



Austin City Council MINUTES

REGULAR MEETING
THURSDAY, DECEMBER 11, 1997

Mayor Watson called the meeting to order, noting the presence of all Councilmembers.

1. Approval of Minutes for Special Called Meetings of November 17 & 18, 1997, Regular Meetings of November 19 & 20, 1997 and Regular Meetings of December 3 & 4, 1997.
Postponed

CITIZEN COMMUNICATIONS: GENERAL

2. Onie Conley, to discuss materials for park - buying approximately 1 acre of land next to 3911 Manchaca Road.
3. Richard Knowlton, to discuss city issues.
4. John McMillan, to discuss City sponsorship of studies on how to prevent urban sprawl and how to increase the number and size of municipal parks in North Central Austin.
5. Richard Troxell, to discuss homelessness in Austin.
6. Gus Pena, to discuss APD and Health Department concerns.
7. Kirk Becker, to discuss homelessness and relevant issues.
Absent
8. Leonard Lyons, to discuss RFP Evaluation Process #3.
9. Ruth Epstein, to discuss Encampment Ordinance.

READING OF CONSENT AGENDA

READING OF DISCUSSION AGENDA

CITIZEN COMMUNICATIONS: CONSENT AGENDA

ACTION ON CONSENT AGENDA

ITEMS CONTINUED FROM PREVIOUS MEETINGS

11. Approve the creation of and appointments to a Citizens Bond Committee for the 1998 Bond Election. (No fiscal impact.)
Postponed to December 18, 1997
12. Approve a resolution authorizing negotiation and execution of a Lease Agreement between the City of Austin Airmotive, Inc., for use of Hangar 1610 and Building 1612 and related ground space at Austin-Bergstrom International Airport for operation of an FAA approved repair station. (\$220,013 less improvement credit revenue to the City.) [Recommended by Airport Advisory Board]
Resolution No. 971211-12 approved on, Mayor Pro Tem Garcia's motion, Councilmember Lewis' second, 7-0 vote.

Neighborhood Housing and Community Development

13. Approve a resolution authorizing negotiation and execution of an amendment to the contract with Anderson Community Development Corporation (ACDC) for the acquisition of land and development of an additional 48 low income rental housing units in the SCIP II project area, in an amount not to exceed \$1,411,814, for a total amount not to exceed \$4,416,000, and to change the source of \$700,000 approved by Council on April 10, 1997 from HOME to 23rd Year Community Development Block Grant (CDBG) funds and change the amount of the second option also approved by Council on April 10, 1997, from \$718,628 to \$2,304,186. (Funding in the amount of \$1,190,914 is available in the 1997-98 operating budget of the Neighborhood Housing and Community Development Office (HOME Year 6); \$220,900 is available from 23rd Year CDBG HIP.)
Resolution No. 971211-13 approved with direction from Councilmember Lewis to City Manager to have staff give Council continuous updates on amount of money and percentage of money spent on project and to have a schedule of progress with dollar amounts. Also to direct staff to work with developer to devise a plan to preserve existing housing in the area on, Councilmember Lewis' motion, Mayor Pro Tem Garcia's second, 7-0 vote.

Public Works

14. Approve a resolution authorizing negotiation and execution of a Property Exchange Agreement with the State General Services Commission to purchase or sell real property. (No fiscal impact.)
Resolution No. 971211-14 approved on, Mayor Pro Tem Garcia's motion, Councilmember Lewis' second, 7-0 vote.
15. Approve a resolution authorizing negotiation and execution of an Interlocal Agreement with the City of Lakeway for maintenance of traffic signals for a period of one year. (Estimated annual revenue in the amount of \$1,577 is included in the 1997-98 operating budget of the Public Works and Transportation Department.)
Resolution No. 971211-15 approved on, Councilmember Slusher's motion, Councilmember

Spelman's second, 7-0 vote.

