

# AUSTIN CITY COUNCIL AGENDA

THURSDAY, FEBRUARY 05, 2004, THE BOARD ROOM AT THE LOWER COLORADO  
RIVER AUTHORITY HANCOCK BUILDING, 3700 LAKE AUSTIN BOULEVARD, AUSTIN,  
TEXAS.



For meeting information, contact the City Clerk, 974-2210

THE CITY OF AUSTIN IS COMMITTED TO COMPLIANCE WITH THE  
AMERICANS WITH DISABILITIES ACT. REASONABLE MODIFICATIONS AND  
EQUAL ACCESS TO COMMUNICATIONS WILL BE PROVIDED UPON REQUEST.  
FOR ASSISTANCE PLEASE CALL 974-3256 OR 974-2445 TDD.

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WILL WYNN, MAYOR ♦ JACKIE GOODMAN, MAYOR PRO TEM ♦ DARYL SLUSHER  
RAUL ALVAREZ ♦ BETTY DUNKERLEY ♦ BREWSTER MCCrackEN ♦ DANNY THOMAS

**NOTICE OF REGULAR MEETING  
THURSDAY, FEBRUARY 05, 2004**

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**9:55 A.M. Invocation**

The Rev. Greg Rickle, St. James Episcopal Church

**10:00 A.M. City Council Convenes**

**THE CITY COUNCIL OF THE CITY OF AUSTIN, TEXAS WILL CONVENE AT 10:00 AM ON THURSDAY, FEBRUARY 05, 2004, IN THE BOARD ROOM AT THE LOWER COLORADO RIVER AUTHORITY HANCOCK BUILDING, 3700 LAKE AUSTIN BOULEVARD, AUSTIN, TEXAS.**

**The City Council will go into a closed session under Chapter 551 of the Texas Government Code to receive advice from legal counsel, to discuss matters of land acquisition, to discuss personnel matters, to discuss or take action on a "competitive**

**Posted Date: Friday, January 30, 2004**

matter" of the Electric Utility Department as provided for under Section 551.086, or for other reasons permitted by law as specifically listed on this agenda. If necessary, the City Council may go into a closed session as permitted by law regarding any item on this agenda.

### **READING AND ACTION ON CONSENT AGENDA**

#### **ACTION ON THE FOLLOWING:**

**ORDINANCES / RESOLUTIONS / MOTIONS - All of the following items may be acted upon by one motion. No separate discussion or action on any of the items is necessary unless desired by a Council Member.**

#### **Meeting Minutes**

1. Approval of minutes from the meeting of January 29, 2004.

#### **Austin Water Utility**

2. Authorize the City Manager to negotiate and execute the first amendment to the "Interlocal Agreement Regarding Temporary Wholesale Water and Wastewater Service" between the City of Austin, City of Pflugerville, and Northtown Municipal Utility District to set forth terms for the transition of wholesale water and wastewater service from the City of Pflugerville to the City of Austin for a portion of the Northtown Municipal Utility District and for the exchange of easements between the parties for the necessary water and wastewater infrastructure. (Review Water and Wastewater Commission 2-4-04) (Related Item 10)

#### **Law**

3. Authorize negotiation and execution of an amendment to the outside counsel contract with CONNIE ODE, ATTORNEY AT LAW, El Prado, New Mexico, in *Ethel Spiller, et al. v. Thomas E. White, et al.*, No. 02-50956; In the United States Court of Appeals, 5th Circuit, in the amount of \$40,000, with a total contract amount not to exceed \$164,500. (Funding in the amount of \$40,000 is available in the fiscal year 2003-2004 Approved Operating Budget of the Economic Development Fund.) (Related Item 22)

4. Approve an ordinance repealing Chapter 4-7 of the City Code relating to the insurance requirements for hazardous pipelines. (Related Item 23)

#### **Library**

5. Amend Ordinance No. 030908-04, the Fiscal Year 2003-2004 Schedule of Fees, Fines, and Charges, to add a fee to be charged by the Library Department in an amount of \$10.00 for each delinquent customer account referred to a collection vendor. (Related Item 11)

#### **Management Services - Office of Emergency Management**

6. Authorize acceptance of grant funds from the Texas Association of Regional Councils (TARC), in the amount of \$45,000, and approve an ordinance amending the Fiscal Year 2003-2004 Office of Emergency Management Operating Budget of Ordinance No. 030909-01, to appropriate grant funds to the Office of Emergency Management Special Revenue Fund for support of the continuance of a Citizen Emergency Response Team (CERT) Program. (Funding is available in Fiscal Year 2003- 2004 from the Texas Association of Regional Councils for the grant period January 1, 2004 - August 31, 2004. No City match is required.)

