



Austin City Council MINUTES

REGULAR MEETING
THURSDAY, MARCH 26, 1998

Mayor Watson called the meeting to order, Councilmembers Goodman, Griffith and Lewis off the dais.

1. Approval of Minutes for Regular Meetings of March 11 & 12, 1998.
Approved on Councilmember Spelman's motion, Mayor Pro Tem Garcia's second, 4-0 vote, Councilmembers Goodman, Griffith and Lewis off the dais.

CITIZEN COMMUNICATIONS: GENERAL

2. Greg Ericson, to discuss Texas Best Seminars exposing corruption.
3. James Hitzelberger, to discuss the Police General and Orders, and the need of an officer to identify himself.
4. Gus Pena, to discuss the City Council's responsibility to the taxpayers, and to discuss health clinics.
5. Richard Knowlton, to discuss public safety.
6. Robert Thomas, to discuss termination of the site management and budget cuts at the Rosewood Recreation Center.
7. Jennifer Cole-Doyle
8. Charles "Nook" Bird
9. Michael Bonds, to discuss "the only organized crime in Austin is APD's actions toward citizens."
Absent
10. Leonard Lyons, to discuss troublesome concerns.
11. David Blakely, to discuss lean beef.
Absent

READING OF CONSENT AGENDA

READING OF DISCUSSION AGENDA

CITIZEN COMMUNICATIONS: CONSENT AGENDA

ACTION ON CONSENT AGENDA

ITEMS CONTINUED FROM PREVIOUS MEETINGS

12. Approve a resolution authorizing negotiation and execution of a contract amendment with MALCOLM PIRNIE, INC., Mahwah, New Jersey, conduct Operations and Management Review (Phase II) of the Water and Wastewater Utility, in the amount of \$300,000, for a total contract amount of \$337,500. (Funding was included in the 1997-98 Operating Budget of the Water and Wastewater Utility.) 0% MBE, 3% WBE Subcontracting opportunities were identified. (Recommended by Water and Wastewater Commission) [Continued from February 4, 1998]
Postponed to April 30, 1998
13. Approve a resolution authorizing a Service Extension Request (No. 1741) for water service for the Peterson Tract, which is located outside the city limits of Austin. (No fiscal impact.) [Continued from February 11, 1998]
Resolution No. 980326-13 approved
14. Approve a resolution authorizing a Service Extension Request (No. 1742) for wastewater service for the Peterson Tract, which is located outside the city limits of Austin. (No fiscal impact.) [Continued from February 11, 1998]
Resolution No. 980326-14 approved

Items 13 and 14 approved on Councilmember Lewis' motion, Mayor Pro Tem Garcia's second, 7-0 vote.

MEETINGS

15. Approve a resolution authorizing the purchase of a water line easement containing 0.272 of one acre and a temporary working space easement containing 0.147 and 0.021 of one acre, located in the YMCA Town Lake Subdivision, locally known as 1100 West Cesar Chavez, from the Young Men's Christian Association of Austin, for the Ullrich Medium Service Transmission Main Project, in the amount of \$117,600. (Funding was included in the 97-98 Capital Budget of the Water and Wastewater Utility.) [Continued from March 12, 1998]
Resolution No. 980326-15 approved on Councilmember Lewis' motion, Mayor Pro Tem Garcia's second, 7-0 vote.
16. Deny or grant one or both of the appeals of the Planning Commission's decision to approve a Conditional Use Permit with conditions for the DELL JEWISH COMMUNITY CENTER, proposed to be located at Hart Lane and Far West Boulevard. (The appeals are made by Richard Suttle;, agent for the Dell Jewish Community Center; and the following individuals from the adjacent neighborhoods: Allen Tannenbaum, Larry Lay, John E. Martin, Ramon Burstyn, James Jack and Karen Baur.) [Continued from march 12, 1998]

Resolution No. 980326-16 approved with changes to Item No. 3: Access to Firestone will be closed to traffic except for emergency vehicles from 7 a.m. until 8:30 p.m. Monday through Friday, insert comma, until a traffic light is installed at the intersection of Chimney Corners and Far West Boulevard; also on the second page, Item D: The process as to how we will deal with any situation which traffic actually goes over 4,262 trips a day, the duration of that agreement shall not exceed 20 years, on Councilmember Spelman's motion, Councilmember Griffith's second,

Friendly amendment by Mayor Pro Tem Garcia that Item No. 1, page 1, within 20 days of the Council's decision on the appeal of the Jewish community Center site plan the applicant shall submit for staff approval a schedule of development that is projected to generate no more than 3,800 vehicle trips per day, which schedule shall be updated with the City semiannually.

Friendly amendmant accepted by maker and seconder, 7-0 vote. (SEE ATTACHMENT)

17. Approve a resolution authorizing an amendment to the contract with the Downtown Austin Alliance (DAA, formerly the Austin DMO, Inc.) for the Austin Downtown Public Improvement District to increase the annual contract in an amount not to exceed \$930,225 in 1998-99 and extend the term of the contract for an additional five years. (Funding in the amount of \$739,521 is available from 1998 assessments (at a 96% collection rate); \$36,717 from interest accrued in the Public Improvement District account; \$28,987 from unappropriated collections; \$100,000 City Annual Contribution (\$50,000 from Austin Convention Center Fund, and \$50,000 from the Water and Wastewater Utility Fund); and \$25,000 from Capital Metro Annual Contribution, and possible adjustment, and after the assessment roll hearing on December 11, 1997.)
Postponed indefinitely

Finance and Administrative Services

18. Approve a resolution authorizing execution of a twelve month supply agreement with CENTRAL TEXAS HARLEY-DAVIDSON, Austin, Texas, for the purchase of repair parts for the City's fleet of police motorcycles manufactured by Harley Davidson, in an amount not to exceed \$50,000 with two twelve month extension options in an amount not to exceed \$50,000 per extension, for a total contract amount not to exceed \$150,000. (Funding in the amount of \$25,000 was included in the 1997-98 operating budget of the Police Department. Funding for the remaining six months and the extension options is contingent upon available funding in future budgets.) Single bid. No M/WBE Subcontracting opportunities were identified.
Resolution No. 980326-18 approved
19. Approve a resolution authorizing execution of a twelve month supply agreement with INDUSTRIAL DISPOSAL SUPPLY COMPANY, San Antonio, Texas, for the purchase of repair parts for the City's fleet of Tymco manufactured street sweepers, 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 in the amount of \$50,000 was included in the 1997-98 operating budgets of various departments. Funding for the remaining six months and the extension options is contingent upon available funding in future

budgets.) Sole source. No M/WBE Subcontracting opportunities were identified.
Resolution No. 980326-19 approved

Items 18 and 19 approved on Councilmember Spelman's motion, Councilmember Lewis' second, 7-0 vote.

