



**Austin City Council
MINUTES**

**REGULAR MEETING
THURSDAY, AUGUST 19, 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.

THE CITY COUNCIL OF AUSTIN, TEXAS, CONVENED AT 9:24 A.M., ON THURSDAY, AUGUST 19, 1999, AT CITY COUNCIL CHAMBERS, 307 WEST SECOND STREET, FOR THE FOLLOWING PURPOSES:

Mayor Watson called the meeting to order noting the temporary absence of Council Member Griffith and Spelman.

BRIEFINGS

1999-2000 OPERATING AND CAPITAL BUDGETS

3. Transportation Initiative
The presentation was given by Toby Futrell, Assistant City Manager, Peter Reick, Director of Public Work & Transportation, Michelle Middlebrook-Gonzales, Director of Public Information and Calvin Smith, Austin Police Department.
7. Public Works and Transportation and related departments
A presentation was given by Peter Reick, Director of Public works & Transportation.
8. Aviation
A presentation was given by Chuck Griffith, Executive Director of Aviation, Charles Gates, Director of Aviation and John Almond Director of the New Airport Project.
9. Austin Convention Center

A presentation was given by Bob Hodge, Director of the Austin Convention Center, Larry Anderson, Chief Financial Officer and Joe Gonzales, Financial Manager.

10. Library
This item was postponed by the City Manager.
11. Parks and Recreation and Related Departments
This item was postponed by the City Manager.

PREVIEW OF ITEMS FOR NEXT COUNCIL MEETING

1. Review of Proposed Agenda Items from the City Manager for August 26, 1999.
2. Review of Proposed Agenda Items from Council for August 26, 1999.

The Council recessed for Executive Session at 11:52 p.m. on Council Member Garcia's motion, Council Member Spelman's second by a 6-0 vote. Mayor Pro Tem Goodman was off the dais.

EXECUTIVE SESSION (No Public Discussion on These Items)

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

12. Discuss *Jerry J. Quick, et al. v. City of Austin, et al.*, Cause No. 96-1154, in the Supreme Court of Texas.
13. Discuss *Arthur Brown, et al. vs. City of Austin Police Department*, Cause No. 95-12194, in the Travis County District Court.
14. Discuss *McLean Construction, Inc. v. City of Austin, Texas*; Cause No. 97-07319, in the Travis County District Court.
15. Discuss *Ethel Spiller, et al. v. Robert M. Walker, et al.*, Case No. A 98 CA 255 SS, United States District Court for Western District of Texas.
16. Discuss *City of Austin v. Shell Oil Company, et al.*, Cause No. 95-14708, in the Travis County District Court.
17. Discuss legal issues concerning Chapter 245 of the Texas Local Government Code.
19. Discuss legal issues concerning trademark claim for enerACT business trademark.

20. 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.)
21. 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.)

Executive Session ended at 1:30 p.m.

1:30 P.M. LIVE MUSIC: Guy Juke

INVOCATION – Pastor Kenneth Hensarling – High Point Fellowship

CITIZEN COMMUNICATIONS: GENERAL

28. Jon Hughes – Kids vs. children
29. Gus Peña – 1. To Discuss City Budget; 2. To Discuss City Clinics and Proposed Budget Cuts. **Absent**
30. Ernest Samudio – animal acts ordinance
31. Anna Maria Signorelli - The Sustainable Food Center – equity and food security
32. Catherine Capers – The Sustainable Food Center: addressing equity in food issues
33. Jacqueline M. Caswell – Replacement for Freon, R-12 and R134A with Enviro-Safe Refrigerants
34. Pat Valls-Trelles – Making Animal Impoundment Fees Affordable for Low Income People
35. Steve Poole – People who cannot afford to get their animals out of Town Lake Animal Center
36. Felipe Camacho – Sustainable Food Center
37. Richard R. Troxell – Homelessness in Austin. **Absent**

MINUTES

27. Approval of Minutes for Regular Meeting of August 5, 1999
The minutes were approved on Council Member Spelman's motion, Council Member Griffith's second by a 7-0 vote.

CONSENT AGENDA

THE FOLLOWING ITEMS WERE ACTED ON BY ONE MOTION. NO SEPARATE DISCUSSION OR ACTION OCCURRED ON ANY OF THE ITEMS. THE CONSENT ITEMS WERE APPROVED ON COUNCIL MEMBER GARCIA'S MOTION, COUNCIL MEMBER SPELMAN'S SECOND BY A 7-0 VOTE.

38. Consider a request from BLOCKBUSTER VIDEO STORES and YUMI ICE CREAM COMPANY for a variance from Section 12-2-5 (B) of the Austin City Code

(Food Manager Certification) to allow one certified food manager to serve up to 10 Blockbuster stores (rather than four stores as required in the Code) for the sale of prepackaged ice cream only from display cases provided by Yumi Ice Cream Company. (\$240 in fees for food manager certification and training will be foregone by this action. This revenue was not included in the 1998-99 approved Operating Budget of the Health and Human Services Department.)

Ordinance No. 990819-38 was approved

39. Ratify the application for and acceptance of \$400,000 in grant funds from the U.S. Department of Health and Human Services, U.S. Public Health Service to improve local medical and health care capabilities for terrorist incidents; amend Ordinance No. 980915-A, the FY 1998-1999 Operating Budget for the Fire Department Special Revenue Fund, by appropriating \$400,000 in grant funds. (Funding in the amount of \$400,000 is available from the U.S. Department of Health and Human Services, Public Health Service for the grant period. No local match is required.)

Ordinance No. 990819-39 was approved

40. Approve a resolution authorizing the execution of an Interlocal Agreement between the City of Austin and the Capital Area Planning Council (CAPCO) related to the City's participation in the enhanced 9-1-1 emergency telephone system, which includes providing addressing maintenance, in an amount not to exceed \$164,458. (Funding in the amount of \$164,458 will be provided by the Capital Area Planning Council to reimburse salary, supply and training costs associated with this agreement. The approved FY 1998-99 Operating Budget for the Austin Police Department expected a higher reimbursement from CAPCO and includes \$102,480 for addressing maintenance and the approved FY 1998-99 Operating Budget for the Infrastructure Support Services Department includes a reimbursement of \$70,406 for addressing maintenance, for a total budgeted reimbursement of \$173,087. Total cost expended for this agreement, however, will not exceed \$164,458.)

