



## Austin City Council MINUTES

REGULAR MEETING  
THURSDAY, OCTOBER 1, 1998

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

1. Approval of Minutes for Regular Meetings of Worksession of September 9, 1998, Regular Meeting of September 10, 1998, and Special Called Meetings of September 14, 15, & 16, 1998.  
Approved on Councilmember Slusher's motion, Councilmember Goodman's second, 6-0 vote, Mayor Pro Tem Garcia off the dais.

### CITIZEN COMMUNICATIONS: GENERAL

2. Richard R. Troxell, homeless issues in Austin.
3. Ann Ciccolella, Pro Arts for Austin!
4. Gus Pena, to discuss City issues and after effects of the 1998-99 City budget.
5. Frank D. Bartlett  
**Absent**
6. Robert Donley, to discuss neighborhood.  
**Absent**
7. David R. Schroeder, a mega development west of town with black roofs wasting tons of electricity.  
**Absent**
8. Joe Quintero  
**Absent**
9. John Kunkel
10. Tommy Eden, to determine when City Council will consider action on Planning Commission resolution of July 7, 1998, concerning midblock pedestrian crosswalks.
11. Joseph Chalko-Bush, to discuss abuse of ADA.
12. Bill Basinger

### READING OF CONSENT AGENDA

### READING OF DISCUSSION AGENDA

## CITIZEN COMMUNICATIONS: CONSENT AGENDA

### ACTION ON CONSENT AGENDA

#### Finance and Administrative Services

13. Approve a resolution authorizing execution of a twelve month supply agreement with NAFECO/WILSON FIRE, New Braunfels, Texas, for the purchase of firefighter trousers and coats, in an amount not to exceed \$158,000.75 with two twelve month extension options in an amount not to exceed \$158,000.75 per extension, for a total contract amount not to exceed \$474,002.25. (Funding was included in the 1998-99 Approved Operating budget of the Fire Department. Funding for the extension options is contingent upon available funding in future budgets.) Low bid of five. No M/WBE Subcontracting opportunities were identified.

**Resolution No. 981001-13 approved on Councilmember Spelman's motion, Mayor Pro Tem Garcia's second, 7-0 vote.**

14. Approve a resolution authorizing execution of a twelve month supply agreement with the following six firms: A-1 QUALITY BLUEPRINT AND FAST COPY, Austin, Texas; GINNY'S COPYING SERVICE, INC., (WBE/FR), Austin, Texas; SPEEDY'S PRINTING (MBE/MH), Austin, Texas; IKON DOCUMENT SERVICES, Austin, Texas; PROTO PRINTING (WBE/FR), Austin, Texas; and PRINT MAX, Richardson, Texas, to provide flat sheet printing services for all City Departments, in an amount not to exceed \$187,000 per contract with the option to extend for two additional twelve month periods in an amount not to exceed \$187,000 per extension, for a total contract amounts not to exceed \$561,000 per contract. (Funding was included in the 1998-99 Operating budget for all City Departments. Funding for the remainder of the contract and the extension options is contingent upon available funding in future budgets.) Low bids of nine. No M/WBE Subcontracting opportunities were identified.

**Resolution No. 981001-14 approved on Councilmember Lewis' motion, Councilmember Spelman's second, 7-0 vote.**

15. Approve a resolution authorizing execution of a twelve month contract with the following three firms: (1) CLIMATE MECHANICAL, INC., Austin, Texas; (2) OSGOOD HEATING & AIR, Austin, Texas; and (3) VALDEZ REMODELING (MBE/FH), Austin, Texas, to provide weatherization services to an estimated 540 single family homes and duplexes for low-income, elderly or disabled Austin Energy customers, in an amount not to exceed \$185,000 each, with the option to extend for one twelve month period in an amount not to exceed \$185,000 each, for total contract amounts not to exceed \$370,000 per contract. (Funding in the amount of \$555,000 will be included in the 1998-99 Operating budget of the Conservation Rebates and Incentive Fund of the Planning, Environmental and Conservation Services Department. Funding for the extension options is contingent upon available funding in future budgets.) Three bids received. No M/WBE Subcontracting opportunities were identified.

