



Austin City Council MINUTES

THURSDAY, MAY 13, 1999

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.

EXECUTIVE SESSION (No Public Discussion on These Items)

Executive session was held at 12:25 p.m.

The City Council announced it would go into Executive Session, if necessary, 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 and to receive advice from Legal Counsel regarding any other item on this agenda.

Private Consultation with Attorney – Section 551.071

73. Discuss legal issues concerning proposed legislation in the 76th Legislature.
74. Discuss legal issues associated with intellectual property matters.
75. Discuss legal issues concerning the application of the Interim Development Ordinance to certain land in the North Austin Municipal Utility District #1.
76. Discuss *Circle C Land Corp. v City of Austin*, Cause No. 97-13994, 53rd Judicial District of Travis County
77. Discuss legal issues relating to the ordinance proposed by the Real Estate Council of Austin and the SOS Alliance
78. Discuss legal issues concerning the rights of a developer to continue a development proposal after annexation without full compliance with city regulations.
79. Discuss *Village of Bee Cave, et al. v. Travis County Water Control and Improvement District No. 14*, Cause No. 96-03683, Travis County District Court; *Travis County Water Control and*

Improvement District No. 14 v. Texas Natural Resource Conservation Commission, et al., Cause No. 97-12332, Travis County District Court; and *Request of Travis County Water Control and Improvement District No. 14 for Cease and Desist Order against Village of Bee Cave, Texas and Lower Colorado River Authority*, filed in the Texas Natural Resource Conservation Commission (undocketed).

Private Consultation with Attorney – Section 551.071

89. Discuss legal issues concerning the proposed condemnation of the fee simple interest in the BFI Recycling Facility, 4712 Bolm Road.

Real Property - Section 551.072

90. Discuss possible land acquisition for affordable housing.
91. Discuss negotiations regarding the relocations of the facility located at 411 W. Second Street.

Executive session ended at 1:45 p.m.

LIVE MUSIC: Mike Garza

INVOCATION: Pastor Greg McDonnell - Central Presbyterian Church

THE CITY COUNCIL OF AUSTIN, TEXAS, CONVENED IN A REGULAR MEETING AT 2:30 P.M. ON THURSDAY, MAY 13, 1999, AT CITY COUNCIL CHAMBERS, 307 WEST SECOND STREET, FOR THE FOLLOWING PURPOSES:

1. Approval of Minutes for Regular Meeting of May 6, 1999
Approved on Council Member Garcia's motion, Council Member Griffith's second by a 7-0 vote.

CITIZEN COMMUNICATIONS: GENERAL

2. Charles T. Waits, Jr. – Perceptions
3. Pedro Metiz – Day Labor Site Change
4. Jennifer Bowles – Day Labor Site Change
5. Gus Pena – Discuss City Issues and City Budget and Clinics - **Absent**
6. John Dolley – Discuss “West Texas Radioactive Contamination of Colorado” - **Absent**
7. Felipe Salazar Garza – Discuss Day Labor
8. Jeremy Dixon – Discuss Day Labor Relocation - **Absent**
9. Edelmira Mendez – Discuss Day Labor Relocation
82. Jon R. Hughes – Discuss Rape - **Absent**
83. Richard Troxell – Discuss Homelessness in Austin – Economic Cleansing

Item 10 was discussed later in the meeting.

CONSENT AGENDA

ALL OF 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 GARCIA'S MOTION, COUNCIL MEMBER SPELMAN'S SECOND BY A 7-0 VOTE.

Items 11 through 13 were pulled for discussion.

14. Approve a resolution authorizing the payment for utility relocation to TIME WARNER CABLE, Austin, Texas, for the relocation of an existing CATV cable within the right-of-way of FM 620 in conjunction with the construction of the Anderson Mill Transmission Main, Phases IIA & IV, in the amount of \$ 60,352. (Funding is included in the 1995-96 Amended Capital Budget of the Water & Wastewater Utility.) [Recommended by Water and Wastewater Commission]
Resolution No. 990513-14 was approved.
15. Approve a resolution authorizing execution of Change Order #3 to the construction contract with EDWARD R. COLEMAN CONSTRUCTION, Austin, Texas, for construction of wastewater improvements to the Anderson Arbor/U.S. 183 East Service to Annexed Area Wastewater Improvement Project, increasing the contract in the amount of \$52,268.87, for a total contract amount not to exceed \$800,135.56. (Funding in an amount of \$52,268.87 is available in the 1998-1999 Capital Budget of the Water & Wastewater Utility.) 11.02% MBE; .56% WBE Subcontracting participation. (Recommended by Water and Wastewater Commission)
Resolution No. 990513-15 was approved.

Items 16 and 17 were pulled for discussion.

18. Approve a resolution authorizing fee simple acquisition of Lot 9, Block A, Onion Creek Forest, Section 1, locally known as 6702 Shady Cedar Drive, Austin, Texas, from HORACE HAMILTON for the Onion Creek Flood Control Project, in the amount of \$34,000 plus \$13,040 in relocation benefits, for a total amount not to exceed \$47,040. (Funding is included in the 1998-99 Amended Capital Budget of the Watershed Protection Utility).
Resolution No. 990513-18 was approved.
19. Approve a resolution authorizing fee simple acquisition of Lot 6, Block E, Onion Creek Forest, Section 1, locally known as 6824 Onion Creek Drive, Austin, Texas, from CLIFFORD ESTES for the Onion Creek Flood Control Project, in the amount of \$67,000 plus \$22,500 in relocation benefits, for a total amount not to exceed \$89,500. (Funding is included in the 1998-99 Amended Capital Budget of the Watershed Protection Utility.)
Resolution No. 990513-19 was approved.

