



**Austin City Council
MINUTES**

**REGULAR MEETING
THURSDAY, NOVEMBER 7, 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, November 7, 2002 in the Board Room at Lower Colorado River Authority Hancock Building, 3700 Lake Austin Boulevard.

Invocation: Barbara Bucklin, Church of the Bridge

Mayor Garcia called the Council Meeting to order at 12:08 p.m.

Mayor Garcia recessed the Council 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 *Travis County Republican Party and Howard Hickman v. City of Austin*, Cause No. A-02-CA-664JN in the U.S. District Court, Western District.

Item #2 was discussed later in Executive Session.

3. Discuss legal issues relating to labor negotiations for a Meet and Confer contract with the Austin Professional Fire Fighters Association.

Executive Session ended at 1:30 p.m.

Mayor Garcia called the Council Meeting to order at 1:33 p.m.

CITIZEN COMMUNICATIONS: GENERAL

4. Jimmy Castro - Commuter Rail
5. Gus Pena - (1) To Push for Transitional Housing for Homeless Families plus Affordable Housing. To remember and recognize all Military Veterans who gave a lot and made and paid the Ultimate Price and Sacrifice for Freedom, Justice Equality. We want a Hand Up Not A Hand Out. Please Help A Veteran In Need.
6. Maxine Barkan - League of women voters Invitation legislative reception
7. Colin Clark - Public Process
8. Robert L. Thomas - To discuss land acquisition and employment for builders and sportsmen at the Rosewood Recreation Center

CONSENT AGENDA

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

9. Approval of minutes from worksession of October 30, 2002 and regular meeting of October 31, 2002.

The motion authorizing the approval of minutes from worksession of October 30, 2002 and regular meeting of October 31, 2002 was approved

Item #10 was pulled for discussion.

11. Approve an ordinance to amend Ordinance 020909-02 and 020910-01, the Operating and Capital Budgets for the Electric Utility Department, respectively, by increasing revenue estimates by \$1,872,455 and appropriations in the Electric Utility Operating Budget for current revenue transfers to its capital improvements program by \$1,872,455 and increasing appropriations in the Electric Utility Capital budget by \$1,872,455 for Transmission group with funding from increased current revenue transfers. (Funding is available in the 2002-2003 Approved Operating Budget of the Electric Utility Department, contingent upon the sale of assets in a related Council action. \$1,872,455 increase in appropriations to the 2002-2003 Approved Capital Budget of the Electric Utility Department. (Recommended by Electric Utility Commission)
(Related Item Nos. 12 and 13)
Ordinance No. 021107-11 was approved.
12. Approve negotiation and execution of an agreement with LCRA TRANSMISSION SERVICES CORPORATION, Austin, Texas, for the sale of Austin Energy substation transmission line terminal breakers and associated equipment at the Garfield Substation in an amount not to exceed \$1,872,455.20. (\$1,872,455.20 to be received from LCRA.) (Recommended by Electric Utility Commission) (Related Item Nos. 11 and 13)
The motion authorizing the negotiation and execution of an agreement was approved.
13. Approve negotiation and execution of an Agreement with LCRA TRANSMISSION SERVICES CORPORATION, Austin, Texas, for the purchase of LCRA substation equipment at Balcones Research Center Substation in an amount not to exceed \$1,041,110.35. (Funding is available in the 2002-2003 Amended Capital Budget of the Electric Utility Department. (Recommended by Electric Utility Commission) (Related Item Nos. 11 and 12)
The motion authorizing the negotiation and execution of an agreement was approved.

14. Approve execution of a construction contract with LAMBDA CONSTRUCTION, I, LTD, New Braunfels, Texas, for construction of the Unit Substation Additions at Bee Creek, Hi-Cross, & Trading Post Substations in an amount not to exceed \$966,076. (Funding is available in the 2002-2003 Amended Capital Budget of the Electric Utility Department.) Low bid/six bids received. 3.43% MBE, 0% WBE subcontracting participation. (Recommended by Electric Utility Commission)
The motion authorizing the execution of a construction contract was approved.
15. Approve assessment rate and proposed 2003 assessment roll for the Austin Downtown Public Improvement District (PID). (The 2003 assessment rate of \$0.10/\$100 valuation is estimated to produce \$1,422,110 at a 96% collection rate.) (Related Item Nos. 16 and 40)
Ordinance No. 021107-15 was approved.
16. Approve the Downtown Austin Alliance Service Plan and Budget for 2003-2004. [The Downtown Austin Alliance submitted a 2003-2004 budget for the PID in the amount of \$1,573,186. This will be funded from total of \$1,673,186 through \$1,422,110 in 2003 assessments (at a 96% collection rate), \$101,076 from higher collections in 2002, interest accrued in the PID Account and late payments; and a \$150,000 annual contribution from the City of Austin (\$75,000 Austin Convention Center Fund, and \$75,000 in the Water & Wastewater Utility Fund). Appropriation of the \$1,673,186 in the Economic Growth and Redevelopment Services Department Special Revenue Fund will require City Council authorization, and possible adjustment, after the assessment roll hearing on December 5, 2002. The balance of \$100,000 is a reserve for revenue adjustments to the assessment roll.] (Related Item Nos. 15 and 40)
Resolution No. 021107-16 was approved.
17. Approve execution of a construction contract with TOTAL ROOFING, Austin, Texas, for roof replacement at Fleet Services Service Center 6, in an amount not to exceed \$65,458. [Funding was included in the 2001-2002 Approved Capital Budget of General Government (Fleet General Improvements)]. 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. 34.15% MBE, .36% WBE subcontracting participation.
The motion authorizing the execution of a construction contract was approved.
18. Approve the negotiation and execution of an Interlocal Agreement with the Capital Area Planning Council (CAPCO) for the purpose of acquiring aerial photography, planimetrics (vectorization of physical features) and contour (topographic) data through the existing contract between CAPCO and Sanborn Mapping, Inc. in an amount not to exceed \$1,600,000. [Funding is included in the Capital Budget of the Financial and Administrative Services Department, Communications and Technical Management (CATM) Office.]
Resolution No. 021107-18 was approved.