20. Approve a resolution authorizing execution of a twelve month service agreement with HYDRAULICS OF TEXAS, Houston, Texas, for hydraulic system repair services for various City vehicles and equipment (i.e. dump trucks, street sweepers, mowers, etc.), in an amount not to exceed \$40,000 with two twelve month extension options in an amount not to exceed \$40,000 per extension, for a total contract amount not to exceed \$120,000. (Funding in the amount of \$20,000 was included in the 1997-98 operating budget of various departments. Funding for the remaining six months 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. 980326-20 approved on Councilmember Lewis' motion, Mayor Pro Tem Garcia's second, 7-0 vote.

21. Approve a resolution authorizing execution of a twelve month supply agreement with GULF COAST PAPER COMPANY, INC., Austin, Texas, in an amount not to exceed \$189,977 and POLLOCK PAPER DISTRIBUTORS, Austin, Texas, in an amount not to exceed \$185,054 for the purchase of janitorial supplies (i.e. degreasers, floor cleaners, strippers, deodorants, disinfectant, soaps, etc.) used in general cleaning by various City departments with the option to extend each contract for two twelve month periods in amounts not to exceed \$189,977 and \$185,054 respectively, for total contract amounts not to exceed \$569,931 and \$555,162 respectively. (Funding in the amount of \$187,515 was included in the 1997-98 operating budgets of various City departments. Funding for the remaining six months 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. 980326-21 approved on Councilmember Spelman's motion, Councilmember Lewis' second, 7-0 vote.

22. Approve a resolution authorizing execution of a twelve month service agreement with EXECUTIVE SECURITY SYSTEMS, INC., Austin, Texas, for unarmed security guard services for the Municipal Building and Municipal Annex, in an amount not to exceed \$70,224 with two twelve month extension options in an amount not to exceed \$70,224 per extension, for a total contract amount not to exceed \$210,672. (Funding in the amount of \$35,112 is available in the 1997-98 operating budget of the Building Services Division of the Financial and Administrative Services Department. Funding for the final six months and the extension options is contingent upon available funding in future budgets.) Low bid of six. No M/WBE Subcontracting opportunities were identified.

Postponed with direction to staff to engage analysis of feasibility of hiring within the City as opposed to hiring security from outside on Councilmember Slusher's motion, Mayor Pro Tem Garcia's second, 6-0 vote, Councilmember Spelman off the dais.

23. Approve execution of thirty six (36) month service agreements with the following vendors:

AJILON SERVICES, INC., Austin, Texas, AP TECHNICAL RESOURCES, Austin, Texas; B & B PERIPHERALS, INC., Austin, Texas; BUSINESS CONTROL SYSTEM Inc., Austin, TX; C&T CONSULTING GROUP (WBE/FR), Austin, Texas; COMSYS, Austin, Texas; .DOTT PROFESSIONAL & TECHNICAL SERVICES , Austin, Texas; EURO SOFT INC.(WBE/FR), Austin, Texas 78746; FULL SERVICE STAFFING, Austin, Texas; FUTURE PROTOCOL, INC, Austin, Texas; INVICTUS TECHNOLOGIES (MBE/MB), Dallas, Texas; LANG TECHNOLOGY SOLUTIONS LLC, Austin, Texas, METRO INFORMATION SERVICES, Austin, TX; PI SYSTEMS, INC., Lake, TX QIV SYSTEMS, Austin, Texas; RHI CONSULTING, INC., Austin, Texas; SQL*SYSTEMS, INC.(MBE/MH), Austin, Texas, STAFFWARE, INC., Austin TX, and VISION TECHNOLOGY, AUSTIN, TEXAS, for hiring temporary technical computer staff for a total amount to each vendor not to exceed \$4,000,000 and a total aggregate amount to all contractors not to exceed \$4,000,000. (Funding in the amount of \$2,000,000 was included in the 1997-98 Operating Budget for various City departments. Funding for the remaining 30 months of the contract period will be contingent upon available funding in future budgets.) Responsive bidders meeting requirements. No M/WBE Subcontracting opportunities were identified.

Resolution No. 980326-23 approved with direction from Mayor Pro Tem Garcia to have staff bring to Council yearly reports on utilization of the MBE/WBE firms on Mayor Pro Tem Garcia's motion, Councilmember Lewis' second, 6-0 vote, Councilmember Spelman off the dais.

Police

24. Approve a resolution authorizing execution of an Interlocal Agreement with Travis County to provide uniform standards and procedures for the assignment of address locations in the unincorporated areas within Travis County by the Police Department, as part of maintaining the emergency 911 system, in an amount not to exceed \$52,000. (Funding will be provided by Travis County. The 1997-98 operating budget of the Police Department includes a reimbursement from Travis County in the amount of \$34,820.) [Recommended by Travis County Commissioners]

Resolution No. 980326-24 approved

Water/Wastewater

25. Approve a resolution authorizing the filing of eminent domain proceedings for a Waterline Easement containing 18,841 square feet of land, out of the Lucas Munos Survey, Survey No. 55, in the City of Austin, Travis County, Texas, owned by 290 Jones Investments, Inc. for the U.S. 290 East Waterline Rehabilitation Project (Harris Branch), in the amount of \$2,120. (Funding was included in the 1997-98 Capital budget of the Water and Wastewater Utility.) [Recommended by Water and Wastewater Commission]

Resolution No. 980326-25 approved

26. Approve a resolution authorizing the filing of eminent domain proceedings for a Waterline Easement containing 76,133 square feet of land, out of the Lucas Munos Survey, Survey No. 55, in the City of Austin, Travis County, Texas, owned by 290 Jones Investments, Inc. for the U.S. 290 East Waterline Rehabilitation Project (Harris Branch), in the amount of \$8,573. (Funding

was included in the 1997-98 Capital budget of the Water and Wastewater Utility.)
[Recommended by Water and Wastewater Commission]
Resolution No. 980326-26 approved

27. Approve a resolution authorizing the filing of eminent domain proceedings for a Waterline Easement containing 27,406 square feet of land, out of the Lucas Munos Survey, Survey No. 55, in the City of Austin, Travis County, Texas, owned by Joe T. Robertson, for the U.S. 290 East Waterline Rehabilitation Project (Harris Branch), in the amount of \$4,796. (Funding was included in the 1997-98 Capital budget of the Water and Wastewater Utility.) [Recommended by Water and Wastewater Commission]
Resolution No. 980326-27 approved

28. Approve a resolution authorizing the filing of eminent domain proceedings for a Waterline Easement containing 20,116 square feet of land, out of tract 4 of the Lockhart Highway Subdivision, in the City of Austin, Travis County, Texas, of record in Book 12 at Page 69 of the Plat Records of Travis County, Texas, owned by Hazel Goodson for the Lockheed Area Wastewater Service Project, in the amount of \$4,950. (Funding was included in the 1991-92 Capital budget of the Water and Wastewater Utility.) [Recommended by Water and Wastewater Commission]
Resolution No. 980326-28 approved

