



**Austin City Council
MINUTES**

**REGULAR MEETING
THURSDAY, APRIL 25, 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, April 25, 2002 in the Board Room at Lower Colorado River Authority Hancock Building, 3700 Lake Austin Boulevard.

Mayor Garcia called the meeting to order at 12:11 p.m.

Mayor Garcia recessed the meeting at 12:12 p.m. to go into Executive Session.

EXECUTIVE SESSION

1. Discuss *City of Austin v. Pauwels Canada, Inc., et al.*, Cause No. 98-00300, in the Travis County District Court
2. Discuss Settlement Proposal in *City of Austin, Acting by and through its Electric Utility Department v. Convergent Group Corporation*, Civil No. A-01-CA-202JN, in the United States District Court for the Western District of Texas, Austin Division.

Mayor Garcia announced that items 21 and 22 would also be discussed during Executive Session.

Executive Session ended at 1:45 p.m. Mayor Garcia called the meeting back to order.

CITIZEN COMMUNICATIONS

7. Jimmy Castro - Cinco de Mayo Celebration
8. Gus Pena - Do not cut any services that will adversely affect, impact, or hurt the poor, The Have Nots, and the Disenfranchised Residents of the City of Austin. Need transitional housing for homeless families in the City of Austin.
9. Rolando Pina - Today is National Volunteer Week. Today, Thursday, April 25th, 2002 the USA Coalition and the South Central Austin Neighborhood people invite everyone to a Patriotic front porch candidate forum for the May 4th, 2002 City Council/AISD/ACC election. Sign up today, April 25th at 5:00 p.m. at 807 Cumberland Rd. in South Austin 78704. Scheduled open mike and program will be available. The format will include a one or two minute introduction by candidates

with questions. Also, volunteers from ACC will survey and the City of Austin Public Works will present the South First Reconstruction project due to begin this summer. Swing By Today!

10. Gavino Fernandez - A Hispanic Mayor! Two Hispanics on City Council. Now what? Palm Pool !Que onda! Elect Billy Sifuentes Place 3.
11. Mark Boyden - Day Labor Site – First Worker’s Board of Directors.
12. Joe Quintero - Stop the Gentrification of Guadalupe Neighborhood - **ABSENT**
13. Jennifer Gale - Let’s Keep Austin Austin by electing Jennifer Gale for sound health care, educated law enforcement, safe “Bike Avenues” – elderly and children, Asian, Latino, African European, etc. representation on our Council.

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 Mayor Pro Tem Goodman’s motion, Council Member Wynn’s second by a 7-0 vote.

Item 14 was pulled for discussion.

15. Approve an ordinance amending Section 17-2-233 of the City Code and Ordinance No. 010910-05 to change the permit fees charged to off-airport parking businesses for the privilege of using Austin-Bergstrom International Airport facilities. (Change in fee structure.) (Recommended by Austin Airport Advisory Commission)
Ordinance No. 020425-15 was approved.

Items 16 through 18 were pulled for discussion.

19. Approve a resolution authorizing the implementation of a procedure for the disposition of surplus fire equipment. (Minimal fiscal impact for surplus items less than \$3,500 in fair market value.)
Resolution No. 020425-19 was approved.
20. Approve an ordinance authorizing acceptance of \$10,000 in additional grant funds from the Texas Department of Health for the Diabetes Awareness and Education in the Community grant program; amending Ordinance No.010910-01, the Fiscal Year 2001-2002 Approved Operating Budget for the Health and Human Services Department Special Revenue Fund by appropriating \$10,000 in grant funds, for a total grant amount of \$110,000. (Funding in the amount of \$10,000 is available from the Texas Department of Health, Texas Diabetes Program. The grant period is July 1, 2001 through June 30, 2002. No match is required.)
Ordinance No. 020425-20 was approved.

Items 21 through 22 were pulled for discussion.

