



**Austin City Council
MINUTES**

**REGULAR MEETING
THURSDAY, OCTOBER 7, 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 in a regular meeting on Thursday, October 7, 1999 at City Council Chambers, 307 West Second Street.

Mayor Watson called the meeting to order at 9:36 a.m. noting the temporary absence of Mayor Pro Tem Goodman and Council Member Spelman.

BRIEFINGS

1. Capital Metro Mobility Plan – Per Council Member Slusher this item needed to be postponed so information could be provided to the Capital Metro Board.
3. Clean Air Task Force – A presentation was made by Wade Thomason, Director of the Texas Clean Air Force.
2. Discuss 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. Presentations were made by Randy Goss, Director of Water and Wastewater; Mark Rose, General Manager, LCRA; John Pitts, Attorney with Akin, Gump, Strauss, Hauer and Feld, LLP; and Betty Dunkerley, Director of Finance.

A motion to recess the Council meeting and go into Executive Session at 11:55 a.m. was approved on Council Member Garcia's motion, Council Member Slusher's second by a 7-0 vote.

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.

Real Property – Section 551.072

4. Discuss acquisition and sale of real property related to the Barton Springs Clean Drinking Water Project (May 2, 1998, Bond Proposition 2).
5. Discuss purchase of property for greenways and destination parks.

Private Consultation with Attorney - Section 551.071

6. Discuss legal issues regarding implementation of House Bill 1777.
7. Discuss legal issues and contract status regarding the Meet and Confer process with the Austin Professional Firefighters Association.
8. Discuss legal issues related to an application for a limited adjustment from SOS water quality regulations for the Paisano Place Subdivision. (This litigation concerns development regulations applicable in the Barton Springs Zone.)
9. Discuss legal issues concerning Chapter 245 of the Texas Local Government Code.
10. Discuss legal issues concerning the northern boundary line of the Sand Beach Reserve tract on the North side of Town Lake at Lamar Boulevard.
11. Discuss *Circle C Land Corp. v. City of Austin*, Cause No. 97-13994, 53rd Judicial District of Travis County.
12. Discuss legal issues relating to utility service to the Heep Ranch and a pending application by Creedmoor Maha Water Supply Corp. before the Texas Natural Resource Conservation Commission to amend its certificate of convenience and necessity.
13. 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.)
14. 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.)

Executive Session ended at 1:30 p.m.

LIVE MUSIC: Susan Perskin

INVOCATION – Rev. Clyde Grubbs - First Unitarian Universalist Church

Mayor called the meeting back to order at 2:15 p.m.

CITIZEN COMMUNICATIONS: GENERAL

20. Richard R. Troxell – Homelessness in Austin
21. Betty Davis – Citizens Oversight Committee Re: Non-Ban of this Committee
22. Clare Barry – Intersection Improvements - **Absent**
23. Mike Alexander – Noise
24. Jim Walker – New Substation proposed for Cherrywood area
25. Lorene E. Moore – Proposed Ban on Exotic Animal Circuses
26. Diana Kantor – Proposed Anti-Animal Acts legislation
27. John Kunkel
28. Patrick Goetz – TSM Projects - **Absent**
29. Patrick Brothers – Animal Acts – **Absent**

BOARD AND COMMISSION REPORTS

30. Electric Utility Commission - Theresa Peel, Chair - **Absent**
31. Resource Management Commission – Peter Pfeiffer, Chair

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.

15. Approve a resolution authorizing negotiation and execution of a contract to purchase approximately 227.233 acres in fee simple from LE CADEAU, L.P., a Texas Limited Partnership, for destination parks (November 1998, Bond Proposition 2). (Funding is included in the 1999-2000 Approved Capital Budget of the Parks & Recreation Department.)

Resolution No. 991007-15 was approved at \$2 million.

16. Approve a resolution authorizing negotiation and execution of a service agreement for real estate acquisition services from THE NATURE CONSERVANCY OF TEXAS, INC. under the for the Barton Springs Clean Water Project (May 2, 1998, Bond Proposition 2). (Funding was included in the 1997-98 Amended Capital Budget of the Water & Wastewater Utility.)

Resolution No. 991007-16 was approved at \$550,000.

17. Authorize negotiation and execution of a contract for the purchase of a conservation easement on approximately 396 acres located along Circle Drive from the YOUNG RANCH FAMILY PARTNERSHIP, for the Barton Springs Clean Water Project (May 2, 1998, Bond Proposition 2).

Resolution No. 991007-17 was approved at \$1,157,000.

Items 18 and 19 were pulled for discussion.

Items 20-31 were discussed previously.

32. Approve a resolution authorizing negotiation and execution of an Interlocal Agreement

with TRAVIS COUNTY for the construction of the East William Cannon Bridge over Onion Creek on East William Cannon Drive between Pleasant Valley and Running Water, in the amount of \$2 Million. (Related Item No. 33)

Resolution No. 991007-32 was approved. The amounts in both 32 and 33 were revised from the floor as shown in these headings.

33. Approve a resolution authorizing execution of a construction contract with CYPRESS CONSTRUCTION COMPANY, Johnson City, Texas for the William Cannon Bridge over Onion Creek, in the amount of \$2,000,000 plus \$182,879.15 contingency, for a total amount not to exceed \$2,011,670.70. (Funding in the amount of \$11,000 is included in 1999-2000 Approved Capital Budget of the Department of Public Works and Transportation.) Low bid of six. 25.3% MBE; 11.0% WBE Subcontracting participation. (Related Item No. 32)

Resolution No. 991007-33 was approved.