29. Approve a resolution authorizing execution of a contract with SOUTHWESTERN BELL TELEPHONE, Austin, Texas, for the purchase and installation of a new telecommunications system with a one year warranty for the South Austin Regional Wastewater Treatment Plant located at 13009 Fallwell Drive, in the amount of \$111,495. (Funding was included in the 1997-98 operating budget of the Water and Wastewater Utility.) Low bid of two. 0% MBE, 13.4% WBE Subcontractor participation. [Recommended by Water and Wastewater Commission]
Resolution No. 980326-29 approved

Health and Human Services

30. Approve a resolution authorizing Amendment #1 to the 1998 Interlocal Cooperation Agreement for Human Services Program with Travis County, to purchase additional transitional housing for releases from the Travis County Community Justice Center, increasing County funding by \$67,890, for a total amount not to exceed \$5,687,192. (Funding will be provided by Travis County. Funding for the remaining one month is contingent upon available funding in future budgets.)
Resolution No. 980326-30 approved
31. Approve a resolution authorizing the interim appointment of Steven Harris, M.D., as the Health Authority for Austin/Travis County Health and Human Services Department. (No fiscal impact.)
Resolution No. 980326-31 approved
32. Approve a resolution authorizing application for and acceptance of \$250,000 in grant funds from

the U.S. Department of Justice for the Weed and Seed program; and the addition of one and one-half regular full time equivalents (1.5FTEs) to ensure the coordination of the Weed and Seed Program components. (A City match is not required.)

Resolution No. 980326-32 approved

Items 24 through 32 approved on Councilmember Lewis' motion, Mayor Pro Tem Garcia's second, 7-0 vote.

33. Approve negotiation and execution of a twelve month contract with GOGGIO & ASSOCIATES, INC., San Francisco, CA 94103, to serve as interim project director and assist in implementation of the audit recommendations for the Health Department's Federally Qualified Health Center (FQHC) Clinics, in an amount not to exceed \$628,060, with two twelve month extension options in an amount not to exceed \$350,000, per extension, for a total contract amount not to exceed \$1,328,060. (Funding will be included in the 1997-98 Amended Operating Budget of the Federally Qualified Health Center. Funding for the extension options is contingent upon available funding in future budgets.) Best proposal of seven. No M/WBE Subcontracting opportunities were identified. **(Related to Item 34)**

Postponed

34. Amend Ordinance No. 970917-A, the 1997-98 Operating Budget for the Health and Human Services Department, by:1) Increasing revenue in the Health and Human Services Department Disproportionate Share Fund in the amount of \$911,465;2) Transferring \$628,000 from the Health and Human Services Department Disproportionate Share Fund to the Federally Qualified Health Center Fund; and 3) Increasing Operating Expenditures in the Federally Qualified Health Center Fund by \$628,000 to fund the first year of a management services contract for the Health and Human Services Department's primary care clinic system. (\$911,465 in additional revenue is anticipated in the Medicaid Disproportionate Share Fund due to an increase above the previously anticipated level in the State's Dispro payment to Brackenridge Hospital. Of this additional revenue, \$628,000 will be transferred to and appropriated from the Federally Qualified Health Center Fund.) **[Related to Item 33]**

Postponed

Items 33 and 34 postponed to April 9, 1998 @ 6:00 p.m. on Councilmember Goodman's motion, Councilmember Spelman's second, 7-0 vote.

Neighborhood Housing and Community Development

35. Approve a resolution authorizing the negotiation and execution of an amendment to the contract with BUSINESS INVEST IN GROWTH (BIG) to extend the term of the contract from March 31, 1998 until September 30, 1998; and to increase the amount of the contract by \$280,000 to provide business training and technical assistance, and implement a micro-loan program to small

and minority owned businesses, for a total contract amount not to exceed \$600,000 (Funding is available from the 1997-98 23rd Year Community Development Building Grant (CDBG))

allocation.) [Reviewed by Community Development Commission]
Resolution No. 980326-35 approved

36. Approve a resolution authorizing negotiation and execution of a contract with AUSTIN COMMUNITY FINANCIAL (ACF) to implement a pilot program for contract financing to small and minority owned businesses in an amount not to exceed \$180,000 for the period May 1, 1998 through April 30, 2000. (Funding is available from the 1997-98 23rd Year Community Development Block Grant (CDBG) allocation.) [Reviewed by Community Development Commission]
Resolution No. 980326-36 approved

Library

37. Approve a resolution authorizing execution of Change Order #3 to the construction contract with FLYNN CONSTRUCTION, INC., Austin, Texas, for required plumbing and electrical modifications as part of the Zaragoza Branch Library project, located at 651 N. Pleasant Valley Road, in the amount of \$5,682, for a total contract amount of \$1,284,282. (Funding was included in the 1996-97 Approved Capital budget of the Library Department.) No M/WBE Subcontracting opportunities were identified.
Resolution No. 980326-37 approved

Parks and Recreation

38. Approve an ordinance naming the Garrison Park Ballfields, located at 6001 Manchaca, for Ric and Carmen Castaneda. (No fiscal impact. Funding for new signs will be paid by South Austin Optimist Club.) [Recommended by Parks Board]
Ordinance No. 980326-A approved

Items 35 through 38 approved on Councilmember Lewis' motion, Mayor Pro Tem Garcia's second, 7-0 vote.

39. Amend Ordinance 970915-A, the 1997-98 Capital Budget of the Parks and Recreation Department, by appropriating a \$180,000 transfer from Austin Energy and a \$125,000 donation from the Austin Parks Foundation, for additional improvements to the Montopolis Sports Complex , for a total project appropriation of \$3,817,000.
Ordinance No. 980326-D approved

40. Approve a resolution authorizing execution of a construction contract with TREMUR CONSULTING CONTRACTORS, INCORPORATED, Del Valle, Texas, for construction of the Montopolis Sports Complex located at 800 Grove Boulevard, in the amount of \$2,309,800. (Funding in the amount of \$1,759,800 is included in the 1997-98 amended Capital budget of the Parks and Recreation Department; \$550,000 is included in the 1997-98 amended Capital budget of the Public Works and Transportation Department.) Low bid of nine. 32.15% MBE, 9.14% WBE Subcontractor participation. [Recommended by Environmental Board and Planning Commission]

Resolution No. 980326-40 approved

Items 39 and 40 approved on Councilmember Lewis' motion, Mayor Pro Tem Garcia's second, 6-0 vote, Councilmember Spelman off the dais.