**Resolution No. 981001-15 approved**

16. Approve a resolution authorizing execution of a contract with NORITSU AMERICA CORPORATION, Tysons Corner, Virginia, for the purchase of a replacement photo processing system for the Police Department, in an amount not to exceed \$106,250. (Funding is included in the 1997 Local Law

Enforcement Block Grant Program of the Police Department.) Single bid. No M/WBE Subcontracting opportunities were identified.

**Resolution No. 981001-16 approved**

**Items 15 and 16 approved on Councilmember Spelman's motion, Mayor Pro Tem Garcia's second, 7-0 vote.**

17. Approve a resolution authorizing negotiation and execution of a six month contract with WESTIN ENGINEERING, INC., Austin, Texas, to develop and implement a strategic Information Technology Master Plan for the City's Water and Wastewater Utility to provide integration of different technologies and enhance data sharing capabilities within the Utility, in an amount not to exceed \$157,749. (Funding was included in the 1997-98 Amended Capital budget of the Water and Wastewater Utility.) Best proposal of ten. 14.3% MBE, 15.2% WBE Subcontractor participation. [Recommended by Water and Wastewater Commission]

**Resolution No. 981001-17 approved on Councilmember Spelman's motion, Councilmember Slusher's second, 7-0 vote.**

18. Approve a resolution authorizing execution of a construction contract with NATIONAL ENVIRONMENTAL SERVICE COMPANY, San Antonio, Texas, for the reconstruction/upgrading of underground refueling facilities at seven fire stations; relocation and upgrading of an above ground 1000 gallon fuel tank from Fire Station #34 at Harris Branch Parkway to the new Fire/EMS Station #37 (Hwy 183/620); and the construction of above ground 1000 gallon diesel and gasoline diesel fuel storage/refueling tanks with associated equipment at two locations at the Austin-Bergstrom International Airport, in the amount of \$495,814. (Funding in the amount of \$276,105 is available in the 1997-98 Capital budget of the Financial and Administrative Service Department; \$39,150 is available in the 1997-98 Amended Capital budget of the Fire Department; \$180,559 is available in the 1997-98 Amended Capital budget of the Aviation Department.) Low bid of three. 1.0% MBE, .10% WBE Subcontractor participation

**Resolution No. 981001-18 approved**

19. Approve a resolution authorizing execution of a twelve month service agreement with AGUIRRIE PAINT & BODY, INC., (MBE/MH) Austin, Texas, for body repairs and repainting of fire emergency vehicles, in an amount not to exceed \$100,000 with two twelve month extension options in an amount not to exceed \$100,000 per extension, for a total contract amount not to exceed \$300,000. (Funding was included in the 1998-99 operating budget of the Fire Department. Funding for the extension options is contingent upon available funding in future budgets.) Single bid. No M/WBE Subcontracting opportunities were identified.

**Resolution No. 981001-19 approved**

**Items 18 and 19 approved on Councilmember Spelman's motion, Mayor Pro Tem Garcia's second, 7-0 vote.**

20. Approve a resolution authorizing execution of a construction contract with TECOM UST SYSTEMS, INC., Austin, Texas, for reconstruction of the existing vehicle fuel facilities at Kramer Lane Service Center and Koenig Lane Service Center, and construction of a new propane fuel station at EMS Station No. 5, located at 5710 North Lamar Boulevard, in the amount of \$605,944. (Funding was included in the 1997-98 amended Capital Budget of the Finance and Administrative Services Department.) Low bid of five. 1.68% MBE, 0.35% WBE Subcontractor participation.

Resolution No. 981001-20 approved on Councilmember Lewis' motion, Councilmember Garcia's second, 7-0 vote.

### Public Works

21. Approve a resolution authorizing execution of a construction contract with AUSTIN FILTER SYSTEMS, INC., Austin, Texas, for sidewalk improvements to the 200 block of Congress Avenue, in the amount of \$593,000 plus \$59,300 as a contingency fund for change orders, for a total contract amount not to exceed \$652,300. (Funding is available in the 1991-92 Amended Capital budget of the Public Works and Transportation Department.) Second Low bid of three. 6.43% MBE, 10.67% WBE Subcontractor participation.