16. Approve a resolution authorizing execution of Change Order #4 to the construction contract with J.C. EVANS CONSTRUCTION COMPANY, INC., Austin, Texas, for bridge railing and pavement reconstruction for the Stassney Lane Improvement Project, in the amount of \$40,782.83, for a total contract amount not to exceed \$4,002,528.03. (Funding in the amount of \$40,260.83 is included in the 1997-98 amended Capital budget of the Public Works and Transportation Department; \$522 was included in the 1997-98 Capital budget of the Electric Utility Department.) 19.44% MBE, 10.89 WBE Subcontractor participation.
Resolution No. 971211-16 approved

17. Approve a resolution authorizing execution of a twelve month supply agreement with VULCAN MATERIALS COMPANY, San Antonio, Texas, for the purchase of aggregate trap rock and trap rock milling sand used in the street maintenance sealcoat program, in an amount not to exceed \$522,000 with two twelve month extension options in an amount not to exceed \$522,000 per extension for a total contract amount not to exceed \$1,566,000. (Funding in the amount of \$391,500 was included in the operating and capital budgets of the user departments. Funding for the remaining three months of the original contract and the extension options is contingent upon available funding in future budgets.) Sole source. No M/WBE Subcontracting opportunities were identified.
Resolution No. 971211-17 approved

Water and Wastewater Utility

18. Approve a resolution authorizing execution of a twelve month supply agreement with U.S. FILTER/DAVIS, INC., Tallevast, Florida, for the purchase of approximately 115,000 gallons of Bioxide used to control sewer odor and corrosion problems in sewer lines, in an amount not to exceed \$201,250 with two twelve month extension options in an amount not to exceed \$201,250 per extension, for a total contract amount not to exceed \$603,750. (Funding in the amount of \$150,938 was included in the 1997-98 operating budget of the Water and Wastewater Utility. Funding for the remaining three months of the contract and the extension options is contingent upon available funding in future budgets.) Sole source. No M/WBE Subcontracting opportunities were identified. [Recommended by Water and Wastewater Commission]
Resolution No. 971211-18 approved

19. Approve a resolution authorizing execution of a twelve month supply agreement with KINLOCH EQUIPMENT AND SUPPLY COMPANY, Friendswood, Texas, for the purchase of roll-up type traffic control signs, in an amount not to exceed \$120,275.20 with two twelve month extension options in an amount not to exceed \$120,275,20 per extension, for a total contract amount not to exceed \$360,825.60. (Funding in the amount of \$90,207 was included in the 1997-98 operating budget of the Water and Wastewater Utility. Funding for the remaining three months and the extension options is contingent upon available funding in future budgets.) Low bid of seven meeting specifications. No M/WBE Subcontracting opportunities were identified. [Recommended Water and Wastewater Commission]

Resolution No. 971211-19 approved

20. Approve a resolution authorizing Service Extension Request No. 1796 for water service submitted by Brown Distributing Company for a 30 acre tract on Johnny Morris Road and Daffan Lane which is located outside the city limits of Austin. (No fiscal impact.) [Recommended by Water and Wastewater Commission]
Resolution No. 971211-20 approved

Items 16 through 20 approved on, Mayor Pro Tem Garcia's motion, Councilmember Lewis' second, 7-0 vote.

21. Approve a resolution authorizing execution of a construction contract with GUERRA CONSTRUCTION COMPANY, INC., (MBE/MH), Austin, Texas, for construction of water/wastewater line improvements on 38th Street, Guadalupe, Hemphill Drive and 30th Street for the Central Market Wastewater Improvements Project, in the amount of \$1,293,547 plus \$130,000 to be used as a contingency fund for change orders, for a total contract amount not to exceed \$1,423,547. (Funding in the amount of \$648,763 is available in the 1991-92 Capital budget; \$630,564 was included in the 1991-92 Capital budget and \$144,220 was included in the 1991-92 Capital budget of the Water and Wastewater Utility Department.) Low bid of five. 68% MBE Prime participation. 0% MBE, 16% WBE Subcontractor participation. [Reviewed by Water and Wastewater Commission]
Resolution No. 971211-21 approved on, Councilmember Spelman's motion, Councilmember Griffith's second, 5-0 vote, Mayor Watson and Councilmember Lewis off the dais.