Public Works

41. Approve a resolution authorizing negotiation and execution of professional services agreements with: CASABELLA ARCHITECTS (MBE/MH), Austin, Texas; DAVCAR ENGINEERING SERVICES, (MBE/MH), Austin, Texas; J.C. EVANS CONSTRUCTION COMPANY, INC, Austin, Texas; JESSEN, INC., ARCHITECTS AND PLANNERS, AIA (MBE/MH), Austin, Texas; ASD CONSULTANTS, INC., (MBE/MB), Austin, Texas for cost estimating, scheduling and constructibility review rotation list services on Capital Improvements Projects, in an amount not to exceed \$100,000 per agreement, for a total amount of the five contracts not to exceed \$100,000 (total estimated amount approximately \$20,000 per firm) for a period of approximately two years until the funding is expended. (Funding is available in the Capital budgets of the various departments for which services are needed.) Best qualification statements of fourteen. CASABELLA ARCHITECTS: 40% MBE Prime participation, 0% MBE, 18.2% WBE Subconsultant participation; DAVCAR ENGINEERING SERVICES: 70% MBE Prime participation, 0% MBE, 30% WBE Subconsultant participation; J.C. EVANS CONSTRUCTION COMPANY, INC: No M/WBE Subconsultant opportunities were identified; JESSEN, INC., ARCHITECTS AND PLANNERS, AIA: 65% MBE Prime participation, 0% MBE, 20% WBE Subconsultant participation; ASD CONSULTANTS, INC: 78% MBE Prime participation. 0% MBE, 22% WBE Subconsultant participation.

Resolution No. 980326-41 approved

42. Approve a resolution authorizing the sale of 5,223 square feet of City owned land, out of Lots 28 and 29 of Enfield A Addition, locally known as 1508 Parkway, City of Austin, Travis County, Texas, to Ms. Patricia Elaine Winston, the adjacent property owner, in the amount of \$2,650. (Revenue was included in the 1997-98 Capital Project Management Fund of the Public Works and Transportation Department..)

Resolution No. 980326-42 approved

43. Approve a resolution authorizing the sale of 4,944 square feet of City owned land out of Lot 4, Block 6, Kincheon Subdivision, Travis County, Texas, locally known as 3300 Blumie Street, to Mr. William Hazard, the adjacent property owner, in the amount of \$3,214. (Revenue was included in the 1997-98 Capital Project Management Fund of the Public Works and Transportation Department.)

Resolution No. 980326-43 approved

Items 41 through 43 approved on Councilmember Lewis' motion, Mayor Pro Tem Garcia's second, 7-0 vote.

44. Amend Ordinance 970915-A, the 1997-98 Capital budget, by increasing appropriations to the Public Works and Transportation Department by \$1,162,203 for various repairs and inspections

of railroad crossings and creating a project known as Capital Metropolitan Transportation Authority (CMTA) Railroad Street Crossing Improvements. (Funding available through reimbursements from Capital Metropolitan Transportation Authority.) [Recommended by Planning Commission]

Ordinance No. 980326-B approved

45. Approve a resolution authorizing negotiation and execution of an Interlocal Agreement with CAPITAL METROPOLITAN TRANSPORTATION AUTHORITY, for rehabilitation of railroad crossing signals along the Llano-to-Giddings railroad, in an amount not to exceed \$1,162,203. (Cost reimbursement for repairs will be paid by Capital Metropolitan Transit Authority.)

Resolution No. 980326-45 approved

Items 44 and 45 approved on Councilmember Lewis' motion, Mayor Pro Tem Garcia's second, 5-0-2 vote, Councilmembers Griffith and Slusher "ABSTAINING".

46. Amend Ordinance 970915-A, the 1997-98 Capital Budget for the Department of Public Works and Transportation, by appropriating \$5,500,000 for the design, right-of-way acquisition, utility coordination relocation, and construction of Howard Lane from IH-35 to Dessau Road, and creating a project known as Howard lane Improvements from IH-35 to Dessau Road. (Funding in the amount of \$5,500,000 to be reimbursed from the proceeds of long term debt issuance.) (Recommended by Planning Commission)

Ordinance No. 980326-C approved

47. Approve a resolution expressing the City of Austin's official intent to reimburse eligible costs associated with the design, right-of-way acquisition, utility coordination relocation, and construction of Howard Lane from IH-35 to Dessau Road, in the amount of \$5,500,000, and amend the 1997-98 two year proposed debt sale to include the debt issuance. (Funding in the amount of \$5,500,000 to be funded through the issuance of long term debt to be sold in September, 1998.)

Resolution No. 980326-47 approved

48. Approve a resolution authorizing negotiation and execution of an Interlocal Agreement with Travis County for the design, right-of-way acquisition, utility coordination, relocation and construction of Howard Lane from IH-35 to Dessau Road, in an amount not to exceed \$5,500,000. (Funding in the amount of \$5,500,000 to be reimbursed from the proceeds of future debt issuance.)

Resolution No. 980326-48 approved

Aviation

49. Approve a resolution authorizing an increase to the construction contract with PELZEL AND ASSOCIATES, INC., (DBE/FH), Austin, Texas, for construction change orders for renovation of the Communications Building at Austin-Bergstrom International Airport, in the amount of \$114,141, for a total contract amount not to exceed \$951,181. (Funding was included in the 1997-98 Capital budget of the Aviation Department.) 49.48% DBE Prime Participation; 27.41%

MBE, 7.35% WBE Subcontractor participation. (Recommended by Airport Advisory Board)
Resolution No. 980326-49 approved

50. Approve a resolution authorizing the execution of a contract with SUNDT CORPORATION, Tucson, Arizona, for construction of the Terminal Apron West Expansion, West Service Road, Precision Approach Path Indicator Instruments and the State Aircraft Pooling Board Apron at Austin-Bergstrom International Airport, in the amount of \$9,879,709, plus a contingency fund of \$987,970, for a total amount not to exceed \$10,867,680. (Funding was included in the 1997-98 amended Capital budget of the Aviation Department.) Low responsive bid of five. DBE Subcontractor participation: 35.13% (5.92% MBE, 29.2% WBE). [Recommended by Airport Advisory Board]

Resolution No. 980326-50 approved

51. Approve a resolution authorizing execution of a contract with THE MORGANTI GROUP, INC., Houston, Texas, for a five gate extension of the West Concourse of the Terminal Facility at Austin-Bergstrom International Airport, in the amount of \$15,070,000, plus a contingency fund of \$1,507,000, for a total contract amount not to exceed \$16,577,000. (Funding was included in the 1997-98 amended Capital budget of the Aviation Department.) Low responsive bid of four. DBE Subcontractor Participation: 35.62% (35.38% MBE, 0.24% WBE.) [Recommended by Airport Advisory Board]

Resolution No. 980326-51 approved

52. Approve a resolution authorizing execution of a contract with J.C. EVANS CONSTRUCTION COMPANY, INC., Austin, Texas, for paving of the west side of the perimeter road which serves the East Runway system at Austin-Bergstrom International Airport, in the amount of \$306,947.25, plus a contingency fund of \$30,694, for a total contract amount not to exceed \$337,641.25. (Funding was included in the 1997-98 amended Capital budget of the Aviation Department.) Low bid of eight. DBE Subcontractor Participation: 26.69% (20.20% MBE, 6.49% WBE.) [Recommended by Airport Advisory Board]