#### **Public Works**

7. Authorize negotiation and execution of an amendment to the professional services agreement with URS CORPORATION, A NEVADA CORPORATION, Austin, TX, for completion of design, bid/award, construction phase services and warranty assistance for the Mabel Davis Park Landfill Site Assessment and Remediation Project, in an amount not to exceed \$250,000, for a total contract amount not to exceed \$1,003,876. (Funding in the amount of \$250,000 is available in the Fiscal Year 2003-2004 Capital Budget of the Solid Waste Services Department.) 19% MBE and 7.66% WBE subcontractor participation to date. (Related Item 8)

8. Authorize negotiation and execution of an amendment to the professional services agreement with URS CORPORATION, A NEVADA CORPORATION, Austin, TX, for the completion of the Affected Property Assessment Report (APAR) required by Texas Commission on Environmental Quality (TCEQ) Voluntary Cleanup Program and additional environmental consulting services for the Mabel Davis Park Landfill Site Assessment and Remediation Project in an estimated amount of \$100,000, for a total contract amount not to exceed \$1,862,731.56. (Funding in the amount of \$100,000 is available in the Fiscal Year 2003-2004 Capital Budget of the Solid Waste Services Department.) 6.04% MBE and 18.00% WBE subcontractor participation to date. (Related Item 7)
9. Authorize execution of change order # 18 to the construction contract with AUSTIN FILTER SYSTEMS, INC., Austin, TX, for 355 linear feet of 15 inch diameter wastewater line to be bored under the Fort Branch channel and for a 70 linear foot long utility bridge supporting a 12 inch diameter water line crossing the Fort Branch channel on the Fort Branch Bridge and Channel Improvement Project, increasing the contract in the amount of \$300,000, for a total contract amount not to exceed \$3,249,039.78. (Funding in the amount of \$300,000 is included in the Fiscal Year 2003-2004 Capital Budget of the Austin Water Utility.) 22.96% MBE and 10.00% WBE subcontractor participation to date
10. Authorize the City Manager or designee to negotiate and execute an Interlocal Agreement with the City of Pflugerville and Northtown Municipal Utility District No. 1 to set forth terms and conditions for the exchange of easements for the construction of necessary water and wastewater infrastructure. (Related Item 2)

#### **Purchasing**

11. Approve negotiation and execution of a 12-month revenue agreement with UNIQUE MANAGEMENT SERVICES, INC., Jeffersonville, IN for the collection of overdue library materials, fines and fees in an estimated annual revenue amount of \$82,000, with two 12-month extension options in an estimated revenue amount of \$82,000 per extension option, for a total estimated revenue agreement amount of \$246,000. (The estimated revenue amount of \$54,667 will be included in the Current Year Estimate of the Fiscal Year 2003-2004 Approved Operating Budget of the Austin Public Library. Estimated revenue for the remaining four months of the original contract period and extension options will be included in future budgets.) Best proposal of two received. This contract will be awarded in compliance with Chapter 2-9 of the City Code (Minority-Owned and Women-Owned Business Enterprise Procurement Program). No subcontracting opportunities were identified; therefore, no goals were established for this solicitation. (Related Item 5)