Item 19 was pulled for discussion.

20. Approve an ordinance authorizing acceptance of an additional \$12,685 in grant funds from the U.S. Department of Health and Human Services, Ryan White Title III Early Intervention Services grant program, and amending Ordinance No. 020910-01, the Fiscal Year 2002-2003 Approved Operating Budget, by appropriating an additional \$12,685 in grant funds for the Health and Human Services Department Special Revenue Fund, for a total grant amount of \$997,685. (Funding in the amount of \$12,685 is available from the U.S. Department of Health and Human Services, Ryan White Title III Early Intervention Services grant. The grant period is January 1, 2002 through December 31, 2002. Total grant amount is \$997,685. No City match is required.)
Ordinance No. 021107-20 was approved.

Items 21-23 were pulled for discussion.

24. C14-02-0119 – Approve second/third reading of an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 9901 Brodie Lane (Slaughter Creek Watershed) from GR-CO, Community Commercial-Conditional Overlay Combining district, zoning to CS-1-CO, Commercial-Liquor Sales-Conditional Overlay Combining district, zoning. First Reading on October 10, 2002; Vote: 7-0. Conditions met as follows: Conditional Overlay incorporates the conditions approved or accepted by Council at first ordinance reading. Applicant and Property Owner: Hollow Retail Partners LTD (Chris Ellis). Agent: Crocker Consultants (Sarah Crocker). City Staff: Wendy Walsh, 974-7719.
Ordinance No. 021107-24 was approved.

25. C14-02-0141 – Approve second/third reading of an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 6030 U.S. Highway 290 West from DR, Development Reserve district, zoning to GR-CO, Community Commercial-Conditional Overlay Combining district, zoning. First Reading on October 24, 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 Agent: Kal Zare. City Staff: Annick Beudet, 974-2975.
Ordinance No. 021107-25 was approved.

Items 26-27 were pulled for discussion.

28. Approve execution of a 12-month service agreement with MAJESTIKLEEN INC., (MBE/MA, 100%) to provide janitorial services at Waller Creek for the Water and Wastewater Utility, in an amount not to exceed \$73,080 with two 12-month extension options in an amount not to exceed \$73,080 per extension, for a total contract amount not to exceed \$219,240 (Funding in the amount of \$66,990 is available in the 2002-2003 Approved Operating Budget of the Water and Wastewater Utility. Funding for the remaining one month of the original contract period and extension options will be contingent upon available funding in future budgets.) Low bid/nine bids received. This contract will be awarded in accordance with the 1996 MBE/WBE Ordinance, as amended. No subcontracting opportunities were identified; therefore, no goals were established.
The motion authorizing the execution of a service agreement was approved.
29. Approve execution of a 24-month supply agreement with STOCKHAUSEN, INC., Greensboro, North Carolina, to provide polymer for sludge dewatering for the Water and Wastewater Utility, in an amount not to exceed \$66,024 with one 12-month extension options in an amount not to exceed \$33,012, for a total contract amount not to exceed \$99,036. (Funding in the amount of \$30,261 is available in the 2002-2003 Approved Operating Budget of the Water and Wastewater

Utility. Funding for the remaining thirteen months of the original contract period and extension option will be contingent upon available funding in future budgets.) Low bid/five bids received. This contract will be awarded in accordance with the 1996 MBE/WBE Ordinance, as amended. No subcontracting opportunities were identified; therefore, no goals were established.

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

30. Approve execution of a construction contract award with AARON CONCRETE CONTRACTORS, INC., (MBE/MH, 39.35%), Austin, Texas, for street and drainage improvements at the intersection of Brodie Lane and Slaughter Lane, in the amount of \$975,793.52. (Funding in an amount not to exceed \$934,980.32 is included in the 2000-2001 Capital Budget of the Transportation, Planning and Sustainability Department; \$32,983.20 is included in the 2002-2003 Capital Budget of the Water and Wastewater Utility; and \$7,830 is included in the 2002-2003 Capital Budget of the Water and Wastewater Utility.) Lowest of four bids received. 16.06% MBE, 41.34% WBE subcontracting participation.
- The motion authorizing the execution of a construction contract award was approved.**

31. Approve execution of a construction contract award with ALLSTATE SERVICES, LTD., Del Valle, Texas, for street and drainage improvements at the intersection of Airport Boulevard, Bolm Road, and Shady Lane, in an amount not to exceed \$528,305.83. (Funding is included in the 1999-2000 Amended Capital Budget of the Transportation, Planning and Sustainability Department. Lowest bid of three bids received. 8.57% MBE, 35.59% WBE subcontracting participation.
- The motion authorizing the execution of a construction contract award was approved.**

Item 32 was set for a time certain of 6:30 p.m.