23. C14-01-0161 - Approve second/third readings of an ordinance amending Chapter 25-2 of the Austin City Code by zoning property locally known as 13505 RR 620 North (Lake Creek Watershed) from I-SF-2, Interim-Single Family Residence Standard Lot district, zoning to GR-CO, Community Commercial-Conditional Overlay Combining district, zoning. First Reading on February 7, 2002. Vote: 5-0, Griffith and Goodman off dais. Conditions met as follows: Conditional Overlay incorporates the conditions imposed by Council on first ordinance reading.

Agent: Thrower Design (Ron Thrower). City Staff: Sherri Gager, 974-3057. (continued from 3/21/02).

The second reading of this ordinance was approved for NO-CO zoning.

24. Approve a resolution authorizing execution of a construction contract with AUSTIN BRIDGE AND ROAD, LP, Austin, Texas, for street improvements on West Lynn Street and West 34th Street as part of the Group 10 Bond Street Reconstruction project, in an amount not to exceed \$1,166,890, \$58,344.50 contingency, for a total contract amount not to exceed \$1,225,234.50. (Funding in the amounts of \$1,072,410.50 is included in the 2001-2002 Capital Budget of the Department of Public Works; \$97,080 is included in the 2001-2002 Amended Capital Budget of the Water and Wastewater Utility, \$17,895 is available in the 1995-1996 Amended Capital Budget of the Water and Wastewater Utility; \$37,849 is included in the Fiscal Year 2000-2001 Amended Capital Budget of the Transportation, Planning and Sustainability Department.) Lowest of four bids received. 7.34% MBE, 5.79% WBE subcontracting participation.
Resolution No. 020425-24 was approved.

Item 25 was pulled for discussion.

26. Approve a resolution authorizing payment to the TEXAS DEPARTMENT OF TRANSPORTATION for the City's 10% participation of right-of-way acquisition for SH 71, from Woodward Street to FM 973 at Del Valle, in accordance with the June 27, 1986 Agreement for Right-of-Way Procurement, in the amount of \$139,261.50. (Funding is available in the Fiscal Year 2000-2001 Amended Capital Budget of the Transportation Planning & Sustainability Department.)
Resolution No. 020425-26 was approved.
27. Approve a resolution authorizing payment to the TEXAS DEPARTMENT OF TRANSPORTATION for the City's 10% participation of right-of-way acquisition for the U.S. Highway 183 Project, from East of US 290 to S.H. 71, in accordance with the June 27, 1986 Agreement for Right-of-Way Procurement, in the amount of \$225,000. (Funding is available in the Fiscal Year 2000-2001 Amended Capital Budget of the Transportation Planning & Sustainability Department.)
Resolution No. 020425-27 was approved.
28. Set a public hearing to consider approving a use agreement of approximately 6.569 acres (286,130 square feet) to allow construction of the Creek Bend Flood Control Project Phase II 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 project as well as any parkland restoration will be paid by the requestor with previously approved CIP funds.) (Suggested Date and Time: May 23, 2002 at 6:00 p.m.)
Resolution No. 020425-28 was approved.
29. Approve a resolution authorizing the negotiation and execution of a five-month lease with MOTOROLA, INC., Phoenix, Arizona, for 25,300 square feet of office space located at 4101 Ed Bluestein for the Small & Minority Business Resources Department and One Stop Shop Small Business Assistance Center, in an amount not to exceed \$187,500, plus one thirty-one and one-half month extension option in an amount not to exceed \$1,216,230.46, for a total amount not to exceed \$1,403,730.46. (Funding for the first four and one-half months of the contract of \$91,125 is available for Fiscal Year 2001-2002 from Community Development Block Grant funds and \$77,625 is available from the Fiscal Year 2001-2002 Operating Budget of the SMBR Department. The Community Block Development Grant funding's portion of the total authorization would be a not to exceed amount of \$758,014.43 and SMBR's portion of the total authorization would be a not

to exceed amount of \$645,716.03. Funding for the remaining thirty-two months of the original contract period and extension option is contingent upon available funding in future budgets.)

Resolution No. 020425-29 was approved.

Item 30 was pulled for discussion.