34. Approve a resolution authorizing execution of a twelve-month service agreement with TEXAS INDUSTRIES FOR THE BLIND AND HANDICAPPED (TIBH), Georgetown, Texas, to provide janitorial services for six Austin Fire Department locations in an amount not to exceed \$57,195 with four twelve-month extension options in an amount not to exceed \$57,195 per extension for a total contract amount not to exceed \$285,975. (Funding in the amount of \$57,195 is available in the Approved 1999-2000 Operating Budget for the Austin Fire Department. Funding for the extension options is contingent upon available funding in future budgets.)

Resolution No. 991007-34 was approved.

35. Approve a resolution authorizing execution of a contract with SENTRY EQUIPMENT COMPANY, Oconomowoc, WI, for the purchase of equipment for sampling, conditioning and analyzing water in the Decker Creek Power Station boilers in the amount of \$94,827. (Funding was included in the 1999-2000 Approved Capital Budget for the Electric Utility Department.) Two bids received. Low bid meeting specifications. No MBE/WBE subcontracting participation. (Recommended by Electric Utility Commission)

Resolution No. 991007-35 was approved.

36. Approve a resolution authorizing execution of a contract with SOUTHWEST ELECTRIC COMPANY, Oklahoma City, OK, for the upgrade of a Federal Pacific 134 kV power transformer in the amount of \$354,263. (Funding was included in the 1999-2000 Approved Operating Budget for the Electric Utility Department.) Sole Bid. No MBE/WBE subcontracting participation. (Recommended by Electric Utility Commission)

Resolution No. 991007-36 was approved.

37. Approve a resolution authorizing execution of a contract with POWER SUPPLY INC, Austin, Texas, for the purchase of high voltage cleaning equipment in the amount of \$171,900. (Funding was included in the 1998-1999 Approved Capital Budget for the Electric Utility Department.) Sole Bid. No MBE/WBE subcontracting participation. (Recommended by Electric Utility Commission)

Resolution No. 991007-37 was approved.

38. Approve a resolution authorizing execution of a twelve-month supply agreement with KOCH PETROLEUM GROUP, L.P., Austin, Texas, for the purchase of jet kerosene and low sulfur No. 2 oil for use as standby fuel in the City's natural gas-fired electric generating stations in an amount not to exceed \$3,600,000 with two twelve-month extension options in an amount not to exceed \$3,600,000 per extension for a total amount not to exceed \$10,800,000. (Funding in the amount of \$3,600,000 was included in the 1999-2000 Approved Operating Budget for the Electric Utility Department. Funding for the extension options is contingent upon available funding in future budgets.) Sole bid. No MBE/WBE Subcontracting participation. (Recommended by Electric Utility Commission)

Resolution No. 991007-38 was approved.

39. Approve a resolution authorizing execution of a contract with KBS ELECTRICAL DISTRIBUTORS, Austin, Texas, for the purchase of aluminum cable in the amount of \$41,040. (Funding was included in the 1999-2000 Approved Operating Budget of the Electric Utility Department.) Seven bids received. Low bid meeting specifications. No MBE/WBE Subcontracting participation. (Recommended by Electric Utility Commission)

Resolution No. 991007-39 was approved.

40. Approve a resolution authorizing execution of a twelve-month service agreement with CUTLER-HAMMER ENGINEERING SERVICE, Houston, Texas, for the overhaul of 2.5 kV through 15 kV circuit breakers, in an amount not to exceed \$70,000 with two twelve-month extension options in an amount not to exceed \$70,000 per extension for a total contract amount not to exceed \$210,000. (Funding in the amount of \$70,000 was included in the 1999-2000 Approved Operating Budget for the Electric Utility Department. Funding for the extension options is contingent upon available funding in future budgets.) Low bid of seven. No MBE/WBE Subcontracting participation. (Recommended by Electric Utility Commission)

Resolution No. 991007-40 was approved.

41. Approve a resolution authorizing execution of a twelve-month supply agreement with CONCORDE SCIENCE & TECHNOLOGY, Red Bank, New Jersey, for the purchase of sulfur hexafluoride gas (SF6) for use in circuit breakers in an amount not to exceed \$58,934 with three twelve-month extension options not to exceed \$58,934 per extension for a total contract amount not to exceed \$235,736. (Funding in an amount of \$58,934 was included in the 1999-2000 Approved Operating Budget of the Electric Utility Department. Funding for the extension options is contingent upon available funding in future budgets.) Low bid of five. No MBE/WBE Subcontracting participation. (Recommended by Electric Utility Commission)

Resolution No. 991007-41 was approved.

42. Approve a resolution authorizing execution of a contract with FLIR SYSTEMS, North Billerica, MA, in the amount of \$57,540 for the purchase of an infrared camera with reporting software. (Funding was included in the 1998-1999 Approve Capital Budget of the Electric Utility Department.) Two bids received. Low bid meeting specifications. No MBE/WBE Subcontracting participation. (Recommended by Electric Utility Commission)

Resolution No. 991007-42 was approved.

43. Approve a resolution authorizing execution of a thirty-six month supply agreement with SCHWEITZER ENGINEERING LABS, C/O CASE-JOHNSON, INC., Houston, Texas, for

the purchase of directional relays in an amount not to exceed \$152,118 with one twelve-month extension option in an amount not to exceed \$50,706 for a total contract amount not to exceed \$202,824. (Funding in an amount of \$50,706 was included in the 1999-00 approved Capital Budget for the Electric Utility Department. Funding for the extension option is contingent upon available funding in future budgets. Funding for the remaining twenty-four months and the extension option is contingent upon available funding in future budgets.) Four bids received. Low bid meeting specifications. No MBE/WBE Subcontracting participation. (Recommended by Electric Utility Commission)

Resolution No. 991007-43 was approved.