22. Approve a resolution authorizing negotiation and execution of an eighteen month contract with UTILITY REVENUE MANAGEMENT COMPANY, INC., Houston, Texas, to conduct a revenue recovery study for the Water and Wastewater Utility, in an amount not to exceed 45 percent of actual incremental revenues collected over a thirty month period from previously unbilled or underbilled customer accounts and to replace certain meters as directed by the City in a direct reimbursement in an amount not to exceed \$75,000 per year for three years. (To be paid from actual revenues collected from the study and credited to the operating funds of the Water and Wastewater Utility beginning in 1997-98.) Best proposal of two. 15% MBE, 17% WBE Subcontractor participation. (Recommended by Water and Wastewater Commission)
Resolution No. 971211-22 approved

Finance and Administrative Services

23. Approve a resolution authorizing execution of a contract with TECOM UST SYSTEMS, INC., Austin, Texas, for construction of above ground fuel storage tanks at Fire Station 14, located at 1716 Wilshire Boulevard, in the amount of \$78,833. (Funding was included in the 1997-98 Capital budgets of the Fleet Services Division, Financial and Administrative Services Department.) Low bid of three. 1.75% MBE, 0.36% WBE Subcontractor participation.
Resolution No. 971211-23 approved
24. Approve a resolution authorizing execution of a twelve month supply agreement with the State

of Texas Department of Information Resources, Austin, Texas, for the purchase of various computer software applications, in an amount not to exceed \$1,078,964 with three twelve month extension options, in an amount not to exceed \$1,078,964 per extension, for a total amount not to exceed \$4,315,856. (Funding was included in the 1997-98 operating budgets of various City departments. Funding for the extension options is contingent upon available funding in future budgets.)

Resolution No. 971211-24 approved

Finance and Administrative Services

25. Approve a resolution authorizing execution of a construction contract with EMR CONSTRUCTION, INC., (MBE/FA), Austin, Texas, for construction of emergency power upgrade permanent generator improvements for the City's computer center located at Waller Creek Center, in the amount of \$244,666. (Funding was included in the 1997-98 Capital budget of the Finance and Administrative Services Department.) Low bid of five. 51.57% MBE Prime participation. 0% MBE, 2.65% WBE Subcontractor participation.

Resolution No. 971211-25 approved

Public Works

26. Approve a resolution authorizing execution of a contract with COOPER EQUIPMENT COMPANY, San Antonio, Texas, for the purchase of one hydrostatic drive chip spreader used in road resurfacing applications, in the amount of \$169,281. (Funding was included in the 1997-98 operating budget of the Public Works and Transportation Department.) Sole Source. No M/WBE Subcontracting opportunities were identified.

Resolution No. 971211-26 approved

Parks and Recreation

27. Approve a resolution authorizing execution of a construction contract with PROGRESSIVE CHEMICALS, INC., Houston, Texas, for the renovation/conversion of Big Stacy Pool from a fill and draw pool to a recirculating filtered swimming pool, in the amount of \$378,000. (Funding is available in the 1996-97 Amended Capital budget of the Parks and Recreation Department.) Low bid of three. 16.6% MBE, 1.2% WBE Subcontractor participation.

Resolution No. 971211-27 approved

28. Approve a resolution authorizing execution of a construction contract with PORT ENTERPRISES, INC., Manchaca, Texas, for reroofing the North Lamar Senior Activity Center, located at 2874 Shoal Creek, in the amount of \$129,773. (Funding was included in the 1996-97 Amended Capital budget of the Parks and Recreation Department.) Low bid of four. 8.7% MBE, 4.6% WBE Subcontractor participation.