Resolution No. 990819-40 was approved

41. Approve a resolution authorizing the execution of an Interlocal Agreement between the City of Austin and the Capital Area Planning Council (CAPCO) related to maintaining the 9-1-1 emergency telephone system Public Safety Answering Point (PSAP), and training personnel, in an amount not to exceed \$34,402.36. (Funding in the amount of \$4,500 will be provided by the Capital Area Planning Council to the City for purchase of supplies related to PSAP. The approved FY 1998-99 Operating Budget for the Austin Police Department includes this reimbursement. Funding in the amount of \$29,902.36 will be provided directly by CAPCO to Southwestern Bell for maintenance and warranty services.)

Resolution No. 990819-41 was approved

42. Approve a resolution authorizing negotiation and execution of an amendment to the existing professional services agreement with EMCON, INC., Austin, Texas, for engineering services for design and construction management of the Zilker Park Landfill Remediation Project, in the amount not to exceed \$155,000, for a total amount not to exceed \$221,856. (Funding in the amount of \$155,000 was included in

the 1998-1999 Amended Capital Budget of the Solid Waste Services Department.) 6.7% MBE, 26.1% WBE, and less than 1% Non M/WBE Subcontracting participation. (Recommended by the Solid Waste Advisory Commission)

Resolution No. 990819-42 was approved

Item 43 was pulled for discussion.

44. Approve a resolution authorizing the execution of a construction contract with BENITEZ CONSTRUCTION COMPANY, INC. (MBE/MH), Pflugerville, Texas, for FM 1325/46th Street Water and Wastewater Improvements in the amount of \$243,587. (Funding in the amount of \$112,694 was included in 1995-96 Amended Capital Budget and \$130,893 was included in the 1998-99 Amended Capital Budget of the Water and Wastewater Utility.) Low bid of six. 6.54% WBE and 31.92% NON M/WBE Subcontracting participation. (Recommended by the Water and Wastewater Commission)

Resolution No. 990819-44 was approved

45. Approve execution of Change Order No. 2 to the construction contract with ROYAL VISTA, INC., Liberty Hill, Texas, for the water service improvements to the U.S. 183 East annexed area designated as the Water and Wastewater Service to East U.S. 183 Septic Area Indian Oaks Project, increasing the contract in the amount of \$109,360.65, for a total contract amount not to exceed \$1,318,651.06. (Funding in the amount of \$109,360.65 is included in the 1998-99 Amended Capital Budget of the Water and Wastewater Utility.) 10.06% MB, 10.15% MH, and 4.75% NON M/WBE Subcontracting participation. (Recommended by the Water and Wastewater Commission)

Resolution No. 990819-45 was approved

46. Approve a resolution authorizing negotiation and execution of an amendment to the existing professional services agreement with CH2M-HILL INC., Austin, Texas, for the engineering services for the Hornsby Bend Sludge Management Facility Improvements Project. (Funding in the amount of \$250,000 is included in the 1998-99 Amended Capital Budget of the Water and Wastewater Utility.) 10.0% MBE, and 8.0% WBE Subcontracting participation. (Recommended by the Water and Wastewater Commission)

Resolution No. 990819-46 was approved

Item 47 was pulled for discussion.

48. Approve a resolution authorizing the execution of a construction contract with BENITEZ CONSTRUCTION COMPANY, INC. (MBE/MH), Pflugerville, Texas, for the construction of water and wastewater improvements near the intersection of RM 620 and RM 2222, known as the Four Points Service to Annexed Areas #13 Project B Water and Wastewater Improvements, in the amount of \$2,041,923 plus \$204,193 to be used as a contingency for change orders, for a total contract amount not to exceed \$2,246,116. (Funding in the amount of \$2,246,116 is included in the 1998-99 Amended Capital Budget of the Water and Wastewater Utility.) MBE Prime, 3.52%

MBE, 8.64% WBE, and 53.49 NON M/WBE Subcontracting participation. (Recommended by the Water and Wastewater Commission)

Resolution No. 990819-48 was approved

49. Approve a resolution authorizing execution of a construction contract with SALAS & MORALES (MBE/MH), Austin, Texas, for water system improvements on Loop 360 for the areas of Lost Creek and the Woods of Westlake, in the amount of \$206,390. (Funding in the amount of \$206,390 was included in the 1995-96 Capital Budget of the Water and Wastewater Utility.) Low bid of three. MBE Prime, 8.99% WBE Subcontracting participation. (Recommended by the Water and Wastewater Commission)

Resolution No. 990819-49 was approved

50. Set a Public Hearing to approve negotiation and execution of a water supply agreement between the City of Austin and the Lower Colorado River Authority to increase the firm yield available to Austin to 325,000 acre-feet/year. (Suggested date and time: August 26, 1999 at 6:00 P.M.)

Resolution No. 990819-50 was approved

51. Approve a resolution authorizing execution of a construction contract with CAPITAL EXCAVATION CO., P.O. Box 1301, Austin, TX 78767, for wastewater improvements in the vicinity of FM 1825 and IH 35, known as the IH-35 North Service to Annexed Area #15 Phase B Water and Wastewater Improvements: Line A, Line B, and Line W1 Project, in the amount of \$235,024.75. (Funding in the amount of \$235,024.75 was included in the 1998-99 Amended Capital Budget of the Water & Wastewater Utility.) Low bid of seven. 12.34% MBE, 9.61% WBE, and 1.27% NON M/WBE Subcontracting participation. (Recommended by the Water and Wastewater Commission)

Resolution No. 990819-51 was approved

Item 52 was pulled for discussion.