20. Approve a resolution authorizing fee simple acquisition of Lot 9, Block D, Onion Creek Forest, Section 2, locally known as 6902 Thatch Lane, Austin, Texas, from MICHAEL DELAHOUSAYE for the Onion Creek Flood Control Project, in the amount of \$38,600 plus \$14,200 in relocation benefits, for a total amount not to exceed \$52,800. (Funding is included in the 1998-99 Amended Capital Budget of the Watershed Protection Utility.)
Resolution No. 990513-20 was approved.
21. Approve a resolution authorizing fee simple acquisition of Lot 5, Block B, Onion Creek Forest, Section 1, locally known as 6709 Shady Cedar Drive, Austin, Texas, from GEORGE PONCE for the Onion Creek Flood Control Project, in the amount of \$36,000 plus \$21,120 in relocation benefits, for a total amount not to exceed \$57,120. (Funding is included in the 1998-99 Amended Capital Budget of the Watershed Protection Utility.)
Resolution No. 990513-21 was approved.
22. Approve a resolution authorizing fee simple acquisition of Lot 4, Block A, Onion Creek Forest, Section 1, locally known as 6720 Shady Cedar Drive, Austin, Texas, from JAMES CHRIS LOWRY for the Onion Creek Flood Control Project, in the amount of \$53,000 plus \$9,880 in relocation benefits, for a total amount not to exceed \$62,880. (Funding is included in the 1998-99 Amended Capital Budget of the Watershed Protection Utility)
Resolution No. 990513-22 was approved.
23. Approve a resolution authorizing fee simple acquisition of Lots 2 & 3, Block D, Onion Creek Forest, Section 1, locally known as 6803 Shady Cedar Drive, Austin, Texas, from FRANCES HERRERA for the Onion Creek Flood Control Project, in the amount of \$35,000 plus \$22,500 in relocation benefits, for a total amount not to exceed \$57,500. (Funding is included in the 1998-99 Amended Capital Budget of the Watershed Protection Utility.)
Resolution No. 990513-23 was approved.
24. Approve a resolution authorizing fee simple acquisition of Lot 1, Block E, Onion Creek Forest, Section 1, locally known as 6814 Onion Creek Drive, Austin, Texas, from JULIO AND PATRICIA GUERRA for the Onion Creek Flood Control Project, in the amount of \$21,000 plus \$8,950 in relocation benefits, for a total amount not to exceed \$29,950. (Funding is included in the 1998-99 Amended Capital Budget of the Watershed Protection Utility.)
Resolution No. 990513-24 was approved.

Item 25 was pulled for discussion.

26. Approve a resolution authorizing execution of a construction contract with AUSTIN FILTER SYSTEMS, INC., Austin, Texas, for construction of the Reilly Elementary School Regional Detention Facility, in the amount of \$859,351 plus \$85,935 in contingency funds, for a total contract amount not to exceed \$945,286. (Funding in an amount of \$73,005 is available in the 1998-99 Amended Capital Budget of the Water and Wastewater Utility. \$872,281 is available in the 1992-93 Amended Capital Budget of the Watershed Protection Department. 25% MBE; 8.67% WBE Subcontracting participation. (Recommended by Environmental Board)
Resolution No. 990513-26 was approved.

27. Consideration of an ordinance relating to development regulations applicable to the proposed Reserve at Rattan Creek multifamily development (Milwood, Section 25 subdivision), and declaring an emergency.
Ordinance No. 990513-27 was approved.
28. Approve a resolution authorizing execution of a construction contract with COMPLETE COMMUNICATIONS SERVICES dba CO COM CABLING SYSTEMS (WBE/FR), Pflugerville, Texas, for installation of a computerized traffic signal system on Burnet Road and Anderson Lane as part of the Traffic Signal System Upgrade Project, in an amount not to exceed \$164,761.20. (Funding was included in the 1998-99 Amended Capital Budget of the Public Works & Transportation Department.) Low bid of two. 100% WBE Prime Participation.
Resolution No. 990513-28 was approved.
29. Approve a resolution authorizing execution of Change Order #6 to the construction contract with BAY MAINTENANCE CO., INC., Horseshoe Bay, Texas, for additional manhole adjustments and asphalt repair as part of the 12th Street Reconstruction, Overlay, and Utility Adjustments project, increasing the contract in the amount of \$4,033.03 for a total contract amount of \$1,018,007.33. (Funding in an amount of \$1,641.03 was included in the 1996-97 Amended Capital Budget of the Department of Public Works & Transportation; \$2,392 was included the 1995-96 Amended Capital Budget of the Water & Wastewater Utility.) 0% MBE; 59.31% WBE Subcontracting participation. (Recommended by Water & and Wastewater Commission – 5/19/99)
Resolution No. 990513-29 was approved.
30. Approve a resolution authorizing execution of a construction contract with HILL COUNTRY ENTERPRISES, Austin, Texas, for construction of a pedestrian crosswalk with islands and an in-pavement pedestrian crosswalk warning system on Barton Springs Road in front of the Town Lake Center Building, in the amount of \$58,662. (Funding was included in the 1995-96 Amended Capital Budget of the Department of Public Works & Transportation.) Low bid of three. 2.04% MBE; 0% WBE Subcontracting participation.
Resolution No. 990513-30 was approved.

Item 31 was pulled for discussion.

32. Approve an ordinance authorizing the vacation of minor portions of right-of-way in the 600 Block of Neches and the 500 Block of East 7th Street to accommodate an existing encroachment, at the request from Howard Yancy, on behalf of Caritas of Austin. (Funding in an amount of \$8,591 in revenue will be receipted to the Public Works & Transportation Capital Project Management Fund.) [Recommended by Planning Commission]
Ordinance No. 990513-32 was approved.
33. Approve a resolution authorizing negotiation and execution of a contract with RADIX CORPORATION, Salt Lake City, Utah, to provide a handheld utility meter reading system including installation, training and one year of maintenance in an amount not to exceed \$286,638 with four twelve-month extension options for system maintenance in an amount not to exceed \$30,096 each, for a total contract amount not to exceed \$407,022. (Funding was

included in the 1998-99 Capital Budget for the Electric Utility Department. Funding for the extension options is contingent upon the availability of future year funding.) Best of three proposals. No MBE/WBE Subcontracting participation. (Electric Utility Commission – 5/3/99)

Resolution No. 990513-33 was approved.

