



# Austin City Council MINUTES

THURSDAY  
MARCH 5, 1998

Mayor Watson called the meeting to order, noting the absence of Councilmember Goodman.

1. Approval of Minutes for Regular Meetings of January 22, 1998; February 5, 12 & 26, 1998. Minutes for January 22, 1998, February 12, 1998 approved, minutes for February 5, 1998 previously approved on February 26, 1998, minutes for February 26 postponed to March 12, 1998, on Mayor Pro Tem Garcia's motion, Councilmember Griffith's second, 5-0 vote, Councilmember Lewis off the dais, Councilmember Goodman absent.

## CITIZEN COMMUNICATIONS: GENERAL

2. Claude Rivers Sr., to discuss a declaration of works.
3. Dorothy Turner  
**Absent**
4. Velma Roberts
5. Leonard Lyons, to discuss ground transportation.
6. Gus Pena, to discuss City Government and it's responsibility to the taxpayers and residents.  
**Absent**
7. Jimmy Castro, to discuss the 1998 Travis County Livestock show and rodeo.
8. John McMillan, to discuss expansion of the City's natural-resource recycling program.
9. Greg Ericson, to discuss Texas Best Seminars - Exposing Corruption.
10. John Kunkel, to discuss annexation implementation status.

## READING OF CONSENT AGENDA

## READING OF DISCUSSION AGENDA

### CITIZEN COMMUNICATIONS: CONSENT AGENDA

#### ACTION ON CONSENT AGENDA

##### Water and Wastewater Utility

11. Approve a resolution authorizing Service Extension Request No. 1801 for wastewater service submitted by Lindsley Bratten for the Deerwood II Tract which is located outside the city limits of Austin. (No fiscal impact.) [Recommended by Water and Wastewater Commission]  
**Resolution No. 980305-11 approved on Mayor Pro Tem Garcia's motion, Councilmember Spelman's second, 6-0 vote, Councilmember Goodman absent.**
  
12. Approve a resolution authorizing Service Extension Request No. 1803 for water service submitted by Robert Solomon for the Oak Hill Lane 7.8 Acres tract which is located outside the city limits of Austin. (No fiscal impact.) [Reviewed by Water and Wastewater Commission]  
**Resolution No. 980305-12 approved**
  
13. Approve a resolution authorizing Service Extension Request No. 1805 for water service submitted by Glenn Jackson for the Glenn Jackson Tract which is located outside the city limits of Austin. (No fiscal impact.) [Reviewed by Water and Wastewater Commission]  
**Resolution No. 980305-13 approved**  
  
**Items 12 and 13 approved on Councilmember Spelman's motion, Mayor Pro Tem Garcia's second, 6-0 vote, Councilmember Goodman absent.**
  
14. Approve a resolution authorizing negotiation and execution of a cost reimbursement agreement with Parkline 183 Venture for the construction of a 24-inch water main and appurtenances to provide permanent water service within and near the proposed Hunt Development tract with City cost reimbursement, in an amount not to exceed \$425,000. (Cost reimbursement in an amount not to exceed \$425,000 is contingent upon available funding in future budgets.) [Recommended by Water and Wastewater Commission]  
**Resolution No. 980305-14 approved**
  
- 15a. Approve a resolution authorizing a construction contract to BAY MAINTENANCE COMPANY, INC., Horseshoe Bay, Texas, for the Cameron/Berkman Rehabilitation Project Phase A and the Northeast Water Rehabilitation Project Phase B, in the amount of \$2,960,095.70. (Funding was included in the 1993-94 and 1997-98 Capital budgets of the Water and Wastewater Utility.) Low bid of three. 24.6% MBE, 1.6% WBE Subcontractor participation. [Recommended by Water and Wastewater Commission]  
**Resolution No. 980305-15 approved**

Items 14 and 15a approved on Mayor Pro Tem Garcia's motion, Councilmember Spelman's second, 6-0 vote, Councilmember Goodman absent.

- 15b. Reconsider a resolution approving negotiation and execution of a professional services agreement with MALCOLM PIRNIE, INC., Austin, Texas, for program management consultant services for the water, wastewater and drainage service to annexed areas, in an amount not to exceed \$2,600,000 and consider approving a resolution authorizing negotiation with another proposer for this professional services agreement.  
**Motion to reconsider on Mayor Pro Tem Garcia's motion, Councilmember Slusher's second, 3-3 vote, Mayor Watson, Councilmembers Griffith and Spelman voting "NO", Councilmember Goodman absent.**

Mayor Watson stated that since the vote was a tie, the item would not be reconsidered.