31. Approve a resolution authorizing execution of a 12-month service agreement with INFO USA MARKETING, INC., Omaha, NE, for an internet database subscription to Reference USA for the Library Department in an amount not to exceed \$44,995 with two 12-month extension options in an amount not to exceed \$44,995 per extension for a total contract amount not to exceed \$134,985. (Funding in the amount of \$44,995 was included in the 2001-2002 Approved Operating Budget of the Library Department. Funding for the extension options is contingent upon available funding in future budgets.) Sole bidder. 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.

Resolution No. 020425-31 was approved.

Items 32 through 33 were pulled for discussion.

34. Approve a resolution authorizing execution of a contract with TSE INTERNATIONAL INC., Shreveport, Louisiana, for the purchase of design and modification services to an existing conductor tensioning equipment for Austin Energy in the amount of \$48,848. (Funding was included in the 2001-2002 Capital Budget of Austin Energy.) Sole Source. 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.

Resolution No. 020425-34 was approved.

35. Approve a resolution authorizing execution of a 12-month rental agreement with HOLT COMPANY OF TEXAS, Austin, Texas, for the rental of a compact articulated wheel loader for the Solid Waste Services Department (SWS) in an amount not to exceed \$29,400, with two 12-month extension options in an amount not to exceed \$29,400 per extension, for a total contract amount not to exceed \$88,200. (Funding in the amount of \$12,250 was included in the 2001-2002 Operating Budget of the Solid Waste Services Department. Funding for the remaining seven months of the original contract period and extension options will be contingent upon available funding in future budgets.) Low bid/two bids received. This contract will be awarded in compliance with the 1996 MBE/WBE Ordinance, as amended. The compact articulated wheel loader will be provided directly to the City by the contractor. There are no subcontracting opportunities, therefore no goals were established for this solicitation.

Resolution No. 020425-35 was approved.

36. Approve a resolution to ratify award of a contract with CC CARLTON CONSTRUCTION OF AUSTIN, INC., Austin, Texas, for the emergency purchase of a submersible pump with impeller and turnkey installation for Water and Wastewater Utility, in an amount not to exceed \$299,100. (Funding is available in the 2001-2002 Amended Capital Budget of the Water and Wastewater Utility.) Low bid/two bids received. Since this was an emergency service provided directly by the vendor, there

Resolution No. 020425-36 was approved.

37. Approve a resolution authorizing execution of a 12-month service agreement with TOTAL REMEDIATION & EXCAVATION TECHNOLOGIES, INC., (WBE-FR), San Antonio, Texas, for the purchase of hazardous/non-hazardous spill response and remediation services in an amount not to exceed \$400,000 with two 12-month extensions options in an amount not to exceed

\$400,000 per extension, for a total contract amount not to exceed \$1,200,000. (Funding in the amount of \$200,000 is available in the 2001-2002 Amended Operating Budget for the Electric Utility Department. Funding for the balance of the contract and the extension options is contingent upon available funding from future budgets.) Best-evaluated proposal/two 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.

Resolution No. 020425-37 was approved.

38. Approve a resolution authorizing execution of an Interlocal Agreement with the TEXAS DEPARTMENT OF TRANSPORTATION (TxDOT) to allow the City to construct intersection improvements at the intersection of North Lamar Boulevard and Braker Lane in the amount of \$231,750. (Funding is included in the 1999-2000 Amended Capital Budget of the Transportation Planning and Sustainability Department.)

Resolution No. 020425-38 was approved.

39. Approve a resolution authorizing negotiation and execution of an Interlocal Agreement with TEXAS DEPARTMENT OF TRANSPORTATION (TxDOT) for construction of SH 71 from west of Burleson Road to west of Riverside Drive, in an amount not to exceed \$3,000,000. (Funding is available in the 1999-2000 Amended Capital Budget of the Transportation, Planning & Sustainability Department.)

Resolution No. 020425-39 was approved.