53. Approve a resolution authorizing execution of a construction contract with JAMES HARPER LANDSCAPING (MBE/MB), Austin, Texas, for construction of parking lot improvements at Givens Park, located at 3811 East 12th Street in the amount of \$262,829.79. (Funding in the amount of \$262,829.79 was included in the 1998-99 Amended Capital Budget of the Watershed Protection Department.) Low bid of five. MBE Prime. 22.23% MBE, 11.68% WBE, and 16.90% NON M/WBE Subcontracting participation. (Recommended by Environmental Board)

Resolution No. 990819-53 was approved

Items 54 and 55 were pulled for discussion.

56. Approve an ordinance authorizing acceptance of an additional \$7,628 in grant funds from the Texas State Library to provide technological assistance to public libraries through the Austin Public Library, Central Texas Library System; amend Ordinance 980915-A, the 1998-99 Operating Budget, amending the Library Special Revenue

Fund by appropriating and additional \$7,628 to that fund for a total grant amount of \$7,628. (Funding in the amount of \$7,628 is available from the Texas State Library as provided by the Institute of Museum and Library Services, a federal agency, under the Library Services and Technology Act. Funding beyond 2001 is contingent on federal appropriations. Total 1998-1999 grant amount is \$75,289. The grant period is February 1, 1998 through August 31, 1999. No match is required.)

Ordinance No. 990819-56 was approved

57. Approve an ordinance authorizing acceptance of \$72,163 in grant funds from the Texas State Library to provide technological assistance to public libraries through the Austin Public Library, Central Texas Library System; amend Ordinance 980915-A, the 1998-99 Operating Budget, amending the Library Special Revenue Fund by appropriating \$72,163 to that fund. (Funding in the amount of \$72,163 is available from the Texas State Library as provided by the Institute of Museum and Library Services, a federal agency, under the Library Services and Technology Act. Funding beyond 2001 is contingent on federal appropriations. Total grant amount is \$147,452. The grant period is September 1, 1999 through August 31, 2000. No match is required.)

Ordinance No. 990819-57 was approved

58. Approve a resolution authorizing fee simple acquisition of Lot 7, Block 2, R.W. Maguire's Subdivision, locally known as 1025 East Cesar Chavez, Austin, Texas, owned by JORGE ESPINOZA and JUANA ESPINOZA, for the Terrazas Branch Library Expansion Project, in the amount of \$95,000. (Funding in the amount of \$95,000 is included in the 1998-99 Amended Capital Budget of the Library Department.

Resolution No. 990819-58 was approved

59. Set a public hearing to receive public comment on proposed amendment of Ordinance No. 970306-P (as amended by Ordinance Nos. 970925-O and 981209-B) to provide for a new Coincident Load Special Contract Rider for the Electric Utility Department. (Recommended by the Electric Utility Commission.) (Suggested date and time: August 26, 1999 at 6:00 p.m.)

Resolution No. 990819-59 was approved

60. Approve negotiation and execution of a contract with ABB AUTOMATION SYSTEMS COMPANY, Natrona Heights, PA for the purchase of a turbine control system including delivery, installation and 2-year warranty for Unit #4 turbine generator at Holly Power Plant in an amount not to exceed \$167,292. (Funding in the amount of \$167,292 was included in the 1998-1999 Approved Capital Budget for the Electric Utility Department.) No subcontracting opportunities were identified. (Recommended by the Electric Utility Commission.)

Resolution No. 990819-60 was approved

61. Approve a resolution authorizing negotiation and execution of a contract with CONVERGENT GROUP, Englewood, Colorado for the purchase of computer systems integration services in an amount not to exceed \$6,813,228, integration

applications model in an amount not to exceed \$1,500,000 and three 12 month maintenance extension options in an amount not to exceed \$225,000 each for a total contract amount not to exceed \$8,988,288. (Funding in the amount of \$8,313,228 for the integration services and applications was included in the 1998-1999 Approved Capital Budget for the Electric Utility Department. Funding in the amount of \$675,000 for the extension options is contingent upon the approval of future year operating budgets.) No MBE/WBE Subcontracting participation. (Recommended by the Electric Utility Commission.)

Resolution No. 990819-61 was approved

62. Approve a resolution authorizing modification of a current contract with GENERAL ELECTRIC INTERNATIONAL, INC., Houston, Texas for the maintenance, overhaul, and repair of steam turbine/generator at Holly and Decker Power Plants to increase authorization from an amount not to exceed \$717,293 to an amount not to exceed \$1,187,500 for the 2nd extension option of the contract and an additional \$232,707 for each of the remaining two extension periods for a revised total contract amount not to exceed \$4,522,086. (Funding in the amount of \$39,184 was included in the 1998-1999 Approved Operating Budget of the Electric Utility Department. There is no unanticipated fiscal impact. Funding for the final seven months of the current contract year and the future extension options is contingent upon approval of future budgets.) 11.60% MBE, 9.30% WBE, and 0.0% Non MBE/WBE Subcontracting Participation (Recommended by the Electric Utility Commission.)

Resolution No. 990819-62 was approved

63. Approve a resolution to correct a clerical error in Resolution 990701-25, changing the total contract amount for amended professional services agreement with Freese and Nichols, Inc. to read \$697,470.17.

Resolution No. 990819-63 was approved

Item 64 was pulled for discussion.

65. Set a public hearing for the purpose receiving public comments regarding the creation of the City of Austin Tax Increment Financing Reinvestment Zone, including Blocks 2, 3, 4, and 21 of the City of Austin. (Suggested Date and Time: August 26, 1999 at 6:00 p.m.)

Resolution No. 990819-65 was approved

66. Approve an ordinance granting a non-exclusive municipal consent agreement to ARC Texas, Inc. to provide telecommunications services. (Third Reading) (Recommended by Telecommunications Commission.)

Ordinance No. 990819-66 was approved

67. Approve an ordinance authorizing a non-exclusive license agreement with Williams Communications, Inc. for placement of underground fiber optic cable in public rights-of-way. (Third Reading) (\$170,000 Unanticipated Franchise Fee Revenue for the 1998-1999 General Fund) (Recommended by Telecommunications Commission.)