12. Authorize execution of a 12-month supply agreement with ARNOLD DENTAL SUPPLY COMPANY, INC., Lynnwood, WA, for dental supplies in an amount not to exceed \$70,000, with two 12-month extension options in an amount not to exceed \$70,000 per extension for a total agreement amount not to exceed \$210,000. (Funding in the amount of \$40,833.33 is available in the Fiscal Year 2003-2004 Approved Operating Budget of the Community Care Services Department. Funding for the remaining five months of the original contract period and extension options is contingent upon available funding in future budgets.) Lowest bid of three received. This contract will be awarded in compliance with Chapter 2-9 of the City Code (Minority-Owned and Women-Owned Business Enterprise Procurement Program). No subcontracting opportunities were identified; therefore, no goals were established.
13. Authorize execution of a contract with EATON CORP., Austin, TX for the replacement of ten circuit breakers at the Domain Plant in an amount not to exceed \$211,032. (Funding is available in the Fiscal Year 2003-2004 Approved Capital Budget of the Electric Utility Department.) Low bid of six bids received. This contract will be awarded in compliance with Chapter 2-9 of the City Code (Minority-Owned and Women-Owned Business Enterprise Procurement Program). No subcontracting opportunities were identified; therefore, no goals were established for this solicitation. All work will be performed by the contractor's own workforce.

#### **Transportation, Planning and Sustainability**

14. Approve a resolution adopting the Great Streets Development Program to provide reimbursement in the Central Business District (CBD) for streetscape improvements that meet the Great Streets Master Plan streetscape standards. (Funding for the reimbursements will be provided through the Great Streets Parking Meter Revenue Fund.) (Recommended by the Downtown Commission and the Design Commission.) (Related Items 15, 16, 17)
15. Authorize negotiation and execution of an agreement for the reimbursement of streetscape improvement costs to Merit Littlefield Mall, L.P. for the Littlefield Mall renovation project located at 115 East 6th Street under the Great Streets Development Program in an amount not to exceed \$104,670. (Funding is available in the Fiscal Year 2003-2004 Amended Capital Budget of the Transportation, Planning & Sustainability Department from Great Streets Parking Meter Revenue.) (Related Items 14, 16, 17)

16. Authorize negotiation and execution of an agreement for the reimbursement of streetscape improvement costs to White Lodging Services Corporation for a Downtown Austin Marriott project located at 300 East 4th Street under the Great Streets Development Program in an amount not to exceed \$162,283.68. (Funding is available in the Fiscal Year 2003-2004 Amended Capital Budget of the Transportation, Planning & Sustainability Department from Great Streets Parking Meter Revenue.) (Related Items 14, 15, 17)
17. Authorize negotiation and execution of an agreement for the reimbursement streetscape improvement costs to Colonial Bank N.A. for a project located at 601 West 5th Street under the Great Streets Development Program in an amount not to exceed \$70,490. (Funding is available in the Fiscal Year 2003-2004 Amended Capital Budget of the Transportation, Planning & Sustainability Department from Great Streets Parking Meter Revenue.) (Related Items 14, 15, 16)

#### **ITEMS FROM COUNCIL**

18. Board and Commission Appointments.
19. Approve an ordinance appointing the Presiding Judge, Associate Judges, Downtown Austin Community Court Judge and Substitute Judges to the City of Austin Municipal Court for the 2004-2005 judicial term, and setting compensation and benefits. (Mayor Will Wynn, Mayor Pro Tem Jackie Goodman and Council Member Brewster McCracken)
20. Approve a resolution requesting that the Central Texas Regional Mobility Authority and the Texas Department of Transportation reject plans for the conversion of Highway 183 in Northwest Austin to a toll facility. (Council Member Brewster McCracken)

**12:00 P.M. CITIZEN COMMUNICATIONS: GENERAL**

Amy Hettenhausen - Flashing Speed Limit Sign in front of Johnson High School

Pat Valls-Trelles - Spay Austin Campaign 2004 & The No Kill Goal

Lawrence Cranberg - Grave Robbing, Forgery of Board Of Adjustment Documents

Colin Clark - Cypress Realty

Mary Lehmann - Mueller Update

Robert Singleton - Mueller Update

Jennifer L. Gale - Official Announcement: District Eight . Austin Independent School District. Board of Trustees. At-Large position for healthier far better educated students without a "Special Education" for children already facing challenges.

Edward Sledge - Changes to City Ordinances

Gavino Fernandez - Close the Holly Power Plant Now! Enact Proposition 13.