34. Approve a resolution authorizing execution of contracts with ALTEC INDUSTRIES, INC., St. Joseph, Missouri, for purchase of three truck-mounted aerial devices in the amount of \$293,317; COMMERCIAL BODY CORPORATION, San Antonio, Texas for purchase of one truck-mounted aerial device in the amount of \$137,530. (Funding was included in the 1998-99 Approved Capital Budget of Electric Utility.) Low bid of three. No MBE/WBE Subcontracting participation.

Resolution No. 990513-34 was approved.

35. Approve a resolution authorizing negotiation and execution of two six-year service agreements for natural gas transportation to deliver gas via underground pipelines to the Decker Creek and Holly Street Power Plants beginning January 1, 2000 through December 31, 2005 with LONE STAR PIPELINE COMPANY, Dallas, Texas in an estimated annual amount of \$1,050,000 per year for an estimated contract amount of \$6,300,000 and PG&E TEXAS GAS PARTNERS, Houston, Texas, in an estimated annual amount of \$5,050,000 per year for an estimated contract amount of \$30,300,000 for a total estimated contract amount of \$36,600,000. (Funds for gas transportation are included in the Utility Fuel Charge Revenue. Funding for future years is contingent upon available funding in future budgets.) Best of seven proposals received. No MBE/WBE Subcontracting participation. (To be reviewed by Electric Utility Commission on 5/3/99)

Resolution No. 990513-35 was approved.

36. Approve an ordinance authorizing the acceptance of \$225,000 in grant funding from the U.S. Department of Justice, Office of Community Policing Services (COPS), Universal Hiring Program, to assist in funding the salary costs for three new police officers; amend Ordinance No. 98-0915-A, the 1998-99 Operating Budget, amending the Austin Police Department Special Revenue Fund, by increasing grant funding and grant expenditures by \$225,000; and amending the Austin Police Department Operating Budget by adding three full-time equivalents (FTE) sworn positions. (Funding is available from the U.S. Department of Justice, Office of Community Policing Services (COPS), Universal Hiring Program, for the grant period March 1, 1999–February 28, 2002. City funding of \$420,547 will be required over a four-year period. \$147,302 of the required funding (representing the cadet training, vehicle and initial equipment cost) was included in the Harris Branch Annexation Budget Amendment approved in January 1999. The remaining \$273,245 will be included in future operating budgets for the Austin Police Department. Full funding for the three officers added by this action beyond the original grant period is contingent upon available funding in future budgets.) (Related to Items 37 and 38.)

Ordinance No. 990513-36 was approved.

37. Amend Ordinance No. 980915-A, the 1998-99 Operating Budget, by increasing the number of civilian police cadet training positions authorized for the Austin Police Department, from 100 full-time equivalents (FTEs) to 118 FTEs, to allow three cadet classes to be in session at

the same time. (The cost of training 118 cadets is available in the approved Fiscal Year 1998-99 Austin Police Department's Operating Budget.) (Related to Items 36 and 38)

Ordinance No. 990513-37 was approved.

38. Adopt an Ordinance establishing the classifications and positions in the classified service of the Austin Police Department, eliminating, and creating certain classified positions. (Funding in an amount of \$7,573 is available in the 1998-99 Amended Operating Budget for the Austin Police Department. This amount represents the promotional salary cost of upgrading one Police Officer position to Lieutenant and upgrading one Police Officer position to Detective for the Internal Affairs Unit. The full year salary cost of these upgrades in Fiscal Year 2000 is \$16,855. For the three officers added as part of the Harris Branch annexation, a budget amendment appropriating \$179,127 to the Fiscal Year 1998-99 Operating Budget of the Austin Police Department was approved in January, 1999 to fund cadet training costs, new vehicles and initial equipment for these three officers. City funding of \$420,547 will be Required for these three officers over a four-year period. Full funding for the three officers added by this action beyond the original contract period is contingent upon available funding in future budgets.) (Related to Items 36 and 37)

Ordinance No. 990513-38 was approved.

39. Approve an ordinance authorizing the acceptance of \$29,141 in additional funding from the n Downtown Austin Alliance to cover salary costs for existing Downtown Rangers and add one full-time equivalent Downtown Ranger, for a total of 13 FTE Downtown Rangers; amend Ordinance No. 980915-A, the 1998-99 Operating Budget, amending the Austin Police Department Special Revenue Fund, by increasing funding and expenditures for the Downtown Rangers Program by \$29,141, and adding one Downtown Ranger FTE. (On November 19, 1998, the Austin City Council approved the 1999-2000 budget for the Downtown Austin Alliance to provide Public Improvement District services for the downtown area. The Downtown Rangers Program is funded as part of these services.)

Ordinance No. 990513-39 was approved.

40. Approve an ordinance authorizing acceptance of \$2,499 in grant funds from the Texas Department of Health's Bureau of Disease and Injury Prevention, Community and Worksite Wellness program, and amend Ordinance No. 980915-A, the 1998-99 Operating Budget, by appropriating \$2,499 in grant funds for the Health and Human Services Department's Special Revenue Fund. (Funding is available from the Texas Department of Health's Bureau of Disease and Injury Prevention. The grant period is January 1, 1999-August 31, 1999.)

Ordinance No. 990513-40 was approved.

41. Set a public hearing to receive citizen comments on the City's 1999/2000 proposed Community Development Program (CDP) and federal Annual Consolidated Plan (ACP). Suggested Dates: June 3, 1999 and July 1, 1999 at 6:00 p.m.) [Community Development Commission and Austin Area Comprehensive HIV Planning Council]

Resolution No. 990513-41 was approved.