Resolution No. 980326-52 approved

53. Approve a resolution authorizing a funding increase to the Professional Service Agreement with CIGNA SPECIAL RISK FACILITIES, Irving, Texas, for additional builders' risk insurance and associated services for the West Concourse, Central Plant, and Parking Structure Construction at the Austin-Bergstrom International Airport, in the amount of \$100,000, for a total amount not to exceed \$543,801. (Funding was included in the 1997-98 amended Capital budget of the Aviation Department.) [Recommended by Airport Advisory Board]

Resolution No. 980326-53 approved

54. Approve a resolution authorizing execution of a contract with ANCHOR FENCE, New Braunfels, Texas, for the Construction of the Site Fencing Package II (North) at Austin-Bergstrom Airport, in the amount of \$125,715 plus a contingency fund of \$12,572, for a total contract amount of \$138,287. (Funding was included in the 1997-98 amended Capital budget of the Aviation Department.) Low bid of four. DBE Subcontractor Participation: 32% (32% MBE, 0% WBE.) [Recommended by Airport Advisory Board]

Resolution No. 980326-54 approved

Items 46 through 54 approved on Councilmember Lewis' motion, Mayor Pro Tem Garcia's second, 7-0 vote.

55. Approve a resolution authorizing execution of a contract with AUSTIN BRIDGE AND ROAD, Austin, Texas, for the Construction of the Fixed Base Operator Apron at Austin-Bergstrom Airport, in the amount of \$5,384,430 plus a contingency fund in the amount of \$538,443, for a total amount of \$5,922,873. (Funding was included in the 1997-98 amended Capital budget of the Aviation Department.) Single bid. DBE Subcontractor Participation: 33.72% (22.23% MBE, 11.49% WBE.) [Recommended by Airport Advisory Board]

Postponed to April 9, 1998

56. Approve a resolution authorizing execution of a contract with COM-NET SOFTWARE SPECIALTIES, INC., Miamisburg, Ohio, for the purchase and installation of a Multi-User Flight Information Display System (MUFIDS) at Austin-Bergstrom International Airport, in the amount of \$1,160,839 plus a contingency fund in the amount of \$99,518, for a total contract amount not to exceed \$1,260,357. (Funding in the amount of \$1,094,693 was included in the 1997-98 amended Capital budget of the Aviation Department. Funding in the amount of \$165,664 is contingent upon available funding in future budgets.) Low bid of four. DBE Subcontractor Participation: 39% (0% MBE, 39% WBE.) [Recommended by Airport Advisory Board]

Resolution No. 980326-56 approved on Councilmember Lewis' motion, Mayor Pro Tem Garcia's second, 7-0 vote.

57. Approve a resolution authorizing the execution of revenue-generating agreements with PARADISE-AUSTIN JOINT VENTURE, Atlanta, Georgia, and NEWS GIFTS SHOPS INTERNATIONAL-AUSTIN JOINT VENTURE, San Antonio, Texas, to operate one newsstand and one specialty retail shop each at Austin-Bergstrom International Airport. (These revenue generating concession agreements are expected to produce approximately \$4.32 million in City revenue during the five year term.) DBE Subcontractor participation: 32.44% (32.44% MBE, 0% WBE). [Recommended by Airport Advisory Board]

Postponed

Management Services

58. Approve cancellation of the April 1, 2 and April 22, 23, 1998 Council meetings, and reinstate the previously canceled April 15 & 16, 1998 meetings.

Ordinance No. 980326-D approved

Emergency Medical Services

59. Reset a public hearing on the application submitted to the Emergency Medical Services Department by Guardian Services, Inc., for a non-emergency medical transfer franchise under Chapter 6-3 of the City Code. (Suggested date and time: April 16, 1998 at 6:00 P.M.]

Approved

Fire

60. Approve a resolution authorizing an Interlocal Agreement with TRAVIS COUNTY EMERGENCY SERVICES District Number 4 for the continued provision of First Responder Fire and Emergency Medical Services to the Milwood 12-21 area for a one year period, in the amount of \$99,283.04. (Funding was included in the 1997-98 operating budget of the Fire Department.)

Resolution No. 980326-60 approved

Telecommunications and Regulatory Affairs

61. Approve third reading of an ordinance authorizing a license agreement with WorldComm Network Services, Inc., for placement of underground fiber optic cable in designated areas of the City. (Unanticipated Franchise Fee Revenue for 1997-98 is \$46,992.)

Ordinance No. 980326-E approved

Development Review and Inspection

62. Amend Ordinance 970917-A, the 1997-98 operating budget, by increasing budgeted expenses and expense refunds in the amount of \$33,000 to add one full-time equivalent (FTE) to the Austin Transportation Study staff; and authorizing one additional full-time equivalent for Development Review and Inspection. (Funding is available through the Federal Highway Administration (FHWA) grants via the Austin Transportation Study (ATS).)

Ordinance No. 980326-F approved

63. Reset a public hearing on an ordinance amending the Land Development Code definition of adult service business, and amending the regulations for such businesses. (Suggested date and time: April 16, 1998 at 7:00 p.m.)

Approved

64. C14-97-0033 - Approve second/third readings of an ordinance amending Chapter 13-2 of the Austin City Code by rezoning property locally known as 2609 Hoeke Lane, from "DR", Development Reserve to "CS-CO", General Commercial Services-Conditional Overlay District, zoning with conditions. First reading on June 26, 1997; Vote 7-0. Conditions met as follows: Conditional Overlay incorporates conditions imposed by Council at first reading. The Street Deed has been executed. Applicant: Safe Environment, Inc. (Christina Eaton). City Staff: David Wahlgren, 499-6455.

Ordinance No. 980326-G approved

65. C14-97-0149 - Approve second/third readings of an ordinance amending Chapter 13-2 of the Austin City Code by rezoning property locally known as 4408 Long Champ Drive from "I-RR",

Interim-Rural Residence District; "LA", Lake Austin Residence District; and "SF-2", Single Family Residence (standard lot) to "CR", Commercial Recreation District zoning for Tract 1 and "CS-1", Commercial Liquor Sales District zoning for Tract. First reading on February 26, 1998; Vote 6-0, Griffith - off the dais. Conditions met as follows: No conditions to be met. Applicant: City of Austin Development Review and Inspections Department. City Staff: Don Perryman, 499-2786.
Ordinance No. 980326-H approved

Items 58 through 65 approved on Councilmember Lewis' motion, Mayor Pro Tem Garcia's second, 7-0 vote.

ITEMS FROM COUNCIL

66. Approve a resolution directing the City Manager to work with the Austin Independent School District (A.I.S.D.) with regards to transportation needs for the proposed new high school site West of IH-35 along Slaughter Lane and S. First Street. (Mayor Pro Tem Gus Garcia and Councilmembers Willie Lewis and Daryl Slusher)
Resolution No. 980326-66 approved with wording added to the resolution by Mayor Pro Tem Garcia in the "BE IT RESOLVED" section:

That the City Manager is directed to work with the Austin Independent School District with regard to their transportation and traffic safety needs for the proposed new high school site West of IH-35 along Slaughter Lane and South First Street; on Mayor Pro Tem Garcia's motion, Councilmember Slusher's second, 6-0 vote, Councilmember Spelman off the dais.