Jose Quintero - Gentrification - Historical (Hysterical) Zoning High Taxes, Minority's losing their homes led by the Master Plan's of the City Of Austin

**EXECUTIVE SESSION (No Public Discussion On These Items)****Private Consultation with Attorney - Section 551.071**

21. Discuss legal issues relating to the labor negotiations for a Meet and Confer contract with the Austin Police Association.
22. Discuss legal issues in *Ethel Spiller, et. al. v. Thomas E. White, et al.*, No. 02-50956. In the United States Court of Appeals, 5<sup>th</sup> Circuit. (regarding operation of the Longhorn Pipeline) (Related Item 3)
23. Discuss legal issues related to Cause No. A03CA570SS, *Texas Oil & Gas Association v. City of Austin, Texas*, in the United States District Court for the Western District of Texas. (concerns a challenge to the insurance provisions of the City's ordinance regulating hazardous liquid pipelines) (Related Item 4)

**2:00 PM BRIEFINGS**

24. Staff presentation regarding administrative approvals for wastewater infrastructure in the Weston Study area (the northeast quadrant of the City's corporate limits and extraterritorial jurisdiction within the Harris Branch, Gilleland Creek and Wilbarger Creek watersheds).
25. Quarterly economic update.

**4:00 P.M. ZONING HEARINGS AND APPROVAL OF ORDINANCES AND RESTRICTIVE COVENANTS****Zoning Hearings and Approval of Ordinances / Restrictive Covenants**

- Z- 1            C14-03-0177 - Jack Brown Site - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 11500 R.R. 2222 (Bull Creek Watershed) from single family residence standard lot (SF-2) district zoning to community commercial (GR) district zoning. Zoning and Platting Commission Recommendation: To grant community commercial-conditional overlay (GR-CO) combining district zoning. Applicant: Jack Brown Family III, LP (Paul Brown). Agent: Trammell Crow Company (Jill Allison). City Staff: Sherri Gager, 974-3057.
- Z- 2            C14R-85-149.70 (RCA) - Parmer Lane Baptist Church - Conduct a public hearing and approve a restrictive covenant amendment for the property locally known as 1605 West Parmer Lane (Walnut Creek Watershed) . Zoning and Platting Commission Recommendation: To grant the Restrictive Covenant Amendment. Applicant: Parmer Lane Baptist Church (Edgar W. Hudgins). Agent: Wallace Group (Vana Proffitt). City Staff: Sherri Gager, 974-3057.
- Z- 3            C14-03-0174 - 19th Street Condos - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 803-805 West Martin Luther King Jr. Blvd. (Shoal Creek Watershed) from multifamily residence moderate-high density (MF-4) district zoning and limited office (LO) district zoning to multifamily residence highest density-conditional overlay (MF-6-CO) combining district zoning. Zoning and Platting Commission Recommendation: To grant multifamily residence highest density-conditional overlay (MF-6-CO) district zoning. Applicant: William Gurasich. Agent: Shaw Hamilton Consultants (Shaw Hamilton). City Staff: Glenn Rhoades, 974-2775.

- Z- 4            C14-03-0120 - Centrum - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 3413 North Hills Drive, 6415 Hart Lane and 6426 Mopac Expressway (Shoal Creek Watershed) from limited office-conditional overlay (LO-CO) combining district zoning and general office-conditional overlay (GO-CO) combining district zoning to neighborhood commercial-mixed use-conditional overlay (LR-MU-CO) combining district zoning. Zoning and Platting Commission Recommendation: To grant neighborhood commercial-mixed use-conditional overlay (LR-MU-CO) combining district zoning. Applicant: Balcones Centrum Ltd. (Gerald Kuccera). Agent: Crocker Consultants (Sarah Crocker). City Staff: Glenn Rhoades, 974-2775.
- Z- 5            C14-03-0165 - Shaid Zoning - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by zoning property locally known as 3206 West Slaughter Lane (Slaughter Creek Watershed-Barton Springs Zone) from interim-rural residence (I-RR) district zoning to townhouse & condominium residence (SF-6) district zoning. Zoning and Platting Commission Recommendation: To grant townhouse & condominium residence (SF-6) district zoning. Applicant: Orrin Shaid. Agent: Crocker Consultants (Sarah Crocker). City Staff: Wendy Walsh, 974-7719.
- Z- 6            C14-03-0171 - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 5007 Regency Drive (Walnut Creek Watershed) from neighborhood commercial-neighborhood plan (LR-NP) combining district zoning to neighborhood commercial-mixed use-neighborhood plan (LR-MU-NP) combining district zoning. Planning Commission Recommendation: To grant neighborhood commercial-mixed use-neighborhood plan (LR-MU-NP) combining district zoning. Applicant: Ben Turner. Agent: Ben Turner. City Staff: Annick Beaudet, 974-2975.
- Z- 7            C14-03-0176.SH - Pleasant Valley Courtyards - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 4503 - 4511 East St. Elmo Road (Williamson Creek Watershed) from multi-family residence medium density-conditional overlay-neighborhood plan (MF-3-CO-NP) combining district zoning to multi-family residence medium density-conditional overlay-neighborhood plan (MF-3-CO-NP) combining district zoning in order to change a condition of zoning. Planning Commission Recommendation: To be considered by the Commission on January 27, 2004. Applicant: Pleasant Valley Courtyards, L.P. (Craig Alter on behalf of Carlos Herrera). Agent: Brown McCarroll, L.L.P. (Nikelle Meade). City Staff: Wendy Walsh, 974-7719. (continued from 1/29/04)