### Finance and Administrative Services

16. Approve a resolution authorizing execution of a contract with HOUSTON-GALVESTON AREA COUNCIL OF GOVERNMENTS COOPERATIVE PURCHASING PROGRAM, Houston, Texas, for the purchase of ninety-four light duty trucks, sedans, vans and utility vehicles to be used by various City departments, in the amount of \$2,033,128.99. (Funding in the amount of \$1,085,776.93 was included in the 1997-98 Vehicle Acquisition Fund; \$626,209.89 was included in the 1997-98 operating budget of various City departments; \$238,915.67 was included in the 1997-98 Capital budget of the Water and Wastewater Utility; and \$82,226.50 was included in the 1997-98 Capital budget of the Solid Waste Services Department.)  
**Resolution No. 980305-16 approved on Councilmember Lewis' motion, Mayor Pro Tem Garcia's second, 6-0 vote, Councilmember Goodman absent.**

### Public Works

17. Approve a resolution authorizing the filing of eminent domain proceedings for a Water Quality and Drainage Easement containing 73,610 square feet of land, a lateral Support (Slope) Easement containing 1,000 square feet of land, out of the J.C. Tannehill Survey No. 29, Abstract No. 22, in Travis County, Texas, owned by Horizon Worship Center of Austin, Texas, Inc. for the Loyola Lane Road Improvements Project, in the amount of \$39,817. (Funding is available in the 1991-92 Amended Capital budget of the Public Works and Transportation Department.)  
**Resolution No. 980305-17 approved**
18. Approve a resolution authorizing execution of Change Order #3 to the construction contract with CHEROKEE CONSTRUCTION, INC., (MBE/MN), Austin, Texas, to extend the limits of the street reconstruction and overlay of Manor Road from Northeast Drive to Springdale Road,

as part of the Manor Road Reconstruction, Overlay, and Utility Adjustment Project, in the

amount of \$150,000, for a total contract amount not to exceed \$1,436,691.53. (Funding is available in the 1996-97 Amended Capital budget of the Public Works and Transportation Department.) 66% MBE Prime participation. 0% MBE, 25% WBE Subcontractor participation.

**Resolution No. 980305-18 approved**

### Police

19. Approve a resolution authorizing negotiation and execution of a lease for an additional 1,079 square feet of office space located at 1106 Clayton Lane, for the Police Department's Office of Professional Standards, in the amount of \$13,642 per year. (Funding in the amount of \$7,959 for the remaining seven months is available in the 1997-98 Federal Asset Forfeiture Fund of the Police Department. Funding for the remainder of the lease is contingent upon available funding in future budgets.)

**Resolution No. 980305-19 approved**

### Aviation

20. Approve a resolution authorizing execution of a contract with GULF COAST REMEDIATION, Houston, Texas, for the removal and remediation of contaminated materials (Site Wide Remediation III Project) at Austin-Bergstrom International Airport, in the amount of \$343,470 plus a contingency fund of \$34,347, for a total contract amount of \$377,817.00 (Funding was included in the 1997-98 Capital budget of the Aviation Department.) Low responsive bid of seven. DBE participation: 41% MBE 0% WBE. (Recommended by Airport Advisory Board)

**Resolution No. 980305-20 approved**

21. Approve a resolution authorizing an increase to the contingency fund of the contract with ADB-ALANCO, INC., Columbus, Ohio, for change orders to the Airfield Lighting Procurement Contract for Austin-Bergstrom International Airport, in the amount of \$84,000, for a revised contingency fund in an amount not to exceed \$136,455.72, for a total contract amount not to exceed \$684,000. (Funding was included in the 1997-98 amended Capital budget of the Aviation Department.) No DBE Subcontracting opportunities were identified. (Recommended by Airport Advisory Board)

**Resolution No. 980305-21 approved**

22. Approve a resolution authorizing an amendment to the professional services agreement with Kelley Drye & Warren, Washington, D.C., for legal representation of the City of Austin in connection with airport issues, in the amount of \$3,000, for a total contract amount not to exceed \$41,000. (Funding is available in the 1997-98 Operating Budget of the Aviation Department.) No M/WBE Subcontracting opportunities were identified.

