Year 2003.
The motion approving the City Council meeting schedule for the Year 2003 was approved with June 19, 2003, June 26, 2003 and September 18, 2003 as cancelled meetings and July 16, 2003 and July 17, 2003 as scheduled meetings.
12. C14-02-0095 - Approve second/third readings of an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 6900 Old Bee Caves Road (Williamson Creek Watershed) from RR, Rural Residence district, zoning to CS-CO, General Commercial Services-Conditional Overlay Combining district, zoning. First Reading on September 26, 2002: Vote: 7-0. Conditions met as follows: Conditional Overlay and restrictive covenant incorporates the conditions imposed or accepted at first ordinance reading. Applicant: Dwayne Dougherty. Agent: Jim Bennett. City Staff: Annick Beaudet, 974-2975
Ordinance No. 201031-12 was approved.
13. Approve execution of a contract with TRAVIS PAVING & EXCAVATION (MBE/MH 85.6%) for construction of Austin Nature Center ADA Improvements, in the amount not to exceed \$156,675.00 for the Base Bid, \$21,875.00 for accepted Alternate, for a total amount not to exceed \$178,550.00. (Funding in the amount of \$178,550.00 was included in Fiscal Year 2001-2002 approved Capital Budget of the Parks and Recreation Department.) Lowest of five bids received. 4.35% MBE subcontracting participation.
The motion authorizing the execution of a contract was approved.
14. Approve execution of Change Order #4 to the construction contract with F & S CONSTRUCTION CO. INC., San Antonio, Texas, for improvements to the Barbara Jordan Air Terminal Building at the Austin Bergstrom International Airport, in the amount of \$32,052.03, for a total contract amount not to exceed \$714,592.65. (Funding in the amount of \$32,052.03 is available in the 2002-2003 Capital Budget of the Aviation Department.) Overall MBE/WBE participation, including this Change Order: .98% MBE; 42.17% WBE.
The motion authorizing the execution of Change Order #4 to the construction contract was approved.
15. Approve execution of a construction contract with DAYCO CONSTRUCTION COMPANY, Austin, Texas, for flood protection and associated drainage improvements in the Creek Bend Subdivision located along Williamson Creek, for the Creek Bend Flood Control Phase II Project, in the amount of \$3,423,319.68 plus \$342,332.32 contingency, for a total contract amount not to exceed \$3,765,652. (Funding in the amount of \$3,469,575 is available in the 1999-2000 Capital Budget of the Watershed Protection & Development Review Department; \$87,825 is available in the 2001-2002 Amended Capital Budget of the Water & Wastewater Utility; \$208,252 is available in the 1995-1996 Amended Capital Budget of the Water & Wastewater Utility.) Lowest of six bids received. 17.43% MBE, 6.78% WBE subcontracting participation.
The motion authorizing the execution of a construction contract was approved.

Item # 16 was pulled for discussion.

17. Approve execution of a construction contract with L.D. TEBBEN CO., INC., Austin, Texas, for roofing and waterproofing repairs at the South Austin Transfer Station, in the amount not to exceed \$191,000. (Funding is included in the 2002-2003 Capital Budget of the Solid Waste Services Department.) Lowest responsive bid of two bids received. The contractor submitted a

MBE/WBE Compliance Plan that demonstrated a Good Faith Effort and was approved by the Department of Small and Minority Business Resources.