42. Approve a resolution authorizing modification No. 2 of the first and second contract extensions with DELTA DENTAL INSURANCE COMPANY, Irving, Texas, to cover increased dental insurance payments for City retirees in the amount of \$65,000 for the first extension

option and \$80,000 for the second extension option for a total amount of \$256,000 for the first extension option and \$289,000 for the second extension option for a total amended contract amount of \$718,000. (Funding in the amount of \$48,750 for the first nine months of the contract is available in the 1998-99 Operating Budget for the Employee Benefits Fund. Funding for the remaining months of 1999 is contingent upon approval of future budgets.)
Resolution No. 990513-42 was approved.

Items 43 through 47 were pulled for discussion.

48. Approve a resolution authorizing modification of the second contract extension with BLUE CROSS BLUE SHIELD OF TEXAS (BCBSTX), 9020 Capital of Texas Hwy. North, Suite #400, Austin, Texas 78759, to cover increased medical insurance payments for City retirees in the amount of \$180,000 for a total amount of \$1,757,000, for a total amended contract amount of \$3,874,000. (Funding in the amount of \$135,000 for the first nine months of the contract is available in the 1998-99 Operating Budget for the Employee Benefits Fund. Funding for the remaining months of 1999 is contingent upon approval of future budgets.)
Resolution No. 990513-48 was approved.
49. C14-98-0147 – Approve second/third readings of an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 8721 and 8609 South First Street from "DR", Development Reserve district to "LR-CO", Neighborhood Commercial-Conditional Overlay Combining district zoning for Tract 1 and "IP-CO", Industrial Park-Conditional Overlay Combining district zoning for Tract 2, with conditions. First reading on March 11, 1999; Vote 7-0. Conditions met as follows: Conditional Overlay incorporates conditions imposed by Council on first reading. Applicant: KAY CARTER; Agent: Richard Crank. City Staff: Debra Williams, 499-2987. (Continued from 5/6/99)
Ordinance No. 990513-49 was approved.

Item 50 was pulled for discussion.

51. Approve a resolution directing the City Manager to explore potential options for providing a facility for an Economic/Workforce Development Initiative and report back to Council within 60 days. (Sponsored by Council Member Gus Garcia, Council Member Willie Lewis and Council Member Beverly Griffith)
Resolution No. 990513-51 was approved.

Item 52 was pulled for discussion.

53. Approve an ordinance creating and specifying the make-up of the Census 2000 Complete Count Committee. (Sponsored by Council Member Gus Garcia, Council Member Willie Lewis and Mayor Kirk Watson)
Ordinance No. 990513-53 was approved.

Items 54 through 66 were pulled for discussion.

67. Conduct a public hearing on an ordinance to establish certain new permit expiration dates, a development mitigation policy, and related amendments to the SOS Ordinance and the Austin City Code relating to development in the Barton Springs Zone, as proposed by the Real Estate Council of Austin and the SOS Alliance.
Council postponed this item to May 20, 1999 at the request of RECA and the SOS Alliance.
71. Approve an ordinance amending Title 25 of the City Code by establishing certain new permit expiration dates, a development mitigation policy, and related amendments to the SOS Ordinance and the Austin City Code relating to development in the Barton Springs Zone, as proposed by the Real Estate Council of Austin and the SOS Alliance.
This item has been postponed to May 20, 1999.
68. Conduct a public hearing on an ordinance amending Title 25 of the City Code relating to use and site development regulations applicable to the East Austin Overlay Combining District. City Staff: Greg Guernsey, Development Review and Inspection Department, 499-2387.
This item was postponed to May 20, 1999 at the request of the neighborhood association.
72. Approve an ordinance amending Title 25 of the City Code relating to use and site development regulations applicable to the East Austin Overlay Combining District. City Staff: Greg Guernsey, Development Review and Inspection Department, 499-2387.
This item has been postponed to May 20, 1999.

Items 69 through 80 were pulled for discussion.

APPOINTMENTS

81. Board of Adjustment

BETTY J. EDGEMOND

REAPPOINTMENT

CONSENSUS

Child Care Council

ANGULAR SENECA ADAMS

CONSENSUS

Green Building Task Force

JIM WALKER

CONSENSUS

DISCUSSION AGENDA

85. Approve a resolution authorizing the filing of eminent domain proceedings to acquire the BFI Recycling Facility, more commonly known as Lot 1 Acco Addition and Tract A, Capitol Paper Tract in Austin, Travis County, Texas, owned by BFI Waste Systems of North America for the Solid Waste Services Administrative site. (Funding in an amount of \$2,000,000 was included in the 1998-1999 Amended Capital Budget of the Solid Waste Services Department.)

Resolution No. 990513-85 was approved by Council Member Spelman's motion, Council Member Garcia's second by a 7-0 vote.

EXECUTIVE SESSION

92. Approve a resolution authorizing the filing of eminent domain proceedings to acquire the fee simple interest in the BFI Recycling Facility, 4712 Bolm Road, more commonly known as Lot 1 Acco Addition and Tract A, Capitol Paper Tract in Austin, Travis County, Texas, owned by BFI Waste Systems of North America for the Solid Waste Services Department administrative site. (Funding in an amount of \$2,000,000 was included in the 1998-1999 Amended Capital Budget of the Solid Waste Services Department.)
This item was double posted, please see item 85 above for action taken.

ITEMS CONTINUED

50. C14-98-0237 – Approve second/third readings of an ordinance amending Chapter 25-2 of the Austin City Code zoning property locally known as 400 feet south of the intersection of Lyndhurst Street and FM 620 from "I-RR" Interim Rural Residential to "MF-3-CO" Multi Family Residence-Conditional Overlay Combining district zoning with conditions. First reading on February 25, 1999; Vote 7-0. Conditions met as follows: Conditional Overlay incorporates conditions imposed by Council on first reading. Applicant: Jim Melton; Agent: Carl Conley. City Staff: David Wahlgren, 499-6455. (Continued from 4/15/99 & 5/6/99)
A motion to postpone to June 3, 1999 was made by the applicant on Council Member Garcia's motion, Council Member Griffith's second by a 7-0 vote.