44. Approve a resolution authorizing execution of a construction contract with O'NEAL CONSTRUCTION OF TEXAS, INC., Austin, Texas, for renovation of One Texas Center located at 505 Barton Springs Road, for relocation of Development Review and Inspection, Watershed Protection, and Infrastructure Support Services personnel, in the amount of \$813,900. (Funding was included in the 1999-2000 Approved Operating Budget.) Low bid of four. 18.18% MBE; .61% WBE Subcontracting participation.

Resolution No. 991007-44 was approved.

Item 45 was pulled for discussion.

46. Approve an ordinance authorizing a request from the STATE OF TEXAS to vacate a portion of right-of-way located at the 1700 Block of Brazos Street. (\$712,608 in revenue will be entered on the ledger of the Property Exchange Agreement of 1997.) (Not recommended by Downtown Commission) (Recommended by Planning Commission)

Ordinance No. 991007-46 was approved.

47. Approve an ordinance authorizing a request by THE COPPERTANK BREWING COMPANY for a fee-paid street event permit for the 500 block of Trinity for the Breast Fest, a charity event, on October 17, 1999 and for the KHFI Halloween Bash on October 29, 1999. (4½% of gate receipts will be credited to the Great Streets Fund.)

Ordinance No. 991007-47 was approved.

48. Approve an ordinance authorizing a request by THE DOG & DUCK PUB for a fee-paid street event permit for the 400 block of West 17th Street for The Austin Celtic Festival, a charity event on November 6 and 7, 1999. (4½% of gate receipts will be credited to the Great Streets Fund.)

Ordinance No. 991007-48 was approved.

Item 49 was pulled for discussion.

50. Approve a resolution authorizing execution of a twelve-month supply agreement with MILLER UNIFORMS & EMBLEMS INC., Austin, Texas, for the purchase of bomber style jackets to be used by the Austin Police Department and various City Departments, in an amount not to exceed \$39,292.14 with two twelve-month extension options in an amount not to exceed \$39,292.14 per extension for a total contract amount not to exceed \$117,876.42. (Funding in an amount of \$30,647.87 was included in the 1999-2000 Approved Operating Budget for the Austin Police Department, \$8,644.27 was included in the 1999-00 Approved

Operating Budget for various City departments. Funding for the extension options is contingent upon available funding in future budgets.) Five bids received. Low bid meeting specifications. No MBE/WBE Subcontracting participation.

Resolution No. 991007-50 was approved.

51. Approve a resolution authorizing fee simple acquisition of Lot 1, Capital Business Park, a subdivision in Travis County, Texas, locally known as 1006 Smith Road, from JOHN STRANCE and DOROTHY STRANCE for the Fleet Services and Radio Communications Divisions of the Financial and Administrative Services Department, in the amount of \$1,245,000. (Funding is available in the 1998-1999 Amended Capital Budget for General Government.

Resolution No. 991007-51 was approved.

52. Approve a resolution declaring official intent to reimburse acquisition and construction costs to be paid out of the following funds: Water CIP Funds: 3760, 3790, 3810, 3820, 3830, 3860, 3880, 3890, 3900, 3910, 3950, 3960, 3970, 3980, 4200, 4220, Wastewater CIP Funds: 4320, 4330, 4340, 4350, 4360, 4390, 4430, 4440, 4530, 4540, 4550, 4570.

Resolution No. 991007-52 was approved.

53. Approve a resolution declaring official intent to reimburse acquisition and construction costs to be paid out of the following Electric Utility CIP funds: 3050, 3150, 3170, and 3180.

Resolution No. 991007-53 was approved.

54. Approve a resolution authorizing execution of a contract with POWER SYSTEMS ENGINEERING, Hazel Crest, IL, for the purchase and installation of 240 replacement batteries and the removal and disposal of old batteries used in the Data Center's Uninterruptable Power Supply (UPS) in an amount of \$45,376. (Funding was included in the 1998-99 Approved Operating Budget for the Support Services Fund in the Information Services Office of the Financial and Administrative Services Department.) Low bid of three. No MBE/WBE Subcontracting participation.

Resolution No. 991007-54 was approved.

55. Approve a resolution authorizing execution of a twelve-month service agreement with TIRE DISTRIBUTION SYSTEMS, INC., Austin, Texas, for tire repair services in an amount not to exceed \$100,000 with two twelve-month extension options in an amount not to exceed \$100,000 per extension for a total contract amount not to exceed \$300,000. (Funding was included in the 1999-2000 Approved Operating Budget for the Fleet Maintenance Fund of the Finance and Administrative Services Department. Funding for the extension options is contingent upon available funding in future budgets.) Single bid. No MBE/WBE Subcontracting participation.

Resolution No. 991007-55 was approved.

56. Approve a resolution authorizing execution of a contract through the State of Texas Cooperative Purchasing Program with HAWORTH, INC., Holland, Michigan, for the purchase and installation of modular furniture, necessary to relocate 381 City and Capital Area Metropolitan Planning Organization (CAMPO) staff, in the amount of \$607,482.59 (Funding in the amount of \$107,586.51 is included in the Fiscal Year 1999-2000 budget of

the Capital Projects Management Fund of the Public Works and Transportation Department; \$337,640.84 was included in the 1999-2000 Operating Budget of the General Fund; \$162,255.24 was included in the 1999-2000 Operating Budget of the Planning, Environmental and Conservation Department.)

Resolution No. 991007-56 was approved.

57. Approve a resolution authorizing execution of a contract with HOLT COMPANY OF TEXAS, Austin, Texas, for the purchase of one four-cubic yard track-mounted front loader with extended warranty and preventative maintenance services for five years for Solid Waste Services Department in the amount of \$314,003. (Funding was included in the 1998-1999 Approved Capital Budget of the Solid Waste Services Department.) Sole Source. No MBE/WBE opportunities were identified.

Resolution No. 991007-57 was approved.

58. Approve the appointment of two members of the Austin City Council to the Capital Metropolitan Transportation Authority Board per Section 451.501(b)(2) of the Transportation Code.

Resolution No. 991007-58 was approved appointing Council Members Griffith and Slusher.

59. Set a public hearing regarding the adoption of a new Chapter 12-2 Food and Food Handlers, of the City Code. (Suggested Date and Time: October 28, 1999 at 6:00 p.m.)

Resolution No. 991007-59 was approved.

60. Approve a resolution authorizing a twelve-month contract with CTMF, INC., Austin, Texas, to provide obstetric and gynecological medical services in the amount of \$256,000 with four twelve-month extension options in an amount not to exceed \$268,800 for the first extension, \$282,240 for the second extension, \$296,352 for the third extension, and \$311,170 for the fourth extension for a total contract amount not to exceed \$1,414,562. (Funding was included in the Approved Fiscal Year 1999-2000 Health and Human Services Department Federally Qualified Health Centers (FQHC) fund. Funding for the extension options is contingent upon available funding in future.)

Resolution No. 991007-60 was approved.

61. Approve a resolution authorizing execution of a twelve-month service agreement with TEXAS INDUSTRIES FOR THE BLIND AND HANDICAPPED (TIBH), Georgetown, Texas, to provide property cleaning services, primarily mowing, trash removal, and tire disposal in an amount not to exceed \$87,058.40 with four twelve-month extension options in an amount not to exceed \$87,058.40 per extension for a total contract amount not to exceed \$435,292. (Funding for the amount of \$87,058.40 was included in the 1999-2000 Operating Budget of the Health and Human Services Department. Funding for the extension options is contingent upon available funding in future budgets.)

Resolution No. 991007-61 was approved.

62. Approve a resolution authorizing an Interlocal Agreement between the City of Austin and the Travis County for a Nuisance Abatement Attorney in an amount not to exceed \$75,000.

(Funding is available in the 1999-2000 Operating Budget, Federal Asset Forfeiture Fund of the Austin Police Department.)

Resolution No. 991007-62 was approved.

63. Approve a resolution authorizing execution of a construction contract with EDWARD R. COLEMAN CONSTRUCTION, INC. for streambank stabilization in the 6400 block of Bridgewater Drive along Little Walnut Creek, in the amount of \$672,982.52, plus \$74,017.48 contingency, for a total contract amount not to exceed \$747,000. (Funding in the amount of \$747,000 is available in the 1999-2000 Approved Capital Budget of the Watershed Protection Department.) Low bid of two. 3.8% MBE; 23.5% WBE Subcontracting participation. (Recommended by the Environmental Board on 10/06/99.)

Resolution No. 991007-63 was approved.

64. Approve a resolution authorizing negotiation and execution of a State Use Contract with the TEXAS INDUSTRIES FOR THE BLIND AND HANDICAPPED, Austin, Texas, for vegetation control in creeks and detention/water quality ponds, and for the hauling of excessive vegetation and debris from specified job site locations to an acceptable landfill, in the amount of \$1,550,000. (Funding was included in the Fiscal Year 1999-2000 Approved Operating Budget of the Watershed Protection Department.) (Recommended by Environmental Board)

Resolution No. 991007-64 was approved.

65. Approve a resolution authorizing execution of a construction contract with AUSTIN FILTER SYSTEMS, INC., Austin, Texas, for the Shoal Creek Bank Stabilization Project from West Avenue to 5th Street, Phase I, in the amount of \$779,453. (Funding was included in the 1999-2000 Approved Capital Budget of the Watershed Protection Department.) Low bid of three. 10.87% MBE; 5.68% WBE Subcontracting participation. (Recommended by the Environmental Board – 10/6/99)

Resolution No. 991007-65 was approved.

Items 66 to 71 were pulled for discussion.

72. C14-98-0151 – Approve second/third readings of an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 7107-7119 Ben White Boulevard from DR, Development Reserve District to CS-CO, General Commercial Services-Conditional Overlay Combining District zoning with conditions. First reading on September 9, 1999; Vote: 7-0. Conditions met as follows: Conditional overlay incorporates the conditions imposed by Council on first ordinance reading. Applicant: Leigh Acres, Ltd. (Mike T. Hatch); Agent: Dick Lillie and Associates (Dick Lillie); City Staff: Joe Arriaga, 499-2308.

Ordinance No. 991007-72 was approved.

73. C14-98-0226 – Approve second/third readings of an ordinance amending Chapter 25-2 of the Austin City Code by zoning property locally known as 8908 Cullen Lane Way from I-RR, Interim Rural Residence District to CS-CO, General Commercial Services-Conditional Overlay Combining District zoning with conditions for Tract 1, and LO-CO, Limited Office-Conditional Overlay Combining District zoning with conditions for Tract 2. First reading on May 6, 1999; Vote: 6-0, Watson off the dais. Conditions met as follows: Conditional overlay

incorporates the conditions imposed by Council on first ordinance reading. Applicant: Mountique Inc. (James M. McKinney); Agent: Jim Bennett; City Staff: Joe Arriaga, 499-2308.

Ordinance No. 991007-73 was approved.

74. C14-99-0070 – Approve second reading of an ordinance amending 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-CO, General Office-Conditional Overlay Combining District zoning with conditions. First reading on August 19, 1999; Vote: 7-0. Conditions met as follows: Conditional overlay incorporates the conditions imposed by Council on first ordinance reading. Applicant: Westoak Woods Baptist Church (Chris Sanders); Agent: Crocker Consulting (Sarah Crocker); City Staff: Joe Arriaga, 499-2308.