Ordinance No. 990819-67 was approved

Item 68 was pulled for discussion.

69. Approve an ordinance amending the General Fund Financial Policy #8 (General Fund Emergency Reserve) and General Fund Financial Policy #10 (General Fund Contingency Reserve) to classify the reserves as reserve funds and to reflect them as such in budget documents. (Approved by Audit & Finance Committee)

Ordinance No. 990819-69 was approved

Items 70 and 71 were pulled for discussion.

72. C14-99-0019 – Approve second/third readings of an ordinance amending Chapter 25-2 of the Austin City Code by zoning property locally known as 13675 North U. S. Hwy. 183 from "I-RR" Interim–Rural Residence to "CS-CO", General Commercial Services-Conditional Overlay Combining District zoning with conditions. First reading on July 22, 1999; Vote 6-0 (Watson off dais). Conditions met as follows: Conditional overlay incorporates the conditions imposed by Council on first ordinance reading. Applicant: Heritage American Partnership (Henry Branson) Agent: Richard Mathias. City Staff: David Wahlgren, 499-6455.

Ordinance No. 990819-72 was approved

73. C14-99-0020 – Approve second/third readings of an ordinance amending Chapter 25-2 of the Austin City Code by zoning property locally known as 13689 North U. S. Hwy. 183 from "I-RR" Interim – Rural Residence to "GR-CO" Community Commercial-Conditional Overlay Combining District zoning. First reading on July 22, 1999; Vote 6-0 (Watson off dais). Conditions met as follows: Conditional overlay incorporates the conditions imposed by Council on first ordinance reading. Applicant: Heritage American Partnership (Henry Branson); Agent: Richard Mathias. City Staff: David Wahlgren, 499-6455.

Ordinance No. 990819-73 was approved

74. C14-99-0033 - Approve third reading 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, to "SF-6" Condominium and Townhouse-Conditional Overlay Combining district zoning with conditions 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 dais). Second reading on July 15, 1999; Vote: 6-0 (Garcia absent). Conditions met as follows: Conditional overlay incorporates the conditions imposed by Council on second ordinance reading. Applicant: Caltex Holdings; (Kurt Prunty). City Staff: Joe Arriaga, 499-2308.

Ordinance No. 990819-74 was approved

75. C14-99-0048 – Approve second/third readings of an ordinance amending Chapter 25-2 of the Austin City Code by zoning property located at the northwest intersection of West Howard Lane and McNeil-Merriltown Road from "I-RR" Interim – Rural Residence District to "LI-CO", Limited Industrial Services-Conditional Overlay Combining district zoning with conditions. First reading on June 3, 1999; Vote 7-0.

Conditions met as follows: Conditional overlay incorporates the conditions imposed by Council on first ordinance reading. Applicant: Hill Partners, Inc. (Richard Hill); Agent: Faust Group (Bill Faust). City Staff: David Wahlgren, 499-6455.

This item was postponed to August 26, 1999.

76. C14-99-0063 - Approve second/three readings of an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 1303 Slaughter Lane from "SF-2", Single-Family Residence (Standard Lot) to "LO-CO", Limited Office-Conditional Overlay Combining district zoning with conditions. Conditions met as follows: Conditional overlay incorporates the conditions imposed by Council on first ordinance reading. Applicant: Hipp Insurance Agency; Agent: Richard Crank. City Staff: Joe Arriaga, 499-2308.

Ordinance No. 990819-76 was approved

77. C14-99-0065 – Approve second/third readings of an ordinance amending Chapter 25-2 of the Austin City Code by zoning property located at Denali Parkway and Wilson Parke Avenue from “I-RR”, Interim-Rural Residence to “SF-2”, Single Family Residence District (Standard Lot) zoning. First reading on July 22, 1999; Vote (7-0). Conditions met as follows: Conditional overlay incorporates the conditions imposed by Council on first ordinance reading. Applicant: Tomen Parke Associates Ltd. (James McCarthy); Agent: Richardson Verdoorn (Sandra Nash). City Staff: Clark Patterson, 499-2464.

Ordinance No. 990819-77 was approved

78. C14-99-0089 - Approve second/third readings of an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 8024 North IH-35 Service Road Southbound from “LO”, Limited Office District zoning to “CS-CO”, General Commercial Services-Conditional Overlay Combining district zoning. First reading on July 29, 1999; Vote: 6-0 (Lewis off dais). . Conditions met as follows: Conditional overlay incorporates the conditions imposed by Council on first ordinance reading. Applicant: Austin Lodging Group LLC (Praven Bhakta); Agent: Ralph Harris Surveyor (Tom Watts). City Staff: Clark Patterson, 499-2464.

Ordinance No. 990819-78 was approved

79. C14-99-0094 – Approve second/third readings of an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 124 Cumberland Road from “CS”, General Commercial Services District zoning to “MF-3” Multi-family (Medium Density) district zoning. First reading on July 29, 1999; Vote: 6-0 (Lewis off dais). . Conditions met as follows: Conditional overlay incorporates the conditions imposed by Council on first ordinance reading. Applicant: Judith Clarkson. City Staff: Clark Patterson, 499-2464.

Ordinance No. 990819-79 was approved

80. C14-99-0103 - Liberty Lunch - Approve second/third readings of an ordinance amending 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 to “CBD-CURE”, Central Business District-Central Urban Redevelopment Combining district

zoning with conditions. First reading on July 15, 1999; Vote: 5-0, Watson off the dais and Garcia absent. Conditions met as follows: The Ordinance incorporates the conditions imposed by Council on first reading. Applicant: Development Review and Inspection Department; Property Owner: Red River Real Estate L.C. City Staff: Joe Arriaga, 499-2308.

Ordinance No. 990819-80 was approved

81. Set a public hearing to consider an ordinance amending Section 2-4-571 and 2-4-572 regarding membership and duties of the Sign Review Board; and amending Section 2-4-9 (B) to authorize members of the Board of Adjustment to serve on the Sign Review Board. City Staff: Greg Guernsey, 499-2387. (Suggested date and time: September 2, 1999 at 6:00 p.m.)