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

18. Authorize payment to the TEXAS DEPARTMENT OF TRANSPORTATION for the City's 10% participation of the right-of-way acquisition for the U.S. Highway 183 Project, from R.M. 620 to North of Lakeline Boulevard, in accordance with the June 27, 1986 Agreement for Right-of-Way Procurement, in the amount of \$95,449.20. (Funding is available in the 1999-2000 Amended Capital Budget of the Department of Transportation Planning & Sustainability.)
The motion authorizing payment was approved.
19. Approve negotiation and execution of a contract with FLOWSERVE CORPORATION, Chicago, IL, to upgrade circulating water pumps #21 & #22 at the Decker Creek Power Station in an amount not to exceed \$650,000. (Funding is available in the 2002-2003 Approved Capital Budget for the Electric Utility Department.) Best-evaluated proposal/two proposals received. This contract will be awarded in compliance with the 1996 MBE/WBE Ordinance, as amended. There were no opportunities for subcontracting because of the specialized nature of this project; therefore, no MBE/WBE goals were established for this solicitation. All services will be provided by the contractor's own workforce.
The motion authorizing negotiation and execution of a contract was approved.
20. Approve execution of a 12-month supply agreement for the purchase of airfield lamps with SIEMENS LAMPS SOLUTIONS, Columbia, Ohio, in amount not to exceed \$120,160.50 with two 12-month extension options in an amount not to exceed \$120,160.50 per option, for a total contract amount not to exceed \$360,481.50; and with GENESIS LAMPS, Painesville, Ohio, in amount not to exceed \$61,643.75 with two 12-month extension options in an amount not to exceed \$61,643.75 per option, for a total contract amount not to exceed \$184,931.25. (Funding in the amount of \$181,803.70 is available in the Approved 2002-2003 Operating Budget for the Aviation Department. Funding for the extension options is contingent upon available funding in future budgets.) Low bidders of two bids received. This contract will be awarded in compliance with the 1996 MBE/WBE Ordinance. No subcontracting opportunities were identified; therefore, no goals were established for this solicitation.
The motion authorizing the execution of a supply agreement was approved.
21. Approve execution of a 12-month service agreement with A T SYSTEMS SOUTHWEST, INC., San Antonio, Texas, for armored car services in an amount not to exceed \$97,584 with two-12 month extension options in an amount not to exceed \$97,584 per extension for a total contract amount not to exceed \$292,752. (Funding in the amount of \$89,452 is available in the 2002-2003 Approved Operating Budgets of various City Departments. Funding for the remaining month of the original contract and extension options is contingent upon available funding in future budgets.) Low bid/six bids received. This contract will be awarded in compliance with the 1996 MBE/WBE Ordinance, as amended. There are no opportunities for subcontracting.
The motion authorizing the execution of a service agreement was approved.
22. Approve execution of a 12-month supply agreement with THE FECHHEIMER BROTHERS CO., Cincinnati, Ohio, to provide fire retardant uniform shirts in an amount not to exceed \$53,154 with two 12-month extension options in an amount not to exceed \$53,154 per extension for a total contract amount not to exceed \$159,462 and a 12-month supply agreement with MILLER UNIFORMS & EMBLEMS, INC., Austin, Texas, to provide fire retardant uniform

trousers in an amount not to exceed \$88,722 with two 12-month extension options in an amount not to exceed \$88,722 per extension for a total contract amount not to exceed \$266,166. (Funding in the amount of \$130,053 is available in the 2002-2003 Approved Operating Budget of the Austin Fire Department. Funding for the extension options is contingent upon available funding in future budgets.) Low bidders of six bids received. These contracts will be awarded in accordance with the 1996 MBE/WBE Ordinance, as amended. No subcontracting opportunities were identified; therefore, no goals were established.

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

- 23. Approve a resolution consenting to the provision of 41 LUEs of out-of-district wastewater service from the Lost Creek MUD to Las Cimas Associates, L.P. for the development of 9.65 acres located at 912 South Capital of Texas Highway with certain requirements. (No City funds are expended for the provision of this service. Lost Creek MUD operates its own wastewater treatment plant.) (Recommended by Water and Wastewater Commission and Planning Commission)

This item was postponed to November 7, 2002.

- 24. Appointments to Boards and Commissions.