33. 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)
- Resolution No. 021107-33 was approved.**

34. Appointments to Boards and Commissions.
The following appointments were made:

<u>Board/ Appointee</u>	<u>Consensus/ Council Nominee</u>	<u>Appointment/ Reappointment</u>
<u>Commission on Immigrant Affairs</u> Leo Anchondo	Consensus	Appointment
<u>Design Commission</u> Joan Hyde Holly Kincannon	Council Member Dunkerley's Mayor Pro Tem Goodman's	Reappointment Appointment
<u>Electrical Board</u> Alice McFarland	Council Member Dunkerley's	Appointment

Urban Forestry Board

Joyce Basciano

Mayor Garcia's

Reappointment

Austin-San Antonio Rail Corridor Council

Sid Covington

Consensus

Appointment

35. Approve an ordinance waiving the signature requirements under City Code Chapter 15-11 in connection with the Motorola Breakfast Run to be held on February 15, 2003. (Council Member Will Wynn and Council Member Betty Dunkerley)
Ordinance No. 021107-35 was approved.
36. Approve an ordinance waiving the signature requirements under City Code Chapter 15-11 in connection with the Motorola Marathon to be held on February 16, 2003. (Council Member Will Wynn and Council Member Betty Dunkerley)
Ordinance No. 021107-36 was approved.
37. Approve an ordinance creating an advisory board for the Mexican American Cultural Center (MACC). (Council Member Raul Alvarez and Mayor Gus Garcia)
Ordinance No. 021107-37 was approved.
38. Approve an ordinance authorizing reimbursement of fees paid under the City's Budget Ordinance, Ordinance No. 020910-04 in connection with the Komen Austin Race for the Cure held on November 3, 2002. (Council Member Daryl Slusher and Mayor Pro Tem Jackie Goodman)
Ordinance No. 021107-38 was approved.
39. Approve an ordinance authorizing the waiver of fees to be paid under the City's Budget Ordinance, Ordinance No. 020910-04 in connection with the Juvenile Diabetes Research Foundation Ride to Cure Diabetes to be held on November 10, 2002. (Council Member Daryl Slusher and Mayor Pro Tem Jackie Goodman)
Ordinance No. 021107-39 was approved.
40. Set a public hearing on the Austin Downtown Public Improvement District (PID) 2003 assessments on December 5, 2002. (The proposed 2003 assessment rate at \$0.10/\$100 valuation is estimated to produce \$1,422,110 at a 96% collection rate.) (Suggested Date and Time: December 5, 2002 at 6:00 p.m.) (Related Item Nos. 15 and 16)
Public hearing was set for December 5, 2002 at 6:00 p.m.

Items 41 – 44 were public hearings scheduled for 6:00 p.m.

Item 45 was an Executive Session item discussed later in the meeting

46. Authorize execution of an amendment to the legal services agreement with George & Donaldson, L.L.P., Austin, Texas, in *Travis County Republican Party and Howard A. Hickman v COA*; Cause No. A-02-CA-664-JN; In the United States District Court for the Western District of Texas, Austin Division, for an increase of \$84,000, with a total contract amount not to exceed \$114,000. (Funding in the amount of \$84,000 is available in the 2002-2003 Approved Operating Budget of the Liability Reserve Fund.)
The motion authorizing the execution of an amendment to the legal services agreement was approved.

Mayor Garcia recessed the Council Meeting at 2:12 p.m. to go into Executive Session

EXECUTIVE SESSION

45. Discuss legal issues related to lease of Brackenridge Hospital and Children's Hospital of Austin.

Mayor Garcia announced that item 19 would also be discussed in Executive Session.

Executive Session ended and Mayor Garcia called the Council Meeting back to order at 3:53 p.m.

Mayor Garcia recessed the Council Meeting at 3:54 p.m.

BOARD OF DIRECTORS' MEETING OF AUSTIN HOUSING FINANCE CORPORATION

Mayor Garcia called the Board of Directors' Meeting of the Austin Housing Finance Corporation to order at 3:54 p.m. See separate minutes.

Mayor Garcia recessed the Board of Directors' Meeting of the Austin Housing Finance Corporation at 4:00 p.m.

Mayor Garcia called the Council Meeting back to order at 4:01 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 Thomas' motion, Council Member Wynn's second on a 7-0 vote.

Item Z1 was pulled for discussion.

Z-2. C14H-02-0010 - Negro Agricultural Extension Office - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 1154 Lydia Street (Town Lake Watershed) from CS-1-NCCD-NP, Commercial Liquor Sales-Neighborhood Conservation-Neighborhood Plan Combining district, zoning to CS-1-H-NCCD-NP, Commercial Services Liquor Sales-Historic-Neighborhood Conservation-Neighborhood Plan combining district, zoning. Applicant: City of Austin Historic Landmark Commission. Property Owner: Austin Revitalization Authority (Byron Marshall). City Staff: Barbara Stocklin, Transportation and Sustainability Department, 974-2414.

The first reading of the ordinance for CS-1-H-NCCD-NP district zoning was approved.

Z-3. C14H-02-0012 - Walsh House - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 3701 Bonnie Road (Lake Austin Watershed) from SF-3, Family Residence district, zoning to SF-3-H, Family Residence district-Historic-Combining district, zoning. Zoning and Platting Commission: To grant SF-3-H, Family Residence-Historic-Combining district, zoning. Historic Landmark Commission Recommendation: To grant SF-3-H, Family Residence-Historic-Combining district, zoning. Applicant and Property Owner: Jason Blake Tollett. City Staff: Barbara Stocklin, Transportation and Sustainability Department, 974-2414.