67. Set a public hearing to approve a request by Randy Cunniff, Wild Club, Inc., located at 406 Brazos Street, to waive Section 8-3-4 of the City Code (minimum separation distance) between a proposed cocktail lounge (Splash Video Bar), which intends to sell alcoholic beverages and a public school, church or public hospital. Suggested date and time: April 9, 1998 at 6:00 p.m.)
Council Member Jackie Goodman)
Approved

68. Approve co-sponsorship of the International Day Without Violence Parade to be held April 4, 1998. (Councilmembers William Spelman and Jackie Goodman)
Approved

Items 67 and 68 approved on Councilmember Lewis' motion, Mayor Pro Tem Garcia's second, 7-0 vote.

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

69. C14-80-114- Public hearing to amend a restrictive covenant for property locally known as 4620 W. William Cannon. Existing zoning is "SF-6" Townhouse and Condominium Residence District. Planning Commission Recommendation: To approve the restrictive covenant amendment. Applicant: Village of Westcreek; Agent: Phillip M. Stribling. City Staff: Deborah Reyes, 499-6369.
Approved

70. C14-97-0155 - Public hearing to amend Chapter 13-2 of the Austin City Code by zoning property locally known as approx. 1600' along the east of side of Cameron Loop, north from its intersection with Davis Lane, previously known as Southland Oaks Municipal Utility District No. 1 (Cherry Creek 9), from "I-RR", Interim Rural Residence and "I-SF-2", Interim Single Family Residence (standard lot) to "RR", Rural Residence; "SF-1", Single Family Residence (large lot); "SF-2", Single Family Residence (standard lot); "SF-3", Family Residence; "SF-4A", Single Family Residence (small lot); "SF-5", Urban Family Residence; "SF-6", Townhouse and Condominium Residence; "MF-1", Multifamily Residence (limited density); "MF-2", Multifamily Residence (low density); "MF-3", Multifamily Residence (medium density); "MF-4", Multifamily Residence (moderate-high density); "NO" Neighborhood Office; "LO" Limited Office; "GO" General Office; "LR", Neighborhood Commercial; "GR", Community Commercial; "CS", General Commercial Services; and "P", Public District. Planning Commission Recommendation: To Grant "SF-2", Single Family Residence (standard lot) District; "SF-3", Family Residence District; "MF-2", Multifamily Residence (low density) District; "LR", Neighborhood Commercial District; and "P", Public District zoning with conditions. Applicant: City of Austin. Agent: Development Review and Inspection Department. City Staff: Greg Guernsey, 499-2387.

Postponed to April 30, 1998, first request by Cherry Creek Southwest Neighborhood Association.

71. C14-97-0156 - Public hearing to amend Chapter 13-2 of the Austin City Code by zoning property locally known as Approx. 1700' along the east side of Brodie Lane, Approx. 1750' north from its intersection with Slaughter Lane West, previously known as Southland Oaks Municipal Utility District No. 1 (Cherry Creek 10), from "I-RR", Interim Rural Residence and "I-SF-2", Interim Single Family Residence (standard lot) to "RR", Rural Residence; "SF-1", Single Family Residence (large lot); "SF-2", Single Family Residence (standard lot); "SF-3", Family Residence; "SF-4A", Single Family Residence (small lot); "SF-5", Urban Family Residence; "SF-6", Townhouse and Condominium Residence; "MF-1", Multifamily Residence (limited density); "MF-2", Multifamily Residence (low density); "MF-3", Multifamily Residence (medium density); "MF-4", Multifamily Residence (moderate-high density); "NO" Neighborhood Office; "LO" Limited Office; "GO" General Office; "LR", Neighborhood Commercial; "GR", Community Commercial; "CS", General Commercial Services; and "P", Public District. Planning Commission Recommendation: To Grant "RR", Rural Residence District; "SF-2", Single Family Residence (standard lot) District; "SF-4A", Single Family Residence (small lot) District; "LO" Limited Office District; "LR", Neighborhood Commercial District; and "P", Public District zoning with conditions. Applicant: City of Austin. Agent: Development Review and Inspection Department. City Staff: Greg Guernsey, 499-2387.

Postponed to April 30, 1998, first request by Cherry Creek Southwest Neighborhood Association.

72. C14-97-0157 - Public hearing to amend Chapter 13-2 of the Austin City Code by zoning property locally known as Approx. 4300' along the east and west sides of Brodie Lane, north from its intersection with Frate Barker Road, previously known as Southland Oaks Municipal Utility District No. 1 (Southland Oaks 3) from "I-RR", Interim Rural Residence and "I-SF-2", Interim Single Family Residence (standard lot) to "RR", Rural Residence; "SF-1", Single Family Residence (large lot); "SF-2", Single Family Residence (standard lot); "SF-3", Family Residence; "SF-4A", Single Family Residence (small lot); "SF-5", Urban Family Residence; "SF-6",

Townhouse and Condominium Residence; "MF-1", Multifamily Residence (limited density); "MF-2", Multifamily Residence (low density); "MF-3", Multifamily Residence (medium density); "MF-4", Multifamily Residence (moderate-high density); "NO" Neighborhood Office; "LO" Limited Office; "GO" General Office; "LR", Neighborhood Commercial; "GR", Community Commercial; "CS", General Commercial Services and "P" Public District. Planning Commission Recommendation: To Grant "SF-1" Single Family Residence (large lot) District; "SF-1-CO" Single Family Residence (large lot)-Conditional Overlay District; "SF-2", Single Family Residence (standard lot) District; "LO" Limited Office District; and "P-CO" Public District zoning with conditions. Applicant: City of Austin, Agent: Development Review and Inspections Department. City Staff: Greg Guernsey, 499-2387.

Postponed to April 9, 1998, first request, Neighborhood Association.

73. C14-98-0002 - Public hearing to amend Chapter 13-2 of the Austin City Code by zoning property locally known as 11407 Zimmerman Lane from "I-SF-2", Interim Single Family Residence (standard lot) to "MF-2", Multifamily Residence (low density). Planning Commission Recommendation: To Grant "MF-2", Multifamily Residence (low density) District zoning with conditions. Applicant: Bill L. Malone. City Staff: David Wahlgren, 499-6455.
Ordinance No. 980326-I approved MF-2 zoning with conditions as recommended by Planning Commission.

Items 69 through 73 approved on Mayor Pro Tem Garcia's motion, Councilmember Griffith's second, 6-0 vote, Councilmember Spelman off the dais.