Ordinance No. 991007-74 was approved subject to sign standards agreed to between the applicant and the neighborhood. This friendly amendment was made by Mayor Pro Tem Goodman and accepted by the maker of the motion (Council Member Garcia) and Council Member Spelman who seconded the motion.

75. C14-99-0073 – Approve second/third readings of an ordinance amending 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 zoning. First reading: July 22, 1999; Vote: 7-0. Conditions met as follows: No conditions were imposed by Council on first ordinance reading. Applicant: Deborah D. Yates & Gilbert M. Martinez. City Staff: Clark Patterson, 499-2464. Note: A valid petition has been filed in opposition to this rezoning request.

Ordinance No. 991007-75 was approved.

76. C14-99-0085 – Approve second reading of an ordinance amending Chapter 25-2 of the Austin City Code by zoning property locally known as 3102 & 3114 Highway 71 West from I-RR, Interim Rural Residence District to CS-CO, General Commercial Services-Conditional Overlay Combining District zoning with conditions. First reading on August 26, 1999; Vote: 7-0. Conditions met as follows: Conditional overlay incorporates the conditions imposed by Council on first ordinance reading. Applicant: Kenny Dryden; Agent: The Faust Group (Bill Faust); City Staff: Joe Arriaga, 499-2308.

This item was postponed to November 4, 1999 at Council's request.

77. C14-99-0114 – Approve second/third readings of an ordinance amending Chapter 25-2 of the Austin City Code by zoning property locally known as 7119 Ben White Boulevard from DR, Development Reserve District to CS-CO, General Commercial Services-Conditional Overlay Combining District zoning with conditions. First reading on September 9, 1999; Vote: 7-0. Conditions met as follows: Conditional overlay incorporates the conditions imposed by Council on first ordinance reading. Applicant: Leigh Acres, Ltd. (Mike T. Hatch); Agent: Dick Lillie and Associates (Dick Lillie); City Staff: Joe Arriaga, 499-2308.

Ordinance No. 991007-77 was approved.

78. Approve a resolution authorizing negotiation and execution of a sixty-month lease of approximately 15,000 net rentable square feet of office space located at 1011 San Jacinto from CEDAR CONTRACTORS, INC., DB/A CEDAR CORP., Austin, Texas, to be used by the

Planning Environmental and Conservation Services Department and the Capital Area Metropolitan Planning Organization, in an amount not to exceed \$2,185,764.55. (Total funding for Fiscal Year 1999-2000 is \$364,294.09. Of this amount, approximately 80% or \$291,294.09 is available in the 1999-2000 Operating Budget of the Planning Environmental and Conservation Services Department. The remaining 20% or approximately \$73,000 will be funded by a reimbursement from the Capital Area Metropolitan Planning Organization. Funding for the remaining contract period is contingent upon available funding in future budgets.

Resolution No. 991007-78 was approved.

79. Approve a resolution authorizing negotiation and execution of Amendment No.3 of a professional services agreement with ROMA DESIGN GROUP, San Francisco, CA, for the revision of the Reuse and Redevelopment Master Plan for the Robert Mueller Municipal Airport site, in the amount of \$300,000, for a total contract amount not to exceed \$950,000. (Funding in an amount of \$300,000 was included in the 1999-2000 Approved Operating Budget of the Planning, Environmental, and Conservation Services Department.) 4.16% MBE; 4.16% WBE Subconsultant participation.

Resolution No. 991007-79 was approved.

80. Approve a resolution authorizing execution of a seven-year service agreement with SENTRY OFF SITE STORAGE, Austin, Texas, for records storage services in an amount not to exceed \$954,529.30 with two twenty-four-month extension options in an amount not to exceed \$235,829.80 per extension for a total contract amount not to exceed \$1,4226,188.90. (Funding in an amount of \$247,039.90 is available in the 1999-2000 Approved Operating Budget of the Library Department. Funding for the remaining term of the agreement and the extension options is contingent upon available funding in future budgets.) Low bid of three. No MBE/WBE Subcontracting participation.

Resolution No. 991007-80 was approved.

81. Approve a resolution directing the City Manager to explore the feasibility of providing a stipend to Emergency Medical Service workers with bilingual ability. (Council Member Gus Garcia, Council Member Beverly Griffith, and Council Member Willie Lewis.)

Resolution No. 991007-81 was approved.

82. Approve evaluation criteria to be applied to the First Workers day labor program by a third party evaluator to assess the day labor program and its new site following nine months of operation at the new site. (Council Member Gus Garcia, Council Member William Spelman and Mayor Kirk Watson.)

Resolution No. 991007-82 was approved.

83. Direct the City Manager to negotiate and execute an agreement for provision of child care consultant services, as recommended by the Child Care Task Force and adopted in the 1999-2000 City of Austin budget. (Mayor Pro Tem Jackie Goodman)

Resolution No. 991007-83 was approved. There was a friendly amendment by Mayor Pro Tem Goodman to amend the resolution by deleting the word "trust" in the third and fourth "Whereas" and add the words "development and fund raising" before the word consultant in the fourth "Whereas." This was accepted by both the maker of the

motion (Council Member Garcia) and Council Member Spelman who seconded the motion.

Items 84 and 85 were for the Board of Directors' Meeting of the Austin Housing Finance Corporation.

Items 86-89 were zoning items.

Items 90-91 were 6:00 p.m. public hearings

Items 92-93 were action taken on the public hearings.

