



Austin City Council MINUTES

**REGULAR MEETING
THURSDAY, JULY 15, 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 1:03 p.m. Mayor Watson and Council Members Griffith and Spelman were temporarily absent. Council Member Garcia was absent.

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 on this agenda and to receive advice from Legal Counsel regarding any other item on this agenda.

Private Consultation with Attorney - Section 551.071

117. Discuss *City of Austin v. United States Fidelity & Guaranty Company and Pittsburg Tank & Tower Company, Inc.*, Cause No. 97-00208, in the Travis County District Court.
118. Discuss *Arthur Brown, et al. v. City of Austin Police Department*, Cause No. 95-12194, in the Travis County District Court.
119. Discuss *Jonnie Peck v. Juanita Bishop Huertas, M.D., et al.*, Cause No. 96-11840, in the Travis County District Court.
120. Discuss *FM Properties Operating Co. v. City of Austin*, Cause No. 98-0685, in the Supreme Court of Texas. (This litigation concerns development regulations applicable in the Barton Springs Zone.)

121. Discuss *City of Austin v. LS Ranch Ltd, et al.*, Cause No. 039800542-CV, in the Third Court of Appeals (Austin, Texas). (This litigation concerns development regulations applicable in the Barton Springs Zone.)
122. Discuss legal issues concerning Chapter 245 of the Texas Local Government Code.
123. Discuss legal issues concerning police civil service law.

Real Property – Section 551.072

124. Discuss the possible acquisition of the property known as Sand Beach Reserve on Cesar Chavez Street.

Executive session ended at 1:35 p.m.

LIVE MUSIC: The Jive Bombers

INVOCATION – Reverend Albert Cani – Church of the Path-Non-Denominational

THE CITY COUNCIL OF AUSTIN, TEXAS, CONVENED IN A REGULAR MEETING AT 2:01 P.M. ON THURSDAY, JULY 15, 1999, AT CITY COUNCIL CHAMBERS, 307 WEST SECOND STREET, FOR THE FOLLOWING PURPOSES:

Mayor Waston called the meeting to order. Council Member Garcia was absent.

1. Approval of Minutes for June 15, 1999 Oath of Office and Regular Meeting of July 1, 1999
This item was approved on Council Member Slusher's motion, Mayor Watson's second by a 4-0 vote. Mayor Pro Tem Goodman and Council Member Griffith were off the dais. Council Member Garcia was absent.

CITIZEN COMMUNICATIONS: GENERAL

2. Clare Barry – Texas Neighborhoods Together
3. Gus Pena – To Discuss Health Clinics: Don't Close Montopolis Clinic; Don't Consolidate South Austin Dental Clinic with RBJ Dental Clinic; To Discuss the Budget
4. Daron Butler – Sustainability Indicators Project
5. Barbara Epstein – Zone and Enforcement Problems in the Eastwoods Neighborhood
6. Richard Troxell – Homelessness in Austin
7. Johnette Langford – Human Rights/Family Preservation & CPS – Foster Care System
8. John K. McMillan – That the City establish a new downtown Municipal Park with a softball park, tennis courts, and a pond and picnic tables.
9. Paul Robbins
10. Arthur Harrington – Taxi Cab Meter Rate Increase
11. Eric Anderson – Crosstown Greenway Ullrich Pipeline R.O.W.

BOARD AND COMMISSION REPORTS

12. Electric Utility Commission – Teresa Reel, Chair
Report given by Teresa Reel.

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 SPELMAN' MOTION, COUNCIL MEMBER LEWIS' SECOND BY A 6-0 VOTE. COUNCIL MEMBER GARCIA WAS ABSENT.

13. Approve a resolution authorizing execution of a twelve-month contract with TEXAS CLOSED CAPTIONING, Austin, Texas, for closed captioning of City Council meetings in an amount not to exceed \$48,500 with two twelve-month extension options in an amount not to exceed \$48,500 per extension for a total contract amount not to exceed \$145,500 (Funding in the amount of \$12,125 was included in the 1998-99 Approved Operating Budget of the Finance and Administrative Services Department. Funding for the remaining nine months of the original contract period and extension options will be contingent upon available funding in future budgets.) Sole Bid. No MBE/WBE Subcontracting participation.
Resolution No. 990715-13 was approved.

Item 14 was pulled for discussion.

15. Approve a resolution authorizing execution of a construction contract with CAPITAL EXCAVATION COMPANY, Austin, Texas, for Rutherford Lane Roadway and Drainage Improvements, Phase Two, from IH-35 to Furness Drive in the amount of \$1,014,989.55 plus \$152,248.43 to be used as a contingency fund, for a total contract amount not to exceed \$1,167,237.98. (Funding in an amount of \$314,591.98 was included in the 1991-92 Amended Capital Budget of the Department of Public Works & Transportation; \$852,646 was included in the 1998-99 Amended Capital Budget of the Department of Public Works & Transportation.) Low bid of six. 21.82% MBE, 30.59% WBE Subcontracting participation.
Resolution No. 990715-15 was approved.
16. Approve a resolution authorizing execution of a construction contract with CHEROKEE CONSTRUCTION INC., (MBE/MN), Austin, Texas, for structural overlay of 11th Street from IH-35 to San Antonio Street for the Street Rehabilitation Miscellaneous Street Overlay Projects, Phase III, in the amount of \$690,440 plus \$69,044 to be used as a contingency fund, for a total amount not to exceed \$759,484. (Funding was included in the 1998-99 Approved Operating Budget of the Department of Public Works & Transportation Department, Transportation Fund.) Low bid of four. 16.48% MBE, 38.14% WBE Subcontracting participation.
Resolution No. 990715-16 was approved.

17. Approve a resolution authorizing execution of amendment no. 1 to increase the supply

agreement with KOCH MATERIALS COMPANY, Austin, Texas, to provide the annual supply of liquid asphalt emulsions for the Department of Public Works and Transportation in the amount of \$145,853 for a total amount not to exceed \$729,267, and increasing the two extension options in the amount of \$145,853 each for a total amount not to exceed \$729,267 per extension option for a total contract amount not to exceed \$2,187,801. (Funding in an amount of \$36,463 was included in the 1998-99 Approved Operating Budget of the Department of Public Works & Transportation, Transportation Fund. Funding for the remaining nine months of the original contract period and extension options is contingent upon available funding in future budgets.) No subcontracting opportunities.

Resolution No. 990715-17 was approved.

18. Approve a resolution authorizing execution of a twelve month supply agreement with CAPITOL AGGREGATES LTD., AUSTIN, TEXAS, for the purchase of hot mix asphalt concrete type C, D. & F in an amount not to exceed \$691,350, with two twelve- month extension options in an amount not to exceed \$691,350 per extension for a total contract amount not to exceed \$2,074,050. (Funding in the amount of \$115,255 was included in the 1998-99 Approved Operating Budget of the Department of Public Works and Transportation, Transportation Fund. Funding for the remaining ten months of the original contract period and extension options will be contingent upon available funding in future budgets) Single bidder. No MBE/WBE Subcontracting participation.

Resolution No. 990715-18 was approved.

19. Approve an ordinance authorizing the vacation of a portion of the right-of-way at the 400-500 Blocks of East Third Street, a portion of the 300 Block of Neches Street, and a portion of the 400-500 Blocks of the East Third Street Alley to become effective on November 15, 1999. (Recommended by Planning Commission)

Ordinance No. 990715-19 was approved.

20. Approve a resolution authorizing negotiation and execution of a professional service agreement with the following three firms: HBC ENGINEERING, INC., Austin, Texas; MAXIM TECHNOLOGIES, INC., Austin, Texas; and ENVIRONMENTAL RESOURCE CONSULTANTS (MBE/MH), Austin, Texas, for a lead based paint related consultant services rotation list for the City's Lead Based Paint Management Program, for an estimated period of two years or until financial authorization is expended, each agreement not to exceed \$300,000 with a total amount of the three agreements not to exceed \$300,000 (estimated amount approximately \$100,000 per firm). (Funding was included in the 1998-99 Amended Capital Budget of the Department of Public Works & Transportation.) HBC ENGINEERING, INC.: 8.7% MBE, 18.2% WBE Subcontracting participation.; MAXIM TECHNOLOGIES, INC.: 19% MBE, 20% WBE Subcontracting participation.; ENVIRONMENTAL RESOURCE CONSULTANTS (MBE/MH): 5.8% MBE, 18.2% WBE Subcontracting participation.

Resolution No. 990715-20 was approved.

21. Set a public hearing on a request by the Taxicab Franchise Holders to change the Taximeter Rate of Fare. [Suggested Date and Time: July 22, 1999 at 6:00 p.m.] (Not recommended by Urban Transportation Commission)

Resolution No. 990715-21 was approved.

Items 22 through 31 were pulled for discussion.

32. Amend Ordinance No. 980915-D to authorize the provision of certain electric products and services and the respective fees to be charged for them by the Electric Utility. (Additional revenues were included in the Approved 1998-99 Operating Budget of the Electric Utility.) (Recommended by Electric Utility Commission)
Ordinance No. 990715-32 was approved.
33. Approve a resolution authorizing execution of a contract with C.C.E. TECHNOLOGIES, INC., Centralia, Illinois for purchase of two trailer-mounted mobile power units in the amount of \$60,880. (Funding was included in the 1998-99 Approved Capital Budget of Austin Energy.) Single bidder. No MBE/WBE Subcontracting participation. (Recommended by Electric Utility Commission)
Resolution No. 990715-33 was approved.

Item 34 was pulled for discussion.

35. Approve a resolution authorizing the issuance of a Letter of Intent and a rebate in the amount of \$55,500 to JPI APARTMENT CONSTRUCTION for the installation of energy efficient gas combination furnaces at the Jefferson Hill Country Apartment Complex. Energy improvements qualifying for this rebate will save an estimated 1,065.60 MCF (thousand cubic feet of gas) at a program cost of \$52.08 per MCF. (Funding for \$55,500 is available in the 1998-99 Approved Operating Budget of the Energy Conservation Rebates and Incentives Fund; therefore there is no anticipated fiscal impact. A fiscal note is not required. This program is funded by the City's Southern Union Gas Conservation Fund. Southern Union Gas pays the full amount of this rebate through this fund.) (Recommended by Electric Utility Commission)
Resolution No. 990715-35 was approved.
36. Approve a resolution authorizing execution of a construction contract with ROBCO LANDSCAPING, INC., Round Rock, Texas, for the site preparation and establishment of various species of trees, shrubs and grasses in the amount of \$87,833.70. (Funding was included in the 1998-99 Approved Capital Budget for the Electric Utility Department.) No subcontracting opportunities were identified. (Recommended by Electric Utility Commission)
Resolution No. 990715-36 was approved.
37. Approve a resolution authorizing execution of two twelve-month service agreements with ADVANCED ENVIRONMENTAL TECHNICAL SERVICES, Baytown, Texas in an amount not to exceed \$121,759 and SAFETY-KLEEN (LA PORTE), La Porte, Texas in an amount not to exceed \$200,886 for management of industrial non-hazardous and hazardous waste with three twelve-month extension options in an amount not to exceed \$121,759 and \$200,886 respectively per extension for total contract amounts not to exceed \$487,036 and \$803,544 respectively. (Funding in an amount of \$80,661 was included in the 1998-99 Operating Budget for the Electric Utility Department. Funding for the final nine months of the original contract and extension options is contingent upon available funding in future

budgets.) Low bid of six. No MBE/WBE Subcontracting opportunities were identified. (Recommended by Electric Utility Commission)

Resolution No. 990715-37 was approved.

38. Approve a resolution authorizing negotiation and execution of three ten-year contracts with BROWNING FERRIS, INC., Houston, Texas; ENERGY DEVELOPMENTS, Houston, Texas; and ECO GAS, INC., Austin, Texas for the purchase of up to 21 megawatts (MW) of landfill gas-generated electricity in an amount not to exceed \$5,707,000 each and combined per year for a total contract not to exceed \$57,070,000, each and combined. (Funding for these contracts is contingent on approval of future operating budgets.) Best of twelve proposals received. No MBE/WBE Subcontracting opportunities were identified. (Recommended by Electric Utility Commission and Resource Management Commission)

Resolution No. 990715-38 was approved.

39. Approve a resolution authorizing execution of two twelve-month supply agreements with GE SUPPLY COMPANY, Austin, Texas and TEMPLE, INC., Austin, Texas for the purchase of luminaires and related supplies in the amounts not to exceed \$398,051.19 per contractor, with two twelve-month extension options not to exceed \$398,051.19 per extension per contractor, for a total contract amount not to exceed \$1,194,153.67 per contractor. (Funding in the amount of \$132,683.56 was included in the 1998-99 Operating Budget for the Electric Utility Department. Funding for the remaining ten months of the original contract period and the extension options is contingent upon available funding in future budgets.) Low bid of four. No MBE/WBE Subcontracting opportunities were identified. (Recommended by Electric Utility Commission)

Resolution No. 990715-39 was approved.

40. Approve a resolution authorizing execution of a twelve month supply agreement with NEWMARK INTERNATIONAL, INC., Bellville, Texas, for the purchase of concrete transmission and distribution poles in an amount not to exceed \$256,733, with four twelve-month extension options in an amount not to exceed \$256,733 per extension, for a total contract amount not to exceed \$1,283,665. (Funding in an amount of \$42,789 was included in the 1998-99 Operating budget of the Electric Utility Department.

Funding for the final ten months of the original contract period and the extension options is contingent upon available funding in future budgets.) Sole bidder. No MBE/WBE Subcontracting opportunities were identified. (Recommended by Electric Utility Commission)

Resolution No. 990715-40 was approved.

41. Approve a resolution authorizing execution of a contract with POWELL INDUSTRIES INC., Houston, Texas for the upgrade of 35kV circuit breakers at Seaholm Substation in an amount of \$343,480. (Funding was included in the 1998-99 Approved Capital Budget of Electric Utility Department.) Sole Bidder. No MBE/WBE Subcontracting opportunities were identified. (Recommended by Electric Utility Commission)

Resolution No. 990715-41 was approved.

42. Approve a resolution authorizing execution of two twelve-month supply agreements with POWER REPS, INC., Austin, Texas, in an amount not to exceed \$465,600; and POWER SUPPLY, INC., Austin, Texas, in an amount not to exceed \$798,800; for the purchase of 145kV circuit breakers with three twelve-month extension options in an amount not to exceed \$465,600 and \$798,800 respectively per extension, for total contract amounts not to exceed \$1,862,400 and \$3,195,200 respectively. (Funding in an amount of \$210,734 was included in the 1998-99 Operating Budget of the Electric Utility Department. Funding for the final ten months of the original contract period and the extension options is contingent upon available funding in future budgets.) Low bid of three. No MBE/WBE Subcontracting opportunities were identified. (Recommended by Electric Utility Commission)

Resolution No. 990715-42 was approved.

43. Approve a resolution authorizing execution of a contract with QEI, INC., Springfield, New Jersey, for the purchase of upgrade kits for remote terminal units in the amount of \$52,237. (Funding is included in the 1998-99 Operating Budget for the Electric Utility Department.) Sole source. No MBE/WBE Subcontracting opportunities were identified. (Recommended by Electric Utility Commission)

Resolution No. 990715-43 was approved.

44. Approve a resolution authorizing execution of a twelve-month supply agreement with SHEPLER'S CONCRETE ACCESSORIES, San Antonio, Texas for the purchase of steel reinforcing rebar in an amount not to exceed \$48,049 with three twelve-month extension options in an amount not to exceed \$48,049 per extension, for a total contract amount not to exceed \$192,196. (Funding in an amount of \$8,008 was included in the 1998-99 Operating Budget of the Electric Utility Department. Funding for the final ten months of the original contract period and the extension options is contingent upon available funding in future budget.) Low bid of two. No MBE/WBE Subcontracting opportunities were identified. (Recommended by Electric Utility Commission)

Resolution No. 990715-44 was approved.

45. Approve a resolution authorizing negotiation and execution of two ten-year contracts with TEXAS WIND POWER CO., Austin, Texas and ENRON WIND DEVELOPMENT CORP., Tehachapi, California, for the purchase of up to 20 megawatts (MW) of wind-generated electricity in an amount not to exceed \$2,150,000 each and combined per year for a total contract amount not to exceed \$21,500,000 each and combined. (Funding for these contracts is contingent on approval of future operating budgets.) Best of twelve proposals received. No MBE/WBE Subcontracting opportunities were identified. (Recommended by Electric Utility Commission and Resource Management Commission)

Resolution No. 990715-45 was approved.

46. Approve a resolution authorizing execution of a contract with COMMERCIAL BODY CORPORATION, San Antonio, Texas for purchase of two digger derrick trucks with flat bed bodies in the amount of \$279,058. (Funding was included in the 1998-99 Approved

Capital Budget of Austin Energy.) Low bid of three. No MBE/WBE Subcontracting participation. (Recommended by Electric Utility Commission)

Resolution No. 990715-46 was approved.

47. Approve a resolution authorizing execution of a construction contract with TRAVIS PAVING AND EXCAVATING INC., (MBE/MH), Austin, Texas, for construction of Kramer Lane Service Center Additional Parking and Drainage Improvements, located at 2616 Kramer Lane in the amount of \$867,664.90. (Funding was included in the 1998-99 Approved Capital Budget of the Electric Utility Department.) Prime (MBE/MH), 9.10% WBE Subcontracting participation. (Recommended by Electric Utility Commission)

Resolution No. 990715-47 was approved.

Item 48 were pulled for discussion.

49. Approve a resolution authorizing execution of a contract with EMSI, INC., HOUSTON, TEXAS, for the purchase of 20 flow meters for the Water Quality Monitoring Section of the Watershed Protection Department in the amount of \$66,400. (Funding is available in the 1998-99 Approved Operating Budget of the Watershed Protection Department.) Sole Source. No MBE/WBE Subcontracting participation.

Resolution No. 990715-49 was approved.