Ordinance No. 021107-Z3 for SF-3-H district zoning was approved.

- Z-4. C14H-02-0013 - Dawson-Robbins House - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 1912 South Fifth Street (West Bouldin Creek Watershed) from SF-3-NP, Family Residence-Neighborhood Plan Combining district, zoning to SF-3-H-NP, Family Residence-Historic-Neighborhood Plan combining district, zoning. Planning Commission: To grant SF-3-H-NP, Family Residence-Historic-Neighborhood Plan Combining district, zoning. Historic Landmark Commission Recommendation: To grant SF-3-H-NP, Family Residence-Historic-Neighborhood Plan Combining district, zoning. Applicant and Property Owner: Robert F. Biard. City Staff: Barbara Stocklin, Transportation and Sustainability Department, 974-2414.
Ordinance No. 021107-Z4 for SF-3-H-NP district zoning was approved.
- Z-5. C14H-02-0014 - Tucker-Haskell House - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 1703 Waterston Avenue (Town Lake Watershed) from SF-3-NP, Family Residence-Neighborhood Plan Combining district, zoning to P-H-NP, Public-Historic-Neighborhood Plan Combining district, zoning. Planning Commission: To grant P-H-NP, Public-Historic-Neighborhood Plan combining district, zoning. Historic Landmark Commission Recommendation: To grant P-H-NP, Public-Neighborhood Plan Combining district, zoning. Applicant: City of Austin Historic Landmark Commission. Property Owner: City of Austin (PARD). City Staff: Barbara Stocklin, Transportation and Sustainability Department, 974-2414.
Ordinance No. 021107-Z5 for P-H-NP district zoning was approved.
- PARD was directed to send memo to Council with explanation about the Buffalo Soldiers, and status of PARD's budget to restore the Tucker-Haskell House.**
- Z-6. C14H-02-0017 - Gatewood House - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 2900 Tarry Trail (Taylor Slough South) from SF-3, Family Residence, zoning to SF-3-H, Family Residence-Historic-Combining district, zoning. Zoning and Platting Commission: To grant SF-3-H, Family Residence-Historic-Combining district, zoning. Historic Landmark Commission Recommendation: To grant SF-3-H, Family Residence-Historic-Combining district, zoning. Applicants and Property Owners: Rebecca and Stanley Mark Powell. City Staff: Barbara Stocklin, Transportation and Sustainability Department, 974-2414.
Ordinance No. 021107-Z6 for SF-3-H district zoning was approved.
- Z-7. C14H-02-0018 - Stacy House - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 1201 Travis Heights Boulevard (Town Lake Watershed) from SF-3, Family Residence district, zoning to SF-3-H, Family Residence District-Historic-Combining district, zoning. Zoning and Platting Commission: To grant SF-3-H, Family Residence-Historic-Combining district, zoning. Historic Landmark Commission Recommendation: To grant SF-3-H, Family Residence-Historic -Combining district, zoning. Applicants and Property Owners: Gordon Alexander and Anne Neumann. City Staff: Barbara Stocklin, Transportation and Sustainability Department, 974-2414.
Ordinance No. 021107-Z7 for SF-3-H district zoning was approved.
- Z-8. C14H-02-0019 - Dawson-Crow House - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 1200 South Fifth Street (Town Lake Watershed) from SF-3-NP, Family Residence-Neighborhood Plan Combining district, zoning to SF-3-H-NP, Family Residence-Historic-Neighborhood Plan

combining district, zoning. Planning Commission: To grant SF-3-H-NP, Family Residence-Historic-Neighborhood Plan-Combining district, zoning. Historic Landmark Commission Recommendation: To grant SF-3-H-NP, Family Residence-Historic-Neighborhood Plan-Combining district, zoning. Applicants and Property Owners: Jack Otis Moore and Molly T. White. City Staff: Barbara Stocklin, Transportation and Sustainability Department, 974-2414. **Ordinance No. 021107-Z8 for SF-3-H-NP district zoning was approved.**

Items Z9-Z12 were pulled for discussion.

Z-13. NPA-02-0005.01 – Montopolis Neighborhood Plan Amendment – Conduct a public hearing to consider amending the Montopolis Neighborhood Plan and the Austin Tomorrow Plan to revise the Future Land Use Map to change the use of a portion of the “Steiner Tract” located at 7300-7320 Riverside Drive from Office to Multifamily Residential. Planning Commission Recommendation: No recommendation. Property Owner: T.C. Steiner and Son (Robert Steiner). Agent: Minter, Joseph, & Thornhill, P.C. (John M. Joseph). City Staff: Annick Beaudet, 974-2975.

This item was postponed to November 21, 2002 at staff’s request.

Z-14. C14-01-0010 – Steiner Tract - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 7300-7320 Riverside Drive and 900 Bastrop Highway from SF-2, Single Family Standard Lot district, zoning and SF-3, Family Residence district, zoning to MF-3-NP, Multifamily Residence Medium Density-Neighborhood Plan Combining district, zoning and CS-NP, General Commercial Services-Neighborhood Plan Combining district, zoning. Zoning and Platting Commission Recommendation: To recommend MF-3-CO-NP, Multifamily Residence-Medium Density-Conditional Overlay-Neighborhood Plan Combining district, zoning for Tract 1 and Tract 2, and CS-NP, General Commercial Services-Neighborhood Plan Combining district, zoning for Tract 3 with conditions. Applicant and Property Owner: T.C. Steiner and Son (Robert Steiner). Agent: Minter, Joseph, & Thornhill, P.C. (John M. Joseph). City Staff: Annick Beaudet, 974-2975.