Resolution No. 971211-28 approved

Human Resources

29. Approve a resolution authorizing execution of a twelve month contract with EXAMINATION MANAGEMENT SERVICES, INC., Dallas, Texas, for testing services of the City's Drug and Alcohol Testing Program, in an amount not to exceed \$61,511 with two twelve month extension options in an amount not to exceed \$61,511 per extension, for a total amount not to exceed \$184,533. (Funding in the amount of \$10,149 was included in the 1997-98 operating budget of the Human Resources Department; \$12,456 was included in the 1997-98 operating budget of the Water and Wastewater Utility; \$9,227 was included in the 1997-98 operating budget of the Electric Utility Department; and \$14,301 was included in the Solid Waste Services Department. Funding for the remaining three months of the contract and the extension options is contingent upon available funding in future budgets.) Low bid of four. No M/WBE Subcontracting opportunities were identified.
Resolution No. 971211-29 approved

Health

30. Approve a resolution authorizing an Interlocal Cooperation Agreement with Travis County to fund and administer social services contracts for the period January 1, 1998, through December 31, 1998, in an amount not to exceed \$6,042,808. (Funding in the amount of \$5,687,192 was included in the 1997-98 Operating Budget for the Health and Human Services Department, Social Services Fund. Funding for the remaining one month of the contract period will be contingent on available funding in future budgets.) [Reviewed by Community Action Network Resource Council.]
Resolution No. 971211-30 approved

Items 22 through 30 approved on, Mayor Pro Tem Garcia's motion, Councilmember Lewis' second, 7-0 vote.

Management Services

31. Approve the cancellation of City Council Meetings for 1998. (No fiscal impact.)
Postponed

Solid Waste Services

32. Set a public hearing to amend Ordinance No. 970917-C, establishing a brush processing fee. (Suggested date and time: December 18, 1997 at 6:30 p.m.)
Approved on, Mayor Pro Tem Garcia's motion, Councilmember Lewis' second, 7-0 vote.

Planning, Environmental and Conservation Services

33. Approve second/third reading of an ordinance annexing for full purposes the IH-35 SOUTH Annexation Area, Case No. C7a-97-013, known as the IH-35 South Area, which includes approximately 1,044 acres, bounded by Slaughter Lane on the north, IH-35 on the east, FM 1626 to the south, and on the west by the existing city limits of the Cities of San Leanna and Austin.

Motion to suspend rules on annexation items and limit discussion to Councilmembers only on, Mayor Pro Tem Garcia's motion, Councilmember Slusher's second, 7-0 vote.

Ordinance No. 971211-B approved with modifications to service plan second and third reading on, Mayor Pro Tem Garcia's motion, Councilmember Lewis' second, 7-0 vote.

34. Adopt an ordinance annexing for full purposes the VILLAGE AT WESTERN OAKS MUD, Case No. C7a-97-011, known as Village at Western Oaks, which includes the Village at Western Oaks Municipal Utility District, and which is north of Slaughter Lane and generally bounded by the Austin City limits on the north, Mopac on the east, Circle C MUD #3 on the west and Circle C MUD #3 and Circle C MUD #2 on the south.

Ordinance No. 971211-C approved with modifications to service plan on, Councilmember Spelman's motion, Councilmember Griffith's second, 7-0 vote.

35. Adopt an ordinance annexing for full purposes the CIRCLE C ANNEXATION AREA, Case No. C7a-97-018, known as the Circle C Annexation Area, which includes the Circle C Municipal Utility District No. 1, Circle C Municipal Utility District No. 2, Circle C Municipal Utility District No. 3, Circle C Municipal Utility District No. 4, and areas generally known as the Hielscher Tract, the Southwest Commercial Tract, Circle C West Tract, and a piece of the Spillar Ranch. It is generally bounded on the east by Brodie Lane, on the west by FM 1826, on the south by the Hays County line and on the north by the Village of Western Oaks MUD and the existing City of Austin city limits, and is a 4,661 acre tract formerly known as the Southwest Travis County Water District.