Postponed to October 7, 1998 on Councilmember Spelman's motion, Mayor Pro Tem Garcia's second, 7-0 vote.

22. Approve a resolution authorizing execution of a construction contract with AUSTIN FILTER SYSTEMS, INC., Austin, Texas, for construction of railroad tracks on East 4<sup>th</sup> Street from Red River to Trinity Street, in the amount of \$70,602. (Funding is available in the 1996-97 Amended Capital budget of the Public Works and Transportation Department.) Low bid of five. 2.50% MBE, 14.21% WBE Subcontractor participation.

Resolution No. 981001-22 approved on Councilmember Lewis' motion, Councilmember Garcia's second, 7-0 vote.

23. Approve a resolution authorizing execution of a construction contract with MUNIZ CONCRETE & CONTRACTING, INC., (MBE/MH), Austin, Texas, for construction of neighborhood traffic calming devices (traffic circles, speed cushions, chicanes, center medians and intersection neckdowns, etc.) in four of the five neighborhood pilot areas, in the amount of \$472,547.75. (Funding was included in the 1997-98 Amended Capital budget of the Public Works and Transportation Department.) Low bid of two. 91.60% MBE Prime participation. 0% MBE, 8.40% WBE Subcontractor participation.

Resolution No. 981001-23 approved

24. Approve a resolution authorizing execution of a twelve month service agreement with BURNUP & SIMS OF TEXAS, INC., Austin, Texas, to build, upgrade and maintain existing traffic signals, in an amount not to exceed \$637,797.17 with two twelve month extension options in an amount not to exceed \$637,797.17 per extension, for a total contract amount not to exceed \$1,913,391.51. (Funding was included in the 1998-99 Operating budget of the Public Works and Transportation Department. Funding for the extension options is contingent upon available funding in future budgets.) Low bid of two. No M/WBE Subcontracting opportunities were identified.

Resolution No. 981001-24 approved

### Water and Wastewater

25. Approve a resolution authorizing execution of a construction contract with SCHROEDER CONSTRUCTION COMPANY, Austin, Texas, for construction of water and wastewater services to the Coxville annexation area, in an amount not to exceed \$440,034.03. (Funding is available in the 1995-96 Amended Capital budget of the Water and Wastewater Utility.) Low bid of four. 2.50% MBE, 8.54% WBE Subcontractor participation. [Recommended by Water and Wastewater Commission]

Health and Human Services

26. Approve a resolution authorizing negotiation and execution of a five month contract with PARTNERSHIP FOR COMMUNITY HEALTH, INC., New York, New York, for an assessment of community needs and service delivery systems for HIV/AIDS in the Austin Health Services Delivery Area as defined under the Ryan White CARE Act grant, in an amount not to exceed \$119,270. (Funding is included in the 1997-98 Special Revenue Fund budget of the Health and Human Services Department, Ryan White Title I grant.) Best proposal of three. No M/WBE Subcontracting opportunities were identified.

Resolution No. 981001-26 approved

Law

27. Approve a resolution authorizing the filing of eminent domain proceedings to acquire the fee simple interest in five acres of land, and a 704 square foot house, situated in Lot 11, Block "A", of the River Valley Estates Subdivision in Travis County, Texas, owned by Paul J. Merrick and wife, Betty Merrick for the South Austin Regional Wastewater Treatment Plant, (Appraised value is \$67,000. Funding was included in the 1997-98 Amended Capital budget of the Water and Wastewater Department.)

Resolution No. 981001-27 approved

28. Approve a resolution authorizing payment to Scott, Douglass & McConnico, for legal fees and expenses in connection with Circle C Land Corp. v. City of Austin, in the amount of up to \$200,000. (Funding is available in the Liability Reserve Fund.)

Resolution No. 981001-28 approved

29. Approve a resolution authorizing payment to Scott Douglas & McConnico, George Donaldson & Ford, Mithoff & Jacks, Karl Bayer and Pam Baron (MBE/FR) for legal fees and expenses in connection with City of Austin v. Horse Thief Hollow Ranch, Ltd., et al, Cause No. 98-00248 and L.S. