



Austin City Council
MINUTES

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

INVOCATION - Rev. Joseph C. Parker, Jr., Pastor, David Chapel Missionary Baptist Church

Mayor Garcia called the meeting to order at 12:03 p.m.

The meeting was recessed at 12:06 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.

1. Discuss legal issues related to Rainbow Materials and with rejecting bids based on contractor performance or non-compliance with other city concerns.
No discussion was held on this item.
2. Discuss legal issues related to Longhorn Partners Pipeline, *L.P. v. City of Austin, et. al*, No. A-02-CA-001-SS and *Ethel Spiller, et. al v. Longhorn Partners Pipeline, L.P., et. al.*, Case No. A 98 CA 255 SS, in the United States District Court for the Western District of Texas, Austin Division, and other legal issues related to hazardous pipelines.
3. Discuss legal issues related to *Austin 360 Associates, L.P. v. the City of Austin*, Cause Number GN-001372, in the 261st Judicial District Court of Travis County, Texas.
4. Discuss legal issues related to the rezoning of property in the Hyde Park Neighborhood Plan Area.
5. Discuss legal issues relating to House Bill 1445 agreements with counties regarding subdivision regulations in the ETJ.

Executive Session ended at 1:41 p.m.

Mayor Garcia called the meeting back to order.

1:30 P.M. CITIZEN COMMUNICATIONS: GENERAL

8. Eric Babyak - PYSO proposed Soccer Fields @ Yett Creek
9. Shirley Rodriguez - Push-Up Foundations, Inc. Transitional Housing
10. Pamela D. Johnson - Push -Up Foundations, Inc. Transitional Housing
11. Dexter Allen - Push -Up Foundations
12. Emzy Hebertv - Pushup Foundation, Inc. - **ABSENT**
13. Stacy Dukes-Rhone - Various Topics
14. Gus Pena - Open
15. Jennifer L. Gale - United States House of Representatives for the 10th Congressional District - Official Announcement in the City of Austin.
16. Akwasi Evans - Reparations

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 Griffith's motion, Mayor Pro Tem Goodman's second by a 7-0 vote.

18. C14-01-0001 - The Vintage on Town Lake- Approve second/third readings of an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 1400 East Riverside Drive (Town Lake Watershed) from SF-3, Family Residence district, zoning to a MF, Multifamily Residence district, zoning classification. First reading June 14, 2001; Vote: 7-0. Conditions met as follows: No conditions were imposed by City Council at first ordinance reading. Applicant: Street Development Ltd. (Robert N. Garrett III). Agent: Jim Bennett. City Staff: Don Perryman, Watershed Protection and Development Review Department, 974-2786. (continued from 8/2/01, 8/30/01, 9/27/01, 10/11/01, and 11/8/01)
This item was postponed to June 27, 2002.
19. C14-01-0002 - The Vintage on Town Lake - Approve second/third readings of an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 1400 Edgecliff Street (Town Lake Watershed) from SF-3, Family Residence district, zoning to a MF, Multifamily Residence district, zoning classification. First reading June 14, 2001; Vote: 7-0. Conditions met as follows: No conditions were imposed by City Council at first ordinance reading. Applicant: Street Development Ltd. (Robert N. Garrett III). Agent: Jim Bennett. City Staff: Don Perryman, Watershed Protection and Development Review Department, 974-2786. (continued from 8/2/01, 8/30/01, 9/27/01, 10/11/01, and 11/8/01)
This item was postponed to June 27, 2002.

Items 20 through 21 were pulled for discussion.

22. Approve a resolution authorizing negotiation and execution of a professional services agreement with the following three firms: BLACK & VEATCH CORPORATION, Kansas City, MO; SARGENT & LUNDY, LLC, Chicago, IL; and STANLEY CONSULTANTS, INC., Austin, Texas, to provide specialized engineering and associated technical services necessary for planning, analysis, design and construction management of improvements to Austin Energy power plants for a period estimated at three years or until available funding authorization is expended, each agreement in an amount not to exceed \$3,000,000, with a total amount of the three agreements not to exceed \$3,000,000 (estimated approximately \$1,000,000 per firm). (Funding in the amount of \$3,000,000 is available in the 2001-2002 Approved Capital Budget of the Electric Utility Department.) Best qualified of ten RFQs submitted. 9.50% MBE, 18% WBE subcontracting participation.
This item was postponed indefinitely.

23. Amend Ordinance No. 010910-05 to provide a credit based on the Batch-1 Green Power Charge for customers who qualify for the customer charge waiver in Electric Rate Schedule Residential Service and establish a yearly re-certification process. (Anticipated revenues for GreenChoice™ are included in the 2001-2002 Amended Operating Budget for the Electric Utility Department.)
Ordinance No. 020131-23 was approved.
24. Approve an ordinance to amend Ordinance No. 010910-01, the Fiscal Year 2001-2002 Operating Budget Special Revenue Fund of the Neighborhood Housing and Community Development (NHCD) Office by appropriating an additional \$420,000 of program income for the 27th year Community Development Block Grant (CDBG). This action will increase the CDBG budget authority from \$9,001,500 to \$9,421,500. (Funding in the amount of \$420,000 will be available from program income to be generated by the Urban renewal Agency and receipted to the City.) (Related Item No. 27)
Ordinance No. 020131-24 was approved.
25. Approve an ordinance adding a new Section 3-1-8 to the City Code prohibiting the sale of live animals in certain public places. (Recommended by Animal Advisory)
Ordinance No. 020131-25 was approved.
26. Approve a resolution authorizing execution of Amendment No. 2 to the Interlocal Cooperation Agreement between the City of Austin (City) and the Austin Independent School District (AISD) for Adult Basic Education/English as a Second Language (ABE/ESL) to increase the annual funding level and include extension options through Fiscal Year 2004. The amendment ratifies the additional \$50,000 General Fund contribution to the automatically renewed Fiscal Year 2000-2001 allocation, for an amount not to exceed \$100,000 per year, exercises a renewal option for Fiscal Year 2002 in the amount of \$100,000, and provides for two 12-month extension options, in an amount not to exceed \$100,000 per extension option, for a total amount not to exceed \$400,000. (Funding in the amount of \$200,000 is available from the following sources: \$50,000 in Fiscal Year 2000-2001 Operating Budget for the Neighborhood Housing and Community Development Office Special Revenue Fund, the Community Development Block Grant (26th year); \$50,000 in the Fiscal Year 2000-2001 Operating Budget for the Health and Human Services Department, General Fund; \$50,000 in the Fiscal Year 2001-2002 Operating Budget for the Neighborhood Housing and Community Development Office Special Revenue Fund, the Community Development Block Grant (27th year); and \$50,000 in the Fiscal Year 2001-2002 Operating Budget for the Health and Human Services Department, General Fund. Funding for the remaining extension options are subject to appropriation in future budgets.)
Resolution No. 020131-26 was approved.
27. Approve a resolution authorizing the negotiation and execution of one or more forgivable loans to the Austin Revitalization Authority (ARA), in a total amount not to exceed \$600,000, to assist the ARA with the purchase of up to five parcels within the East 11th Street Commercial Corridor from the Urban Renewal Agency. [Funding is available in Neighborhood Housing and Community Development Office (NHCD) Fiscal Year 1995-1996 21st Year for \$52,265 and Fiscal Year 1997-1998 23rd Year for \$127,735 Community Development Block Grant (CDBG) and \$420,000 in CDBG program income to be generated by the Urban Renewal Agency and receipted to City.] (Related Item No. 24)
Resolution No. 020131-27 was approved.
28. C14-01-0106 - Approve second reading of an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 800 West Slaughter Lane (Slaughter Creek Watershed) from DR, Development Reserve district, zoning to MF-2-CO, Multifamily Residence

Low Density - Conditional Overlay Combining district, zoning with conditions. First reading on November 29, 2001; Vote: 7-0. Applicant and Property Owner: Jack Moore. Agent: Foundation Communities (Craig Alter). City Staff: Wendy Walsh, 974-7719.

The second reading of this ordinance was approved.

29. Approve a resolution authorizing negotiation and execution of a professional services agreement with GARCIA DESIGN, INC., (MBE/MH 65%), Austin, Texas, to provide landscape architectural design for the Waller Creek Terrace at the Proposed Mexican American Cultural Center project, in an amount not to exceed \$80,000. (Funding in the amount of \$41,000 for these services is available in the Fiscal Year 2001-2002 approved Capital Budget for the Parks and Recreation Department. \$39,000 funding is available in the Fiscal Year 2001-2002 Operating Budget of the Convention Center.) Best of three qualifications submitted. 15% MBE, 20% WBE subconsultants participation.
Resolution No. 020131-29 was approved. Mayor Garcia abstained.
30. Approve a resolution authorizing negotiation and execution of a professional services agreement with LARSON/BURNS, INC., Austin, Texas, to provide landscape architectural design and construction phase services for the Walnut Creek Trail project (between Balcones District Park and Walnut Creek Metro Park), in an amount not to exceed \$346,363. (Funding was included in the Fiscal Year 2001-2002 Approved Capital Budget of the Parks and Recreation Department.) Best of six qualifications submitted. 8.7% MBE, 18.20% WBE subconsultants participation.
Resolution No. 020131-30 was approved.
31. Approve a resolution authorizing execution of a construction contract with MUNIZ CONCRETE & CONTRACTING COMPANY (MBE/MH 78%) Austin, Texas, for construction of Harris Branch Park – Phase I, in the amount of: \$77,919. (Funding was included in the 2001- 2002 approved Capital Budget of the Park's and Recreation Department.) Lowest of nine bids received. No MBE/WBE subcontracting participation.
Resolution No. 020131-31 was approved.
32. Approve a resolution authorizing application for \$600,000 in funding from the U.S. Department of Justice, Office of Justice Programs, Violence Against Women Grants Office for the Austin/Travis County Family Violence Protection Team to provide comprehensive services to the victims of domestic violence. (Funding is available from the U.S. Department of Justice, Office of Justice Programs, Violence Against Women Grants Office for the Austin/Travis County Family Violence Protection Team for the 24-month grant period July 1, 2002 through June 31, 2004. There is no required match.)
Resolution No. 020131-32 was approved.
- Item 33 was pulled for discussion.**
34. Approve a resolution authorizing execution of Change Order #6 to the construction contract with AUSTIN BRIDGE & ROAD, INC., Austin, Texas, for additional asphalt milling and overlay on Berkman Drive as part of the Bond Street Reconstruction Project, in the amount of \$6,900 for a total contract amount not to exceed \$1,864,536.94. (Funding in the amount of \$6,900 is included in the 2001-2002 Approved Capital Budget of the Department of Public Works.) Overall MBE/WBE participation, including this change order is 63.00% MBE, 0.17% WBE, and 5.21% Non MBE/WBE.
Resolution No. 020131-34 was approved.
35. Approve a resolution authorizing execution of a construction contract with FELLER BUILDERS, INC. (WBE/FR, 37.05%), Austin, Texas, for interior renovation of One Texas

Center, located at 505 Barton Springs Road, in the amount of \$98,999. (Funding in the amount of \$88,000 was included in the Approved Fiscal Year 2001-2002 Operating Budget of the Economic Development Fund; \$10,000 was included in the Fiscal Year 2001-2002 Operating Budget of the Neighborhood Planning & Zoning Department; \$999 was included in the Fiscal Year 2001-2002 Capital Budget of the Financial & Administrative Services Department.) Lowest of ten responsive bids received: 23.80% MBE, 16.60% WBE subcontracting participation.

Resolution No. 020131-35 was approved.

36. Approve a resolution authorizing execution of a construction contract with BAILEY CONSTRUCTION COMPANY, Austin, Texas, for bridge repairs on the Shoal Creek Bridge located in the 2600 block of North Lamar, in the amount of \$126,303.78. (Funding is included in the Fiscal Year 2001-2002 Approved Capital Budget of the Public Works Department.) Lowest of nine bids received. 23.86% MBE, 11.11% WBE subcontracting participation.

Resolution No. 020131-36 was approved.

37. Approve a resolution authorizing execution of a construction contract with CADENCE MCSHANE CORPORATION, Austin, Texas, for the construction of the Central Austin Police Substation and Forensics Facility, located at 812 Springdale Road, in the amount of \$14,701,450 plus \$419,250 contingency fund, for a total amount not to exceed \$14,394,250. (Funding in the amount of \$14,701,450 available in the 1999-2000 Amended Capital Budget of the Austin Police Department.) Lowest of nine bids received. 7.19% MBE, 1.39% WBE subcontracting participation.

This item was postponed to February 7, 2002.

Item 38 was pulled for discussion.

39. Approve a resolution authorizing the execution of a contract with HOUSTON-GALVESTON AREA COUNCIL OF GOVERNMENTS COOPERATIVE PURCHASING PROGRAM (H-GAC), Houston, Texas, for the purchase of one double drum vibratory roller for the Public Works Department in an amount not to exceed \$66,374.05 and one track driven excavator for the Watershed Protection and Development Review Department in the amount not to exceed \$91,449.06 for a total contract amount not to exceed \$157,823.11. (Funding in the amount of \$66,374.05 was included in the 2001-2002 Operating Budget of the Public Works Department, Transportation Fund. \$91,449.06 was included in the 2001-2002 Amended Capital Budget of the Watershed Protection and Development Review Department.)

Resolution No. 020131-39 was approved.

40. Approve a resolution authorizing execution of a contract with EDWARD DON & CO., Carrollton, Texas, for purchase of small kitchenwares and equipment for the Austin Convention Center in an amount not to exceed \$358,036.43. (Funding was included in the 2000-2001 Approved Capital Budget of the Austin Convention Center Department.) Low bid/six bids received. This contract will be awarded in compliance with the 1996 MBE/WBE Ordinance, as amended. No subcontracting opportunities were identified, therefore, no goals were established.

Resolution No. 020131-40 was approved.

41. Approve a resolution authorizing execution of a contract with NUTECH INDUSTRIES, Las Vegas, Nev., for purchase of various types of custom extension and power cords for the Convention Center in an amount not to exceed \$80,625 and for the Palmer Events Center in an amount not to exceed \$29,680 for the for a total amount not to exceed \$110,305. (Funding in the amount of \$80,625 was included in the 2000-2001 Approved Capital Budget of the Austin Convention Center Department for the Austin Convention Center Expansion Project and \$29,680

was included in the 2000-2001 Approved Capital Budget of the Austin Convention Center Department for the Palmer Events Center Project.) Low of 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.

Resolution No. 020131-41 was approved.

42. Approve a resolution authorizing execution of a contract through the State of Texas General Services Commission with ROCKFORD BUSINESS INTERIORS, Austin, Texas, to provide modular panels and modular furniture for the new addition to the Austin Convention Center in an amount not to exceed \$99,368.77 and for the Palmer Events Center in an amount not to exceed \$75,662.10, for a total amount not to exceed \$175,030.87. (Funding in the amount of \$99,368.77 is included in the 2000-2001 Approved Capital Budget of the Austin Convention Center Department for the Austin Convention Center Expansion Project and \$75,662.10 is included in the 2000-2001 Approved Capital Budget of the Austin Convention Center Department for the Palmer Events Center Project.) The modular furniture is being provided by a contract that was competitively bid and awarded by the State of Texas General Services Commission.

Resolution No. 020131-42 was approved.

43. Approve a resolution authorizing execution of a contract with NUTECH INDUSTRIES, INC., Las Vegas, Nev., for purchase of single-phase and three-phase power distribution boxes for the Austin Convention Center in an amount not to exceed \$43,303 and the Palmer Events Center in an amount not to exceed \$24,057 for a total not to exceed amount of \$67,360. (Funding in the amount of \$43,303 was included in the 2000-2001 Approved Capital Budget of the Austin Convention Center Department for the Austin Convention Center Expansion Project and \$24,057 was included in the 2000-2001 Approved Capital Budget of the Austin Convention Center Department for the Palmer Events Center Project.) Low Bid/three bids received. This contract will be awarded in compliance with the M/WBE Ordinance, as amended. No subcontracting opportunities were identified, therefore, no goals were established.

Resolution No. 020131-43 was approved.

44. Approve a resolution authorizing execution of a contract with IRWIN FOLDING BLEACHER CO., Altamont, IL, for purchase of a portable telescopic seating platform system for the Palmer Events Center in an amount not to exceed \$200,446. (Funding was included in the 2000-2001 Approved Capital Budget of the Austin Convention Center Department for the Palmer Events Center Project.) Low Bid/two bids received. This contract will be awarded in compliance with the 1996 MBE/WBE Ordinance, as amended. No subcontracting opportunities were identified, therefore, no goals were established.)

Resolution No. 020131-44 was approved.

45. Approve a resolution authorizing execution of a 12-month professional services agreement with EMERGENCY ANIMAL HOSPITAL OF NORTHWEST AUSTIN, Austin, Texas, for the provision of emergency veterinary hospital services, in an amount not to exceed \$54,000 with two 12-month extension options in amount not to exceed \$54,000 per extension for a total contract amount not to exceed \$162,000. (Funding in the amount of \$36,000 was included in the Fiscal Year 2001-2002 Operating Budget of the Health and Human Services Department. Funding for the remaining four months of the original contract period and extension options is contingent upon available funding in future budgets.) This contract will be awarded in compliance with the 1996 MBE/WBE Ordinance, as amended. No subcontracting opportunities were identified; therefore, no goals were established.

Resolution No. 020131-45 was approved.

46. Approve a resolution authorizing execution of a 24-month service agreement with MEDTRONIC PHYSIO-CONTROL, Redmond, WA, for the maintenance and repair of cardiac monitors/defibrillators and battery support systems for the Austin-Travis County Emergency Medical Services Department in an amount not to exceed \$115,622.68 with one 24-month extension option in an amount not to exceed \$115,622.68 for a total contract amount not to exceed \$231,245.36. (Funding in the amount of \$57,811.34 was included in the 2001-2002 Approved Operating Budget of the Austin-Travis County Emergency Medical Services Department for the first year of this contract. Funding for the remaining twelve months of the original contract period and the extension option is contingent upon available funding in future budgets.) Sole Source. These devices contain proprietary software and are serviceable only by Medtronic Physio-Control. This contract will be awarded in compliance with the 1996 MBE/WBE Ordinance, as amended. No subcontracting opportunities were identified, therefore, no goals were established for this purchase.
Resolution No. 020131-46 was approved.
47. Approve a resolution authorizing execution of a contract with LONGHORN INTERNATIONAL TRUCKS, LTD., Austin, Texas, for the purchase of one heavy-duty truck with a mounted concrete mixer body and one heavy-duty truck tractor with a mounted fifth wheel and hydraulic winch for the Watershed Protection and Development Review Department in the amount of \$172,233. (Funding was included in the 2001-2002 Amended Capital Budget of the Watershed Protection and Development Review Department.) Low bidder/three bids received. This contract will be awarded in compliance with the 1996 MBE/WBE Ordinance, as amended. No subcontracting opportunities were identified; therefore, no goals were established.
Resolution No. 020131-47 was approved.
48. Approve a resolution authorizing execution of modification #2 to increase the contract with AJILON LLC, Austin, Texas, and with THE ADEA GROUP, Austin, Texas, for the purchase of computer software system development and implementation consulting services in a combined amount not to exceed \$2,300,000, for a combined total contract amount not to exceed \$4,050,000. (Funding in the amount of \$2,300,000 is available in the 2001-2002 Approved Capital Budget for the Austin Energy Department.) 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. 020131-48 was approved.
49. Approve a resolution authorizing execution of a 12-month service agreement with KIL-A-BUG PEST CONTROL, Austin, Texas, for pest control services in an amount not to exceed \$23,676 with two 12-month extension options in an amount not to exceed \$23,676 per extension for a total contract amount not to exceed \$71,028. (Funding in the amount of \$15,784 was included in the 2001-2002 Approved Operating Budget of the Parks and Recreation Department. Funding for the remaining four months of the original contract period and extension options is contingent upon available funding in future budgets.) Low bid/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. 020131-49 was approved.
50. Approve a resolution authorizing execution of a 12-month supply agreement with MG INDUSTRIES, Malvern, PA, to provide liquid carbon dioxide for Water and Wastewater Department, in an amount not to exceed \$119,925, with two 12-month extension options in an amount not to exceed \$119,925 per extension, for a total contract amount not to exceed \$359,775. (Funding in the amount of \$79,950 was included in the 2001-2002 Approved Operating Budget of the Water and Wastewater Utility. Funding for the remaining four months

of the original contract period and extension options will be contingent upon available funding in future budgets.) Low bid/three 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. 020131-50 was approved.

51. Approve a resolution authorizing execution of a contract with MOTOROLA COMMUNICATIONS AND ELECTRONICS, INC., Austin, Texas, for the purchase of two-way radio equipment for the Austin Police Department in an amount not to exceed \$310,192.99. [Funding was included in the 2001-2002 Operating Budget of the Austin Police Department (APD)]. 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. 020131-51 was approved.
52. Approve an ordinance to adopt the First Amended Managed Growth Agreement for development on Blocks 2 and 4 of the Original City of Austin, and deleting Block 21 from the First Amended Managed Growth Agreement to allow for municipal development of Block 21.
This item was removed from the agenda because it was replaced by item 67.
53. Approve an ordinance to correct Ordinance No. 011101-38 - Barclay Tract Area Annexation, by attaching the correct Exhibit B, the revised Service Plan for the area dated October 11, 2001. (The Barclay area consists of approximately 24 acres on the west side of Barclay Drive). (Correcting the annexation ordinance does not have a fiscal impact.)
Ordinance No. 020131-53 was approved.
54. Approve an ordinance correcting Ordinance No. 011101-40, the Pickard Area annexation ordinance, by amending Exhibit A to attach the revised map for the area. (The Pickard area consists of approximately 210 acres located in southern Travis County north of Frate Barker Road and west of Manchaca Road).
Ordinance No. 020131-54 was approved.
55. Approve an ordinance amending Section 16-4-35 - Speed Limits of the City Code by adding North Lamar Boulevard (Loop 275) from Mile Point 3.231 to Mile Point 3.725 to the list of streets having a maximum speed limit of 50 miles per hour. (Funding is available in the 2001-2002 Operating Budget of the Transportation, Planning and Sustainability Department for installation of the appropriate speed limit signs.)
Ordinance No. 020131-55 was approved.
56. Amend Ordinance No. 010910-05 - Fee Schedule Ordinance, by adding a new fee for parking meter debit cards. (The amount of \$5,000 estimated additional annual general fund revenue.)
Ordinance No. 020131-56 was approved.
57. Approve a resolution authorizing execution of an amendment to the Interlocal Agreement with the TEXAS DEPARTMENT OF PUBLIC SAFETY for traffic and parking enforcement, and general security in the Capitol Complex, to extend the agreement to December 31, 2002, with an automatic annual renewal.
Resolution No. 020131-57 was approved.

58. Austin Music Task Force Consensus Appointments

Kevin Conner	Casey Monahan
Jim Butler	Brad First
Teresa Ferguson	Jon Hockenyos
Pamela Hart	Peyton Wimmer
Isidoro Lopez	Wendy Morgan

Items 59 through 60 were pulled for discussion.

61. Approve a resolution opposing Time Warner Cable's "Petition for a Determination of Effective Competition within the City of Austin" pending before the Federal Communications Commission, and authorizing the City Manager to file comments. (Mayor Pro Tem Jackie Goodman, Council Member Raul Alvarez, and Council Member Will Wynn)
Resolution No. 020131-61 was approved.

62. Approve a resolution directing the City Manager to take appropriate steps to reallocate remaining available funds previously budgeted as the local match for the Congress Avenue Bridge Improvement TEA-21 project to the Central Texas Regional Visioning project, and enter into an appropriate interlocal agreement with CAPCO. (Council Member Will Wynn)
This item was postponed to February 7, 2002.

Z1 through Z4 were zoning items.

Items 63 through 65 were public hearings.

Item 66 was a briefing.

67. Approve an ordinance to adopt the First Amended Managed Growth Agreement for development on Blocks 2 and 4 of the Original City of Austin, and deleting Block 21 from the First Amended Managed Growth Agreement to allow for municipal development of Block 21 (CSC). (This replaces item number 52 on the agenda.)
Ordinance No. 020131-67 was approved.

DISCUSSION ITEMS

17. Approval of minutes from Worksession of January 16, 2002 and Regular Meeting of January 17, 2002.
The minutes from the Worksession of January 16, 2002 and the Regular Meeting of January 17, 2002 were approved on Council Member Griffith's motion, Mayor Pro Tem Goodman's second by a 7-0 vote.

The meeting was recessed at 2:35 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.

6. Evaluate the performance and consider the compensation of the City Auditor.

7. Discuss the separation and transition of City Manager Jesus Garza, and the appointment and employment of an acting City Manager.

Executive Session ended at 5:05 p.m.

Mayor Garcia called the meeting back to order.

ZONING CONSENT

The following items were acted on by one motion. No separate discussion or action occurred on any of the items. The consent items were approved on Council Member Wynn's motion, Mayor Garcia's second by a 6-0 vote. Mayor Pro Tem Goodman was off the dais.

- Z-1. C14-01-0111 – Anderson Arbor Phase III – Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by zoning and rezoning property locally known as 13301-13321, 13343, 13347, 13353, and 13401 U.S. Highway 183 North (Lake Creek Watershed) from I-RR, Interim-Rural Residence district and SF-2, Single Family Residence Standard Lot district, zoning to GR, Community Commercial district, zoning. Zoning and Platting Commission Recommendation: To grant GR, Community Commercial district, zoning. Applicant: Dr. Mitchel and Rose Wong, Alfred C. Edwards, Jr. Agent: Drenner Stuart Wolff Metcalf von Kreisler LLP (Michelle Haussman). City Staff: Sherri Gager, 974-3057. (continued from 1-10-02)

Ordinance No. 020131-Z1 was approved.

- Z-2. C14-97-0148 (RCA) – Anderson Arbor Phase III – Conduct a public hearing and approve a restrictive covenant amendment for the property locally known as 13347 N. U.S. Highway 183 (Lake Creek Watershed). Zoning and Platting Commission Recommendation: To grant the restrictive covenant amendment. Applicant: Dr. Mitchel and Rose Wong. Agent: Drenner Stuart Wolff Metcalf von Kreisler LLP (Michelle Haussman). City Staff: Sherri Gager, 974-3057. (continued from 1-10-02)

The restrictive covenant was approved.

Item Z-3 was pulled for discussion.

- Z-4. C14-01-0154 – John D Cavness Zoning Change – Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 2807 South First Street (East Bouldin Creek Watershed) from SF-3, Family Residence district, zoning to LR, Neighborhood Commercial district, zoning. Planning Commission Recommendation: To be considered by the Planning Commission on February 6, 2002. Applicant: John Cavness. Agent: Denise Cavness. City Staff: Glenn Rhoades.

This item was postponed to February 28, 2002 at staff's request.

ZONING DISCUSSION

- Z-3. C14-01-0115 – Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 1701 - 1721 West Slaughter Lane (Slaughter Creek Watershed) from GR, Community Commercial district, zoning to CS-CO, General Commercial Services-Conditional Overlay Combining district, zoning. Zoning and Platting Commission Recommendation: To grant CS-CO, General Commercial Services-Conditional Overlay Combining district, zoning with conditions. Applicant and Property Owner: Westco Development # 29 (Al Davidson). Agent: Bury and Partners, Inc. (Jim Knight, P.E.). City Staff: Wendy Walsh, 974-7719. (Continued from 1-17-02)

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

The motion to approve the first reading of this ordinance, adopting the Zoning and Platting Commission's recommendation, was made on Council Member Wynn's motion, Council Member Alvarez' second by a 7-0 vote.

DISCUSSION ITEMS CONTINUED

60. Approve a new compensation package for the City Auditor. (Mayor Gus Garcia)
Resolution No. 020131-60 was approved, increasing the City Auditor's pay to \$3653.84 per pay period equivalent to \$95,000 per year, effective at the beginning of the first pay period following the adoption of this resolution, on Council Member Thomas' motion, Mayor Pro Tem Goodman's second by a 7-0 vote.
21. Discussion and possible action to appoint an Acting City Manager.
Resolution No. 020131-21 was approved, appointing Toby Futrell as Acting City Manager effective May 1, 2002, on Council Member Slusher's motion, Mayor Pro Tem Goodman's second by a 7-0 vote.

The meeting was recessed at 5:43 p.m. to go into Live Music and Proclamations.

Mayor Garcia called the meeting back to order at 6:29 p.m.

BRIEFING

66. Update of Analysis of Dallas Cowboy Training Camp Proposal.
The presentation was made by Council Member Will Wynn.

DISCUSSION ITEMS CONTINUED

33. Approve a resolution authorizing execution of an amendment to the Brackenridge Hospital lease agreement for revisions related to the provision of reproductive services, including the removal of the 5th floor from the lease and adjustments in payments, and an Ancillary Services Agreement, with the Daughters of Charity Health Services of Austin, d/b/a Seton Medical Center. (Future funding will be available from patient revenues, third party reimbursement and General Fund contributions otherwise payable to Seton, which are contingent upon future Council appropriation.)

There was a motion by Mayor Garcia, seconded by Council Member Slusher to adopt a version of the resolution labeled 02.

There was a friendly amendment from Mayor Pro Tem Goodman, seconded by Council Member Griffith as follows below. This was not accepted by the maker of the motion and so was offered as a substitute motion. These two paragraphs would be added to the above stated resolution, "Section 19.3 Prior to the Turnover Date, the City Representative and the Seton Representative shall execute on behalf of the City and Seton, respectively, the Ancillary Services Agreement pursuant to which Seton will provide the New Hospital, commencing on the Turnover Date and throughout the Term (subject to Section 15.5), with the services and items specified in the Schedule 19.3, for which the City shall pay Seton as contemplated in this Agreement. The City will provide medications for the purpose of emergency contraception to women presenting at and requesting such medication at the

New Hospital, as it had been available at Brackenridge Hospital prior to the date of this Amendment. Seton acknowledges that the operation of the New Hospital by the City is not subject to the Ethical and Religious Directives for Catholic Health Care Services. As a consequence Seton will not participate in procedures which are not consistent with the Ethical and Religious Directives for Catholic Health Care Services provided, however, that this sentence shall not excuse Seton from liability if it breeches an obligation under the other provisions of the lease of the Ancillary Service Agreement.

AND BE IT FURTHER RESOLVED, The Office of the City Auditor shall have the right, with reasonable advanced notice to Seton, to access, examine, analyze, and verify all of Seton's records, accounts, and data pertinent to the execution of this lease amendment and records, accounts and data maintained by outside contracts hired by Seton or by the City of Austin."

Seton representatives indicated they could not accept these amendments so the Mayor Pro Tem withdrew her motion and moved to postpone this item until February 7, 2002. This was seconded by Council Member Griffith and passed on a 6-1 vote. Mayor Garcia voted no.

Council Member Slusher moved that the rules be waived and public input be limited next week to give Council sufficient time to discuss and move on this item. This was seconded by Council Member Wynn and passed on a 7-0 vote.

38. Approve a resolution authorizing negotiation and execution of a one hundred twenty month lease of approximately 22,000 square feet of office space located at 1100 East 11th Street, from AUSTIN REVITALIZATION AUTHORITY INC., Austin, Texas, for the Department of Neighborhood Housing and Community Development, in an amount not to exceed \$8,012,285.42. (Funding in the amount of \$598,180 for the first twelve months of the lease, for a total amount over ten years of \$8,012,285.42, with a present value of \$5,916,000. Funding for the remaining one hundred twenty months of the original contract period is contingent upon available funding in future budgets.)
- The motion by Council Member Slusher, seconded by Council Member Thomas to amend the resolution to allow only for the negotiation of the contract with the execution to be brought back to Council passed on a 4-3 vote. Those voting aye were: Mayor Pro Tem Goodman and Council Members Alvarez, Slusher and Wynn. Those voting nay were: Mayor Garcia and Council Members Griffith and Thomas.**

Resolution No. 020131-38 was approved with the amendment shown above on Council Member Thomas' motion, Council Member Alvarez' second by a 7-0 vote.

20. C14-01-0046 - Hyde Park Neighborhood Conservation Combining District Rezonings - Approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 45th Street to the north, 38th Street to the south, Guadalupe to the west, and Duval to the east (Waller Creek Watershed) from SF-3, Family Residence district, SF-3-H, Family Residence-Historic Combining district, MF-1, Multifamily Residence Limited Density district, MF-2, Multifamily Residence Low Density district, MF-3, Multifamily Residence Medium Density district, MF-4, Multifamily Residence Moderate-High Density district, MF-4-H, Multifamily Residence Moderate-High Density-Historic Combining district, LO, Limited Office district, LO-H, Limited Office-Historic Combining district, LR, Neighborhood Commercial district, GR, Community Commercial district, CS, General Commercial Services district, to MF-1-NCCD, Multifamily Residence Limited Density-Neighborhood Conservation Combining District, MF-2-NCCD, Multifamily Residence Low Density-Neighborhood Conservation Combining District,

SF-3-NCCD, Family Residence-Neighborhood Conservation Combining District, SF-3-H-NCCD, Family Residence-Historic-Neighborhood Conservation Combining District, LO-NCCD, Limited Office-Neighborhood Conservation Combining District, LO-H-NCCD, Limited Office--Historic-Neighborhood Conservation Combining District, LR-NCCD, Neighborhood Commercial-Neighborhood Conservation Combining District, GR-NCCD, Community Commercial-Neighborhood Conservation Combining District, MF-3-NCCD, Multifamily Residence Medium Density-Neighborhood Conservation Combining District, MF-4-NCCD, MF-4-NCCD, Multifamily Residence Moderate-High Density-Neighborhood Conservation Combining District, and CS-NCCD, General Commercial Services-Neighborhood Conservation Combining District, zoning with conditions. Conditions met as follows: The zoning ordinance incorporates the conditions imposed by City Council on October 25, 2001 and December 13, 2001. Applicant: City of Austin. Agent: Neighborhood Planning and Zoning Department. City Staff: Glenn Rhoades, 974-2775, Meghan Wieters, Transportation, Planning and Sustainability Department, 974-6456. Note: A protest against inclusion in the NC combining district and a valid petition has been filed by a property owner in opposition to this rezoning request. (continued from 11/8/01, 11/29/01 and 12/13/01)

The motion to keep all the church properties, on which protests were filed, in the NCCD was approved on motion by Council Member Slusher, seconded by Council Member Griffith on a 6-1 vote. Council Member Thomas voted nay.

Ordinance No. 020131-20 was approved adopting the zoning as presented in the neighborhood planning team's proposal as described in the November 28, 2001 memorandum to Council and including changes approved on October 25, 2001 and December 13, 2001 with emergency implementation was approved on motion by Council Member Slusher, seconded by Council Member Griffith on a 6-1 vote. Council Member Thomas voted nay. There was a friendly amendment made by Mayor Pro Tem Goodman that was accepted by the maker of the motion and by Council Member Griffith to have staff attempt to negotiate an agreement on land use regulations, through an amendment process, with the City initiating the process and with staff serving as facilitator, on properties that have been questioned in the past.

The motion to waive the rules and allow the meeting to go past 10:00 p.m. was approved on Council Member Wynn's motion, Council Member Griffith's second on a 7-0 vote.

63. Conduct a public hearing to consider for possible action on two appeals of the Zoning and Platting Commission's decision to deny an appeal of administrative approval for Independence Park Condominiums. The proposed site is located at 6100 Manchaca Road. File # SP-00-2489CR. The first appeal is being made by Joan Hilbig, Chris Butler, and Cherry Creek Southwest Neighborhood Association, Interested parties. The second and separate appeal is being made by Hugh Moore, Interested party. City Staff: Trann Lackey, 974-3341. (continued from 11/29/01 and 1/17/02)

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

There was a motion to deny the appeal by Council Member Wynn's and seconded by Mayor Garcia.

Resolution No. 020131-63 was approved, by a substitute motion to grant the appeal, on Mayor Pro Tem Goodman's motion, Council Member Slusher's second on a 5-2 vote. Those voting aye were: Mayor Pro Tem Goodman, and Council Members Alvarez, Griffith, Slusher, Thomas. Those voting nay were: Mayor Garcia and Council Member Wynn.

64. Conduct a public hearing on whether the City Charter should be amended to provide for the election of the Council from single-member districts. (2nd hearing – No action will be taken at this meeting)

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

65. Conduct a public hearing and consider for possible action an ordinance setting standards of child care for Parks and Recreation Department facilities and programs.

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

Ordinance No. 020131-65 was approved on Council Member Griffith's motion, Council Member Thomas' second by a 7-0 vote.

59. Approve a resolution endorsing and supporting the recommendations made by the Capital Area Metropolitan Planning Organization Policy Advisory Committee on December 10, 2001 in regards to the Loop 1/U.S. 183 project. (Mayor Gus Garcia, Council Member Daryl Slusher and Council Member Will Wynn)

Resolution No. 020131-59 was approved with an amendment on Council Member Griffith's motion, Mayor Pro Tem Goodman's second by a 7-0 vote. The amendment made by Council Member Griffith was to add to the following wording, "WHEREAS, the City of Austin's transportation plan (AMATP) does not include construction of SH 45 South from 1626 to IH 35." Council Member Slusher offered this friendly amendment, "Further it be resolved that this resolution does not change the City's stance on SH 45 from 1626 to IH 35." This was accepted by the maker of the motion and by Mayor Pro Tem Goodman who seconded the motion.

The motion to adjourn the meeting at 12:33 a.m. was approved on Council Member Griffith's motion, Council Member Alvarez' second by a 7-0 vote.

The minutes from the Work Session of January 30, 2002 and the regular meeting of January 31, 2002 were approved on Council Member Thomas' motion, Council Member Wynn's second by a 7-0 vote.