BRIEFING

10. Briefing on options and estimated timeline for completion of the land use study.
Presentation was given by Pat Murphy.

A motion was made to recess into executive session and was approved on Council Member Lewis' motion, Council Member Griffith's second by a 7-0 vote.

A motion to reconsider recessing into executive session on Council Member Griffith's motion, Council Member Garcia's second by a 7-0 vote.

A motion to recess into executive session at 3:30 p.m. on items 52 and 73 through 80 on Council Member Lewis' motion, Council Member Griffith's second by a 7-0 vote.

Executive session ended at 3:48 p.m.

DISCUSSION ITEMS

52. Approve a resolution to appoint Relief Judges to the Municipal Court. (Judicial Subcommittee: Mayor Kirk Watson, Council Members Gus Garcia, and William Spelman)
Resolution No. 990513-52 was approved appointing the following Relief Judges: Ken Vitucci, Michelle Dunlap, Donna Mulcahy, Debra Whitfield and Susan Littleton at the rate of \$28.85

per hour on Council Member Garcia's motion, Council Member Spelman's second by a 7-0 vote.

11. Amend Ordinance No. 980915-A, the 1998-99 Operating Budget, by reducing the General Fund Contingency Reserve by \$200,000, increasing the General Fund Transfer to the Support Services Fund, and increasing the appropriation for the Financial and Administrative Services Department by \$200,000 for additional support of the contract with Music Management Group, L.L.C. (MMG) for the management of the Austin Music Network. (Funding in the amount of \$200,000 is available from the General Fund Contingency Reserve) [Music Commission] [Related to Item 12]

Ordinance No. 990513-11 was approved on Council Member Spelman's motion, Mayor Pro Tem Goodman's second by a 7-0 vote.

12. Approve Amendment No. 1 to a thirty-six month contract with Music Management Group, L.L.C., to increase the first year funding by \$200,000, for a total first year funding of \$700,000 with a total contract amount of \$800,000. (Funding in the amount of \$200,000 is available in the 1998-99 Operating Budget of the Finance and Administrative Services Department.) [Music Commission] [Related to Item 11]

Resolution No. 990513-12 was approved with an amendment by Council Member Griffith to direct the City Manager to look for alternative funding other than from the General Fund. The friendly amendment was accepted on Council Member Spelman's motion, Mayor Pro Tem Goodman's second by a 7-0 vote.

84. Approve a resolution authorizing negotiation and execution of an amendment to the existing professional services agreement with the Joint Venture of BARNES ARCHITECTS INC., ALAN Y. TANIGUCHI ARCHITECT & ASSOCIATES INC., CENTERBROOK ARCHITECTS AND PLANNERS, Austin, Texas, for additional services associated with increasing the size of the parking garage and additional traffic analysis for completion of the Town Lake Park Community Events Center, in an amount not to exceed \$500,000, for a total agreement amount not to exceed \$3,400,000 (Funding in an amount of \$280,000 was included in the 1998-99 Amended Capital Budget for the Convention Center Department. \$220,000 is available in the 1998-99 Approved Capital Budget of the Electric Utility Department.) 8.10% MBE; 18.2% WBE Subconsultants participation.

Resolution No. 990513-84 was approved on Council Member Garcia's motion, Mayor Pro Tem Goodman's second by a 7-0 vote.

86. Approve a resolution authorizing modification #1 to the contract with TEXAS INDUSTRIES FOR THE BLIND AND HANDICAPPED (TIBH), to cover increased usage of temporary clerical personnel services for City Departments in an amount not to exceed \$220,369, and increase each twelve month extension option in an amount not to exceed \$220,369 per option, for a total contract amount not to exceed \$1,861,107. (Funding in an amount of \$139,458.76 is available in the 1998-99 Operating Budgets of the user departments (see attached list). Funding for the remaining two and one half months of the original contract and the extension options will be contingent upon available funding in future budgets. \$35,000 was included in the 1998-99 Approved Capital Budget of the Aviation Department.)

Resolution No. 990513-86 was approved on Council Member Spelman's motion, Council Member Slusher's second by a 7-0 vote.

25. Approve a resolution authorizing execution of a professional services agreement with BROWN & ROOT, INC./ESPEY PADDEN, INC. JOINT VENTURE, Austin, Texas, for professional engineering and associated services for Phase 1 (preliminary engineering) and Phase 2 (design/bid) of the Waller Creek Tunnel Project, in an amount not to exceed \$2,225,000. (Funding is available in the 1997-98 Amended Capital Budget of the Convention Center Department.) 8.6% MBE; 18.2% WBE Subcontracting participation. (Recommended by Environmental Board)
- This item was postponed one week at the Council's request on Council Member Garcia's motion, Council Member Slusher's second by a 7-0 vote.

ALL OF THE FOLLOWING ZONING ITEMS WERE ACTED ON BY ONE MOTION. NO SEPARATE DISCUSSION OR ACTION OCCURRED ON ANY OF THE ITEMS. THE PUBLIC HEARINGS WERE CLOSED AND APPROVED ON CONSENT ON COUNCIL MEMBER GARCIA'S MOTION, MAYOR PRO TEM GOODMAN'S SECOND BY A 7-0 VOTE. A FRIENDLY AMENDMENT WAS MADE BY COUNCIL MEMBER SPELMAN TO POSTPONE ITEMS 56, 57 AND 60 TO MAY 20, 1999