50. Approve a resolution authorizing execution of a twelve month agreement with MSE ENVIRONMENTAL, INC., Camarillo, California, to package, transport and dispose of household hazardous waste collected at the Household Hazardous Waste Collection Facility in an amount not to exceed \$412,852 with two twelve-month extension options in an amount not to exceed \$412,852 per extension for a total contract amount not to exceed \$1,238,556. (Funding in an amount of \$68,809 is available in the 1998-99 Operating Budget of the Solid Waste Services Department. Funding for the remaining ten months of the original contract period and extension options will be contingent upon available funding in future budgets.) Low bid of two. No MBE/WBE Subcontracting participation. (Recommended by Solid Waste Advisory Commission)

Resolution No. 990715-50 was approved.

Item 51 was pulled for discussion.

52. Approve a resolution authorizing execution of a construction contract with PRIMESTORE, INC., Georgetown, Texas, for construction of Austin Fire Department Training Facility located at 4800 Shaw Lane, in the amount of \$386,199. (Funding is included in the 1998-99 Amended Capital Budget of the Austin Fire Department.) 38.55% MBE, 9.41% WBE Subcontracting participation. (Related to Item No. 51)

Resolution No. 990715-52 was approved.

53. Approve a resolution authorizing execution of a contract with FERRARA FIREFIGHTING EQUIPMENT, New Braunfels, Texas, for the purchase of six International Safety Instruments, Inc. Vision 3 Thermal Imaging Cameras for a total contract amount not to exceed \$83,928. (Funding in an amount of \$27,976 was included in the 1996-97 Amended

Capital Budget and \$55,952 was included in the 1997-98 Capital Budget of the Austin Fire Department.) Low bid of six. No MBE/WBE Subcontracting participation

Resolution No. 990715-53 was approved.

54. Approve a resolution authorizing the filing of eminent domain proceedings to acquire a 10,872 square foot Permanent Wastewater Line Easement and a Temporary Construction Easement containing 15,074 square feet, being a portion of Lot 1, Block "A", Wells Branch, Phase A, Section Ten-B in Travis County, Texas, owned by Jack and Martha M. Garey for the Howard Lane Water Transmission Main Project. (Funding in an amount of \$27,877 was included in the 1998-1999 Amended Capital Budget of the Water and Wastewater Department.)

Resolution No. 990715-54 was approved.

55. Approve a resolution authorizing the filing of eminent domain proceedings to acquire a 9,046 square foot Permanent Wastewater Line Easement and a Temporary Construction Easement containing 3303 square feet, being a portion of Lot 2, Block "A", Wells Branch, Phase A, Section Ten-B in Travis County, Texas, owned by Jack and Martha M. Garey for the Howard Lane Water Transmission Main Project. (Funding in an amount of \$13,440 was included in the 1998-1999 Amended Capital Budget of the Water and Wastewater Department.)

Resolution No. 990715-55 was approved.

56. Approve a resolution authorizing execution of a construction contract with CAPITAL EXCAVATION COMPANY, Austin, Texas, for construction of a sixteen-inch waterline for the South First Street Extension Project, from Slaughter Lane to FM 1626, in the amount of \$978,902.60 plus \$97,890.26 to be used as a contingency fund, for a total amount not to exceed \$1,076,792.86. (Funding in the amount of \$1,076,792.86 for this project is available in the 1998-99 Capital Budget of the Water and Wastewater Utility.) Low bid of nine. 15.86% MBE, 2.12% WBE Subcontracting participation. (To be reviewed by Water and Wastewater Commission-7/14/99)

Resolution No. 990715-56 was approved.

57. Set a public hearing to change the street name of Calf Roping Lane to CALF ROPING TRAIL, from the intersection of Calf Roping Lane to Rodeo Drive southerly approximately 75 feet to Calf Roping Trail. (Funds are available in Public Works and Transportation Department's 1998-1999 Approved Operating Budget for street sign costs; however, the processing fees are waived due to City of Austin/E911 initiation. (Suggested Date and Time: August 5, 1999 at 6:00 p.m.)

Resolution No. 990715-57 was approved.

58. Approve first reading of an ordinance granting a non-exclusive municipal consent agreement to ARC TEXAS, INC., to provide telecommunications services. (Recommended by Telecommunications Commission)

First reading of this ordinance was approved.

59. Approve first reading of an ordinance authorizing a non-exclusive license agreement with WILLIAMS COMMUNICATIONS, INC., for placement of underground fiber optic cable in public rights-of-way. (Recommended by Telecommunications Commission)
First reading of this ordinance was approved.
60. Approve a resolution authorizing the issuance of ABIA Development Corporation Airport Facilities Revenue Bonds (Austin Cargo Port Development, L.L.C. Project) Series 1999A in an amount not to exceed \$4,800,000. (The bonds are repaid from revenue generated by the facilities constructed. The bonds are not an obligation of the City.) (Related to Item Nos. 107 & 108)
Resolution No. 990715-60 was approved.
61. Approve a resolution authorizing negotiation and execution of a professional services agreement with STANLEY ARCHITECTS, Austin, Texas, for sustainability consultant services for a period of approximately three years, in an amount not to exceed \$200,000. (Funding for these services is available in the Capital Project Budgets of various departments for which services will be provided.) Best of five qualifications. 9% MBE, 22% WBE Subcontracting participation.
Resolution No. 990715-61 was approved.
62. Approve a resolution authorizing execution of a twelve month Supply Agreement with G T DISTRIBUTORS, INC. Austin, Texas, for the purchase of repair parts for Code 3 Light Bars for an amount not to exceed \$40,000 with two twelve-month extension options for \$40,000 for each option and a total contract amount not to exceed \$120,000. (Funding in an amount of \$10,000 is available in the Approved 1998-1999 Operating Budget of the Radio Communications Division of the Finance & Administrative Services Department. Funding for the remaining nine months of the original contract period and extension options is contingent upon available funding in future budgets.) Low bid of three. No MBE/WBE Subcontracting participation.
Resolution No. 990715-62 was approved.
63. Approve a resolution authorizing execution of a twelve month Supply Agreement with G T DISTRIBUTORS, INC., Austin, Texas, for the purchase of repair parts for Whelan Light Bars for an amount not to exceed \$40,000 with two twelve-month extension options for \$40,000 for each option and a total contract amount not to exceed \$120,000. (Funding in an amount of \$10,000 is available in the 1998-1999 Approved Operating Budget of the Radio Communications Division of the Finance & Administrative Services Department. Funding for the remaining nine months of the original contract period and extension options is contingent upon available funding in future budgets.) Low bid of three. No MBE/WBE Subcontracting participation.
Resolution No. 990715-63 was approved.
64. Approve a resolution authorizing a modification of the contract for audit services with KPMG LLP for increased audit requirements in the amount of \$148,000 from the current amount of \$943,535 for a total amount of \$1,091,535. (Funding in an amount of \$37,000

is available in the 1998-99 Approved Operating Budget of the Finance and Administrative Services Department, and \$29,000 is available in the 1998-99 Approved Capital Budget of the Aviation Department. Funding for remaining portion of the modified contract period is contingent upon available funding in future budgets.)

Resolution No. 990715-64 was approved.

65. Approve a resolution authorizing execution of a twelve month Supply Agreement with HOLZBERG COMMUNICATIONS, Totawa, N.J., for the purchase of Repair Parts for Ericsson radios for an amount not to exceed \$50,000 with two twelve-month extension options for \$50,000 for each option and a total contract amount not to exceed \$150,000. (Funding in an amount of \$12,500 is available in the 1998-1999 Approved Operating Budget of the Radio Communications Division of the Financial & Administrative Services Department. Funding for the remaining nine months of the original contract period and the extension options is contingent upon available funding in future budgets.) Low bid of two. No MBE/WBE Subcontracting participation.

Resolution No. 990715-65 was approved.

66. Approve a resolution authorizing execution of a contract through the STATE OF TEXAS COOPERATIVE PURCHASING PROGRAM with BANDAG, INC., Muscatine, Iowa, for the purchase of retread tires in an amount not to exceed \$166,667. Funding for the remaining one month of the four-month period is contingent upon available funding in future budgets.)

Resolution No. 990715-66 was approved.

67. Approve a resolution authorizing execution of a twelve month service agreement with BEETLES PEST CONTROL, Pflugerville, Texas to provide pest control services in an amount not to exceed \$44,104 with two twelve-month extension options in an amount not to exceed \$44,104 per extension for a total contract amount not to exceed \$132,312. (Funding in an amount of \$3,396.67 was included in the 1998-99 Approved Operating Budget of the Building Services Division of the Finance and Administrative Services Department, \$440 was included in the 1998-99 Approved Operating Budget of the Austin Police Department, \$700 was included in the 1998-99 Approved Operating Budget of the Austin Convention Center, \$1,174 was included in the 1998-99 Approved Operating Budget of the Library Department, and \$1,640 was included in the 1998-99 Approved Operating Budget of the Aviation Department. Funding for the remaining ten months of the original contract period and extension options is contingent upon available funding in future budgets.) Low bid of four.

Resolution No. 990715-67 was approved.