40. Approve an ordinance authorizing acceptance of \$86,000 in grant funds from the U.S. Department of Energy and administered by the Comptroller of Public Accounts, State Energy Conservation Office; amend Ordinance 010910-1, the 2001-2002, the Transportation, Planning & Sustainability Department Special Revenue Fund Operating Budget, by appropriating \$86,000 in grant funds from the U.S. Department of Energy and administered by the Comptroller of Public Accounts, State Energy Conservation Office for the Telework Program Implementation Infrastructure Project. (The amount of \$86,000 in grant funds from the U.S. Department of Energy and administered by the Comptroller of Public Accounts, State Energy Conservation Office. A City match is not required. The term of the grant is April 1, 2002 through August 31, 2003.) (Related Item No. 41)

Ordinance No. 020425-40 was approved.

41. Approve a resolution authorizing negotiation and execution of an Interlocal Agreement with the Comptroller of Public Accounts, State Energy Conservation Office, for the Telework Implementation Infrastructure Project. (The amount of \$86,000 in grant funds from the U.S. Department of Energy and administered by the Comptroller of Public Accounts, State Energy Conservation Office. A City match is not required. The term of the grant is April 1, 2002 through August 31, 2003.) (Related Item No. 40)

Resolution No. 020425-41 was approved.

42. Set a public hearing on the Seaholm District Master Plan which covers an area generally bounded by 5th Street on the north, San Antonio Street on the east, Town Lake on the south, and Lamar Blvd. on the west. (Suggested Date and Time: May 9, 2002 at 6:00 p.m.)

Resolution No. 020425-42 was approved.

43. Approve a resolution authorizing negotiation and execution of an Interlocal Agreement with the BUREAU OF ECONOMIC GEOLOGY, THE UNIVERSITY OF TEXAS OF AUSTIN for airborne lidar survey of portions of the Onion and Williamson Creek watersheds in the maximum amount of \$63,728. (Funding in the amount of \$24,808 is available in the 2001-2002 Operating Budget of the Watershed Protection and Development Review Department and \$38,920 available

in the 2001-2002 Amended Capital Budget of the Watershed Protection and Development Review Department.)

Resolution No. 020425-43 was approved.

44. Approve negotiation of a Franchise Agreement between the City and CityNet Telecommunications, Inc. to allow the installation and operation of fiber optic telecommunication infrastructure within the City's storm drain system.

This item was postponed to May 9, 2002 at staff's request.

45. Appointments to Boards and Commissions

| | | |
|-------------------------|-------------|-------|
| Jennifer Piskun Johnson | appointment | Mayor |
|-------------------------|-------------|-------|

MBE/WBE Advisory Committee

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

Parks and Recreation Board

| | | |
|-------------------|-------------|---------|
| Linda H. Guerrero | appointment | Alvarez |
|-------------------|-------------|---------|

46. Direct the City Manager to implement a City of Austin Employee mentoring/tutoring program, to begin in the Fall of 2002, with A.I.S.D., focusing on low performance schools. (Mayor Gus Garcia)

Resolution No. 020425-46 was approved.

47. Approve an ordinance waiving certain fees under Chapter 15-11 of the City Code and approving the full or partial closure of certain streets for the "Chuy's Hot to Trot 5K" benefiting Big Brothers/Big Sisters to be held on May 11, 2002. (Council Member Beverly Griffith)

Ordinance No. 020425-47 was approved. Mayor Garcia abstained.

48. Approve an ordinance waiving certain fees under Chapter 15-11 of the City Code and closing certain streets for the International Festival Family Fun Walk event on May 11, 2002. (Council Member Danny Thomas)

Ordinance No. 020425-48 was approved. Mayor Garcia abstained.

49. Approve an Ordinance reimbursing certain fees under Chapter 15-11 of the City Code and closing certain streets for the Wildflower Walk 2002 event held on April 20, 2002. (Council Member Daryl Slusher and Mayor Pro Tem Jackie Goodman).

Resolution No. 020425-49 was approved. Mayor Garcia abstained.

50. Approve a resolution directing the City Manager to issue a Request for Proposal (RFP) for the removal of the fuel tanks at the Holly Power Plant and to initiate a process for designing the re-use plan for the area occupied by the tanks. (Council Member Raul Alvarez, Mayor Gus Garcia and Council Member Danny Thomas)

Resolution No. 020425-50 was approved.

Item 51 was pulled for discussion.

Items Z-1 through Z-4 were zoning items.

Items 52 through 53 were public hearings.

54. Amend Ordinance No. 010910-01, the Fiscal Year 2001-2002 Operating Budget of the General Fund, by increasing revenue by \$328,565, and increasing appropriations transfers out to the Support Services Funding the amount of \$125,000. Also, amend the FY 2001-2002 Operating Budget of the Support Services Fund by increasing transfers in from the General Fund in the amount of \$125,00 and increasing appropriations for the Office of the City Clerk by \$125,000 for expenditures associated with the May 4, 2002 election.

Ordinance No. 020425-54 was approved.

55. Approve an Ordinance calling an Election to be held in the City of Austin on May 4, 2002 for three Council Member positions and authorizing the City Clerk to negotiate and execute joint election agreements with other political entities

This item was removed from the agenda.

Item 56 was approved but was reconsidered later in the meeting.

DISCUSSION ITEMS

25. Approve a resolution authorizing execution of a construction contract with C.C. CARLTON INDUSTRIES, LTD., Austin, Texas, for street, sidewalk, and water and wastewater improvements along South First Street from Ben White Boulevard to Barton Springs Road, in the amount of \$4,660,430, plus \$699,064.50 contingency, for a total contract amount not to exceed \$5,359,494.50. (Funding in the amount of \$3,764,036.25 was included in the Fiscal Year 2001-2002 Approved Capital Budget of the Public Works Department; \$1,551,355.75 is available in the Fiscal Year 2001-2002 Capital Budget of the Water & Wastewater Utility; \$44,102.50 was included in the Fiscal Year 2001-2002 Amended Capital Budget of the Transportation Planning & Sustainability Department.) Lowest of four bids received. 8.09% MBE, 35.54% WBE subcontracting participation.

Resolution No. 020425-25 was approved on Council Member Slusher's motion, Council Member Griffith's second by a 7-0 vote.

32. Approve a resolution authorizing execution of a contract with FREIGHTLINER OF AUSTIN, Austin, Texas, for the purchase of two heavy duty truck chassis with mounted water tanks and pumps for the Solid Waste Services Department and Public Works Department in the amount of \$141,415. (Funding in the amount of \$58,500 was included in the 2001-2002 Operating Budget of the Public Works Department, Transportation Fund. \$82,915 was included in the 2001-2002 Capital Budget of the Solid Waste Services Department.) Low bidder/two 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.

Resolution No. 020425-32 was approved on Council Member Wynn's motion, Council Mayor Garcia's second by a 7-0 vote.

33. Approve a resolution authorizing execution of a contract with LONGHORN INTERNATIONAL TRUCKS LTD, Austin, Texas, for the purchase of one heavy duty truck chassis with a mounted fifth wheel in the amount of \$66,842. (Funding was included in the 2001-2002 Capital Budget of the Water and Wastewater Utility.) Low bidder/two 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.

Resolution No. 020425-33 was approved on Council Member Wynn's motion, Mayor Garcia's second by a 7-0 vote.

51. Direct the City Manager to provide a recommendation on the amount and funding source and administration of interim procedures related to Charter Proposition 1 on the May 4, 2002 ballot. (Council Member Will Wynn)
The motion directing staff to post for action, on the same day Council canvasses the election results, an agenda item to amend the budget to include funding and funding source for the Charter Proposition 1, if the voters adopt that proposition at the May 4th election, was approved on Council Member Wynn's motion, Mayor Garcia's second by a 7-0 vote.
14. Approval of minutes from worksession of April 17, 2002, regular meeting of April 18, 2002.
The minutes from the worksession of April 17, 2002 and the regular meeting of April 18, 2002 were approved on Council Member Slusher's motion, Mayor Garcia's second by a 7-0 vote.
16. Approve a settlement proposal in *City of Austin v. Pauwels Canada, Inc., et al.*, Cause No. 98-00300, in the Travis County District Court
Resolution No. 020425-16 was approved wherein the City will receive \$275,000 in the settlement on Council Member Wynn's motion, Council Member Slusher's second by a 7-0 vote.
17. Approve a resolution authorizing negotiation and execution of a 15-year service and meter purchase agreement with SCHLUMBERGERSEMA, INC., Greenwood Village, CO, to provide automatic meter reading services, in an amount not to exceed \$36,000,000 (approximately \$1.5 million per year after initial capital expenditures), and approve related settlement of *City of Austin v. Convergent Group Corp.*, Cause No. A-01-CA-202 JN in the U.S. District Court for the Western District of Texas, in favor of the City in the amount of \$1.75 million.
\$500,000 is available in the 2001-2002 Amended Capital Budget of the Electric Utility Department. Funding for the remaining capital expenditures is contingent upon available funding in future budgets. Funding for \$1,500,000 required each year is contingent upon available funding in future Operating Budgets of the Electric Utility Department.)
Resolution No. 020425-17 was approved on a Council Member Slusher's motion, Council Member Wynn's second by a 7-0 vote.

Mayor Garcia recessed the meeting at 3:39 p.m. to go into Executive Session.

EXECUTIVE SESSION

3. Discuss legal issues related to sales taxes on airport services.
4. Discuss legal issues related to the development of Davenport Rim at Loop 360 and Waymaker Way.
5. Discuss legal issues related to the appeal of the Planning Commission's approval of a conditional use permit for a day care service use located at 4814 Red River Street (File #SPC-01-0026A: Sammy's House).
6. Discuss acquisition of an interest in real property for the Open Space Project authorized by Proposition 2 of the November 7, 2000 Bond Election through City's Agreement with Hill Country Conservancy.

Mayor Garcia announced that items 18, 21, 22, 30 and 56 would also be discussed during this Executive Session.

Mayor Garcia called the meeting back to order at 4:33 p.m.

DISCUSSION ITEMS CONTINUED

18. Approve a resolution authorizing the City Manager, or designee, to negotiate and execute all documents related to acquiring approximately 84 acres in Hays County along Little Bear Creek, through a long term lease/donation pursuant to the City's Agreement with Hill Country Conservancy ("HCC"), to be purchased with Open Space bond funds [Proposition 2, November 2000]. HCC will acquire the property in its name, pending exercise of City's rights.
Resolution No. 020425-18 was approved authorizing the property to be purchased from Al Wenzel in the amount not to exceed \$507,840 on Council Member Griffith's motion, Council Member Thomas' second by a 7-0 vote.

ZONING CONSENT

- Z-2. C14-02-0004 - Public hearing to amend Chapter 25-2 of the Austin City Code by rezoning property locally known as 6301 FM Road 969 (Walnut Creek Watershed) from LO, Limited Office district, zoning to W/LO, Warehouse Limited Office district, zoning. Zoning and Platting Commission Recommendation: To grant W/LO-CO, Warehouse Limited Office-Conditional Overlay Combining district, zoning with conditions. Applicant: Deshid Norylian. Agent: Brown McCarroll, LLP (Darwin MKcKee). City Staff: Annick Beaudet, 974-2975.
The motion to close the public hearing and approve the first reading of this ordinance was approved on Council Member Griffith's motion, Mayor Garcia's second by a 7-0 vote.

ZONING DISCUSSION

- Z-1. C14-01-0134- Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 9530 U.S. Highway 290 East (Walnut Creek Watershed) from DR, Development Reserve district, zoning to CS, General Commercial Services district, and Platting To grant CS-CO, General Commercial Services-Conditional Overlay Combining district, zoning with conditions. Applicant: Humberto Suarez. Agent: AIC Engineers (Adan Castaneda). City Staff: Annick Beaudet, 974-2975. (continued from 3/7/02)
The motion to close the public hearing was approved on Council Member Slusher's motion, Council Member Thomas' second by a 7-0 vote.

The motion to approve this ordinance on first reading was approved on Council Member Alvarez' motion, Council Member Slusher's second by a 7-0 vote.