This item was postponed to August 26, 1999 at 6:00 p.m.

82. Set a public hearing to consider an appeal of a decision by Planning Commission to deny a one-year extension of a released site plan for property locally known as 12901-13305 North F.M .620. Project Name: Pecan Park Retail Center. File No. SP-95-0501(XT). Applicant: Marion Shipman. Agent: Holford Group (Charles Dunn). City Staff: Tammie Williamson, 499-3056. (Suggested date and time: September 23, 1999 at 6:00 p.m.)

Resolution No. 990819-82 was approved

96. Conduct a public hearing to present and receive public input on the Proposed City of Austin/Lower Colorado River Authority Supply Purchase Agreement to be completed by the end of August 1999.

This item was postponed by staff.

103. Approve a resolution authorizing execution of a professional services agreement with George & Donaldson, Attorneys at Law for intellectual property legal services, including possible litigation.

Resolution No. 990819-103 was approved

23. Approve execution of an amendment to the professional services contract with Hilgers & Watkins, increasing attorney fees in an amount not to exceed \$10,000, for a total contract amount not to exceed \$1,328,584.53, for legal services in *Jerry J. Quick, et al. v. City of Austin, et al.*, Cause No. 96-1154, in the Supreme Court of Texas.

Resolution No. 990819-23 was approved

24. Consider settlement proposal in *McLean Construction, Inc. v. City of Austin, Texas*, Cause No. 97-07319, in the Travis County District Court.

Resolution No. 990819-24 was approved in the amount not to exceed \$637,500.

25. Approve execution of an amendment to the professional services contract with Verner, Lipfert, Bernhard & McPherson to increase the amount of fees by up to \$61,000, for a total contract amount not to exceed \$100,000, for professional services in *Ethel Spiller, et al. v. Robert M. Walker, et al.*, Case No. A 98 CA 255 SS, United States District Court for Western District of Texas.

Resolution No. 990819-25 was approved.

26. Consider settlement proposal in *City of Austin v. Shell Oil Company, et al.*, Cause No. 95-14708, in the Travis County District Court.

Resolution No. 990819-26 was approved. The City of Austin will receive \$5.8 million to be allocated in the Water and Wastewater fund.

DISCUSSION ITEMS

70. Approve a resolution scheduling a vote on a proposed tax rate of 50.34 cents for FY 1999-2000 for Monday, September 13, 1999, and set a public hearing on the proposed tax rate. (Suggested date and time: September 2, 1999 at 6:00 P.M.)

Resolution No. 990819-70 approved a public hearing to be held on September 2, 1999 with action on September 13, 14 and 15, 1999 on Council Member Garcia's motion, Council Member Spelman's second by a 7-0 vote.

101. **APPOINTMENTS**

Animal Advisory Commission

Babette Ellis (reappointment)	Council Member Slusher
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Arts & Recreation Subcommittee

Bobbie Enriquez	Consensus
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Bond Oversight Committee

Durquia Guillen	Consensus
James Plutino	Consensus

Building Standards Commission

E. Decker Ayers (reappointment)	Consensus
Dr. F. Ethelynn Beebee (reappointment)	Consensus
David Brown (reappointment)	Consensus
William Adorno (reappointment)	Consensus

Census 2000 Complete Count Committee

W. Charles Akins	Consensus
Jim Walker	Consensus

Charter Revision Committee

Frederick Lewis	Consensus
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Community Development Commission

Bobbie Johnson (reappointment)	Consensus
(St. John's Neighborhood Representative)	

Electrical Board

Richard Fawal
S.L. Leffingwell

Council member Spelman
Consensus

Ethics Review Commission

Susan Albers (nomination)
David Armstrong (reappointment)

Mayor Watson
Council Member Spelman

Historic Landmark Commission

Daniel E. Leary
(UT School of Architecture Rep.)
Lauretta Dowd (reappointment)
Patti Byler Hall (reappointment)
Laurie E. Limbacher (reappointment)
Avadne J. Mondandon (reappointment)

Consensus

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Impact Fee Advisory Committee

John E. Kunkel

Consensus

A motion was made to reconsider the Impact Fee Appointee because it had not been through the proper procedure on Council Member Garcia's motion, Council Member Lewis' second by a 7-0 vote.

MBE/WBE Advisory Committee

Jesus Ramirez (reappointment)
(Owner of Certified MBE/WBE Representative)

Consensus

Mechanical, Plumbing & Solar Board

Thomas Alexander (reappointment)
Paul Hovey (reappointment)
Michael Nail (reappointment)
Michael Prather (reappointment)

Consensus
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Consensus
Consensus

Music Commission

Penelope Davies (reappointment)
Robert Livingston (reappointment)
Jerome J. Avila, III

Council Member Spelman
Consensus
Council Member Garcia

Parks & Recreation Board

Jeff Francell (reappointment)
Carol Kim (reappointment)
Ricardo Medrano (reappointment)

Consensus
Council Member Griffith
Council Member Garcia

Planning Commission

Jim Robertson

Council Member Spelman

Renaissance Market Commission

Michael Kleinman (reappointment)

Consensus

Resource Management Commission

Ai T. Cai (reappointment) Council Member Garcia

Solicitation Board

Pamela Bodoïn (reappointment) Consensus

George More (reappointment) Consensus

Richard Resnik (reappointment) Consensus

Solid Waste Advisory Commission

Patricia Adams (reappointment) Mayor Watson

Urban Forestry Board

Nancy K. Fahy Mayor Pro Tem Goodman

Peter Hess Consensus

Water & Wastewater Commission

Aida Berduo Douglas (reappointment) Council Member Spelman

Jim Haley (reappointment) Mayor Watson

Harriet Harris (reappointment) Council Member Slusher

This item was approved on Council Member Garcia's motion, Council Member Griffith's second by a 7-0 vote.