94. APPOINTMENTS

Arts Commission

Maxine Barkan	Reappointment	Consensus
Deana Hendrix	Reappointment	Consensus
Chelby King	Reappointment	Consensus
Bobbie Enriquez		Mayor Pro Tem Goodman

DISCUSSION AGENDA

49. Approve a resolution authorizing negotiation and execution of a professional services agreement with LAW ENGINEERING & ENVIRONMENTAL SERVICES, INC., Austin, Texas, for engineering services for deconstruction of the Robert Mueller Municipal Airport Terminal and adjacent runways, in an amount not to exceed \$375,000. (Funding is available in the 1999-2000 Approved Operating Budget of the Mueller Airport Disposition Fund.) 8.7% MBE; 18.2% WBE Subcontracting participation.

Resolution No. 991007-49 was approved as shown below.

The motion to split action on this item to separate the terminal from the runways was approved on Mayor Pro Tem Goodman's motion, Council Member Garcia's second on a 7-0 vote.

The motion to approve the negotiation and execution of a professional services agreement with LAW ENGINEERING & ENVIRONMENTAL SERVICES, INC., Austin, Texas, for engineering services for deconstruction of the Robert Mueller Municipal Airport Terminal was approved on Mayor Watson's, Council Member Griffith's second on a 4-3 vote. Mayor Pro Tem Goodman and Council Members Lewis and Slusher voted no.

The motion to approved the negotiation and execution of a professional services agreement with LAW ENGINEERING & ENVIRONMENTAL SERVICES, INC., Austin, Texas, for engineering services for deconstruction of the Robert Mueller Municipal Airport adjacent runways was approved on Mayor Pro Tem Goodman's motion, Council Member Garcia's second on a 7-0 vote.

66. Approve a resolution authorizing 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. (The estimated total cost of the contract is \$100,000,000, available in the 1999-2000 Amended Capital Budget of the Water and Wastewater Utility.) (Recommended by the Environmental Board on October 6, 1999.) Related to Items No. 67, 68, and 69.

Resolution No. 9911007-66 was approved with the friendly amendment shown below on Council Member Garcia's motion, Council Member Lewis' second by a 7-0 vote. Both the maker of the motion (Council Member Garcia) and Council Member Lewis accepted Council Member Slusher's friendly amendment. On page 18, Section J legal counsel will reword the document so the City of Austin shall have 10 years to notify the LCRA that the City intends to permanently reduce the permanent first amendment up to 25,000 feet a year and shall have the right to exercise this option at 10 year intervals thereafter and shall have the right to seek such a permanent reduction no more than once during the 15 year period.

67. Approve a resolution declaring official intent to reimburse \$88,000,000 for a payment to LCRA, that is necessary to satisfy the requirement of the newly adopted "Amendments to City of Austin/Lower Colorado River Authority Water Supply Purchase Agreement." (\$15,337,449 to be reimbursed from current revenue transfers anticipated in Fiscal Year 2000-2001 and Fiscal year 2001-2002 or from the proceeds of debt issuance, and \$72,662,551 anticipated from the proceeds of debt issuance.) Related to Items No. 66, 68, and 69.

Resolution No. 991007-67 was approved on Council Member Garcia's motion, Council Member Lewis' second by a 7-0 vote.

68. Approve an ordinance to amend the Water and Wastewater Financial Management Policies to allow long-term revenue bond financing term up to 40 years and debt service coverage of 1.1x. Related to Items No. 66, 67, and 69.

Ordinance No. 991007-68 was approved on Council Member Garcia's motion, Council Member Lewis' second by a 7-0 vote.

69. Amend ordinance No. 990914-1, the 1999-2000 Operating Budget of the Water and Wastewater Utility by increasing debt service requirements by \$2,411,719, increasing transfers-out to the Capital Budget by \$12,000,000 and reducing the ending balance of the Water and Wastewater Utility by \$14,411,719; amend Ordinance No. 990913-A, the 1999-2000 Capital Budget of the Water and Wastewater Utility by increasing transfers-in by \$12,000,000, creating a new account known as "LCRA Water Supply" and appropriating \$100,000,000 to satisfy the requirements of the amendments to the City of Austin/Lower Colorado River Authority water supply purchase agreement. (Capital Budget: \$100,000,000. \$12,000,000 is available from the ending balance of the 1999-2000 Operating Budget of the Water and Wastewater Utility. \$15,337,449 is to be reimbursed by future Water and Wastewater Utility current revenue transfers to the Capital Budget or the proceeds of debt issuance, and \$72,662,551 to be financed from the proceeds of debt issuance. Operating Budget: \$2,411,719 is available from the ending balance of the 1999-2000 Operating Budget of the Water and Wastewater Utility.) Related to Items No. 66, 67, and 68.

Ordinance No. 991007-69 was approved on Council Member Garcia's motion, Council Member Lewis' second by a 7-0 vote.

A motion to recess the Council meeting at 6:15 p.m. was approved on Council Member Spelman's motion, Council Member Slusher's second by a 7-0 vote.

A Board meeting of the Austin Housing Finance Corporation (AHFC) was convened. Item Nos. 84 and 85 were the AHFC items considered by the Austin Housing Finance Corporation's Board of Directors.

84. Approve a resolution authorizing the issuance of Austin Housing Finance Corporation Multifamily Housing Revenue bonds (Princeton and Stony Creek project) Series 1999 A & B, in an amount not to exceed an aggregate principal amount of \$10,500,000; the form and substance of a trust indenture, a loan agreement, a regulatory agreement with respect to the project; and other matters in connection with the transaction requested by the San Antonio Alternative Housing Corporation, a 501 (c) (3) Texas non-profit Corporation, to finance the acquisition and rehabilitation of the Princeton Apartments located at 4411 Airport Blvd. and the Stony Apartments located at 4911 Manchaca Road. (All fees are to be paid by requestor or out of the bond proceeds. The Austin Housing Finance Corporation will receive a financing fee of .5% of the amount of the bonds from bond proceeds at closing. The financing fee revenue will not exceed \$52,500.)