Approved first reading only on, Councilmember Slusher's motion, Councilmember Goodman's second, 7-0 vote.

36. Approve second/third readings of an ordinance annexing for full purposes the Parliament House Rd. Area, Case No. C7a-97-006, known as the Parliament House Road Area, which includes Forest North Phase 4-A, Forest North Phase 4I-B, Forest North Phase 4-C and other land generally located between Forest North Phase 4 to the east, Forest North Phase 4 and Anderson Mill MUD to the south, US 183 to the west and the existing City limits to the north.

Ordinance No. 971211-D approved second and third reading on, Mayor Pro Tem Garcia's motion, Councilmember Slusher's second, 7-0 vote.

37. Approve second/third readings of an ordinance annexing for full purposes the US 183 East Area, Case No. C7a-97-004, known as US 183 East, which includes Springwoods Municipal Utility District, and other areas generally located between North Austin Municipal Utility District on the east, McNeil Road on the south, US Hwy. 183 on the west, and Pond Springs Road, Anderson Mill Road, and North Austin MUD on the north.

Approved second reading only on, Councilmember Goodman's motion, Councilmember Lewis' second, 7-0 vote.

Development Review

38. Approve second/third readings of an ordinance amending Chapter 13-2 of the Austin City Code by rezoning property locally known as 7703 Bluff Springs Road, from "I-RR", Interim Rural Residence to "MH" Mobile Home Residence and "P", Public District zoning. Planning Commission Recommendation: This request is forwarded to Council without a recommendation. Applicant: Regency Village at Onion Creek (Kathleen Godwin); Agent: Bury & Pittman, Inc., (Jim Gallegos). City Staff: Joe Arriaga, 499-2308.
Postponed to January 29, 1998, applicant's request
39. C14H-97-0004 (WROE-BUSTIN HOUSE) - Approve second/third readings of an ordinance amending Chapter 13-2 of the Austin City Code by rezoning property locally known as 506 Baylor Street, from "CS", Commercial Services to "CS-H", Commercial Services-Historic zoning. First reading on October 30, 1997; Vote 7-0. Conditions met as follows: There are no conditions to be met. Applicant: Tesoros Trading Co.; Agent: Peter Flagg Maxson. City Staff: George Zapalac, 499-2725.
Ordinance NO. 971211-A approved on, Mayor Pro Tem Garcia's motion, Councilmember Lewis' second, 7-0 vote.
40. C14-97-0059 - Approve second/third readings of an ordinance amending Chapter 13-2 of the Austin City Code by rezoning property locally known as 13900 North FM 620, from "DR", Development Reserve to "GR-CO", Community Commercial-Conditional Overlay zoning with conditions. First reading on September 4, 1997; Vote 5-0, Griffith and Spellman off the dais. Conditions met as follows: Conditional overlay incorporates conditions imposed by Council at first reading. Applicant: Pohl, Brown & Associates (William B. Pohl); Agent: Early Services, Inc. (Tim Early). City Staff: David Wahlgren, 499-6455.
Approved second reading only, subject to limitation of impervious cover to 25% on, Councilmember Spelman's motion, Mayor Pro Tem Garcia's second, 7-0 vote.

ITEMS FROM COUNCIL

41. Approve a resolution directing the City Manager to work in cooperation with the Austin Animal Advisory Commission and the organization known as Austin Pets Alive to develop a plan to end the practice of killing adoptable animals at the Town Lake Animal Center by the end of the year 2002 and report back to Council no later than the end of March, 1998. (Mayor Pro Tem Gus Garcia and Councilmember Jackie Goodman)
Resolution No. 971211-41 approved on, Mayor Pro Tem Garcia's motion, Councilmember Lewis' second, 7-0 vote.