43. Approve the first amendment to the interlocal agreement between the City of Austin and Capital Metropolitan Transportation Authority for the relocation of water meters in sidewalk projects. (Funding in the amount of \$100,000 was included in the 1995-96 Amended Capital Budget of the Water and Wastewater Utility.) (Recommended by the Water and Wastewater Commission)

Resolution No. 990819-43 was approved on Council Member Lewis' motion, Mayor Watson's second by a 7-0 vote.

47. Approve a resolution authorizing execution of a construction contract with BAY MAINTENANCE COMPANY, INC., Horseshoe Bay, Texas, for water and wastewater improvements along Old San Antonio Road and IH-35 South, known as the IH-35 South Service to Annexed Area #16 Phase B Water and Wastewater Services Project, in the amount of \$203,930. (Funding in the amount of \$203,930 is included in the 1998-99 Amended Capital Budget of the Water and Wastewater Utility.) Low bid of five. 3.43% MBE, 5.87% WBE, and 32.83% NON M/WBE Subcontracting participation. (Recommended by the Water and Wastewater Commission)

Resolution No. 990819-47 was approved on Council Member Lewis' motion, Mayor Watson's second by a 7-0 vote.

64. Amend the City Code to change the speed zone on Metric Boulevard from U.S. Highway 183 to Rutland Drive. (Funding in the amount of \$600 for installation of the appropriate speed limit signs is available in the 1998-1999 Operating Budget of the Department of Public Works and Transportation. There is no unanticipated fiscal impact.)

Ordinance No. 990819-64 was approved on Council Member Lewis' motion, Council Member Spelman's second by a 7-0 vote.

55. Approve a resolution authorizing execution of a construction contract with CHEROKEE CONSTRUCTION, INC. (MBE/MN), Austin, Texas for storm sewer improvements along Hyridge Drive between Honeysuckle Trail and Tallwood Drive, in the amount of \$762,532 plus \$53,377.24 to be used as a contingency, for a total amount not to exceed \$815,909.24. (Funding in the amount of \$755,721.74 was included in the 1992-1993 and 1998-1999 Amended Capital Budgets of the Watershed Protection Department; and \$60,187.50 is available in the 1995-1996 Amended Capital Budget of the Water & Wastewater Utility.) Low bid of six. 3.21% MBE, 8.63% WBE Subcontracting participation. (Recommended by Environmental Board and Water & Wastewater Commission)

Resolution No. 990819-55 was approved on Council Member Lewis' motion, Council Member Spelman's second by a 7-0 vote.

54. Approve a resolution authorizing execution of a construction contract with JAY-REESE CONSTRUCTORS, INC., Austin, Texas, for the construction of the Oak Hill Regional Detention Pond on Williamson Creek, in the amount of \$1,187,597.35. (Funding in the amount of \$1,187,597.35 is available in the 1995-96 and 1996-97 Amended Capital Budget of the Watershed Protection Department.) Low bid of four. 25.75% MBE, and 2.83% WBE Subcontracting participation. (Recommended by Environmental Board)

Resolution No. 990819-54 was approved on Council Member Lewis' motion, Council Member Slusher's second by a 7-0 vote.

EXECUTIVE SESSION

A motion to recess the Council meeting at 3:40 p.m. and go into Executive Session was approved on Mayor Pro Tem Goodman's motion, on Council Member Spelman's motion by a 7-0 vote vote.

18. Discuss legal issues concerning the northern boundary line of the Sand Beach Reserve tract on the North side of Town Lake at Lamar Boulevard.

Real Property – Section 551.072

22. Discuss lease of real property at 500 Chicon.

Executive Session ended at 5:00 p.m.

4. Bond Program Implementation Initiative
A presentation was given by Charles Curry, Assistant Director Financial Services.
5. September Bond Sale

A presentation was given by Charles Curry, Assistant Director Financial Services and Peter Reick, Director of Public Works.

6. Approve two-year bond sale schedule.

A presentation was given by Charles Curry, Assistant Director Financial Services.

68. Approve the 1999-2000 two-year proposed General Obligation Debt Sale and General Current Revenue List as required by the City of Austin Financial Policies. (Funding in the amount of \$51,100,000 is available in Public Improvement Bonds, \$5,590,000 is available in Certificates of Obligation and \$10,335,000 is available in Public Property Finance Contractual Obligations) (The Planning Commission reviewed the Five-Year Capital Improvements Plan and provided a recommendation on May 25, 1999. The Bond Oversight Committee reviewed tax-supported General Obligation Debt projects, particularly those pertaining to the November 1998 Bond Election, and provided a recommendation on June 10, 1999.)

Resolution No. 990819-68 was approved on Council Member Spelman's motion, Council member Garcia's motion by a 7-0 vote.

83. Approve execution of an interlocal agreement with AUSTIN INDEPENDENT SCHOOL DISTRICT for design, construction, operation and maintenance of the St. Johns Neighborhood Multipurpose Center/J.J. Pickle Elementary School located between Blessing Avenue, Wheatley Avenue, Providence Avenue and Blackson Avenue. (The City will obligate an amount not to exceed \$5,785,600 for design, construction and related services for the St. Johns Multipurpose Center. Funding in the amount of \$5,185,600 was included in the 1998-1999 Amended Capital Budget of the Parks and Recreational Department, and \$600,000 is included in the 1999-2000 Proposed Capital Budget of the Health and Human Services Department. Upon completion, the operations and maintenance of the facility will be contingent upon funding available in future Operating Budgets.)

Resolution No. 990819-83 was approved on Council Member Spelman's motion, Council Member Garcia's second by a 7-0 vote.

102. Approve a resolution directing the City Manager to investigate and report back to Council on the feasibility of a proposed long-term lease agreement for the property at 201 Red River with the "Friends of Fontaine", a consortium of preservation groups, St. David's Church, and other non-profit groups, for the relocation, restoration, and adaptive reuse of the 1872 Castelman-Bull-Fontaine House. (Council Member Gus Garcia)

Resolution No. 990819-102 was approved

A motion was made to reconsider item 102 on Council Member Spelman's motion, Council Member Garcia's second by a 7-0 vote.