This item was postponed to November 21, 2002 at staff’s request.

ZONING DISCUSSION ITEMS

Z-10. 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.

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

This item was postponed indefinitely on Mayor Pro Tem Goodman’s motion, Council Member Slusher’s second on a 7-0 vote.

Mayor Garcia recessed the Council Meeting at 5:18 p.m. for Live Music and Proclamations.

Mayor Garcia called the Council Meeting back to order at 6:20 p.m.

DISCUSSION ITEMS

23. C14-02-0079 - Stone Tract - Approve second reading of an ordinance amending Chapter 25-2 of the Austin City Code by zoning property locally known as 9601-9641 South Chisholm Trail (Slaughter Creek Watershed) from I-RR, Interim-Rural Residence district, zoning to SF-1, Single Family Residence Large Lot district, zoning as amended by the applicant from the original request of SF-3, Family Residence district, zoning. City Council approved RR, Rural Residence district, zoning on first reading. First Reading on October 10, 2002; Vote: 5-2, Wynn and Dunkerley-nay. Applicant: Bobby and Betty Stone. Agent: Land Strategies, Inc. (Paul W. Linehan). City Staff: Sherri Gager, 974-3057.
- This item was postponed to December 5, 2002 on Council Member Slusher's motion, Council Member Dunkerley's second on a 7-0 vote.**

ZONING DISCUSSION ITEMS

- Z-11. EAST MLK COMBINED NEIGHBORHOOD PLAN - Conduct a public hearing and consider an ordinance amending the Austin Tomorrow Comprehensive Plan by adopting the East MLK Combined Neighborhood Plan for the area bounded by Airport Blvd. on the west, Manor Rd and Loyola Lane on the north, former MO-KAN Railroad right-of-way on the east, and the Austin & NW Railroad on the south. (There is no fiscal impact associated with adopting the East MLK Combined Neighborhood Plan. An estimate of the fiscal impact to implement all of the recommendations in the plan is \$15,362,840. This plan is advisory and does not legally obligate the Council to implement any particular recommendation.)
- The public hearing was closed on Council Member Thomas' motion, Council Member Slusher's second on a 6-0 vote. Council Member Wynn was off the dais.**

Ordinance No. 021107-Z11 was approved with the following supplemental motions on Council Member Thomas's motion, Council Member Slusher's second, on a 6-0 vote. Council Member Wynn was off the dais.

The supplemental motions were approved on Mayor Goodman's motion, Council Member Thomas' second on a 7-0 vote. The amendments were:

- **Direct the Planning Commission and staff to explore amendments to the Land Development Code regarding changes to site development standards and design issues as a part of the Zoning/Land Development Process citywide (requesting expedited time frame);**
- **Direct staff, in conjunction with the neighborhood planning team and neighborhood associations, to contact property owners of undeveloped SF-3 lots in the MLK, METSA, Cedar Valley, Truman Heights, Stonegate and Oaklawn neighborhoods about the proposed resolution of duplex impact, brought forward in the neighborhood plan recommendations, to rezone SF-3 lots to SF-2;**
- **Staff will report on the results of discussions with affected participants regarding solutions to negative duplex impact to the neighborhoods, including recommendations to rezone SF-3 lots in specifically designated areas with the neighborhood planning area boundaries, at the Council Meeting of January 9, 2003;**

- **Direct staff to coordinate with other departments to address property owner cleanup and code compliance.**