- Z-3. C14-02-0005 - Public hearing to amend Chapter 25-2 of the Austin City Code by rezoning property locally known as 1100 West Stassney Lane (Williamson Creek Watershed) from LR, Neighborhood Commercial district, zoning; MF-2, Multifamily 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. Zoning and Platting Commission Recommendation: To grant SF-6-CO, Townhouse and Condominium Residence-Conditional Overlay Combining district, zoning with conditions. Applicant: Saginaw Partners, Ltd. (Lan Bentsen). Agent: Admiral Construction, Inc. (David Young); Jim Bennett. City Staff: Wendy Walsh, 974-7719.
The motion to close the public hearing was approved on Council Member Griffith's motion, Mayor Pro Tem Goodman's second on a 6-0 vote. Council Member Slusher abstained because this property is in his neighborhood.

The first reading of this ordinance adopting the Zoning and Platting Commission's recommendation was approved on Mayor Pro Tem Goodman's motion, Council Member's Griffith's second by a 6-0 vote. Council Member Slusher abstained as stated above.

- Z-4. C14-02-0022 - Public hearing to amend Chapter 25-2 of the Austin City Code by rezoning property locally known as 4900 Block of East Riverside Drive (Country Club Creek Watershed) from LR, Neighborhood Commercial district, zoning to LR-MU, Neighborhood Commercial-Mixed Use-Combining district, grant LR-MU-CO, Neighborhood Commercial-Mixed Use-Conditional Overlay Combining district, zoning with conditions. Applicant: N.J. Ganslen & Associates. Agent: Brown McCarroll, LLP (Nikelle Mead). City Staff: Annick Beaudet, 974-2975.

The motion to close the public hearing was approved on Council Member Griffith's motion, Mayor Garcia's second by a 6-0 vote. Council Member Slusher was off the dais.

The first reading of this ordinance was approved adopting the Zoning and Platting Commission recommendation and amending the restrictive covenant on Council Member Alvarez' motion, Council Member Thomas' second by a 7-0 vote.

Mayor Garcia recessed the meeting at 5:40 p.m. to do the Live Music and Proclamations.

Mayor Garcia called the meeting back to order at 5:48 p.m.

Mayor Garcia recessed the meeting at 5:48 p.m. to go into Executive Session

EXECUTIVE SESSION

Mayor Garcia announced that items 21, 22, 30 and 56 would be discussed during Executive Session.

Executive Session ended at 7:43 p.m. Mayor Garcia called the meeting back to order.

DISCUSSION ITEMS CONTINUED

21. Amend Ordinance No. 010910-01, the Fiscal Year 2001-2002 Amended Operating Budget of the Electric Utility Department by transferring \$265,274 from the beginning balance and appropriating it for a short-term inter-fund loan to the Neighborhood Housing and Community Development Office, and amend Ordinance No. 010910-02, the Fiscal Year 2001-2002 Amended Capital Budget of the Neighborhood and Community Development Office by creating a new project known as "ARA Special Construction Costs" and increasing appropriations by \$265,274. (Funding is available from the beginning fund balance of the Electric Utility Department. Proceeds of the short-term inter-\$265,274. (Related Item No. 22)
Ordinance No. 020425-21 was approved on Council Member Thomas' motion, Mayor Garcia's second by a 7-0 vote.
22. Approve a resolution authorizing negotiation and execution of a cost reimbursement agreement with AUSTIN REVITALIZATION AUTHORITY, INC., a Texas non-profit corporation for construction of civil facilities related to the installation of underground telecommunication lines within and near the East 11th Street Redevelopment area, located between East 11th Street, Juniper Street, I.H. 35 and Navasota Street, with City cost reimbursement in an amount not to exceed \$265,274. (Funding is available in the 2001-2002 Approved Operating Budget of the Neighborhood Housing and Community Development Office.) (Related Item No. 21

Resolution No. 020425-22 was approved on Council Member Thomas' motion, Mayor Garcia's second by a 7-0 vote.