74. C14-97-0158 - Public hearing to amend Chapter 13-2 of the Austin City Code by zoning property locally known as approx. 3300' along the west side of Mopac expressway south (Loop 1), approx. 200' north from its intersection of Slaughter Lane West; and approx. 1000' along the South Side of Convict Hill Road, west from its intersection with Beckett Road, previously known as Village of Western Oaks Municipal Utility District, from "I-RR", Interim Rural Residence and "I-SF-2", Interim Single Family Residence (standard lot) to "RR", Rural Residence; "SF-1", Single Family Residence (large lot); "SF-2", Single Family Residence (standard lot); "SF-3", Family Residence; "SF-4A", Single Family Residence (small lot); "SF-5", Urban Family Residence; "SF-6", Townhouse and Condominium Residence; "MF-1", Multifamily Residence (limited density); "MF-2", Multifamily Residence (low density); "MF-3", Multifamily Residence (medium density); "MF-4", Multifamily Residence (moderate-high density); "NO" Neighborhood Office; "LO" Limited Office; "GO" General Office; "LR", Neighborhood Commercial; "GR", Community Commercial; "CS", General Commercial Services; and "P", Public District. Planning Commission Recommendation: "RR-CO", Rural Residence-Conditional Overlay District; "SF-2-CO", Single Family Residence (standard lot)-Conditional Overlay District; "SF-4A-CO", Single Family Residence (small lot)-Conditional Overlay District; "SF-6-CO", Townhouse and Condominium Residence-Conditional Overlay District; "MF-1-CO", Multifamily Residence (limited density)-Conditional Overlay District; "LO-CO" Limited Office-Conditional Overlay District; "LR-CO", Neighborhood Commercial-Conditional Overlay District; "GR-CO", Community Commercial-Conditional Overlay District; and "P-CO", Public-Conditional Overlay District zoning with conditions. Applicant: City of Austin. Agent: Development Review and Inspection Department. City Staff: Greg Guernsey, 499-2387.

Motion to close public hearing on Mayor Pro Tem Garcia's motion, Councilmember Slusher's second, 5-0 vote, Councilmembers Goodman and Spelman off the dais.

Approved Planning commission Recommendation, first reading except for Tracts #37, 38, 39, 41 and 42 which were postponed without action to come back to Council on April 9, 1998 on Mayor Pro Tem Garcia's motion, Councilmember Griffith's second, 6-0 vote, Councilmember Spelman off the dais.

75. C14-98-0003 - Public hearing to amend Chapter 13-2 of the Austin City Code by zoning property locally known as 7808 San Felipe Blvd. from "RR", Rural Residence to "LI", Limited Industrial Services. Planning Commission Recommendation: To Grant "W/LO", Warehouse/Limited Office District zoning with conditions. Applicant: Pieratt No. 1, L. L. C. (John D. Pieratt); Agent: Jim Bennett. City Staff: David Wahlgren, 499-6455.

Approved Planning Commission recommendation, first reading only.

76. C14-98-0011 - Public hearing to amend Chapter 13-2 of the Austin City Code by zoning property locally known as 9907 Anderson Mill Road from "DR", Development Reserve to "SF-1", Single Family Residence (large lot). Planning Commission Recommendation: To Grant "SF-1", Single Family Residence (large lot) District zoning. Applicant: Mary Alice Shaw; Agent: Bob Gilfillan. City Staff: David Wahlgren, 499-6455.

Ordinance No. 980326-J approved Planning Commission recommendation.

77. SP-97-0486C - Public hearing to approve a site plan required by a restrictive covenant for property locally known as 6108 Bolm Road. Existing zoning "LI", Limited Industrial Services District. Planning Commission Recommendation: To approve the site plan. Applicant: G&M Texas, Inc. (Michael W. Girton); Agent: Insights Unlimited (David Weiss). City Staff: Ivan Naranjo, 499-2724.

Postponed to April 9, 1998 by Council.

Items 75 through 77 approved on Mayor Pro Tem Garcia's motion, Councilmember Griffith's second, 6-0 vote, Councilmember Spelman off the dais.

PUBLIC HEARINGS

78. 6:00 p.m. - Public hearing on an ordinance to amend Chapter 13-2 of the City Code to add Section 13-2-645, relating to setbacks for certain properties in a "RR" Rural Residence, "SF-1" Single Family Residence (large Lot), "SF-2" Single Family Residence (Standard Lot), "SF-3" Family Residence, "SF-4A" Single-Family Residence (Small Lot), "SF-4B" Single Family Residence (Condominium Site), "SF-5" Urban Family Residence, or "SF-6" Tonhouse and Condominium Residence Zoning District.

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

79. 6:30 p.m. - Public hearing on an ordinance zoning all territory annexed effective December

31, 1997, with the exception of territory included in the Village of Western Oaks Municipal Utility District Land Use Plan, Southland Oaks Municipal Utility District Land Use Plan; Carson Creek Section Four Subdivision, Travis County, Texas; Phase 7, Section 1, and Davenport Ranch Subdivision, Travis County, Texas; and assorted parcels proposed to be used as parkland.

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

6:45 P.M. - Public hearing on an appeal by Sinclair Black of a decision by the Building and Fire Code Board of Appeals regarding the application of Section 303.2.2.2 of the Uniform Building Code to property located at 208 West 4th Street.

With drawn by applicant

ACTION ON PUBLIC HEARINGS

81. Approve an ordinance to amend Chapter 13-2 of the City Code to add Section 13-2-645, relating to setbacks for certain properties in a "RR" Rural Residence, "SF-1" Single Family Residence (large Lot), "SF-2" Single Family Residence (Standard Lot), "SF-3" Family Residence, "SF-4A" Single-Family Residence (Small Lot), "SF-4B" Single Family Residence (Condominium Site), "SF-5" Urban Family Residence, or "SF-6" Tonhouse and Condominium Residence Zoning District. (Recommended by Planning Commission)

Ordinance No. 980326-K approved emergency passage on Mayor Pro Tem Garcia's motion, Councilmember Lewis' second, 7-0 vote.

82 Approve an ordinance zoning all territory annexed effective December 31, 1997, with the exception of territory included in the Village of Western Oaks Municipal Utility District Land Use Plan, Southland Oaks Municipal Utility District Land Use Plan; Carson Creek Section Four Subdivision, Travis County, Texas; Phase 7, Section 1, and Davenport Ranch Subdivision, Travis County, Texas; and assorted parcels proposed to be used as parkland. (Recommended by Planning Commission)

Ordinance No. 980326-L approved on Councilmember Lewis' motion, Mayor Pro Tem Garcia's second, 7-0 vote.

83. Approve or deny an appeal by Sinclair Black of a decision by the Building and Fire Code Board of Appeals regarding the application of Section 303.2.2.2 of the Uniform Building Code to property located at 208 West 4th Street.

Withdrawn by applicant

EXECUTIVE SESSION (No Public Discussion on These Items)

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.

Personnel Matters - Section 551.075

84. Discuss candidates for Municipal Court Clerk and appropriate compensation.

Private Consultation with Attorney - Section 551.071

85. Discuss legal issues relating to annexation.

86. Discuss Pelzel & Associates v. City of Austin, Cause No. 93-14549 in the Travis County District Court.

Real Property - Section 551.072

87. Discuss proposed purchase of land in the Drinking Water Protection Zone for water quality conservation purposes.

88. Discuss the purchase of 17,920 square feet of land located at 400 E. 3rd Street from Erwin P. Becker, Alice Ann Barnett and Theodor E. Becker, for the expansion of the Austin Convention Center.