Z-12. C14-02-0142 -- EAST MLK COMBINED NEIGHBORHOOD PLAN REZONINGS -- Conduct a public hearing and approve an ordinance amending Chapter 25 of the Austin City Code by rezoning property known as the East MLK Combined Neighborhood Plan area, bounded on the north by Little Walnut Creek, Ed Bluestein Boulevard, and Loyola Lane, on the west by Manor Road, Anchor Lane, and Airport Boulevard, and on the south and east by the Missouri-Kansas Railroad right-of-way (Walnut, Little Walnut, Fort Branch, Tannehill Branch, and Boggy Creek Watersheds). The proposed zoning change will create three Neighborhood Plan Combining Districts (NPCD) covering the entire area. The proposed zoning change will: 1) add a Neighborhood Plan Combining District (NPCD) to each base zoning district; 2) permit the neighborhood urban center special use on Tracts 1, 2, 15, 16, 21, 22, 26-28, 105, 110, 133, 139, 140, 143, 145, 146, 154, 159, 222 and 233; 3) permit the neighborhood mixed use building special use on Tracts 1-3, 5-8, 14-17, 20-22, 26, 27, 29, 31-35, 101-103, 105, 110, 114, 115, 117-119, 122-124, 127, 130, 139, 140, 143, 151-155, 159, 201, 208-237, 244-248, 254, 259, 260 and 267; 4) permit the residential infill special use on Tracts 4, 11, 18, 19, 23-25, 30, 104, 112, 113, 128, 129, 141, 142, 154, 156, 157, 159, 203, 205-207, 243, 249, 250, 257, and 263; 5) permit the cottage, urban home, and secondary apartment special uses in 3 sub-districts; 6) permit the small lot amnesty special use; and 7) change the base zoning districts on 157 tracts of land from: SF-2, Single Family Residence Standard Lot district; SF-3, Family Residence district; I-SF-3, Interim-Family Residence district; SF-6, Townhouse & Condominium Residence district; MF-2, Multi-Family Residence Low Density district; MF-3, Multi-Family Residence Medium Density district; NO, Neighborhood Office district; LO, Limited Office district; GO, General Office district; LR, Neighborhood Commercial district; LR-CO, Neighborhood Commercial-Conditional Overlay Combining district; GR, Community Commercial district; GR-CO, Community Commercial-Conditional Overlay Combining district; CS, General Commercial Services district; CS-CO, General Commercial Services-Conditional Overlay Combining district; CS-1, Commercial Liquor Sales district; IP, Industrial Park district; LI, Limited Industrial Services district; LI-CO, Limited Industrial Services-Conditional Overlay Combining district; PUD, Planned Unit Development district, zoning; to: SF-3-NP, Family Residence-Neighborhood Plan Combining district; SF-4A-NP, Single Family Residence Small Lot-Neighborhood Plan Combining district; SF-6-NP, Townhouse & Condominium Residence-Neighborhood Plan Combining district; MF-2-NP, Multi-Family Residence Low Density-Neighborhood Plan Combining district; MF-3-NP, Multi-Family Residence Medium Density-Neighborhood Plan Combining district; MF-3-CO-NP, Multi-Family Residence Medium Density-Conditional Overlay-Neighborhood Plan Combining district; NO-MU-NP, Neighborhood Office-Mixed Use-Neighborhood Plan Combining district; LO-MU-NP, Limited Office-Mixed Use-Neighborhood Plan Combining district; GO-NP, General Office-Neighborhood Plan Combining district; LR-NP, Neighborhood Commercial-Neighborhood Plan Combining district; LR-CO-NP, Neighborhood Commercial-Conditional Overlay-Neighborhood Plan Combining district; LR-MU-NP, Neighborhood Commercial-Mixed Use-Neighborhood Plan Combining district; GR-NP, Community Commercial-Neighborhood Plan Combining district; GR-CO-NP, Community Commercial-Conditional Overlay-Neighborhood Plan Combining district; GR-MU-NP, Community Commercial-Mixed Use-Neighborhood Plan Combining district); GR-MU-CO-NP, Community Commercial-Mixed Use-Conditional Overlay-Neighborhood Plan Combining district; CS-NP, General Commercial Services-Neighborhood Plan Combining district; CS-CO-NP, General Commercial Services-Conditional Overlay-Neighborhood Plan Combining district; CS-MU-NP, General Commercial Services-Mixed Use-Neighborhood Plan Combining district; CS-1-MU-NP, Commercial Liquor

Sales-Mixed Use-Neighborhood Plan Combining district; IP-NP, Industrial Park-Neighborhood Plan Combining District); LI-NP, Limited Industrial Services-Neighborhood Plan Combining district; LI-PDA-NP, Limited Industrial Services-Planned Development Area-Neighborhood Plan Combining district; PUD-NP, Planned Unit Development-Neighborhood Plan Combining district; P-NP, Public-Neighborhood Plan Combining district, zoning. Planning Commission Recommendation: To grant SF-3-NP, Family Residence-Neighborhood Plan Combining district; SF-4A-NP, Single Family Residence Small Lot-Neighborhood Plan Combining district; SF-6-NP, Townhouse & Condominium Residence-Neighborhood Plan Combining district; MF-2-NP, Multi-Family Residence Low Density-Neighborhood Plan Combining district; MF-3-NP, Multi-Family Residence Medium Density-Neighborhood Plan Combining district; MF-3-CO-NP, Multi-Family Residence Medium Density-Conditional Overlay-Neighborhood Plan Combining district; NO-MU-NP, Neighborhood Office-Mixed Use-Neighborhood Plan Combining district; LO-MU-NP, Limited Office-Mixed Use-Neighborhood Plan Combining district; GO-NP, General Office-Neighborhood Plan Combining district; LR-NP, Neighborhood Commercial-Neighborhood Plan Combining district; LR-CO-NP, Neighborhood Commercial-Conditional Overlay-Neighborhood Plan Combining district; LR-MU-NP, Neighborhood Commercial-Mixed Use-Neighborhood Plan Combining district; GR-NP, Community Commercial-Neighborhood Plan Combining district; GR-CO-NP, Community Commercial-Conditional Overlay-Neighborhood Plan Combining district; GR-MU-NP, Community Commercial-Mixed Use-Neighborhood Plan Combining district); GR-MU-CO-NP, Community Commercial-Mixed Use-Conditional Overlay-Neighborhood Plan Combining district; CS-NP, General Commercial Services-Neighborhood Plan Combining district; CS-CO-NP, General Commercial Services-Conditional Overlay-Neighborhood Plan Combining district; CS-MU-NP, General Commercial Services-Mixed Use-Neighborhood Plan Combining district; CS-1-MU-NP, Commercial Liquor Sales-Mixed Use-Neighborhood Plan Combining district; IP-NP, Industrial Park-Neighborhood Plan Combining District); LI-NP, Limited Industrial Services-Neighborhood Plan Combining district; LI-PDA-NP, Limited Industrial Services-Planned Development Area-Neighborhood Plan Combining district; PUD-NP, Planned Unit Development-Neighborhood Plan Combining district; P-NP, Public-Neighborhood Plan Combining district, zoning with conditions on Tracts 5, 6, 8, 15, 16, 17, 20, 22, 26, 27, 28B, 29, 110, 145B, 146, 208, 209, and 235. Applicant: City of Austin. Agent: Neighborhood Planning and Zoning Department. City Staff: Sue Hounsel, Neighborhood Planning & Zoning Department, 974-6564; Glenn Rhoades, Neighborhood Planning & Zoning Department, 974-2775.