The following appointments were made:

<u>Board/ Appointee</u>	<u>Consensus/ Council Nominee</u>	<u>Appointment/ Reappointment</u>
<u>City of Austin Commission for Women</u> Dazerina McKelvy	Council Member Dunkerley's	Reappointment
<u>Downtown Commission</u> Ann Beth Sprengel	Consensus (Austin Chamber of Commerce Rep)	Reappointment
<u>Human Rights Commission</u> William M. Hale	Mayor Garcia's	Reappointment
<u>Library Commission</u> Denise Anne Brady Guy J. Manaster Benito Leal Ornelas	Consensus Mayor Garcia's Council Member Alvarez'	Appointment Appointment Appointment
<u>Resource Management Commission</u> John E. Hoffner	Consensus	Appointment

- 25. Approve an ordinance making changes to the Art in Public Places Program (City Code Chapter 9-2). (Mayor Pro Tem Jackie Goodman, Council Member Betty Dunkerley and Council Member Raul Alvarez)

Ordinance No. 201031-25 was approved.

- 26. Approve an ordinance waiving the fee requirements of Chapter 15-11 of the City Code and authorizing the reimbursement of fees paid by Mental Health Mental Retardation required by Chapter 15-11 for the Race Against Stigma held on October 12, 2002. (Mayor Pro Tem Jackie Goodman, Council Member Betty Dunkerley and Council Member Daryl Slusher)

Ordinance No. 201031-26 was approved.

27. Approve a resolution to appoint one City Council representative and one business community representative to the Austin - San Antonio Rail Corridor Council. (Council Member Daryl Slusher, Council Member Will Wynn and Council Member Danny Thomas).
Resolution No. 021102-27 was approved designating Mayor Garcia as the City Council representative. The appointment of the business community representative was postponed to November 7, 2002.
28. Approve a resolution regarding the potential impact of international trade agreements on local governments' legislative power regarding investment, services, and procurement agreements. (Mayor Gus Garcia and Council Member Raul Alvarez)
Resolution No. 201031-28 was approved.

DISCUSSION ITEMS

16. Approve execution of a construction contract with AARON CONCRETE CONTRACTORS, INC. (MH/MBE 32.36%), Austin, Texas, for street reconstruction on North Lamar Boulevard from West 45th Street to Guadalupe Street, in the amount of \$698,452.75, plus \$34,922.64 contingency, for a total contract amount not to exceed \$733,375.39. (Funding in the amount of \$733,375.39 is available in the 2002-2003 Approved Capital Budget of the Department of Public Works.) Lowest of seven bids received. 8.43% MBE, 7.29% WBE subcontracting participation.

Mayor Garcia recessed the Council meeting at 2:17 p.m.

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

Item #16 Continued

16. Approve execution of a construction contract with AARON CONCRETE CONTRACTORS, INC. (MH/MBE 32.36%), Austin, Texas, for street reconstruction on North Lamar Boulevard from West 45th Street to Guadalupe Street, in the amount of \$698,452.75, plus \$34,922.64 contingency, for a total contract amount not to exceed \$733,375.39. (Funding in the amount of \$733,375.39 is available in the 2002-2003 Approved Capital Budget of the Department of Public Works.) Lowest of seven bids received. 8.43% MBE, 7.29% WBE subcontracting participation.
The motion authorizing the execution of a construction contract was approved on Council Member Slusher's motion, Mayor Pro Tem Goodman's second on a 7-0 vote.

Mayor Garcia recessed the Council meeting at 2:33 p.m.

Mayor Garcia called the regular Council meeting back to order at 3:59 p.m.

ZONING HEARINGS AND APPROVAL OF ORDINANCES/RESTRICTIVE COVENANTS

The following items were acted on by one motion. No separate discussion or action occurred on any of the items. The public hearings were closed and consent items were approved on Council Member Wynn's motion, Council Member Dunkerley's second on a 6-0 vote. Council Member Thomas was off the dais.

Z-1. C14-02-0117 – Telecom Office Park – Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by zoning property locally known as 4101 Smith School Road (Onion Creek Watershed) from I-RR, Interim-Rural Residence district, zoning to LI-PDA, Limited Industrial Services-Planned Development Area district, zoning. Zoning and Platting Commission Recommendation: To grant LI-PDA, Limited Industrial Services-Planned Development Area district, zoning. Applicant: Telecom Park, LP. Agent: Vaughn Brock, Brock Consulting Group (Linda Curfs). City Staff: Sherri Gager, 974-3057.
The first reading of the ordinance for LI-PDA, Limited Industrial Services-Planned Development Area district zoning, was approved.