68. Approve a resolution authorizing a contract amendment with NEXTEL COMMUNICATIONS, Austin, Texas, to consolidate other City departments' wireless communications requirements and increase the original amount from \$36,000 to \$125,000 for the remaining period of six months of the existing contract, with month to month holdovers thereafter, if necessary, with each monthly holdover not to exceed \$12,000. (Funding in an amount of \$41,700 was included in the 1998-99 Approved Operating Budgets of various Departments. Funding for the remaining four months of contract period

is contingent upon available funding in future budget.) There were no subcontracting opportunities identified.

Resolution No. 990715-68 was approved.

69. Approve a resolution authorizing execution of a contract with LONGHORN INTERNATIONAL EQUIPMENT, INC., Austin, Texas, for the purchase of 24 medium and heavy duty truck cab and chassis with various types of mounted bodies in an amount not to exceed \$1,938,161. (Funding in an amount of \$184,618 was included in the 1998-99 Approved Vehicle Acquisition Fund; \$799,217 was included in the 1998-99 Approved Operating Budget of the Department of Public Works and Transportation, Transportation Fund. \$184,618 was included in the 1998-99 Approved Capital Budget of the Austin Fire Department; \$92,294 was included in the 1998-99 Approved Capital Budget of the Solid Waste Services Department; \$467,702 was included in the 1998-99 Approved Capital Budget of the Watershed Protection Department; \$209,712 was included in the 1998-99 Approved Capital Budget of the Water and Wastewater Utility.)

Resolution No. 990715-69 was approved.

Item 70 was pulled for discussion.

71. Approve ratifying the purchase of voting ballots with HART INFORMATION SERVICES, INC., Austin, Texas, for the purchase of voting ballots for the May 1, 1999 Council election in an amount of \$47,704.85. (Funding is available in the 1998-99 Operating Budget of the City Clerk's Office.) Sole Source.

Resolution No. 990715-71 was approved.

72. Amend Ordinance No. 980915-A, the 1998-1999 Operating Budget of the Health and Human Services Departments' Special Revenue Fund by accepting and appropriating \$7,000 in grant funds from the National Association of County and Health Officials. (Funding is available from the National Association of County and City Health Officials. The grant period is March 15, 1999-September 15, 1999. No City match is required.)

Ordinance No. 990715-72 was approved.

73. Amend Ordinance No. 980915-A, the 1998-1999 Operating Budget of the Health and Human Services Department's Special Revenue Fund by accepting and appropriating \$23,501 in grant funds from the Texas Department of Health's Refugee Health Screening Program, for a total grant amount of \$113,501. (Funding in the amount of \$23,501 is available from the Texas Department of Health, Refugee Health Screening Program. The grant period is October 1, 1998-September 30, 1999. No City match is required.)

Ordinance No. 990715-73 was approved.

74. Approve third reading of an ordinance to annex, for limited purposes (planning, zoning, health and safety), the approximately 588 acre Balfour tract located on the north side of Bee Cave Road approximately .5 miles west of the intersection of Bee Cave Road and Senna Hills Drive. (The limited purpose annexation of undeveloped land has no fiscal impact.)

This item was postponed to July 22, 1999 at the request of Council.

75. Approve an Ordinance to amend the City Code, Chapter 4-2, Article II, "Emergency and Peak Day Water Use Management" to meet regulatory requirements of Senate Bill 1 and to prohibit the waste of the City's drinking water. (Recommended by the Resource Management Commission and Water and Wastewater Commission.)
This item was postponed to July 22, 1999 at the request of Council.
76. Set a public hearing on an amendment to the City's Comprehensive Plan, Austin Metropolitan Area Transportation Plan (AMATP) element, to add a new segment of Greenlawn Blvd., west of IH 35. (Suggested Date and Time: July 29, 1999 at 6:00 p.m.)
Resolution No. 990715-76 was approved.
77. Approve a resolution authorizing a Declaration of Restrictive Covenants and Agreement concerning annexation of Balfour Tract and dissolution of Baldwin Ranch Water Quality Protection Zone.
This item was postponed to July 22, 1999 at the request of Council.
78. Approve a resolution authorizing the extension of the revised fee schedule for participation under the Balcones Canyonlands Conservation Plan – Shared Vision for a period of one year until July 15, 2000. (Recommended by Balcones Canyonlands Conservation Plan Coordinating Committee)
Resolution No. 990715-78 was approved.
79. Approve a resolution authorizing execution of a contract with EQUIPMENT DEPOT, INC., Pflugerville, Texas, for purchase of seven tractors with various grounds maintenance attachments for the Parks and Recreation Department in the amount of \$154,317. (Funding in an amount of \$88,123 was included in the 1998-99 Approved Vehicle Acquisition Fund. \$66,194 was included in the 1998-99 Approved Golf Fund Budget of the Parks and Recreation Department.) Low bid of four. No MBE/WBE Subcontracting participation.
Resolution No. 990715-79 was approved.
80. Set a public hearing on an ordinance amending Title 25 of the City Code relating to the expiration of preliminary subdivision plans. (Suggested Date and Time: August 5, 1999 at 6:00 p.m.)
Resolution No. 990715-80 was approved.
81. C14-98-0236 – Approve third reading of an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 11303 FM 2222 from "SF-2", Single-Family Residence (Standard Lot) district zoning to "LI-CO, Limited Industrial Service-Conditional Overlay Combining district zoning with conditions. First Reading on May 6, 1999; Vote 6-0, Watson off the dais. Second Reading on July 1, 1999; Vote 6-0, Spelman absent. Conditions met as follows: Conditional overlay incorporates the conditions imposed by Council on first and second ordinance readings. Applicant: Robert S. Ingram; City Staff: Ellen Meadow, 499-2339.
Ordinance No. 990715-81 was approved with Council Members Griffith and Slusher voting no.

Item 82 was pulled for discussion.

83. C14-98-0270 - Approve second/third readings of an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 9316 Chisholm Trail and 1112 West Slaughter Lane from SF-2, Single-Family Residence (Standard Lot) district and DR, Development Reserve district to LO-CO, Limited Office-Conditional Overlay Combining district zoning for the western lot and LR-CO, Neighborhood Commercial-Conditional Overlay Combining district zoning for eastern lot zoning with conditions. First reading on June 3, 1999; Vote: 6-0 Griffith off dais. Conditions met as follows: Conditional overlay incorporates the conditions imposed by Council on first ordinance reading. Applicant: Guadalupe and Erminia Uresti; Agent: Graves, Dougherty, Hearon & Moody (David Herndon) City Staff: Joe Arriaga, 499-2308.
Ordinance No. 990715-83 was approved.

Item 84 was pulled for discussion.

85. C14-99-0043 - Approve second/third readings of an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 914-946 Parmer Lane & 12700-12812 Harrisglenn Drive from "MF-2-CO", Multifamily Residence (Low Density)-Conditional Overlay Combining District and "LR" Neighborhood Commercial District to "MF-2-CO", Multifamily Residence (Low Density)-Conditional Overlay Combining District zoning with conditions. First reading on July 1, 1999; Vote: 6-0 (Spelman absent). Conditions met as follows: Conditional overlay incorporates the conditions imposed by Council on first ordinance reading. Applicant: City of Austin; Agent: Development Review and Inspection Department. City Staff: Greg Guernsey, 499-2387.
Ordinance No. 990715-85 was approved.

86. C814-98-0002 - Approve second/third readings of an ordinance amending Chapter 25-2 of the Austin City Code by zoning property locally known as 150 feet along the north side of Bee Caves Road/RM2224, approximate ½ mile west of the intersection of Senna Hills Drive and Bee Caves Road/RM2224 from unzoned and "LA", Lane Austin district to "PUD", Planned Unit Development district zoning with conditions. First reading on July 1, 1999, Vote: 6-0 (Spelman absent). Conditions met as follows: Planned Unit Development Ordinance incorporates conditions imposed by Council on first ordinance reading. Applicant: BRE/Baldwin Ranch L.P. (Julian Jay Haas, Jr.); Agent: Richardson Verdoorn (Sandy Nash). City Staff: Clark Patterson, 499-2464.
This item was postponed to July 22, 1999 at the request of Council.

Item 87 was pulled for discussion.

88. Approve Supplemental Amendment No. 6 for additional services to the PARSONS BRINCKERHOFF CONSTRUCTION SERVICES, INC., Austin, Texas, agreement for Program Management Support Services for the construction of Austin-Bergstrom International Airport, in the amount of \$464,000 for a total contract amount of \$39,074,000. (Funding in the amount of \$464,000 is included in the 1999-2000 Capital Budget for Aviation.) 10.21% MBE, 7.45% WBE Subcontracting Participation. (Recommended by Airport Advisory Board – 7/12/99)
Resolution No. 990715-88 was approved.

89. Approve a resolution authorizing the execution of an amendment to an Agreement for Private Development and Operation of an Air Freight and Cargo Facility at Austin-Bergstrom International Airport with Austin CargoPort Development L.L.C., and the execution of a temporary Construction Easement to facilitate construction of additional cargo handling facilities. (The additional cost associated with this amendment is \$4,800,000. \$2,759,991 will be paid by the City, to be reimbursed by the cargo carriers serving the Austin-Bergstrom International Airport and will be budgeted in future budgets. \$2,040,009 will be paid by CargoPort.) (Recommended by Airport Advisory Board – 7/12/99)
Resolution No. 990715-89 was approved.