ACTION ON EXECUTIVE SESSION ITEMS

89. Approve appointment of Municipal Court Clerk and establish compensation.
Postponed

90. Approve a resolution authorizing the purchase of 17,920 square feet of land located at 400 E. 3rd Street from Erwin P. Becker, Alice Ann Barnett and Theodor E. Becker, for the expansion of the Austin Convention Center.
Resolution No. 980326-90 approved an amount not to exceed \$1.2 million on Councilmember Lewis' motion, Mayor Pro Tem Garcia's second, 7-0 vote.

ADDENDUM
March 26, 1998

APPOINTMENTS

91. Central City Entertainment City Board - JOYA HAYES (CONSENSUS)

ITEMS FROM COUNCIL

92. Approve first, second, and third readings of an ordinance setting out conditions for the

development of approximately 84 acres of land located along Loop 360 between Hwy. 290 and Loop 1, generally known as the H.E. Brodie Tract, authorizing the refund of certain development fees, waiving water and wastewater capital recovery fees, and amending Chapter 13-7, Article I, Division 5 of the City Code, the Save Our Springs Initiative. (Councilmembers Daryl Slusher and Beverly Griffith)

Ordinance No. 980326-M approved

93. Direct the City Manager to develop a plan which coordinates planning policies among various political jurisdictions for Austin's roadway transportation system. (Councilmembers William Spelman, Beverly Griffith, and Jackie Goodman)

Approved

Items 91 through 93 approved on Councilmember Lewis' motion, Mayor Pro Tem Garcia's second, 7-0 vote.

EXECUTIVE SESSION - (No Public Discussion on These Items)

Executive session held at 12:30 p.m. to 1:30 p.m.

Executive session held at 3:30 p.m. to 4:12 p.m. on items 85, 86, 87 and 88.

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

94. Discuss Public Utility Commission Dockets #18513 and 18509 regarding telephone rate increase
95. Discuss City of Austin, et al. v. Federal Communications Commission, Cause No. 96-1027, U.S. Court of Appeals for the District of Columbia Circuit

ADJOURNED at 8:23 p.m. on Councilmember Slusher's motion, Councilmember Lewis' second, 7-0 vote.

Minutes for March 26, 1998, April 8, 1998 and April 9, 1998 approved, on this the 16th day of April, 1998, minutes for March 25, 1998 postponed on Mayor Pro Tem Garcia's motion, Councilmember Griffith's second, 6-0 vote, Councilmember Lewis off the dais.

RESOLUTION

WHEREAS, on January 6, 1998, the Planning commission approved a Conditional Use Permit subject to the conditions in case number SPC-97-0302A; and

WHEREAS, an appeal of the Planning commission's decision has been filed by the following individuals from the adjacent neighborhoods: Alan Tannenbaum, Larry Ley, John E. Martin, Ramon Burstyn, James Jack, and Karen Bauer, interested parties; and

WHEREAS, the appeal should be denied and the Conditional Use Permit as approved by the Planning Commission should be approved subject to the additional conditions; NOW, THEREFORE,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

That the appeal of the Planning Commission's decision to approve a Conditional Use Permit with conditions for the Dell Jewish Community Center in case number SPC-97-0302A is denied and the Conditional Use Permit as approved by the Planning Commission is granted subject to the additional following conditions:

1. Within 20 days of the Council's decision on the appeal of the Jewish Community Center site plan, the applicant shall submit for Staff approval a schedule of development that is projected to generate no more than 3,800 vehicle trips per day which schedule shall be updated with the City semi annually. Within one year of the completion of the development contained within the schedule, the City of Austin will conduct a traffic count to verify that actual traffic generated by the project does not exceed the projected traffic. If the actual count does not exceed the projected count, building permits may be issued for the remainder of the site plan up to a maximum of 4, 264 vehicle trips per day. If the actual count does exceed the projected count, the Applicant must modify the proposed development to show that total traffic will not exceed 4, 264 vehicle trips per day before additional building permits may be issued for the site.
2. The fifty foot (50') vegetative buffer included in the Planning commission approval shall be decreased to that required by the compatibility standards of the Code of the City of Austin in the following areas:
 - (a) in northern section of Lot 1 to the extent necessary to place a private drive (no parking) north of Tree #505 to protect and preserve said tree; and
 - (b) along the southern boundary of Lots 2 and 4.

In all other areas abutting residential structures, the vegetative buffer shall be fifty feet (50') unless otherwise agreed to by the owner of the abutting residential use.

3. The access to Firestone will be closed to traffic, except for emergency vehicles from 7:00 a.m. until 8:30 a.m. Monday through Friday, until a traffic light is installed at Chimney corners and Far West.
4. The Dell Jewish Community Center and the NWACA shall execute all appropriate agreements necessary to reflect the accommodations contained in items 2, 3, 4, 5, 7, 8, 9, 12, 13 14, 17, 18, 19, 28, 29, and 30 as shown in Exhibit "A" attached to this Resolution.
5. If the City, upon request of any property owner within 500 feet of the site, or upon request of the Northwest Austin Civil Association ("NWACA"), determines that the average total vehicle trips per day (measured as an average on weekdays using methods agreed upon by the City and the Applicant) exceeds 4,264 vehicle trip per day ("VTPD"), then NWACA or the property owner within 500 feet may invoke non-binding mediation. Only NWACA and the Applicant shall have party status.
 - a. The Mediator shall be agreed upon by the parties, or, if no single Mediator is agreed upon by the parties, the applicant and NWACA shall each appoint one mediator who shall jointly select a third Mediator.
 - b. In the event that mediation is unsuccessful, the City and the Applicant shall enter into binding arbitration. In that case the Texas Arbitration Act shall apply and the decision of the Arbitrator shall be final and binding as provided in the Act; except that the Arbitrator may reconsider his or her decision for any reason including reconsideration of the merits of the controversy, upon written request of a party within 10 days of the Arbitrator's ruling. Only the City and the Applicant shall be parties to the arbitration.
 - c. The arbitration agreement to be entered into by Applicant and the City shall include a list of approved measures the arbitrator(s) may impose in order to reduce total VTPD to 4, 264. Nothing shall prohibit the City and the Applicant from settling the issues raised prior to arbitration.
 - d. The terms of section five requiring binding arbitration agreement shall not exceed 20 years from date of passage of the resolution (3-26-98).
 - e. The arbitration remedies shall not include any claim for damages or attorney's fees. Each party shall bear its own costs. Arbitrator(s) fees shall be split equally.
 - f. The stated goal of any arbitration under this agreement shall be to reduce total VTPD to the level set out in the site plan, while imposing the least intrusive restriction on the applicant.