Z-2. C14-02-0121 – Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 1703 Palo Duro Road (Dry Creek East Watershed) from MF-3, Multi-family Residence Medium Density district, zoning to GO, General Office district, zoning. Zoning and Platting Commission Recommendation: To be reconsidered by the Zoning and Platting Commission on November 5, 2002. Applicant: Spa Services Plus (Kerry O'Hanton). Agent: Jim Bennett. City Staff: Glenn, Rhoades, 974-2775.
Note: A valid petition has been filed in opposition to this rezoning request.
This item was postponed to November 7, 2002 at the request of staff.

Z-3. Conduct a public hearing and consider an amendment to the Montopolis Neighborhood Plan, an element of the Austin Tomorrow Comprehensive Plan, to change the use of a portion of the "Steiner Tract" from office use to multifamily use. The Steiner Tract is generally located at 7300-7320 Riverside Drive. (Recommended by Planning Commission)
This item was postponed to November 7, 2002 at the request of staff.

Mayor Garcia recessed the regular Council meeting at 4:05 p.m. to go into a special Council Meeting.

Mayor Garcia called the Special Called meeting to order at 4:06 p.m.

1. Conduct a public hearing and consider an amendment to the Southeast Combined Neighborhood Plan, part of the Austin Tomorrow Comprehensive Plan, to change the Future Land Use Map from Office, Commercial, and Open Space uses to Multi-family to accommodate an 163-unit S.M.A.R.T. Housing project near the intersection of St. Elmo at Pleasant Valley Road at 4503, 4511, and 4601 East St. Elmo Road. (Recommended by Planning Commission).
The public hearing was closed and Ordinance No. 021031-SC1 was approved on Emergency Passage with the effective date of October 31, 2002 on Mayor Pro Tem Goodman's motion, Council Member Dunkerley's second, on a 7-0 vote.

The Special Called meeting was adjourned at 4:08 p.m. on Council Member Thomas's motion, Mayor Pro Tem Goodman's second, on a 7-0 vote.

Mayor Garcia called the regular Council meeting back to order at 4:09 p.m.

- Z-4. C14-02-0155.SH – Pleasant Valley Courtyards – Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 4503 and 4511 East St. Elmo Road, 4601 East St. Elmo Road (Williamson Creek Watershed) from RR, Rural Residence district, zoning LO, Limited Office district, zoning and CS, General Commercial Services district, zoning to MF-3-CO-NP, Multi-family Residence Medium Density-Conditional Overlay-Neighborhood Plan Combining district, zoning. Planning Commission Recommendation: To be considered by the Planning Commission on October 23, 2002. Applicants: Nilda A. Dela Llata; Bobby Pospisil. Agent: Lopez-Phelps Vaughn and Associates, Inc. (Amelia Lopez-Phelps). City Staff: Wendy Walsh, 974-7719.
The public hearing was closed on Council Member Slusher's motion, Council Member Wynn's second on a 7-0 vote.

Ordinance No. 201031-Z4 for MF-3-CO-NP, Multi-family Residence Medium Density-Conditional Overlay-Neighborhood Plan Combining district zoning, was approved on Council Member Slusher's motion, Mayor Pro Tem Goodman's second, on a 7-0 vote. The ordinance was passed on an Emergency Passage with the effective date of October 31, 2002. With the following amendments:

1. The following language replaces the current language in Part 3, Section 4.

Proposed "CO" conditional overlay that would address the 50 foot setback from creek centerline. Except as otherwise provided in this section, a 50-foot setback from the centerline of a waterway is required for a waterway on the Property that had an upstream drainage area of 64 acres or more as of October 10, 2002. Improvements permitted within the setback are limited to utility crossings that the director of the Watershed Protection and Development Review Department determines cannot be located elsewhere, driveways and roadway crossings that provide primary access, and hiking trails. A roadway crossing permitted under this section must be located at least 1000 feet from another roadway crossing on the same waterway within the same development. This section does not apply to a single-family subdivision recorded before October 10, 2002.