Resolution No. 991007-84 was approved on Board Member Spelman's motion, Vice President Goodman's second by a 5-0 vote. Board Members Garcia and Slusher were off the dais.

85. Approve inducement resolutions for one or more apartment projects that will be submitting applications through the Austin Housing Finance Corporation (AHFC) to the Texas Bond Review Board for entry into the lottery for the Multi-Family Private Activity Volume Cap allocation available in October, 1999. (Each applicant pays its own application fee directly to the Texas Bond Review Board.)

Resolution No. 991007-85 was approved on Board Member Spelman's motion, President Watson's second by a 5-0 vote. Board Members Garcia and Slusher were off the dais.

The AHFC Board Meeting was adjourned at 6:35 p.m. on Board Member Spelmans motion, Vice President Goodman's second by a 5-0 vote. Board Members Garcia and Slusher were off the dais.

The Special Called Meeting of the City Council was called to order at 6:34 p.m.

1. Approve a resolution directing the City Manager to develop a procedure for approvals of development permits in Neighborhoods with ongoing planning processes. (Mayor Pro Tem Goodman, Council Members Garcia and Spelman)

Resolution 991007-1 was approved on Council Member Spelman's motion, Council Member Goodman's second on a 5-0 vote. Council Members Garcia and Slusher were off the dais.

2. Appointments

Robert Mueller Municipal Airport Advisory Group – 10
No action was taken on this was taken on this item.

The Special Called Meeting was adjourned at 6:45 p.m. on Council Member Spelman's motion, Mayor Pro Tem Goodman's second on a 4-0 vote. Council Members Garcia, Lewis and Slusher were off the dais.

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 's motion, Council Member 's second by a vote.

Item 86 was pulled for discussion.

87. C14-99-0097 – Public hearing to amend Chapter 25-2 of the Austin City Code by rezoning property locally known as 4700 U.S. Highway 183 South and 8300 to 8312 Burleson Road from DR, Development Reserve District, and SF-2, Single Family Residence (standard lot) District to CS, General Commercial Services District zoning district. Planning Commission Recommendation: To Grant GR-CO, Community Commercial-Conditional Overlay Combining District zoning with conditions. Applicant: F. Scott Spears, Jr.; Agent: Chris Sanders. City Staff: Joe Arriaga, 499-2308.

Ordinance No. 991007-87 was approved as recommended by the Planning Commission.

88. C14-99-0112 – Public hearing to amend Chapter 25-2 of the Austin City Code by rezoning property locally known as 8816 Cullen Lane from "DR", Development Reserve district to CS-CO, General Commercial Services-Conditional Overlay Combining District zoning with conditions for Tract 1 and LO-CO, Limited Office-Conditional Overlay Combining District zoning with conditions for Tract 2. Planning Commission Recommendation: To Grant CS-CO, General Commercial Services-Conditional Overlay Combining District zoning with conditions for Tract 1, and LO-CO, Limited Office-Conditional Overlay Combining District zoning with conditions for Tract 2. Applicant: Steve Wilder; Agent: Jim Bennett. City Staff: Joe Arriaga, 499-2308.

The first reading of this ordinance was approved as recommended by the Planning Commission.

DISCUSSION ZONING ITEMS

86. C14-98-0210 – Public hearing to amend Chapter 25-2 of the Austin City Code by zoning property locally known as 9808 South IH-35 Service Road Southbound from I-RR, Interim Rural Residence district to CS, General Commercial Services District zoning. Planning Commission Recommendation: To Grant CS-CO, General Commercial Services-Conditional Overlay Combining District zoning district with conditions. Applicant: Dawn Janssen. City Staff: Joe Arriaga, 499-2308

The motion by Council Member Slusher to approve the first reading died for lack of second.

The motion to approve first reading of this ordinance with a GR zone was approved on a 4-0 vote. Staff was directed to explore and report at the time of the second and third readings as to whether GR allows a truck stop/truck repair. If not, staff should advise which zoning district would allow such uses and the definitions. Mayor Watson and Council Members Garcia and Lewis were off the dais.

89. C14-99-0129 – Southpark Meadows – Public hearing to amend Chapter 25-2 of the Austin City Code by zoning property locally known as 9600 South IH-35 service Road from I-RR, Interim Rural Residence to “LO”, Limited Office District and CS-1, Commercial-Liquor Sales District zoning. Planning Commission Recommendation: To Grant LO, Limited Office District zoning for Tracts 1 & 3, and CS-1-CO, Commercial Services-Liquor Sales-Conditional Overlay Combining District zoning for Tract 2. Applicant: Theriot Family Partnership Universal Concerts; Agent: Richard Suttle, Jr. City Staff: Joe Arriaga, 499-2308. **The hearing was closed on Council Member Lewis’ motion, Mayor Pro Tem Goodman’s second on a 6-0 vote. Council Member Griffith was off the dais.**

The first reading was approved as recommended by the Planning Commission on Council Member Lewis’ motion, Mayor Pro Tem Goodman’s second on a 6-0 vote. Council Member Garcia was off the dais. The applicant and all affected/interested neighborhood groups were requested to meet to explore items that could be addressed through a conditional overlay or restrictive covenant.