The public hearing was closed on Council Member Slusher's motion, Council Member Thomas' second on a 6-0 vote. Council Member Wynn was off the dais.

Ordinances 021107-Z12(A), 021107-Z12(B) and 021107-Z12(C) were approved adopting the Pecan Springs-Springdale, MLK-183 and MLK Plan, as recommended by the Planning Commission on Mayor Pro Tem Goodman's motion, Council Member Thomas's second, on a 7-0 vote.

PUBLIC HEARINGS AND POSSIBLE ACTION

41. Conduct a public hearing and grant a wastewater use agreement to allow the construction of the Taylor Branch Gravity Interceptor through dedicated parkland known as Mayfield Park in accordance with Sec. 26.001 et seq. of the Texas Parks and Wildlife Code. (All costs associated with the interceptor as well as any parkland restoration will be paid by the requestor under a previously approved CIP.) (Recommended by Parks and Recreation Board)

The public hearing was closed and Resolution No. 021107-41 was approved on Council Member Thomas's motion, Council Member Wynn's second on a 5-0 vote. Council Member Alvarez and Council Member Dunkerley were off the dais.

42. Conduct a public hearing and grant a wastewater use agreement to allow the construction of Lower Williamson Wastewater Interceptor through dedicated parkland known as Williamson Creek Park 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 under a previously approved CIP project.) (Recommended by Parks and Recreation Board)
The public hearing was closed and Resolution No. 021107-42 was approved on Council Member Thomas's motion, Council Member Wynn's second on a 5-0 vote. Council Member Alvarez and Council Member Dunkerley were off the dais.
43. Conduct a public hearing and approve a 12-inch wastewater line through dedicated parkland known as Shoal Creek Greenbelt 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 under a previously approved CIP project.)
The public hearing was closed and Resolution No. 021107-43 was approved on Council Member Thomas's motion, Council Member Wynn's second on a 5-0 vote. Council Member Alvarez and Council Member Dunkerley were off the dais.

ZONING DISCUSSION ITEMS

- Z-1. C14H-01-0011 - Raymond House - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 419 Congress Avenue (Town Lake Watershed) from CBD, Central Business District, zoning to CBD-H, Central Business District-Historic Combining district, zoning. Zoning and Platting Commission: To grant CBD-H, Central Business District-Historic combining district, zoning. Historic Landmark Commission Recommendation: To grant CBD-H, Central Business District-Historic combining district, zoning. Applicant: City of Austin Historic Landmark Commission. Property Owner: Mexicarte Museum (Sylvia Orozco). City Staff: Barbara Stocklin, Transportation and Sustainability Department, 974-2414. (Continued from 10/24/02)
The public hearing was closed on Council Member Thomas' motion, Council Member Slusher's second on a 7-0 vote.

The motion to approve historic zoning failed on Council Member Wynn's motion, Mayor Pro Tem Goodman's second on a 2-4-1 vote. Those who voted aye were: Mayor Pro Tem Goodman and Council Member Wynn. Those who voted nay were: Mayor Garcia, Council Members Alvarez, Slusher and Thomas. Council Member Dunkerley abstained.

Mayor Garcia recessed the Council Meeting at 9:15 p.m. to go into Executive Session.

EXECUTIVE SESSION

2. Discuss legal issues related to *John Mount, et al. v. City of Austin, Cause Number 95-14287*, in the 261st Judicial District Court of Travis County, Texas (concerns pay issues for certain APD officers).

Executive Session ended and Mayor Garcia called the Council Meeting back to order at 9:26 p.m.

DISCUSSION ITEMS

10. Approve an ordinance authorizing settlement in *John Mount, et al. v. City of Austin, Cause Number 95-14287*, in the 261st Judicial District Court of Travis County, Texas. (Concerns pay issues for certain APD officers).
Ordinance No. 021107-10 authorizing a settlement in the amount of \$2,253,394 was approved on Council Member Wynn's motion, Council Member Dunkerley's second, on a 6-0 vote. Council Member Thomas abstained because he would benefit from this settlement.
44. Conduct a public hearing regarding a proposed strategic partnership agreement (SPA) between the City of Austin and the Springwoods Municipal Utility District (approximately 468 acres west of the intersection of Pond Springs Road and Anderson Mill Road)
The public hearing was closed on Mayor Pro Tem Goodman's motion, Council Member Alvarez' second on a 7-0 vote.
26. Ratify a contract with AMERICAN EXPRESS CO (AMEXCO), New York NY, for bank card acceptance services for various City offices in an amount of \$1,773,318, and for an increase of \$123,845, and approve three 12-month extension options in an amount not to exceed \$495,381 per extension for a total not to exceed amount of \$1,486,143, for a revised total contract amount not to exceed \$3,383,306. (Funding in the amount of \$454,099 is available in the Approved 2002-2003 Operating Budgets of various departments. Funding for the remaining one month of the contract period and for the extension options is contingent upon available funding in future budgets.) Sole Source. This contract was awarded in accordance with the 1996 MBE/WBE Ordinance, as amended. No subcontracting opportunities were identified; therefore, no goals were established.
Mayor Pro Tem Goodman, Presiding Officer, recognized Mayor Garcia for the following action. The motion authorizing a contract was approved on Mayor Garcia's motion, Council Member Dunkerley's second on a 7-0 vote.
27. Ratify an amendment to increase the contract amount with RETRIEVER SALES POINT SYSTEMS, INC., Conroe, Texas, to provide credit card processing services for various City offices in an amount of \$2,517,895, and approve a contract extension in the amount of \$458,333, for a revised total contract amount not to exceed \$3,653,082. (Funding in the amount of \$458,333 is available in the 2002-2003 Approved Operating Budgets of various user departments.) This contract was awarded in accordance with the 1996 MBE/WBE Ordinance, as amended. No subcontracting opportunities were identified; therefore, no goals were established.
Mayor Pro Tem Goodman, Presiding Officer, recognized Mayor Garcia for the following action. The motion authorizing an amendment to increase the contract amount was approved on Mayor Garcia's motion, Council Member Dunkerley's second on a 7-0 vote.