2. The following language becomes new Part 3, Section 5

Proposed "CO" conditional overlay that would prohibit a community recreation (private) use, either as a principal or accessory use on zoning Tract 1 (LO-NP) or Tract 2 (RR-NP). This use would be permitted on zoning Tract 3 (CS-NP).

3. The following language becomes new Part 3 Section 6.

Proposed "CO" conditional overlay that would prohibit residential dwelling units on zoning Tract 1 (LO-NP).

Mayor Garcia recessed the Council meeting at 5:17 p.m.

Mayor Garcia called the Council meeting back to order at 6:00 p.m.

PUBLIC HEARINGS AND POSSIBLE ACTION

29. Conduct a public hearing for the full purpose annexation of the following annexation areas:
Forest Hills (Approximately 10 acres in southern Travis County on the east side of Manchaca Road approximately seven tenths of a mile south of the intersection of Manchaca Road and Slaughter Lane).

The public hearing was closed on Council Member Alvarez' motion, Council Member Thomas's second on a 4-0 vote. Council Member Slusher, Council Member Wynn and Mayor Pro Tem Goodman were absent.

Manchaca Road (Approximately 1 acre in Travis County consisting of Manchaca Road right-of-way approximately one tenth of a mile at the intersection of Manchaca Road and Melibee Trail). **The public hearing was closed on Council Member Alvarez' motion, Council Member Thomas's second on 4-0 vote. Council Member Slusher, Council Member Wynn and Mayor Pro Tem Goodman were absent.**

Morse TND / Dessau Road (Approximately 285 acres in Travis County east of Dessau Road and east of the intersection of Applegate Drive and Dessau Road including Dessau Road right-of-way (ROW) from approximately one tenth of a mile south of the intersection of Dessau Road and Sprinkle Cutoff Road south to approximately three tenths of a mile north of the intersection of Dessau Road and Rundberg Lane).

The public hearing was closed on Council Member Thomas's motion, Council Member Dunkerley's second on a 4-0 vote. Council Member Slusher, Council Member Wynn and Mayor Pro Tem Goodman were absent.

Avery Ranch Area (Approximately 83 acres in Williamson County north of the intersection of Avery Ranch Blvd and Staked Plains Drive).

The public hearing was closed on Council Member Alvarez' motion, Council Member Thomas's second on a 4-0 vote. Council Member Slusher, Council Member Wynn and Mayor Pro Tem Goodman were absent.

Eagles Landing (Approximately 53 acres in Travis County west of Decker Lane approximately 190 feet south of the intersection of Larical Trail and Decker Lane).

The public hearing was closed on Council Member Dunkerley's motion, Council Member Thomas's second on a 4-0 vote. Council Member Slusher, Council Member Wynn and Mayor Pro Tem Goodman were absent.

FM 973 ROW (Approximately 18 acres in Travis County of FM 973 right-of-way (ROW) from approximately one quarter of a mile south of the intersection of FM 973 and State Highway 71 south to approximately one tenth of a mile south of the intersection of FM 973 and Fincher Road)

The public hearing was closed on Council Member Alvarez' motion, Council Member Thomas's second on a 4-0 vote. Council Member Slusher, Council Member Wynn and Mayor Pro Tem Goodman were absent.

30. Conduct a public hearing for the limited purpose annexation of the following annexation area:
McKinney Falls East Addition (Approximately 42 acres in Travis County west of Thaxton Road approximately 425 feet south of the intersection of Thaxton Road and Alum Rock Drive).
The public hearing was closed on Council Member Thomas's motion, Council Member Alvarez' second on a 4-0 vote. Council Member Slusher, Council Member Wynn and Mayor Pro Tem Goodman were absent.

The motion to adjourn the meeting at 6:20 p.m. was approved on Council Member Thomas's motion, Council Member Alvarez' second on a 4-0 vote. Council Member Slusher, Council Member Wynn and Mayor Pro Tem Goodman were absent.

The minutes for the Regular Meeting of October 31, 2002 were approved on November 7, 2002 on Council Member Wynn's motion, Council Member Slusher's second on a 7-0 vote.