128. **APPOINTMENTS**

Census 2000 Complete Count Committee

Martin Aguirre	Consensus
William Bozeman	Consensus
Aida Douglas	Consensus
David Earle	Consensus
Jennifer Kim	Consensus
Ilan Levin	Consensus
Somone Talma	Consensus

Electric Utility Commission

Caroline Leggette	Reappointment	Mayor Pro Tem Goodman
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Electrical Board

Bryam Gordon		Mayor Pro Tem Goodman
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Environmental Board

Joyce Conner	Reappointment	Council Member Griffith
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Ethics Review Commission

David Armstrong	Nomination	Council Member Spelman
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Planning Commission

Betty Baker	Reappointment	Mayor Pro Tem Goodman
Robin Cravey		Council Member Slusher
Jean Mather	Reappointment	Council Member Griffith

Resource Management Commission

Michael Kuhn	Reappointment	Mayor Pro Tem Goodman
Adan Martinez	Reappointment	Council Member Griffith

Solid Waste Advisory Commission

J.D. Porter	Reappointment	Mayor Pro Tem Goodman
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Telecommunication Commission

Wendell Ramsey**Reappointment****Council Member Spelman**

Urban Forestry Board

Dennis Brown**Reappointment****Council Member Griffith****Roberto Garcia****Reappointment****Council Member Spelman**

129. Set a public hearing to consider an ordinance amending land Development Code Section 25-8-424 and 25-8-454 relating to impervious cover in the Water Supply Rural and Water Supply Suburban watersheds and amending Section 25-8-92 relating to critical water quality zones in urban watersheds. (Suggested Date and Time: August 5, 199 at 6:00 p.m.)

Resolution No. 990715-129 was approved.

EXECUTIVE SESSION

Executive Session was held at 2:50 p.m. on item 14 on Council Member Spelman's motion, Council Member Lewis' second by a 6-0 vote. Council Member Garcia was absent.

Executive Session ended at 3:26 p.m.

DISCUSSION AGENDA

14. Approve a resolution authorizing nominating projects for funding through the Statewide Transportation Enhancement Program of the Texas Department of Transportation, and certifying the availability of matching funds for proposed projects. (Matching funds are subject to inclusion in future Capital Budgets of the Departments of Public Works and Transportation, Parks and Recreation Department, and Austin Energy. Availability of matching funds has been established in the 1999-2000 Five Year Capital Improvements Program Plan with exceptions noted by asterisks on the attached exhibit.) (6/21/99 - Urban Transportation Commission endorsed submittal of project applications.)
A presentation, public discussion and Council discussion were held. The action on this item will be taken on July 22, 1999.

The Council meeting was recessed at 5:15 p.m. on Mayor Pro Tem Goodman's motion, Council Member Slusher's second on a 5-0 vote. Council Member Griffith was off the dais. Council Member Garcia was absent.

BOARD OF DIRECTOR'S MEETING OF AUSTIN HOUSING FINANCE CORPORATION

A Board meeting of the Austin Housing Finance Corporation (AHFC) was conducted at 5:15 p.m. Following adjournment of the AHFC Board meeting, the City Council reconvened. Item 90 was the AHFC item considered by the Austin Housing Finance Corporation's Board of Directors.

90. Approve a resolution authorizing a 60-month agreement with LIFE WORKS, INC., to lease, operate, and purchase 4606 Connelly Street as a transitional housing facility for homeless persons. (Rental income during the 60-month lease-purchase period will be \$120,000. Sale

of the facility under the 60-month agreement will result in \$203,000 in additional proceeds. Total proceeds anticipated at the end of the 60-month period are \$323,000.)

Resolution No. 990715-90 was approved on Board Member Spelman's motion, Board Member Slusher's second by a 6-0 vote. Board Member Garcia was absent.

The AHFC Board meeting was adjourned at 5:40 p.m. on Board Member Slusher's motion, Board Member Spelman's second by a 6-0 vote. Board Member Garcia was absent.

The City Council meeting was reconvened.

CONSENT ZONING ITEMS

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 THE CONSENT ITEMS WERE APPROVED ON COUNCIL MEMBER SPELMAN'S MOTION, MAYOR PRO TEM GOODMAN'S SECOND BY A 6-0 VOTE. COUNCIL MEMBER GARCIA WAS ABSENT.

91. C14-98-0192 – Public hearing to amend Chapter 25-2 of the Austin City Code by rezoning property locally known as 1008 East 53rd Street from “SF-3”, Family Residence district to “GR”, Community Commercial district. Planning Commission Recommendation: To Grant “LR-MU-CO”, Neighborhood Commercial-Mixed Use-Conditional Overlay Combining district zoning with conditions. Applicant: Alexandra Renwick. City Staff, Ellen Meadows, 499-2339. Note: A valid petition has been filed in opposition to this rezoning request. (continued from 5/6/99 and 7/1/99)

This item was postponed to July 22, 1999 at the request of the applicant.

92. C14-98-0194 – Public hearing to amend Chapter 25-2 of the Austin City Code by rezoning property locally known as 10901 IH-35 Northbound Frontage Road from “SF-2”, Single-Family Residence (Standard Lot) to “CS”, General Commercial Services district. Planning Commission Recommendation: To Grant “CS-CO”, General Commercial Services district zoning with conditions. Applicant: 135 LTD (Homer S. Arnold); Agent: Blazier Rutland & Lerner (Roy Rutland, III). City Staff: Susan Villarreal, 499-6319.

First reading of this ordinance was approved.

Items 93 and 94 were pulled for discussion.

95. C14-99-0006 – Public hearing to amend Chapter 25-2 of the Austin City Code by rezoning property locally known as Loop 1 (Mopac Expressway South) and Loop 360 (Capital of Texas Highway South) from “I-RR”, Interim-Rural Residence district to “P”, Public district. Planning Commission Recommendation: To Grant “P”, Public district zoning. Applicant: City of Austin Parks and Recreation Department (Sarah Campbell); Agent: Development Review and Inspection Department: City Staff: Susan Villarreal, 499-6319.

First reading of this item was approved.

NOTE: PARD to make a presentation of the proposed plan and clarify what other legal approvals are required by Council. Citizens will be allowed to comment.

96. C14-99-0027 – Public hearing to amend Chapter 25-2 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 Combining district to “GR” Community Commercial district. Planning Commission Recommendation: To Grant “GR-CO”, 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. (continued from 5/13/99)

This item was postponed to September 23, 1999 at the request of the applicant.

97. C14-99-0056 - Public hearing to amend Chapter 25-2 of the Austin City Code by rezoning property locally known as 2716 to 3050 U.S. Highway 183 South from DR, Development Reserve to LI, Limited Industrial Services district zoning. Planning Commission Recommendation: To Grant “LI-CO” Limited Industrial Services-Conditional Overlay Combining District zoning with conditions. Richard Buratti, ET AL; Agent: Ray Wilkerson Companies (Jim Spence). City Staff: Joe Arriaga, 499-2308.

First reading of this item was approved.

98. C14-99-0063 - Public hearing to amend Chapter 25-2 of the Austin City Code by rezoning property locally known as 1303 West Slaughter Lane from SF-2, Single-Family Residence (Standard Lot) to LO-CO, Limited Office-Conditional Overlay Combining district zoning with conditions. Planning Commission Recommendation: To Grant LO, Limited Office district zoning with conditions. Applicant: Hipp Insurance Agency; Agent: Richard Crank. City Staff: Joe Arriaga, 499-2308.

First reading of this ordinance was approved. The applicant and neighborhood association would like to add additional conditions for consideration at the second reading of this ordinance.

99. C14-99-0058 – Public hearing to amend Chapter 25-2 of the Austin City Code by rezoning property locally known as 1310 ½ Rutherford Lane from “P”, Public district to “LI”, Limited Industrial Service district. Planning Commission Recommendation: To Grant “LI”, Limited Industrial Service district zoning. Applicant: City of Austin, Austin Energy (Judith E. Fowler); Agent: Western PCS (Michael Crane), Vincent Gerard & Associates (Vince Huebinger). City Staff: Clark Patterson, 499-2464.

First reading of this item was approved.

A motion was made to reconsider this item on Council Member Spelman’s motion, Mayor Pro Tem Goodman’s second by a 5-0 vote. Mayor Watson was off the dais. Council Member Garcia was absent.

Ordinance No. 990715-99 was approved on Council Member Spelman's motion, Council Member Griffith's second by a 5-0 vote. Mayor Watson was off the dais. Council Member Garcia was absent.

100. C14-99-0061 – Public hearing to amend Chapter 25-2 of the Austin City Code by rezoning property locally known as 606 Rathervue Place from "SF-3", Family Residence district to "GO", General Office district. Planning Commission Recommendation: To Grant "MF-2-CO", Multi-Family-Conditional Overlay Combining district zoning with conditions. Applicant: The Episcopal Theological Seminary of the Southwest (John Bennet Waters); Agent: Chartier Newton & Associates (Chartier Newton). City Staff: Cecilia Williams, 499-2251.