4:30 P.M. - ZONING HEARINGS AND APPROVAL OF ORDINANCES

42. C14-97-0055 - Public hearing to amend Chapter 13-2 of the Austin City Code by zoning property locally known as 8010 South Congress Avenue from "DR", Development Reserve to "CS", General Commercial Services. Planning Commission Recommendation: To Deny "CS", General Commercial Services District zoning. Applicant: Don Valk; Agent: Mike Killebrew. City Staff: Craig Alter, 499-2769. (continued from 9/4/97, 10/2/97 & 11/06/97)
Motion to close public hearing on, Councilmember Goodman's motion, Councilmember

Slusher's second, 7-0 vote.

Motion to deny CS zoning on, Councilmember Goodman's motion, Councilmember Lewis' second, 7-0 vote.

43. C14-97-0091 - Public hearing to amend Chapter 13-2 of the Austin City Code by zoning property locally known as 2108 to 2110 Thrasher Lane and 6505 to 6601 E. Riverside Drive from "MF-2", Multifamily Residence (low density), "LR", Neighborhood Commercial, and "SF-3", Family Residence to "MH", Mobile Home Residence. Planning Commission Recommendation: To Grant "MH-CO", Mobile Home Residence-Conditional Overlay District, zoning with conditions. Applicant: Aus-Tex Parts & Service LLC (Don H. Dempsey); Agent: Jim Bennett. City Staff: Ivan Naranjo, 499-2724. (continued from 10/30/97)
Motion to postpone to December 18, 1997

44. C14-86-004 - Public hearing to amend Chapter 13-2 of the Austin City Code by amending a restrictive covenant for property locally known as Convict Hill Road and Shadowridge Run. Existing zoning is "MF-1", Multifamily Residence (limited density). Planning Commission Recommendation: To Approve the restrictive covenant amendment as requested. Applicant: Benchmark Land Development (Steve Tucker); Agent: Terrence Irion. City Staff: Deborah Reyes, 499-6369.
Approved

45. C14-97-0127 - Public hearing to amend Chapter 13-2 of the Austin City Code by zoning property locally known as Frontier Valley Drive and East Riverside Drive from "SF-3", Family Residence to "MH", Mobile Home Residence. Planning Commission Recommendation: To Grant "MH-CO", Mobile Home Residence-Conditional Overlay zoning with conditions. Applicant: Hetherly Investment (C.W. Hetherly, Sr.); Agent: Dick Lillie and Associates (Richard Lillie). City Staff: Ivan Naranjo, 499-2724.
Motion to postpone to January, 15, 1998, applicant's request

46. C14-97-0135 - Public hearing to amend Chapter 13-2 of the Austin City Code by zoning property locally known as 13809 North U.S. Hwy. 183 from "DR", Development Reserve to "GR", Community Commercial. Planning Commission Recommendation: To Grant "GR", Community Commercial zoning. Applicant: The Canile Company, L.L.C. (Jim McBride); Agent: Bury & Pittman, Inc. (Jim Gallegos). City Staff: Craig Alter, 499-2769.
Ordinance No. 971211-G approved emergency passage

47. C14-97-0136 - Public hearing to amend Chapter 13-2 of the Austin City Code by zoning property locally known as 10904 to 10926 Jollyville Road from "LO", Limited Office to "MF-2", Multifamily Residence (low density). Planning Commission Recommendation: To Grant "MF-2", Multifamily Residence (low density) District zoning. Applicant: Village Oaks General Partnership (Linda Menich); Agent: Fulbright & Jaworski, L.L.P. (R.G. Converse). City Staff: Craig Alter, 499-2769.
Ordinance No. 971211-H approved

Items 43 through 47 approved on, Councilmember Goodman's motion, Councilmember Lewis' second, 7-0 vote.