CONSENT ZONING ITEMS

54. C14-99-0055 – Public hearing to amend Chapter 25-2 of the Austin City Code by zoning property locally know as 704 North Bluff Drive from “SF-3”, Family Residence district to “GR”, Community Commercial district and “NO”, Neighborhood Office district. Planning Commission Recommendation: To Grant “GR-CO”, Community Commercial-Conditional Overlay Combining district zoning for Tract 1, “NO-CO”, Neighborhood Office-Conditional Overlay Combining district zoning for Tract 2, and “RR”, Rural Residence district zoning for Tract 3, with conditions. Applicant: Charles D. Nash; Agent: Bury & Pittman (Paul Bury). City Staff: Antonio Gonzalez, 499-2243.
- Ordinance No. 990513-54 was approved.**
56. C14-98-0248 – Public hearing to amend Chapter 25 of the Austin City Code by zoning property locally known as 11300-11314 Pecan Park Boulevard from “MF-3”, Multifamily Residence (Medium Density) district to “GR”, Community Commercial district. Planning Commission Recommendation: To Grant “GR”, Community Commercial district zoning. Applicant: TS-SD II, LTD (Gary Brown); Agent: Graves, Dougherty, Hearon & Moody (David Herndon) and Pac Ten Partners (Gary Brown). City Staff: David Wahlgren, 499-6455.
- This item was postponed to May 20, 1999 at the request of the Council.**
57. C14-98-0251 – Public hearing to amend Chapter 25 of the Austin City Code by zoning property locally known as 13608-13640 FM 620 Rd. North (Lake Creek) from “I-RR”, Interim Rural Residence, “SF-2”, Single-Family Residence (Standard Lot) to “MF-3” Multifamily Residence (Medium Density) district. Planning Commission Recommendation: To Grant “MF-3”, Multifamily Residence (Medium Density) district zoning with conditions. Applicant: PAR 620 Ltd. (Gary Brown), GH-620 Limited (Gary Hills Trustee) and David Bruce Smith; Agent: Graves, Dougherty, Hearon & Moody (David Herndon) and Pac Ten Partners (Gary Brown). City Staff: David Wahlgren, 499-6455.
- This item was postponed to May 20, 1999 at the request of the Council.**

58. C14-98-0253 – Public hearing to amend Chapter 25 of the Austin City Code by rezoning property locally known as 10701-10727 Lakeline Mall Drive from “MF-3”, Multifamily Residence (Medium Density) district to “GR”, Community Commercial district. Planning Commission Recommendation: To Grant “GR”, Community Commercial district zoning. Applicant 620/183 Partnership et al (Fred Thomas); Agent: Minter, Joseph & Thornhill (Michele C. Haussmann). City Staff: David Wahlgren, 499-6455.
This item was approved for first reading only.
59. C14-98-0254 – Public hearing to amend Chapter 25 of the Austin City Code by rezoning property locally known as 10700-10724 Lakeline Mall Drive from “MF-6”, Multifamily Residence (Highest Density) district to “GR”, Community Commercial district. Planning Commission Recommendation: To Grant “GR”, Community Commercial district zoning. Applicant 620/183 Partnership et al (Fred Thomas); Agent: Minter, Joseph & Thornhill (Michelle C. Haussmann). City Staff: David Wahlgren, 499-6455.
This item was approved for first reading only.
60. C14-98-0255 – Public hearing to amend Chapter 25 of the Austin City Code by zoning property locally known as 10101-10125 Lake Creek Parkway and 12905 to 13037 Hymeadow Drive from “SF-2”, Single Family Residence (Standard Lot) district and “I-RR” Interim Rural Residence to “LO”, Limited Office District. Planning Commission Recommendation: To Grant “LO”, Limited Office district zoning with Conditions for Tract 1, and “NO-CO”, Neighborhood Office-Conditional Overlay Combining district zoning with conditions for Tract 2 and “RR”, Rural Residence district zoning for any area within the 100 year flood plain. Applicant: Christianna Ltd. (Gary Brown); Agents: Graves, Dougherty, Hearon & Moody (David Herndon) and Pac Ten Partners (Gary Brown). City Staff: David Wahlgren, 499-6455.
This item was postponed to May 20, 1999 at the request of the Council.
61. C14-99-0027 – Public hearing to amend Chapter 25 of the Austin City Code by zoning property locally known as 13820-14012 FM 620 North, 13912-14016 & 13801-14017 Tom Kemp Lane, 9220-9238 Parmer Lane, 13642-13816 FM 620 North, 13800-13814 & 13900-13910 Tom Kemp Lane (Lake Creek) from “I-RR”, Interim Rural Residence district, “DR”, Development Reserve district, “SF-2”, Single Family Residence (Standard Lot) and “GR-CO”, Community Commercial-Conditional Overlay district to “GR” Community Commercial district. Planning Commission Recommendation: To Grant “GR”, Community Commercial-Conditional Overlay Combining district zoning with conditions for Tract 1, and “GO-CO” General Office-Conditional Overlay Combining district zoning with conditions for Tract 2. Applicant: PAR 620 Ltd. (Gary Brown), GH-620 Limited (Gary Hills Trustee) and David Bruce Smith; Agents: Graves, Dougherty, Hearon & Moody (David Herndon) and Pac Ten Partners (Gary Brown). City Staff: David Wahlgren, 499-6455.
This item has been postponed to July 15, 1999 at the request of the applicant.
62. C14R-85-360 – Public hearing to amend Chapter 25 of the Austin City Code by amending a restrictive covenant for property locally known as Intersection of Lake Creek Parkway and Lake Stop Boulevard/Lakeline Mall Drive. Planning Commission Recommendation: To grant approval of the restrictive covenant amendment. Applicant: 620/183 Partnership et al (Fred

Thomas); Agent: Minter, Joseph & Thornhill (Michele C. Haussmann). City Staff: David Wahlgren, 499-6455.

This item has been postponed to June 3, 1999 at the request of the staff.

63. C14-98-0245 – Public hearing to amend Chapter 25-2 of the Austin City Code by zoning property locally known as 3014 Aftonshire Way from “I-RR”, Interim-Rural Residence district to “GR”, Community Commercial district. Planning Commission Recommendation: To Grant “LO-CO”, Limited Office-Conditional Overlay Combining district zoning with conditions. Applicant: Dennis Artale. City Staff: Joe Arriaga, 499-2308. (Continued from 5/6/99)
This item has been postponed to July 8, 1999 .