**5:30 P.M. LIVE MUSIC AND PROCLAMATIONS****LIVE MUSIC**

Colin Gilmore

**PROCLAMATIONS**

Proclamations - Black Family Technology Awareness Week and a February 15 event - - to be presented by Mayor Will Wynn and to be accepted by Wendell Ramsey

Proclamation - Black History Month - to be presented by Mayor Will Wynn and to be accepted by Betty Baker

Proclamation - St. David's Foundation Toast of the Town - to be presented by Mayor Will Wynn and to be accepted by Luke Doyle

**6:00 P.M. PUBLIC HEARINGS AND POSSIBLE ACTION****Transportation, Planning and Sustainability**

26. Conduct a public hearing on the full purpose annexation of Northtown Triangle Area (Approximately 0.105 acres in Travis County north of Howard Lane, approximately one-half mile east of the intersection of IH-35 and Howard Lane.) (Related Item 28)
27. Conduct a public hearing for the full purpose annexation of the Prosser Estate Area (Approximately 21 acres) located in Travis County west of Bradshaw Road, approximately three-tenths of a mile north of the intersection of River Planation Drive and Bradshaw Road.
28. Conduct a public hearing for the full purpose annexation of the ZT Scott Area (Approximately 269 acres) located in Travis County approximately one-tenth of a mile south of the intersection of Bradshaw Road and Old Lockhart Highway. (Related Item 26)

**Watershed Protection and Development Review**

29. Conduct a public hearing and approve an ordinance amending Chapter 25-10 of the City Code relating to nonconforming sign technology and sign area.  
(Recommended by the Codes and Ordinances Committee of the Planning Commission, and the Planning Commission.)

**ADJOURN**

**THE CITY OF AUSTIN IS COMMITTED TO COMPLIANCE WITH THE AMERICANS WITH DISABILITIES ACT. REASONABLE MODIFICATIONS AND EQUAL ACCESS TO COMMUNICATIONS WILL BE PROVIDED UPON REQUEST. FOR ASSISTANCE PLEASE CALL 974-3256 OR 974-2445 TDD.**

Council Meetings

January 8, 2004  
January 15, 2004

January 29, 2004  
February 5, 2004  
February 12, 2004

February 26, 2004  
March 4, 2004  
March 11, 2004

March 25, 2004  
April 1, 2004

April 15, 2004  
April 22, 2004

May 6, 2004  
May 13, 2004

May 27, 2004

June 10, 2004  
June 17, 2004  
June 24, 2004

July 29, 2004  
August 5, 2004  
August 12, 2004

August 26, 2004  
September 2, 2004

September 13,14,15  
(Budget)

September 30, 2004  
October 7, 2004

October 21, 2004  
October 28, 2004  
November 4, 2004

November 18, 2004

December 2, 2004

December 16, 2004

Cancelled Meetings

January 1, 2004

January 22, 2004

February 19, 2004

March 18, 2004

April 8, 2004

April 29, 2004

May 20, 2004

June 3, 2004

July 1, 2004  
July 8, 2004  
July 15, 2004  
July 22, 2004

August 19, 2004

September 9, 2004  
September 16, 2004

September 23, 2004

October 14, 2004

November 11, 2004

November 25, 2004

December 9, 2004

December 23, 2004  
December 30, 2004