**Resolution No. 980305-22 approved**

### Development Review and Inspection

23. Set a public hearing on a ordinance amending the Land Development Code to define and establish regulations for adult health clubs, adult-physical fitness studios and adult spas. [Suggested date and time: April 2, 1998 at 7:00 p.m.]  
**Approved**

#### City Clerk

24. Approve a resolution authorizing joint election agreements between the City of Austin, Austin Independent School District, Austin Community College, Barton Springs/Edwards Aquifer Conservation District, Round Rock Independent School District, Leander Independent School District, Pflugerville Independent School District, Eanes Independent School District and Del Valle Independent School District, for a joint election on May 2, 1998. (Estimated savings of \$175,000 in election costs are expected to result from these agreements.)  
**Resolution No. 980305-24 approved**

#### Library

25. Approve the implementation of a sixty-day pilot project to remove CyberPatrol software filtering programs from four publicly-accessible Internet terminals in the library system beginning on March 9, 1998. (Funding in the amount of \$63,000 is available in the 1997-98 Operating Budget for the Library Department.) [Reviewed by Library Commission]  
**Approved**

#### Emergency Medical Services

26. Approve a resolution authorizing execution of a contract with TAYLOR MADE AMBULANCES, Newport, Arkansas, to provide repair services and a twelve month workmanship warranty for an ambulance damaged in a collision, in an amount not to exceed \$60,000. (Funding is available in the 1997-98 operating budget of the Emergency Medical Services Department.) Sole source. No M/WBE Subcontracting opportunities were identified.  
**Resolution No. 980305-26 approved**
27. Set a public hearing on application by Guardian Services, Inc., for a non-emergency medical transfer franchise under Chapter 6-3 of the City Code. Suggested date and time: April 2, 1998 at 6:00 p.m.  
**Approved**

#### ITEMS FROM COUNCIL

28. Approve an ordinance setting out conditions for development of 84 acres more or less known as the H.E. Brodie tract. (Councilmembers Daryl Slusher & Beverly Griffith).  
**Postponed one week applicant's request**
29. Approve a resolution designating the March 25, 1998 Worksession as a Transportation

Worksession, to deliberate and take action on transportation issues only. (Councilmember Daryl Slusher, Mayor Kirk Watson and Councilmember William Spelman)  
Resolution 980305-29 approved

Items 17 through 29 approved on Mayor Pro Tem Garcia's motion, Councilmember Spelman's second, 6-0 vote, Councilmember Goodman absent.

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

30. C14-97-0133 - Public hearing to amend Chapter 13-2 of the Austin City Code by zoning property locally known as Brodie Lane and Paisano Trail from "SF-2", Single Family Residence (standard lot) to "SF-4A", Single Family Residence (small lot). Planning Commission Recommendation: To Grant "SF-4A", Single Family Residence (small lot) District zoning for Tract 1 and "RR", Rural Residence District zoning for Tract 2, with conditions. Applicant: Joe W. McDaniel; Agent: The Faust Group (Bill Faust). City Staff: Deborah Reyes, 499-6369. (continued from 1-8-98, 1-22-98 & 2-5-98)  
**Ordinance No. 980305-A approved Planning Commission recommendation subject to exclusion of condition that the lots created along the south property line be comparable in lot width with the subdivision to the south, on Councilmember Spelman's motion, Councilmember Lewis' second, 6-0 vote, Councilmember Goodman absent.**
31. C14-97-0139 - Public hearing to amend Chapter 13-2 of the Austin City Code by zoning property locally known as 511 Hearn Street from "SF-3", Family Residence to "NO", Neighborhood Office. Planning Commission Recommendation: To Deny "NO", Neighborhood Office District zoning. Applicant: Robert L. Ogden, P.E.. City Staff: Don Perryman, 499-2786.  
**Withdrawn**
32. C14-97-0151 - Public hearing to amend Chapter 13-2 of the Austin City Code by zoning property locally known as 4100 to 4130 Duval Road and 4307 to 4311 Dorset Road from "MF-2", Multifamily Residence (low density) to "GO", General Office. Planning Commission Recommendation: To Grant "GO-CO", General Office-Conditional Overlay and "RR", Rural Residence zoning for any land within the 100-year flood plain with conditions. Applicant: Temujin 1, Ltd. (John Sean Cummings, Jr.); Agent: Jim Bennett. City Staff: Craig Alter, 499-2769.  
**Ordinance No. 980305-B approved**
33. C14-97-0163 - Public hearing to amend Chapter 13-2 of the Austin City Code by zoning property locally known as 406 West 13th Street and 1303 San Antonio Street from "GO", General Office to "DMU", Downtown Mixed Use Combining District. Planning Commission Recommendation: To Grant "DMU-CO", Downtown Mixed Use Combining District-Conditional Overlay District zoning with conditions. Applicant: 1303 Partnership (Travis Phillips); Agent: Amelia Lopez-Phelps. City Staff: Ivan Naranjo, 499-2724.  
**Ordinance No. 980305-C approved**
34. C14-97-0167 - Public hearing to amend Chapter 13-2 of the Austin City Code by zoning