PUBLIC HEARING

66. Conduct a public hearing on an ordinance amending the Austin Tomorrow Comprehensive Plan by adopting the East Cesar Chavez Neighborhood Plan for the area bounded by East 6th Street, Chicon Street, Town Lake and I.H. 35. (There is no fiscal impact associated with adopting the Plan. A partial estimate of the fiscal impact to implement all of the recommendations in the plan is \$6,751,035 (including the library costs already approved). This plan is advisory and does not legally obligate the City to implement any particular recommendation.) [Planning Commission-2/23/99]
The public hearing was closed on Council Member Griffith’s motion, Council Member Garcia’s second by a 7-0 vote.
70. Approve an ordinance amending the Austin Tomorrow Comprehensive Plan by adopting the East Cesar Chavez Neighborhood Plan for the area bounded by East 6th Street, Chicon Street, Town Lake and I.H. 35.
Ordinance No. 990513-70 was approved on Council Member Garcia’s motion, Council Member Griffith’s second by a 7-0 vote.
79. Consider settlement proposal in *Village of Bee Cave, et al. v. Travis County Water Control and Improvement District No. 14*, Cause No. 96-03683, Travis County District Court; *Travis County Water Control and Improvement District No. 14 v. Texas Natural Resource Conservation Commission, et al.*, Cause No. 97-12332, Travis County District Court; and *Request of Travis County Water Control and Improvement District No. 14 for Cease and Desist Order against Village of Bee Cave, Texas and Lower Colorado River Authority*, filed in the Texas Natural Resource Conservation Commission (undocked).
No action was taken on this item.

DISCUSSION ZONING ITEMS

55. C14H-99-0001 – Public hearing to amend Chapter 25-2 of the Austin City Code by rezoning property locally known as 1206 San Antonio Street from “GO”, General Office district to “GO-H”, General Office-Historic district zoning. Planning Commission Recommendation: To forward this rezoning request without a recommendation. Applicant: City of Austin; Agent: Development Review and Inspection Department. Owner: Texas Association of Counties (Terry Wyatt); City Staff: Barbara Stocklin, 499-2414.

The public hearing was closed on Council Member Griffith's motion, Council Member Slusher's second by a 4-0 vote. Mayor Watson, Council Members Lewis and Slusher were off the dais.

Approved GO-H zoning on first reading only and with direction to staff to explore options to LDC amendment for an overlay that can protect/preserve older neighborhoods on Council Member Griffith's motion, Council Member Spelman's second by a 6-0-1 vote. Mayor Pro Tem Goodman abstained.

PUBLIC HEARINGS

64. Conduct a public hearing authorizing the construction of right-of-way through .473 acres of dedicated parkland known as ONION CREEK DISTRICT PARK in accordance with Sec. 26.001 et seq. of the Texas Parks and Wildlife Code. (Recommended by Parks and Recreation Board)

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

65. Conduct a public hearing authorizing a resolution of a .041 acre license agreement and a .052 acre temporary construction space to allow construction of subsurface storm sewer through dedicated parkland known as GRAND MEADOW PARK in accordance with Sec. 26.001 et seq. of the Texas Parks and Wildlife Code. (Recommended by Parks and Recreation Board)

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

ACTIONS ON PUBLIC HEARINGS

87. Approve the construction of right-of-way through .473 acres of dedicated parkland known as ONION CREEK DISTRICT PARK in accordance with Sec. 26.001 et seq. of the Texas Parks and Wildlife Code. (Recommended by Parks and Recreation Board)

Resolution No. 990513-87 was approved on Council Member Slusher's motion, Mayor Pro Tem Goodman's second by a 5-0 vote. Council Members Griffith and Spelman were off the dais.

88. Approve a resolution of a .041 acre license agreement and a .052 acre temporary construction space to allow construction of subsurface storm sewer through dedicated parkland known as GRAND MEADOW PARK in accordance with Sec. 26.001 et seq. of the Texas Parks and Wildlife Code. (Recommended by Parks and Recreation Board)

Resolution No. 990513-88 was approved on Council Member Slusher's motion, Mayor Pro Tem Goodman's second by a 5-0 vote. Council Members Griffith and Spelman were off the dais.

69. Conduct a public hearing to receive citizen comments on proposed amendments to the City's 1998-99 Community Development Program and federal Annual Consolidated Plan to reprogram \$1,762,894 in CDBG funds and pre-award \$2,600,000 from anticipated future CDBG allocations. (CDBG funds in the amount of \$1,762,894 are available from the

allocation of current and prior year's funds. \$1,100,000 will be made available in the FY 1999-2000 Consolidated Plan allocation for CDBG funds. \$1,500,000 will be made available in the FY 2000-2001 CDBG allocation.)

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

13. Approve a resolution authorizing execution of a twelve month Supply Agreement with VISIONS OF VIDEO, Northridge, California, for the purchase of Repair Parts for Motorola Radios for an amount not to exceed \$140,000 with two twelve-month extension options for \$140,000 for each option and a total contract amount not to exceed \$420,000. (Funding in an amount of \$52,500 is available in the 1998-1999 operating budget of the Radio Communications Division of the Financial & Administrative Services Department. Funding for the balance \$87,500 for the first twelve months of the contract and the remaining extension options is contingent upon available funding in future budgets.) Low bid of eight. No MBE/WBE Subcontracting participation.

Resolution No. 990513-13 was approved on Council Member Lewis's motion, Council Member Spelman's second by a 6-0 vote. Council Member Slusher was off the dais.

16. Approve a resolution declaring official intent to reimburse acquisition and construction costs in the amount of \$6,162,881 for developer reimbursements related to 1997 municipal utility district annexation. (Funding in an amount of \$1,343,488 for the Water Utility and \$1,689,394 for the Wastewater Utility to be funded by the issuance of commercial paper; \$3,129,999 to be funded by the issuance of General Obligation Debt.) [Recommended by Water and Wastewater Commission Review]

Resolution No. 990513-16 was approved on Council Member Spelman's motion, Mayor Pro Tem Goodman's second by a 7-0 vote.