Ordinance No. 990715-100 was approved.

101. C14-99-0064.06D – Public hearing to amend Chapter 25-2 of the Austin City Code by rezoning property locally known as 9000 Spring Lake Drive from SF-1, Single-Family Residence (Large Lot) to P, Public district zoning. Planning Commission

Recommendation: To Grant "P", Public district zoning. Applicant: City of Austin; Agent: Water and Wastewater Utility (Linda Hampton). City Staff: Joe Arriaga, 499-2308.

Ordinance No. 990715-100 was approved.

102. C14-99-0073 – Public hearing to amend Chapter 25-2 of the Austin City Code by rezoning property locally known as 12210 Tanglewood Drive from "SF-6", Townhouse and Condominium Residence district to "SF-2", Single Family Residence (Standard Lot) district. Planning Commission Recommendation: To Grant "SF-2", Single-Family Residence (Standard Lot) district zoning. Applicant: Deborah D. Yates & Gilbert M. Martinez. City Staff: Clark Patterson, 499-2464.

This item was postponed to July 22, 1999 at the request of the applicant.

103. C14-99-0080 – Public hearing to amend Chapter 25-2 of the Austin City Code by rezoning property locally known as 4300 Bull Creek Road and 4200 Jackson Avenue from "SF-3", Family Residence district and "LO", Limited Office district to "GO-MU", General Office-Mixed Use Combining district with conditions. Planning Commission Recommendation: To Grant "GO-MU-CO", General Office-Mixed Use-Conditional Overlay Combining district zoning with conditions. Applicant: Congregation Agudas Achim (Royce Faulkner); Agent: Westminster Manor (Richard Suttle, Jr.). City Staff: Cecilia Williams, 499-2251.

First reading of this ordinance was approved.

Item 104 was pulled for discussion.

105. C14-99-0105 – Public hearing to amend Chapter 25-2 of the Austin City Code by rezoning property locally known as 2204 Lake Austin Blvd. from "SF-3", Family Residence district to "GR", Community Commercial district. Planning Commission Recommendation: Recommendation Pending. Applicant: Dalton H. Wallace; Agent: Karen M. Roberts. City Staff: Cecilia Williams, 499-2251.

First reading of this ordinance was approved.

106. C14H-99-0002 - Public hearing to amend Chapter 25-2 of the Austin City Code by rezoning property locally known as 906 West Lynn from "MF-3," Multi-Family Residence (Medium Density) to "MF-3-H," Multi-Family Residence (Medium Density)-Historic. Planning Commission Recommendation: To Grant "MF-3-H," Multi-Family Residence (Medium Density)-Historic district zoning. Applicant: Austin Independent School District. Agent: Benjamin Kramer, Principal. City Staff: Barbara Stocklin, 499-2414.
Ordinance No. 990715-106 was approved.

DISCUSSION ZONING ITEMS

93. C14-98-0205 – Public hearing to amend Chapter 25-2 of the Austin City Code by zoning property locally known as 1160-1168 Navasota Street from "CS", General Commercial Services to "SF-3", Family Residence district. Planning Commission Recommendation: To Grant "SF-3-CO", Family Residence-Conditional Overlay Combining district zoning with conditions. Applicant: Anderson Community Development Corp. (Ray Dell Galloway); Applicant: LDC (Lauretta Dowd). City Staff: Susan Villarreal, 499-6319. (continued from 5/6/99 and 7/1/99)

This item was postponed to July 29, 1999 at the request of Council in order to allow the Neighborhood Housing Department Director to assess the HUD Report and present his findings to Council at which time this item may have to be postponed again.

94. C14-98-0206 – Public hearing to amend Title 25-2 of the Austin City Code by zoning property locally known as 1190-1192 Navasota Street from "SF-3", Family Residence district to "SF-6", Townhouse and Condominium Residence district. Planning Commission Recommendation: To Grant "SF-6-CO", Townhouse and Condominium Residence-Conditional Overlay Combining district zoning with conditions. Applicant: Anderson Community Development Corp. (Ray Dell Galloway); Agent: LDC (Lauretta Dowd). City Staff: Susan Villarreal, 499-6319. (continued from 5/6/99 & 7/1/99)

This item was postponed to July 29, 1999 at the request of Council.

104. C14-99-0103 – Public hearing to amend Chapter 25-2 of the Austin City Code by rezoning property locally known as 811- 819 Red River Street from "CS-1" Commercial Liquor Sales district to "CBD-CURE" Central Business District-Central Urban Redevelopment Combining district. Planning Commission Recommendation: Recommendation Pending. Applicant: City of Austin; Applicant: Development Review and Inspection Department; Property Owner: Red River Real Estate L.C.; City Staff: Joe Arriaga, 499-2308.

A motion was made to close the public hearing and approve this item on first reading on Council Member Slusher's motion, Council Member Spelman's second by a 5-0 vote. Mayor Watson was off the dais. Council Member Garcia was absent.

PUBLIC HEARINGS

109. Conduct a public hearing to amend the Austin Tomorrow Comprehensive Plan by adopting the Chestnut Neighborhood Plan for the area bounded by Martin Luther King Jr. Blvd., Chicon Street, East 12th Street and Miriam Street.

The public hearing was closed on Council Member Griffith's motion, Council Member Spelman's second by a 5-0 vote. Council Member Garcia was absent. Council Member Lewis recused himself from this item and was off the dais.

113. Approve an ordinance to amend the Austin Tomorrow Comprehensive Plan by adopting the Chestnut Neighborhood Plan for the area bounded by Martin Luther King Jr. Blvd., Chicon Street, East 12th Street and Miriam Street.

Ordinance 990715-113 was approved on Mayor Pro Tem Goodman's motion, Council Member Slusher's second on 5-0 vote. Council Member Garcia was absent Council. Member Lewis recused himself from this item and was off the dais.

87. C14-98-0146 – Approve third reading of an ordinance amending Chapter 25-2 of the Austin City Code rezoning property locally known as 12602 Blackfoot Trail from "SF-1" Single Family Residence (Large Lot) district zoning to "SF-2" Single Family Residence (Standard Lot) district zoning on Tract 1 and "LR-CO", Neighborhood Commercial-Conditional Overlay Combining district zoning on Tract 2 with conditions. First reading on February 25, 1999; Vote 6-0, Watson off dais. Second reading on July 1, 1999; Vote 6-0 Spelman Absent. Conditions met as follows: Conditional Overlay incorporates conditions imposed by Council on first reading. Applicant: Abraham Birgani Agent: I. T. Gonzalez City Staff: David Wahlgren, 499-6455.

A motion was made to approve third reading by Mayor Pro Tem Goodman's motion and Council Member Griffith's second. Third reading will be taken on July 22, 1999.

The friendly amendment by Council Member Slusher to prohibit massage parlors but allow beauty shops was approved on Council Member Griffith's motion, Council member Griffith's second by a 6-0 vote. Council Member Garcia was absent.

The Council meeting was recessed at 7:06 p.m. on Mayor Pro Tem Goodman's motion, Mayor Watson's second by a 5-0 vote. Council Member Garcia was absent. Council member Spelman was off the dais.

6:00 P.M. - ABIA DEVELOPMENT CORPORATION

A Board meeting of the ABIA_DEVELOPMENT CORPORATION was conducted. Following adjournment of the ABIA DEVELOPMENT CORPORATION meeting, the City Council was reconvened. Item 107 and 108 were the ABIA DEVELOPMENT CORPORATION items considered by the ABIA DEVELOPMENT CORPORATION.

107. Conduct a public hearing with respect to the issuance of ABIA Development Corporation Airport Facilities Revenue Bonds (Austin Cargo Port Development, L.L.C. Project) Series 1999A. (The bonds are repaid from revenue generated by the facilities constructed. The bonds are not an obligation of the City.) (Related to Item No. 60)

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

108. Approve the issuance of ABIA Development Corporation Airport Facilities Revenue Bonds (Austin Cargo Port Development, L.L.C. Project) Series 1999A in an amount not to exceed \$4,800,000. (The Bonds are not debts of the City and are the sole obligation of the corporation. The bonds are repaid from revenue generated by the facilities constructed. The bonds are not an obligation of the City.) (Related to Item No. 60)
Resolution No. 990715-107 was approved on Vice President Goodman's motion, Board Member Lewis' second by a 6-0 vote. Council Member Garcia was absent.

The ABIA meeting was adjourned at 7:09 p.m. on Board Member Slusher's motion, Board Member Lewis' second by a 5-0 vote. Board Member Spelman was off the dais. Council Member Garcia was absent.