A motion was made to amend item 102 on Council Member Spelman's motion, Council Member Garcia's second by a 7-0 vote.

71. Approve an ordinance reimbursing or waiving development fees for NL-6, Limited, for a development project located at 524 N. Lamar under the Smart Growth Matrix in an amount not to exceed \$77,860; and approve a resolution authorizing the negotiation and execution of necessary agreements with NL-6, Limited, for the construction of site utility upgrades, and right-of-way improvements required by the development project with City participation in an amount not to exceed \$57,012, for a total amount not to exceed \$134,872. (Reimbursement of waivers of appropriate fees in the amount of \$77,860. Infrastructure improvements in an amount not to exceed \$57,012 is included in the amended Capital Budgets of Public Works and Transportation and Water and Wastewater Utility.)

Ordinance No. 990819-71A was approved on Council Member Lewis' motion, Council Member Spelman's second by a 7-0 vote.

Approve a resolution authorizing the negotiation and execution with NL-6 Partners, ltd. Of all necessary agreements for the construction of site utility upgrades and right-of-way improvements required by the development project located at 524 North Lamar.

Resolution No. 990819-71B was approved on Council Member Lewis' motion, Council Member Spelman's second by a 7-0 vote.

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, COUNCIL MEMBER GRIFFITH'S SECOND BY A 7-0 VOTE.

84. C14-99-0039 – Public hearing to amend Chapter 25-2 of the Austin City Code by rezoning property locally known as 130 Ralph Albanedo Drive from “DR”, Development Reserve district zoning to “LI”, Limited Industrial Services district zoning. Planning Commission Recommendation: To Grant “LI-CO”, Limited Industrial Services-Conditional Overlay Combining district zoning with conditions. Applicant: Mickey Rich Plumbing Co. (Mickey Rich); Agent: Jim Bennett. City Staff: Joe Arriaga, 499-2308.

Ordinance No. 990819-84 was approved

85. C14-99-0070 – Public hearing to amend Chapter 25-2 of the Austin City Code by rezoning property locally known as 2900 West Slaughter Lane from “RR”, Rural Residence district to “GO”, General Office district zoning. Planning Commission Recommendation: To Grant “GO-CO”, General Office-Conditional Overlay Combining district zoning with conditions. Applicant: Westoak Woods Baptist Church (Dr. Logan Cummings); Agent: Crocker Consultants (Sarah Crocker). City Staff: Joe Arriaga, 499-2308.

The first reading of this ordinance was approved.

86. C14-99-0075 – Public hearing to amend Chapter 25-2 of the Austin City Code by rezoning property locally known as 8810 Cullen Lane from “DR”, Development Reserve district zoning to “CS-CO”, General Commercial Services-Conditional Overlay Combining District zoning with conditions. Planning Commission Recommendation: To Grant “LO-CO”, Limited Office-Conditional Overlay Combining district zoning with conditions for Tract 1 and “CS-CO”, General Commercial Services-Conditional Overlay Combining District zoning with Conditions for Tract 2. Applicant: William Ferris; Agent: Jim Bennett. City Staff: Joe Arriaga, 499-2308.

The first reading of this ordinance was approved.

87. C14-99-0085 – Public hearing to amend Chapter 25-2 of the Austin City Code by rezoning property locally known as 3102 & 3114 Highway 71 East from “I-RR”, Interim-Rural Residence district zoning to “CS”, General Commercial Services district zoning. Planning Commission Recommendation: To Grant “CS-CO”, General Commercial Services-Conditional Overlay Combining District zoning with conditions. Applicant: Kenny Dryden Investments (Kenny Dryden); Agent: The Faust Group (Bill Faust). City Staff: Joe Arriaga, 499-2308.

This item was postponed to August 26, 1999 at the request of the applicant.

88. C14-99-0088 – Public hearing to amend Chapter 25-2 of the Austin City Code by rezoning property located northeast of the intersection of Thaxton Road & Salt Springs Drive from “DR”, Development Reserve district zoning to “SF-3”, Family Residence district zoning. Planning Commission Recommendation: To Grant “SF-3”, Family Residence district zoning. Applicant: FC Properties One, Ltd. (Rick Sheldon); Agent: Drenner & Stuart, LLP (Steven C. Metcalfe). City Staff: Joe Arriaga, 499-2308.

The first reading of this ordinance was approved.

89. C14-99-0093 – Public hearing to amend Chapter 25-2 of the Austin City Code by rezoning property locally known as 5800 Cameron Road from “SF-3”, Family Residence District zoning to “LR”, Neighborhood Commercial district zoning. Planning Commission Recommendation: To Grant “LR-CO”, Neighborhood Commercial-Conditional Overlay Combining district zoning with conditions. Applicant: United Christian Church of Austin (Carol M. Kolsti); Agent: Guaranty Federal Bank (Stephen L. Crawford). City Staff: Clark Patterson, 499-2464.

The first reading of this ordinance was approved.

90. C14-99-0096 – Public hearing to amend Chapter 25-2 of the Austin City Code by zoning property locally known as 509 Thompson Lane from “I-RR”, Interim Rural Residence district zoning to “P”, Public district zoning. Planning Commission Recommendation: To Grant “P-CO”, Public-Conditional Overlay Combining district zoning with conditions. Applicant: Capital Metropolitan Transportation Authority (John Hodges); Agent: Carter & Burgess (Hank Smith). City Staff: David Wahlgren, 499-6455.

Ordinance No. 990819-90 was approved

91. C14-99-0113 – Public hearing to amend Chapter 25-2 of the Austin City Code by rezoning property locally known as 2500 West 35th Street from “P”, Public district zoning to “LO”, Limited Office district zoning. Planning Commission Recommendation: To Grant “LO”, Limited Office district zoning. Applicant: City of Austin – Austin Energy (Judith Fowler); Agent: Western PCS (Michael Crane & D’ame Williams). City Staff: David Wahlgren, 499-6455.