17. Amend Ordinance No. 980915-B, the 1998-99 Capital Budget by increasing appropriations to the Water and Wastewater Utility by \$3,032,882 and creating two new projects known as "Morningwood Water Reimbursement" and "Lumberman's Water Reimbursement" and a new wastewater project known as "Lumberman's Wastewater Reimbursement" and appropriating \$3,129,999 to the Watershed Protection Department's "Drainage Developer Reimbursements in Annexed Area" project account. (Funding in an amount of \$3,032,882 for Water and Wastewater Utility to be funded by the issuance of commercial paper. \$3,129,999 for Watershed Protection to be funded by future Certificates of Obligation.) [Recommended by Water and Wastewater Commission Review and Planning Commission]

Resolution No. 990513-17 was approved on Council Member Spelman's motion, Mayor Pro Tem Goodman's second by a 7-0 vote.

31. Approve a resolution authorizing negotiation and execution of a professional services agreement with the following three firms: FUGRO SOUTH, INC., Austin, Texas; TRINITY ENGINEERING TESTING CORPORATION, Austin, Texas; TERRA-MAR, INC., Austin, Texas, to provide professional engineering soils and materials testing services for streets, buildings, water and wastewater projects, City facilities, and subdivisions, for a period of approximately two years or until available funding is expended, each agreement in an amount not to exceed \$1,500,000 with a total amount of the three agreements not to exceed \$1,500,000 (total estimated amount approximately \$500,000 per firm). (Funding is available

in the Capital and/or Operating Budgets of the Departments of Public Works and Transportation, the Water and Wastewater Utility, and various other departments for which services are required. Up to \$30,000 of the total will be allocated to testing associated with Water and Wastewater service connections. No MBE/WBE subcontracting participation. (Recommended by Water and Wastewater Commission)

Resolution No. 990513-31 was approved on Council Member Garcia's motion, Mayor Pro Tem Goodman's second by a 7-0 vote.

43. Approve modification No. 1 of the twelve month contract and the two twelve-month extension options with PRUDENTIAL HEALTHCARE, Austin, Texas, to cover increased medical coverage payments for employees and retirees as a result of greater than projected enrollment in the amount of \$465,000 per year, for a total amount of \$1,650,000, for a total amended contract amount of \$4,950,000. (Funding in the amount of \$348,750 for the first nine months of the contract is available in the 1998-99 Operating Budget for the Employee Benefits Fund. Funding for the remaining months of 1999 is contingent upon approval of future budgets.)

Resolution No. 990513-43 was approved on Council Member Lewis' motion, Council Member Garcia's second by a 7-0 vote.

44. Approve a resolution authorizing modification No. 4 of the second contract extension with AIG LIFE INSURANCE COMPANY (AIG), Houston, Texas, to cover 1999 increased accidental death and dismemberment insurance costs in the amount of \$70,000 for a total amount of \$229,000 for the final contract extension, for a total amended contract amount of \$547,000. (Funding in the amount of \$52,500 for the first nine months of the contract is available in the 1998-99 Operating Budget for the Employee Benefits Fund. Funding for the remaining months of 1999 is contingent upon approval of future budgets.)

Resolution No. 990513-44 was approved on Council Member Lewis' motion, Council Member Garcia's second by a 7-0 vote.

45. Approve a resolution authorizing modification No. 2 of the twelve month contract and two twelve-month extension options with AETNA Life Insurance Company (AETNA), Houston, Texas, to cover increased short term and long term disability insurance costs in the amount of \$152,000 for the contract year, \$296,000 for the first extension option and \$360,000 for the second option year for a total amount of \$1,432,871, \$1,576,871, \$1,640,871 per year, for a total amended contract amount of \$4,650,613. (Funding in the amount of \$114,000 for the first nine months of the contract is available in the 1998-99 Operating Budget for the Employee Benefits Fund. Funding for the remaining months of 1999 and the extension options are contingent upon approval of future budgets.)

Resolution No. 990513-45 was approved on Council Member Lewis' motion, Council Member Garcia's second by a 7-0 vote.

46. Approve a resolution authorizing modification No. 1 of the second contract extension with AETNA Life Insurance Company (AETNA), 2900 North Loop West, Suite 300, Houston, Texas, to cover 1999 increased costs for basic, supplemental and dependent life insurance in the amount of \$242,000 for a total amount of \$1,273,000, and a total amended contract

amount of \$3,195,000. (Funding in the amount of \$181,500 for the first nine months of the contract is available in the 1998-99 Operating Budget for the Employee Benefits Fund. Funding for the remaining months of 1999 is contingent upon approval of future budget.)

Resolution No. 990513-46 was approved on Council Member Lewis' motion, Council Member Garcia's second by a 7-0 vote.

47. Approve a resolution authorizing modification No. 1 of the twelve month contract and the two twelve-month extension options with SAFECO Life Insurance Company (SAFECO), Plano, Texas, to cover increased stop-loss insurance costs in the amount of \$127,000 per year for a total amount of \$419,392 per year, for a total contract amount not to exceed \$1,258,176. (Funding in the amount of \$95,250 for the first nine months of the contract is available in the 1998-99 Operating Budget for the Employee Benefits Fund. Funding for the remaining months of 1999 and the extension options are contingent upon approval of future budgets.)

Resolution No. 990513-47 was approved on Council Member Lewis' motion, Council Member Garcia's second by a 7-0 vote.

ADJOURNED at 9:30 p.m. on Council Member Slusher's motion, Council Member Garcia's second by a 7-0 vote.

Approved on this the 20th day of May, 1999 on Council Member Garcia' motion, Mayor Pro Tem Goodman's second by a 5-0 vote. Council Members Griffith and Spelman were off the dais.