PUBLIC HEARING

110. Conduct a public hearing and consider an ordinance amending Chapter 25-2 relating to the use and site development regulations for a "Software Development" use. Case No. C20-99-006. City Staff: Greg Guernsey, 499-2387.
The public hearing was closed on Mayor Pro Tem Goodman's motion, Council Member Lewis' second by a 4-0 vote. Council Members Spelman and Slusher were off the dais. Council Member Garcia was absent.
114. Approve an ordinance amending Chapter 25-2 relating to the use and site development regulations for a "Software Development" use. City Staff: Greg Guernsey, 499-2387. Case No. C20-99-006. City Staff: Greg Guernsey, 499-2387.
Ordinance No. 990715-114 was approved with the deletion of PUD as a permitted use district which is already allowed in the land Development Code on Mayor Pro Tem Goodman's motion, Council member Lewis' second by a 5-0 vote. Council Member Garcia was absent. Council Member Spelman was off the dais.
111. Conduct a public hearing and consider an ordinance amending Chapter 25-2 relating to the use and site development regulations for the Waterfront Overlay (WO) District and creating a new subdistrict for the new City Hall area. Case No. C20-99-014. City Staff: Greg Guernsey, 499-2387.
The public hearing was closed on Council Member Lewis' motion, Council Member Slusher's second by a 5-0 vote. Council Member Griffith was off the dais. Council member Garcia was absent.
115. Approve an ordinance amending Chapter 25-2 relating to the use and site development regulations for the Waterfront Overlay (WO) District and creating a new subdistrict for the new City Hall area. Case No. C20-99-014. City Staff: Greg Guernsey, 499-2387.
Ordinance No. 990715-115 was approved with the change to section 25-2-746 (C) to insert the word "surface" between "A" and "parking" on line 29 of page 5 of 60F on

Council Member Spelman's motion, Mayor Pro Tem Goodman's second by a 5-0 vote. Council Member Griffith was off the dais. Council Member Garcia was absent.

112. Conduct a public hearing on a variance to allow construction of a new building and improvements to an existing building in the 25-year and 100-year floodplain for Liberty Lunch at 811-815 Red River Street.

The public hearing was closed on Council Member Spelman's motion, Mayor Watson's second by a 5-0 vote. Mayor Pro Tem Goodman was off the dais. Council Member Garcia was absent.

116. Approve a variance to allow construction of a new building and improvements to an existing building in the 25-year and 100-year floodplain for Liberty Lunch at 811-815 Red River Street.

Motion to approve on Council Member Spelman's motion, Mayor Watson's second.

A motion was made to reconsider on Council member Slusher's motion, Mayor Watson's second by a 6-0 vote. Council Member Garcia was absent.

Ordinance No. 990715-116 was approved with the change to section 25-2-746 (C) to insert the word "surface" between "A" and "parking" on line 29 of page 5 of 60F on Council Member Spelman's motion, Mayor Watson's second by a 5-0-1 vote. Council Member Lewis abstained. Council Member Garcia was absent.

DISCUSSION ITEMS CONTINUED

22. Amend Ordinance No. 980914-A, the 1998-99 Operating and Capital Budgets of the Electric Utility by a) reducing the operating fund ending balance by \$870,019 and increasing Transfers Out to the Capital Budget by the same amount, and b) creating a new capital account known as

- “CSC Downtown Incentives – Electric” – and appropriating \$870,019.

Amend Ordinance No. 980915-A, the 1998-99 Operating Budget by reducing the General Fund Contingency Reserve by \$1,450,000 and increasing General Fund Transfers Out to the Capital Budget by the same amount; and reducing the ending balance of the Water and Wastewater Utility Fund by \$1,500,000 and increasing Water and Wastewater Utility Fund Transfers Out to the Capital Budget by the same amount.

Amend Ordinance No. 980915-B, the 1998-99 Capital Budget, by increasing Transfers In from the Water and Wastewater Utility Fund by \$1,500,000, increasing Transfers In from the General Fund by \$1,450,000, decreasing the CIP Contingency Project Account by \$688,854, and creating the following new accounts and new appropriations:

Public Works and Transportation

- “New City Hall, Plaza, and Parking” – \$30,000,000
- “New City Hall Great Streets Plaza” - \$1,000,000
- “Site Demolition” - \$3,000,000

- “CSC - Great Streets Downtown Plaza Hardscape and Landscaping” - \$500,000
- “CSC - Downtown Sidewalks” - \$419,447
- “CSC - Downtown Street Reconstruction” - \$240,047
- “CSC - Other Incentives” - \$6,705,060 (includes One Floor Underground Parking, Parking Differential, Downtown Tunnels, Landscaping, Sitework, and Irrigation).

Water and Wastewater Utility

- “CSC Downtown Incentives - Water” - \$1,400,000
- “CSC Downtown Incentives – Wastewater” - \$100,000

Total new appropriations: \$44,234,573.

- \$870,019 is available in the 1998-99 Operating Budget ending balance of the Electric Utility Fund;
- \$1,500,000 is available in the 1998-99 Operating Budget ending balance of the Water and Wastewater Utility;
- \$916,206 is to be reimbursed by a FY 1999-2000 General Fund Transfer to the CIP;
- \$688,854 is available in the 1999 CIP Contingency project account;
- \$2,159,494 is from the future sale of 1998 General Obligation Bonds, Proposition 1;
- \$5,000,000 is anticipated from the sale proceeds of City Hall;
- \$11,900,000 is anticipated in lease proceeds from the Computer Sciences Corporation;
- \$18,200,000 is from the future sale of long term debt;
- \$1,450,000 is available in the 1998-99 General Fund Contingency Reserve; and
- \$1,550,000 is from the future sale of 1992 General Obligation Bonds, Proposition 4.

Ordinance No. 990715-22 was approved on Council Member Lewis’ motion, Mayor Watson’s second by a 6-0 vote. Council Member Garcia was absent.

23. Declare official intent to reimburse the following:

- \$31,550,000 in expenditures associated with the New City Hall, Plaza and Parking;
- \$1,000,000 in expenditures for the New City Hall Great Streets Plaza;
- \$500,000 for CSC – Great Streets Downtown Plaza Hardscape and Landscaping;
- \$419,447 for CSC – Downtown Sidewalks;
- \$240,047 for CSC – Downtown Street Reconstruction; and
- \$6,016,206 for CSC Other Incentives.

(Funding in the amount of \$916,206 to be reimbursed from current revenue transfers anticipated in fiscal year 1999-2000; \$3,709,494 in General Obligation Public Improvement Bonds to be issued in September 1999; \$11,900,000 anticipated in lease proceeds from Computer Sciences Corporation (CSC); \$5,000,000 anticipated from the sales proceeds of City Hall; and \$18,200,000 from the sale of long term debt issuance.)

Resolution No. 990715-23 was approved on Council Member Lewis’ motion, Mayor Watson’s second by a 6-0 vote. Council Member Garcia absent.

24. Approve an ordinance authorizing the vacation of a portion of the 20-foot alley in Block 21 of the Original City of Austin. (Recommended by Planning Commission)
Ordinance No. 990715-24 was approved on Mayor Pro Tem Goodman's motion, Council Member Lewis' second by a 6-0 vote. Council Member Garcia's was absent.
25. Approve an ordinance authorizing the vacation of a portion of the 20-foot alley in Block 22 of the Original City of Austin. (Recommended by Planning Commission)
Ordinance No. 990715-24 was approved on Mayor Pro Tem Goodman's motion, Mayor Watson's second by a 6-0 vote. Council Member Garcia was absent.
26. Set a public hearing for the purpose of receiving public comment regarding the creation of a City of Austin Reinvestment Zone No. 15. (Suggested Date and Time: August 5, 1999 at 6:00 p.m.)
Resolution No. 990715-26 was approved on Mayor Pro Tem Goodman's motion, Council Member Spelman's second by a 6-0 vote. Council Member Garcia was absent.
27. Approve a resolution authorizing execution of a construction contract with A & R DEMOLITION, Del Valle, Texas, for the demolition of City Blocks 2 and 4, bounded by San Antonio Street, 2nd Street, Colorado Street, and Cesar Chavez, for the Computer Sciences Corporation (CSC)/City Hall Project, in the amount of \$319,497 plus \$30,503 to be used as a contingency fund, for a total amount not to exceed \$350,000. (Funding was included in the 1998-99 Amended Capital Budget of the Department of Public Works and Transportation.) Low bid of eight. 0% MBE, 7.28% WBE Subcontracting participation.
Resolution No. 990715-27 was approved on Mayor Pro Tem Goodman's motion, Mayor Watson's second by a 6-0 vote. Council Member Garcia was absent.
28. Approve a resolution authorizing negotiation and execution of an amendment to the architectural services agreement with MORTON & MACKEY ARCHITECTURE, Austin, Texas, for archeological, architectural design and construction phase services for the demolition of City Blocks 2, 3, 4, 21 and 22, bounded by San Antonio Street, 3rd Street, Lavaca Street and Cesar Chavez, increasing the agreement in the amount of \$524,417 for a total amount not to exceed \$636,074. (Funding in an amount of \$524,417 was included in the 1998-99 Amended Capital Budget of the Department of Public Works & Transportation.) 3.5% MBE, 86.48% WBE Subcontracting participation.
Resolution No. 990715-28 was approved on Mayor Pro Tem Goodman's motion, Council Member Spelman's second by a 6-0 vote. Council Member Garcia was absent.
29. Approve a resolution authorizing negotiation and execution of a one hundred twenty month lease of approximately 1,850 square feet of office/banking space in One Texas Center located at 505 Barton Springs Road to the AUSTIN METROPOLITAN FINANCIAL CREDIT UNION, Austin, Texas to be used for credit union banking services. (\$2,852 in revenue will be receipted to the One Texas Center Fund in Fiscal Year 1998-99. This lease will generate approximately \$34,225 to the One Texas Center Fund in rental payments for the first year with 3% annual increases over the remaining term of the lease.)