PUBLIC HEARINGS

48. 5:30 P.M. - Public hearing on the Austin Downtown Public Improvement District (PID) 1998 assessments; consider the assessment roll and the levy. (The proposed 1998 assessment rate at \$0.10/\$100 valuation is estimated to produce \$739,521 at a 96% collection rate.)
Motion to close public hearing on, Mayor Pro Tem Garcia's motion, Councilmember Slusher's second, 7-0 vote.
49. 6:00 P.M. - Public hearing on a variance request by Minter, Joseph and Thornhill on behalf of Eckerd Drugs to construct a drugstore and associated parking at 5256 Burnet Road in the 100-year floodplain. (Councilmember Jackie Goodman)
Motion to close public hearing on, Councilmember Spelman's motion, Councilmember Lewis' second, 7-0 vote.
50. 6:30 P.M. - Public hearing on an appeal by John and Janice Laakso of the Planning Commission's approval of a Hill Country Roadway site plan for a project known as Spicewood Springs Park, located at 7810 Sterling Drive. (Case Number SPC-96-0286C).
Motion to close public hearing on, Mayor Pro Tem Garcia's motion, Councilmember Goodman's second, 7-0 vote.

ACTION ON PUBLIC HEARINGS

51. Approve the Austin Downtown Public Improvement District (PID) 1998 assessments; consider the assessment roll and the levy. (The proposed 1998 assessment rate at \$0.10/\$100 valuation is estimated to produce \$739,521 at a 96% collection rate.)
Ordinance No. 971211-F approved on, Mayor Pro Tem Garcia's motion, Councilmember Goodman's second, 7-0 vote.
52. Amend Ordinance 970917-A, the 1997-98 operating budget, increasing revenue and appropriations for the Planning, Environmental and Conservation Services Special Revenue Fund for the Austin Downtown Public Improvement District by \$930,225. [Funding is available through \$739,521 in 1998 assessments (at a 96% collection rate); \$65,704 in prior year revenue (\$36,717 from interest accrued in the PID account; \$28,987 from unappropriated prior year collections); \$100,000 City annual contribution (\$50,000 from Austin Convention Center Fund, and \$50,000 from Water and Wastewater Utility Fund); and \$25,000 Capital Metro annual contribution, and possible adjustment, after the assessment roll hearing on December 11, 1997.]
Ordinance No. 971211-I approved on, Mayor Pro Tem Garcia's motion, Councilmember Goodman's second, 7-0 vote.

53. Consider a variance request by Minter, Joseph and Thornhill on behalf of Eckerd Drugs to construct a drugstore and associated parking at 5256 Burnet Road in the 100-year floodplain. (Councilmember Jackie Goodman)
Ordinance No. 971211-J approved variance on, Councilmember Spelman's motion, Councilmember Goodman's second, 7-0 vote.
54. Public hearing and consideration of an appeal by John and Janice Laakso of the Planning Commission's approval of a conditional use permit site plan for a project known as Spicewood Springs Park, located at 7810 Sterling Drive. (Case Number SPC-96-0286C). [Councilmember Jackie Goodman]
Motion to deny site plan appeal with request for staff to work on lighting and the potential for a gate or fence. Find out if PARD has funding to construct fencing for those who might want one on, Councilmember Griffith's motion, Councilmember Goodman's second, 7-0 vote.

EXECUTIVE SESSION (No Public Discussion on These Items)

Executive session held at 12:15 p.m. to 1:20 p.m.

Executive session held at 2:42 p.m. to 4:15 p.m.

The City Council will announce it will 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. The City Council may also announce it will go into Executive Session, if necessary, to receive advice from Legal Counsel regarding any other item on this agenda.

Private Consultation with Attorney - Section 551.071

55. Discuss legal issues relating to annexation.
56. Discuss East Sixth Street Community Association, et al. v. City of Austin, Texas, Cause No. 238,212 in the County Court at Law No. 2 of Travis County, Texas.
57. Discuss LS Ranch Limited and Circle C Land Corp. vs. City of Austin, CA-97-1048 in the 207th Judicial District Court of Hays County, Texas.
58. Discuss City of Austin v. Southwest Travis County Water District, CA 96-13123, Travis County Water District.