property locally known as Spicewood Springs Road from "SF-3", Family Residence to "LO", Limited Office. Planning Commission Recommendation: To Grant "LO-CO", Limited Office-Conditional Overlay District zoning with conditions. Applicant: Managing Partners (Jerry P. Jones); Agent: Land Answers (Jim Wittliff). City Staff: Deborah Reyes, 499-6369.  
Ordinance No. 980305-D approved

Items 32 through 34 approved on Councilmember Spelman's motion, Councilmember Lewis' second, 6-0 vote, Councilmember Goodman absent.

#### PUBLIC HEARINGS

35. 6:00 P.M. - Public hearing on permanent and temporary use agreements through dedicated parkland known as Town Lake, Red Bud Isle, Deep Eddy, Austin High Tennis Center, and Sand Beach Reserve for the construction of the Ullrich Medium Service Transmission Main in accordance with Section 26.001 et seq. of the Texas Parks and Wildlife Code.  
Motion to close public hearing on Councilmember Griffith's motion, Councilmember Slusher's second, 6-0 vote, Councilmember Goodman absent.
36. 6:30 P.M. - Public hearing to change the name of Oak Cliff Drive to O.T. Arnold Drive. (Councilmember Willie Lewis)  
Postponed
37. 7:00 P.M. - Public hearing on Parks and Recreation Department's Master Plan entitled "Long Range Plan for Land and Facilities" to comply with Texas Parks and Wildlife Department grant requirements.  
Motion to close public hearing on Mayor Pro Tem Garcia's motion, Councilmember Slusher's second, 5-0 vote, Councilmember Goodman absent, Councilmember Lewis off the dais.

#### ACTION ON PUBLIC HEARINGS

38. Approve a resolution authorizing permanent and temporary use agreements through dedicated parkland known as Town Lake, Red Bud Isle, Deep Eddy, Austin High Tennis Center, and Sand Beach Reserve for the construction of the Ullrich Medium Service Transmission Main in accordance with Section 26.001 et seq. of the Texas Parks and Wildlife Code. (No fiscal impact.) [Recommended by Parks Board and Water and Wastewater Commission]  
Resolution No. 980305-38 approved on Mayor Pro Tem Garcia's motion, Councilmember Spelman's second, 6-0 vote, Councilmember Goodman absent.
39. Approve changing the name of Oak Cliff Drive to O.T. Arnold Drive. (Councilmember Willie Lewis)  
Postponed

40. Approve a resolution adopting Parks and Recreation Department's Master Plan entitled "Long Range Plan for Land and Facilities" to comply with Texas Parks and Wildlife Department grant requirements. (No fiscal impact.) [Recommended by Parks Board and Water and Wastewater Commission]  
Postponed to March 12, 1998

**EXECUTIVE SESSION (No Public Discussion on These Items)**

Executive session held at 12:15 p.m. to 1:30 p.m. on items 41, 42, 43, 44 and 45.

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**

41. Discuss legal issues relating to annexation.
42. Discuss The Summit at West Rim, Ltd., et al. v. The City of Austin, et al., Cause No. A 97-CA-875-SS, United States District Court for Western District of Texas.
43. Discuss L. S. Ranch, Ltd., and Circle C Land Corp. v. The City of Austin, Texas, Cause No. 97-1048, 207th Judicial District Court of Hays County.
44. Discuss Circle C Homeowners Association, Inc., et al. v. The City of Austin, Texas, Cause No. 97-12528, 353rd Judicial District Court of Travis County.
45. Discuss IBC Partners, Ltd., et al. v. City of Austin, et al., Cause No. 97-05393, 53rd Judicial District of Travis County.

ADJOURNED at 7:16 p.m. on Councilmember Slusher's motion, Mayor Pro Tem Garcia's second, 5-0 vote, Councilmember Goodman absent, Councilmember Lewis off the dais.

Approved on this the 12<sup>th</sup> day of March, 1998 on Councilmember Lewis' motion, Mayor Pro Tem Garcia's second, 6-0 vote, Councilmember Goodman off the dais.