Ordinance No. 990819-91 was approved

92. C14H-99-0005 – Public hearing to amend Chapter 25-2 of the Austin City Code by rezoning property locally known as 112 Academy Drive from “MF-4”, Multifamily Residence (Moderate-High Density) district zoning to “MF-4-H” Multifamily Residence (Moderate-High Density)-Historic district zoning. Planning Commission Recommendation: To Grant “MF-4-H” Multifamily Residence (Moderate-High Density)-Historic district zoning. Applicant: Kathleen Mooney Rikardsen & Douglas Rikardsen. City Staff: Barbara Stocklin, 499-2414.

The first reading of this ordinance was approved.

Item 93 was pulled for discussion.

94. C14-99-0102 - Public Hearing to amend Chapter 25-2 of the Austin City Code by zoning property locally known as 5201 - 5305 East Riverside Drive from "I-SF-2", Interim-Single-Family Residence (Standard Lot) district zoning and "SF-3", Family Residence district zoning to "GO-CO", General Office-Conditional Overlay Combining District zoning with conditions. Planning Commission Recommendation: To Grant "GO-MU-CO", General Office-Mixed Use-Conditional Overlay Combining District zoning with conditions on Tract 1 and "SF-2", Single Family Residence (Standard Lot) zoning on Tract 2. Applicant: Cera Partnership (Kurt VanderMeulen); Agent: Haynes and Boone, LLP (Rick Reed). City Staff: Cecilia Williams, 499-2251.

The first reading of this ordinance was approved.

DISCUSSION ZONING ITEMS

93. C14-99-0083 – Colorado Bluffs - Public hearing of an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as Thornberry Road and Crozier Lane from “I-RR”, Interim Rural Residence district and “DR” Development Reserve district zoning to “P”, Public district zoning. Planning Commission Recommendation: Recommendation pending. Applicant: Cap View Development Corp., A Nevada Corp. (Rocky Hollingshead); Agent: Terry Irion. City Staff: Cecilia Williams, 499-2251. (Continued from 8/5/99)

Denial of this item on Council Member Spelman’s motion, Council Member Slusher’s second by a 6-0-1 vote. Mayor Pro Tem Goodman abstained.

PUBLIC HEARINGS 6:00 P.M.

95. Conduct a public hearing and consider an ordinance amending Land Development Code Sections 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. City Staff: Sheila Rainosek, 499-2693.

A motion was made to close the public hearing on Council Member Griffith's motion, Mayor Pro Tem Goodman's second by a 5-0 vote. Council Members Lewis and Slusher were off the dais.

99. Approve an ordinance amending Land Development Code Sections 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.

A motion was made by Council Member Spelman to approve all three readings, effective September 8, 1999 with instruction to staff to give any application priority and insist on staff response in 48 hours. The final application would have to be filed by September 7, 1999. Council Member Lewis seconded the motion.

Council Member Slusher made a substitute motion to pass all three readings effective tonight. Staff would be requested to prepare due diligence clause setting a 30 day deadline based on SB1704 requiring them to negotiate with the neighborhood association regarding traffic, etc. Council Member Griffith made the second.

A friendly amendment by Mayor Pro Tem Goodman was made that all property owners be notified.

Council Member Slusher withdrew his substitute motion.

A friendly amendment to Council Member Spelman's motion was made by Mayor Watson to have a completeness check within 48 hours to allow applicant to respond.

The motion to pass on all three readings with the effective date of September 8, 1999 and instruction to staff to do a completeness check in 48 hours, applications must be on file by August 25, 1999 and corrected by September 7, 1999.

Council Member Lewis directed staff on September 9, 1999 to let Council know how many were applications were filed.

The motion carried on a 7-0 vote.

A motion was made to suspend the rules to continue the Council meeting past 10:00 p.m. on Mayor Pro Tem Goodman's motion, Council Member Griffith's second by a 6-0 vote. Council Member Garcia was off the dais.

PUBLIC HEARING

Council continued the hearing to later in the meeting.

98. Conduct a public hearing on the 1999-2000 Proposed Budget.

A motion was made to recess at 11:00 p.m. on Council Member Slusher's motion, Council Member Griffith's second by a 7-0 vote.

52. Approve a resolution authorizing execution of a construction contract with CAPITAL EXCAVATION CO., P.O. Box 1301, Austin, TX 78767, for wastewater improvements in the vicinity of F.M. 1825 and IH 35 North, known as the IH-35 North Service to Annexed Area #15 Phase C Wastewater Improvements Line H, in the amount of \$195,654.46. (Funding in the amount of \$195,654.46 is included in the 1998-99 Amended Capital Budget of the Water & Wastewater Utility.) Sole bid. 8.51% MBE, 7.54% WBE, and 18.40% NON M/WBE Subcontracting participation. (Recommended by the Water and Wastewater Commission)

Resolution No. 990819-52 was approved on Council Member Garcia's motion, Council Member Slusher's second, by a 6-0 vote. Council Member Griffith was off the dais.

97. Conduct a public hearing on the continuance of Chapter 10-7, concerning the day and nighttime curfews for juveniles.

A motion was made to close the public hearing on Council Member Garcia's motion, Council Member Slusher's second by a 7-0 vote.

100. Approve an ordinance to authorize the continuation of Chapter 10-7 of the City Code concerning day and nighttime curfews for juveniles.

Ordinance No. 990819-100 was approved with instruction to staff to provide a statistical report to Council and list the times when the charges were dropped in court on Council Member Garcia's motion, Mayor Watson's second by a 7-0 vote.

The public hearing on Item 98 was continued at 11:20 p.m.

ADJOURNED at 12:14 a.m. on Council Member Slusher's motion, Council Member Garcia's second by a 7-0 vote.

The minutes for the Regular Council Meeting of August 19, 1999 were approved on this the 26th day of August, 1999 on Council Member Garcia's motion, Council Member Slusher's second by a 6-0 vote. Council Member Spelman was off the dais.