Personnel Issues - Section 551.074

59. Discuss appointment, term of office, salary and benefits of Interim Relief Municipal Court

Judge

ACTION ON EXECUTIVE SESSION ITEMS

60. Adopt a resolution approving the appointment of an Interim Relief Municipal Court Judge and establishing the salary , term and benefits of such position
Resolution No. 971211-60 approved on, Councilmember Goodman's motion, Councilmember Spelman's second, 7-0 vote.

Motion to reconsider on, Mayor Pro Tem Garcia's motion, Councilmember Slusher's second, 7-0 vote.

Resolution to read as follows:

That the City Council appoints Jo Clifton to serve as Interim Relief Judge for the Municipal Court, at a salary of \$26.73 per hour. The interim Relief Judge is assigned to act for a Municipal Judge who has resigned and as such, shall continue to act in such capacity until the vacancy created by the resignation is filled. In addition to salary, such Interim Relief Judge shall receive no other benefits.

Motion to appoint Jo Clifton as interim relief judge at \$26.73 per hour on, Mayor Pro Tem Garcia's motion, Councilmember Goodman's second, 7-0 vote.

61. Approve a resolution to execute a contract with Webb & Webb as outside counsel to provide legal services in connection with annexation, in a total amount not to exceed \$75,000.00 (funding is available and appropriated in the FY97-98 Law Department budget).
Resolution No. 971211-61 approved in an amount not to exceed \$75,000 on, Mayor Pro Tem Garcia's motion, Councilmember Spelman's second, 7-0 vote.

62. APPOINTMENTS

Austin Community Education Consortium - DEACON ELMORE DUFOUR (reappointment), RICHARD MCCOWN (reappointment-Austin Neighborhood Council Representative), CHRIS FANUEL, MARCELLUS SAPENTER.

Austin Travis County On-Site Sewage Facility Rules Advisory Committee - DAVID VENHUIZEN, LAUREN ROSS.

Brackenridge Hospital Oversight Council - DR. PATRICK CONNOLLY (Physician Representative).

Design Commission - JOHN PATTERSON.

Environmental Board - BILL HARVEY (Councilmember Spelman)

Environmental Justice Task Force - RICHARD MCCOWN.

Federally Qualified Health Center Board - MORRIS MATHIS (Rosewood Zaragosa Clinic User).

Human Rights Commission - SAUL GONZALEZ (reappointment), JUDITH MITCHELL.

Information Management & Technology Commission - JIM BUTLER, FRANCIS FISHER,

ALLEN JOHNSON, M.J. NICCHIO, SUZY WOODFORD.

Mechanical, Plumbing & Solar Board - ALFRED BOTELLO (Master Plumber Representative),
THOMAS COMBS (Licensed Air Conditioning Contractor Representative).

Solid Waste Advisory Commission - GAIL VITTORI (reappointment - citizen Residing East of
IH-35 & South of US HWY 290).

Approved on, Mayor Pro Tem Garcia's motion, Councilmember Lewis' second, 7-0 vote.

ADDENDUM

December 11, 1997

63. Approve an ordinance authorizing issuance by Davenport Municipal Utility District No. 1 of it's Unlimited Tax Bonds, Series 1997A, in an amount not to exceed \$5,225,000, and approve a substantial draft of the District's Bond Resolution. (The City will be responsible for payment of these District Bonds from Water and Wastewater Revenue upon the annexation and dissolution of the District, which is scheduled for December 31, 1997.) [Reviewed by Water and Wastewater Commission]
Ordinance No. 971211-E approved on, Councilmember Spelman's motion, Councilmember Goodman's second, 7-0 vote.
64. Discuss In re: Southwest Travis County Water District, No. 03-97-00738-CV, Third Court of Appeals.
Discussion held, no action taken.

ADJOURNED at 7:32 p.m. on, Mayor Pro Tem Garcia's motion, Councilmember Slusher's second, 7-0 vote.

Approved on this the 18th day of December, 1997 on, Councilmember Goodman's motion, Councilmember Slusher's second, 6-0, Mayor Watson absent.