The motion was approved to allow Council to meet after 10 p.m. on Council Member Thomas' motion, Council Member Dunkerley's second on a 7-0 vote.

ZONING DISCUSSION ITEMS

- Z-9. C14-02-0093 – Plaza Amistad – Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by amending property locally known as 5100 East 7th Street from LI, Limited Industrial Services district, zoning to CS-1, Commercial-Liquor Sales district, zoning. Planning Commission Recommendation: To recommend CS-CO, General Commercial Services-Conditional Overlay Combining district, zoning. Applicant and Property Owner: Pedro SS Services, Inc. (Rosa Santis). Agent: Morales & Associates (Ponciano Morales). City Staff: Annick Beaudet, 974-2975.
The public hearing was closed on Council Member Slusher's motion, Mayor Pro Tem Goodman's second on a 7-0 vote.

The first reading of the ordinance approving staff's recommendation for CS-1-CO for Tract 1 and CS-CO for Tract 2, and limiting trips to 2000/day, was approved, with the following friendly amendment on Council Member Slusher's motion, Council Member Dunkerley's second on a 5-2 vote. Those voting aye were: Mayor Garcia, Mayor Pro Tem Goodman, and Council Members Dunkerley, Slusher and Wynn. Those voting nay were Council Members Alvarez and Thomas. The friendly amendment from Mayor Garcia was to add a prohibition of cocktail lounges to the conditional overlay. This was accepted by the maker of the motion and Council Member Dunkerley, who seconded the motion.

DISCUSSION ITEMS

19. Approve an ordinance transferring a franchise held by Southern Union Gas Company to Oneok, Inc. (First reading)
The first reading of the ordinance was approved on Council Member Thomas' motion, Council Member Wynn's second, on a 7-0 vote.
21. Consider an ordinance establishing procedures for amending the neighborhood plan elements of the Austin Tomorrow Comprehensive Plan. (Planning Commission adopted a resolution establishing a neighborhood plan amendment process and criteria for employing the process.)
The first reading of the ordinance was approved with the following corrections to the draft ordinance as read by staff on Council Member Dunkerley's motion, Council Member Wynn's second on a 7-0 vote.
- **Part 4**
(B) For a neighborhood plan adopted before the effective date of this ordinance, the director may accept an application to amend the neighborhood plan to establish subdistricts in the neighborhood plan area until November 7, 2003. After November 7, 2003, the director shall process a request to establish subdistricts in accordance with Subsection (A)(2).
 - **Part 7**
(B)(2) sufficient outreach has been conducted;
22. C14-02-0035 – Harmon Tract – 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. (Continued from 8/22/02, 8/29/02, 9/26/02 and 10/24/02)

The second reading of the ordinance was approved on Council Member Dunkerley's motion, Council Member Thomas' second on a 4-3 vote. Those voting aye were: Mayor Garcia, and Council Member Dunkerley, Thomas and Wynn. Those voting nay were Mayor Pro Tem Goodman and Council Members Alvarez and Slusher.

The following draft ordinance language modifying Part 2(2) agreed to by the neighborhood association, the applicant, and City Staff was as follows:

- **A 300-foot wide vegetative buffer shall be provided and maintained along the north property line adjacent to the adjoining residential district. Improvements permitted within the buffer zone are limited to water quality facilities for the irrigation or re-irrigation of stormwater, landscaping, drainage, underground utility improvements or those improvements that may be otherwise required by the City of Austin or specifically authorized in this ordinance.**

32. Approve a resolution authorizing implementation of the Near Term Central Business District (CBD) Transportation Recommendations. (Implementation of all 15 projects recommended in the Near Term CBD Transportation Study would be funded in the following manner: \$5.6 million from the City and \$11.9 million from the 2001 thru 2004 CMTA 1/4 cent rebate.) (Reviewed by Arts in Public Places Panel, Historic Landmark Commission, and Planning Commission; recommended with conditions by Urban Transportation Commission, Parks and Recreation Board, Design Commission, and Downtown Commission; recommended approval of Streetscape Standards by Forestry Board; and recommended denial by Parks Board.)
This item was postponed to November 21, 2002 at 6:30 p.m. on Council Member Thomas's motion, Council Member Wynn's second on a 7-0 vote.

The motion to adjourn the meeting at 1:02 a.m. was approved on Council Member Thomas' motion, Mayor Garcia's second on a 7-0 vote.

The minutes for the Regular Meeting of November 7, 2002 were approved on November 21, 2002 on Council Member Thomas' motion, Council Member Dunkerley's second on a 6-0 vote. Mayor Pro Tem Goodman was absent.