30. Approve a resolution authorizing execution of a construction contract with SPAWGLASS CONTRACTORS, INC., Austin, Texas, for construction of the Central Austin Police Substation and Forensics Facility, located at 812 Springdale Road, in the amount of \$14,249,000 plus \$427,470 contingency, for a total amount not to exceed \$14,676,470. (Funding in the amount of \$14,676,470 is available in the 1999-2000 Amended Capital Budget of the Austin Police Department.) Lowest of eight bids received. 25.57% MBE, 16.35% WBE subcontracting participation.

The motion to reject all bids was approved on Council Member Alvarez' motion, Council Member Wynn's second by a 7-0 vote.

Resolution No. 020425-30 was approved with the following amendments on Council Member Thomas' motion, Council Member Alvarez' second by a 7-0 vote. The amendments are as follows: Due to imminent threat to public health and safety if construction of the Central Austin Police Substation and Forensics Facility is not begun immediately, the City Council approves a resolution authorizing execution of a construction contract with SPAWGLASS CONTRACTORS, INC., Austin, Texas, for construction of the Central Austin Police Substation and Forensics Facility, located at 812 Springdale Road, in the amount of \$14,249,000 plus \$427,470 contingency, for a total amount not to exceed \$14,676,470. (Funding in the amount of \$14,676,470 is available in the 1999-2000 Amended Capital Budget of the Austin Police Department.)

52. Conduct a public hearing and consider for possible action an ordinance 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. **The public hearing was closed on Council Member Griffith's motion, Council Member Thomas' second by a 7-0 vote.**

The first reading of the ordinance was approved with an amendment on Council Member Thomas' motion, Council Member Wynn's second by a 7-0 vote. The following neighborhood associations were added to Exhibit A: Summit Oaks Neighborhood Association, McNeil Estates Neighborhood Association, Crossing Gardenhome Owners Association, Ridgilea Neighborhood Association, Spring Meadow Neighborhood Association, Cherry Creek Southwest Neighborhood Association, and Greater Southwood Neighborhood Association. Council directed staff to provide a map with all neighborhood association boundaries marked before the next Council meeting.

The motion to take a ten minute recess at 9:49 p.m. and wave the rules to allow the meeting to go past 10:00 p.m. was approved on Council Member Griffith's motion, Council Member Wynn's second by a 7-0 vote.

56. Approve a resolution directing the City Manager to explore options to assign priorities in the creation of public trails connecting city Proposition 2 land and other open spaces. (Council Member Daryl Slusher)

This item was postponed indefinitely by the sponsor of the item.

53. Conduct a public hearing to consider for possible action an appeal of the Planning Commission's decision to approve a Conditional Use Permit for a day care services use with conditions. The proposed site is located at 4814 Red River Street. File # SPC-01-0026A. Sammy's House (Sylvia Odem). Appellants: Jeanne C. Simon, Julia J. Sawyer, Julia Sawyer Dill, Kerri McHugh, Doris

Coward, Debbie Voelker, Patricia Kneten, John Kneten and Helen Kneten. City Staff: Thomas Bolt, Neighborhood Planning and Zoning Department, 974-2755.

The public hearing was closed on Council Member Griffith's motion, Council Member Thomas' second by a 7-0 vote.

The motion to deny the appeal and uphold the Planning Commission's conditional use permit and accept the following friendly amendment was approved on Council Member Wynn's motion, Council Member Thomas' second on a 7-0 vote. The friendly amendment from Mayor Pro Tem Goodman was that as part of the conditional use permit, the operator of the child care would agree to notify the owners of property within three hundred feet of the facility and the City Manager's office thirty days prior to the cessation of the child care use at this location. This was accepted by the maker of the motion and Council Member Thomas who seconded the motion. Council Member Slusher suggested the City retain the services of a mediator if both sides were willing to submit to one meeting to try to lessen the impact of this operation on the neighborhood.

The motion to adjourn the meeting at 12:32 a.m. was approved on Council Member Thomas' motion, Council Member Slusher's second by a 7-0 vote.

The minutes from the worksession of April 24, 2002 and the regular meeting of April 4, 2002 and April 25, 2002 were approved on Council Member Thomas' motion, Mayor Garcia's second by a 7-0 vote.