19. Authorize negotiation and execution of a contract and all documents necessary for the consummation of the fee simple sale of approximately 37.262 acres from two tracts of land acquired for the Barton Springs Clean Water Project, to the STATE OF TEXAS for right-of-way for the State Highway 45 construction project.

Ordinance 991007-19 was approved on Council Member Garcia’s motion, Council Member Lewis second on a 6-0 vote. Council Member Spelman was off the dais.

45. Approve a resolution authorizing negotiation and execution of a professional services agreement with WILBUR SMITH ASSOCIATES, Houston, Texas, for development of an access and mobility plan for the downtown area, in an amount not to exceed \$500,000. (Funding is available in the 1999-2000 Approved Capital Budget of the Department of Public Works and Transportation.) Best of four qualification statements. 8.7% MBE; 18.2% WBE Subcontracting participation.

Resolution No. 991007-45 was approved on Council Member Lewis’ motion, Council Member Garcia’s second on a 6-0 vote. Council Member Spelman was off the dais.

PUBLIC HEARINGS

90. Conduct a public hearing on a proposed street name change for a portion of 18th Street (East and West) changing it to BOB BULLOCK WAY (from the west right-of-way line of Trinity Street in a westerly direction to the east right-of-way line of West Avenue), in honor of former Lieutenant Governor Bob Bullock.

The public hearing was closed on Council Member Garcia’s motion, Council Member Slusher’s second a 5-0 vote. Mayor Water and Council Member Griffith were off the dais.

91. Public hearing on an appeal of the Planning Commission's decision to deny a one year extension of a released site plan for property locally known as 12901-13305 North FM 620. Applicant: Pecan Park Retail Center; Appellant: Marion Shipman. Agent: Holford Group (Charles Dunn). City Staff: Tammie Williamson, 499-3056.

The public hearing was closed on Council Member Garcia's motion, Council Member Slusher's second on a 5-0 vote. Mayor Watson and Council Member Griffith were off the dais.

93. Approve a resolution regarding an appeal of the Planning Commission's decision to deny a one-year extension of a released site plan for property locally known as 12901-13305 North FM 620. Applicant: Pecan Park Retail Center; Appellant: Marion Shipman; Agent: Holford Group (Charles Dunn). City Staff: Tammie Williamson, 499-3056.

This item was postponed to November 4, 1999 on Mayor Pro Tem Goodman's motion, Council Member Lewis' second on a 6-0 vote. Council Member Spelman was off the dais.

70. Authorize the City Manager to negotiate and execute a wholesale contract with the City of West Lake Hills for the provision of wastewater service. (Water and Wastewater Commission will review 10-6-99)

The resolution was approved with the friendly amendments shown below on Council Member Spelman's motion, Council Member Griffith's second by a 7-0 vote. The friendly amendments were made by Council Member Spelman and accepted by Council Member Griffith. In the first paragraph of the resolution, add the words "subject to the following conditions." Nos. 1, 2 and 3 from the RCA would be included. No. 1 limits the flow to no more than 900 gallons per minute (gpm) peak wastewater flow. In No. 4, third bullet, delete what is in parenthesis in the third bullet and have it read, "The remaining gpm may be served by the centralized wastewater system upon the determination of the Water and Wastewater Director that the City's wastewater system can adequately accept those flows, for the following neighborhoods only: the McConnell neighborhood defined as Buckeye Trail, McConnell Drive, Westhaven Drive, West Spring Drive, West Lake Drive, Rocky River Road and Reveille Street and the Brady Lane neighborhood defined as North Peak Road, Gregory Place, Jeffery Place, Ridgewood Drive/Road, Sugar Creek Drive, Brady Lane, Gentry Drive, Rollingwood Drive, and Sugar Shack Drive. No. 5 should read, "Any excess capacity may only be used for residential alternative wastewater systems such as STEP or residential gravity systems in the Brady Lane or McConnell subdivisions only." Add another bullet under part 4 to read, "Residential customers are defined as single-family homes; multi-family units are considered commercial customers. " In number 7, delete 400 gpm, put in 250 gpm. No. 10 should state, "West Lake Hills will make its wastewater service records available to the City of Austin as needed to allow the City of Austin to ensure that these requirements are met." All other terms of the RCA will be added to the resolution without change.

A motion to recess the Council meeting at 8:20 p.m. and go into Executive Session was approved on Council Member Griffith's motion, Council Member Slusher's second on a 7-0 vote.

The Council meeting was called back to order at 8:40 p.m.

18. Consider partial settlement of *Circle C Land Corp. v. City of Austin*, Cause No. 97-13994, 53rd Judicial District of Travis County.

Resolution 991007-18 was approved on Mayor Pro Tem Goodman's motion, Mayor Watson's second on a 7-0 vote.

71. Consider an application for a limited adjustment from the application of Chapter 25-8, Subchapter A, Article 12 (Save Our Springs Initiative) for a development project known as Paisano Place Subdivision; Subdivision File No. C8-98-0184.

This item was pulled off the agenda. No action was required.

92. Consider a proposed street name change for a portion of 18th Street (East and West) changing it to BOB BULLOCK WAY (from the west right-of-way line of Trinity Street in a westerly direction to the east right-of-way line of West Avenue), in honor of former Lieutenant Governor Bob Bullock.

No action was taken on this item.

ADJOURNED at 8:43 p.m. on Council Member Griffith's motion, Council Member Slusher's second by a 7-0 vote.

The minutes for the Special Called Meetings of September 13, 1999, September 14, 1999 and the minutes for the Regular Meeting of October 7, 1999 were approved on this the 28th day of October, 1999 on Council Member Spelman's motion, Council Member Griffith's second by a 4-0 vote. Council Member Garcia was off the dais. Mayor Pro Tem Goodman and Lewis were absent