Resolution No. 990715-29 was approved on Council Member Lewis' motion, Council Member Spelman's second by a 6-0 vote. Council Member Garcia was absent.

30. Approve a resolution authorizing negotiation and execution of an amendment to the mechanical, electrical and plumbing rotation list agreement with GOETTING AND ASSOCIATES, INC., Austin, Texas, for preliminary electrical, mechanical and plumbing engineering services for the Computer Sciences Corporation (CSC) district cooling plant, increasing the agreement in the amount of \$190,000, for a total amount not to exceed \$295,000. (Funding in an amount of \$190,000 is available in the Amended 1998-99 Operating and Capital Budgets of the Electric Utility, contingent upon passage of budget amendment.) 3.2% MBE, 13.28% WBE Subcontracting participation. (Recommended by Electric Utility Commission)

Resolution No. 990715-30 was approved on Council Member Spelman's motion, Mayor Pro Tem Goodman's second by a 6-0 vote. Council Member Garcia was absent.

31. Approve an ordinance authorizing the waiver of Water and Wastewater meter fees and development fees for the Computer Sciences Corporation downtown project in the amount of \$711,938. (Foregone revenues in the amount of \$711,938. The General Fund portion of this waiver is approximately \$279,000. The Watershed Protection Department would lose approximately \$190,000 in water quality/filtration project funds. The Water/Wastewater Utility would forego \$142,143 in capital recovery fees and Construction Inspection [Capital Projects Management Fund] would lose close to \$100,000 in anticipated revenues.)

Ordinance No. 990715-31 was approved on Council Member Spelman's motion, Mayor Watson's second by a 6-0 vote. Council Member Garcia was absent.

48. Amend Ordinance No. 980914-A, the 1998-99 Operating and Capital Budget of the Electric Utility by decreasing transfers out to the Performance Contracting Fund by \$5,750,000, increasing transfers out to the CIP by \$5,000,000, increasing transfers out to the Rebates and Incentives Fund by \$750,000, and appropriating \$5,000,000 to the Capital Budget to initiate the design and installation of a Central Chilled Water Plant and Distribution System for the Computer Sciences Corporation development in downtown Austin; and Amend Ordinance No. 980915-A, the 1998-99 Operating Budget of the Conservation Performance Contracting Fund by decreasing transfers in from the Electric Utility fund and appropriation for Performance Contracting Services each by \$5,750,000; and the 1998-99 Operating Budget of the Conservation Rebates and Incentives Fund by increasing transfers in from the Electric Utility Fund and appropriations for the Rebates and Incentives program each by \$750,000 to respond to increased residential program participation. (Funding in an amount of \$5,750,000 was included in the Approved 1998-99 Operating Budgets for the Electric Utility Department and Conservation Performance Contracting Fund.)

Ordinance No. 990715-48 was approved on Council Member Spelman's motion, Mayor Pro Tem Goodman's second by a 6-0 vote. Council Member Garcia was absent.

34. Approve a resolution authorizing the issuance of a Letter of Intent and a rebate in the amount of \$60,375 to CLARK CONTRACTORS, INC., General Contractor, for the installation of high-efficiency air conditioners at the Riverlodge Apartment Complex.

Energy improvements qualifying for this rebate will save an estimated 216 kilowatts at a program cost of \$279 per kilowatt saved. Each high efficiency air conditioning will save the residents between \$70 and \$135 per cooling season in energy costs. The comparable cost of a gas turbine is \$1,329 kW, including fuel, operation, and maintenance. (Funding in an amount of \$60,375 is in the Approved 1998-99 Operating Budget of the Conservation Rebates and Incentive fund of the Electric Utility.) (Recommended by Electric Utility Commission and Resource Management Commission)

Resolution No. 990715-34 was approved on Council Member Lewis' motion, Council Member Spelman's second by a 6-0 vote. Council Member Garcia was absent.

51. Amend Ordinance No. 980915-B, the 1998-99 Capital Budget of the Austin Fire Department by creating a new project known as "Fire Training Facility Expansion-Bill Roberts," transferring and appropriating \$192,400 from the substantially complete Fire Station 620/183 (Maconda Park) project account and \$288,300 from the 1999 CIP Contingency project account. (Funding in the amount of \$192,400 is available from the Fire Station 620/183 (Maconda Park) project and \$288,300 is available from the 1999 CIP Contingency project account.) (To be reviewed by Planning Commission – 7/13/99) (Related to Item No. 52)

Ordinance No. 990715-51 was approved on Council Member Spelman's motion, Council Member Lewis' second by a 6-0 vote. Council Member Garcia was absent.

70. Approve a resolution authorizing execution of a twelve month service agreement with MAJESTIKLEEN (MBE-MA), Austin, Texas, to provide janitorial services for six Health and Human Services Department sites in an amount not to exceed \$173,892 with two twelve-month extension options in an amount not to exceed \$173,892 per extension for a total contract amount not to exceed \$521,676. (Funding in an amount of \$14,491 was included in the 1998-99 Amended Approved Operating Budget for the Finance and Administrative Services Department, Building Services Division. Funding for the remaining eleven months and extension options will be contingent upon available funding in future budgets.) Low bid of four. Prime MBE-MA participation.

Resolution No. 990715-70 was approved on Council Member Slusher's motion, Council Member Lewis' second by a 6-0 vote. Council Member Garcia was absent.

84. C14-99-0033 - Approve second/third readings of an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 8401 Westgate Boulevard from "SF-3, Family Residence district to SF-6, Condominium and Townhouse district zoning for Tract 1 and "RR", Rural Residence District zoning for Tract 2. First reading on May 6, 1999; Vote: 5-0 (Watson and Spelman off the dais). Conditions met as follows: Conditional overlay incorporates the conditions imposed by Council on first ordinance reading. Applicant: Caltex Holdings; (Kurt Prunty). City Staff: Joe Arriaga, 499-2308.

Second reading was approved of this ordinance with a reduction in density as agreed to by the applicant and neighborhood association and schedule third reading as soon as possible on Council Member Slusher's motion, Council Member Lewis' second by a 6-0 vote. Council Member Garcia was absent.

82. C14-98-0247 - Approve second/third readings of an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as Manchaca Road and Dittmar

Road from "DR", Development Reserve district to SF-2-CO. Single-Family Residence-Conditional Overlay Combining district zoning with conditions. First reading on May 6, 1999; Vote: 6-0, Watson off dais. Conditions met as follows: Conditional overlay incorporates the conditions imposed by Council on first ordinance reading. Applicant: Patricia Fay Tinnin and May Jane Ramsey; Agent: Kurkjian Engineering Corporation (Garabed A. Harutunian. City Staff: Joe Arriaga, 499-2308. (continued from 6/3/99)

This item was postponed to August 5, 1999 at the request of the Council in order for the applicant to explore options for addressing setbacks from the pipeline that runs through the site on Council Member Spelman's motion, Mayor Watson's second by a 6-0 vote. Council Member Garcia was absent.

ACTION ON THE FOLLOWING

125. Consider settlement proposal in *The City of Austin v. United States Fidelity & Guaranty Company and Pittsburg Tank & Tower Company, Inc.*, Cause No. 97-00208, in the Travis County District Court.

Resolution No. 990715-125 was approved on Council Member Slusher's motion, Council Member Lewis' second by a 6-0 vote. Council Member Garcia was absent.

126. Approve execution of an amendment to the contract with Clark, West, Keller, Butler & Ellis to increase the amount of attorney fees by \$89,000, for a total contract amount not to exceed \$187,000, for legal services in *Arthur Brown, et al. v. City of Austin Police Department*, Cause No. 95-12194, in the Travis County District Court.

Resolution No. 990715-126 was approved on Council Member Slusher's motion, Council Member Spelman's second by a 6-0 vote. Council Member Garcia was absent.

127. Approve execution of an amendment to the professional services contract with the Law Office of Diane Henson to increase the amount of attorney fees by up to \$161,000, for a total contract amount not to exceed \$200,000, for legal services in *Jonnie Peck v. Juanita Bishop Huertas, M.D., et al.*, Cause No. 96-11840, in the Travis County District Court.

Resolution No. 990715-127 was approved on Council Member Lewis' motion, Mayor Pro Tem Goodman's second by a 6-0 vote. Council Member Garcia was absent.

ADJOURNED at 8:37 p.m. on Council Member Slusher's motion, Council Member Spelman's second by a 6-0 vote. Council Member Garcia was absent.

The minutes for the Regular Meeting of July 15, 1999 were approved on this the 22nd day of July, 1999 on Council Member Lewis' motion, Council Member Slusher's second by a 6-0 vote. Council Member Garcia abstained.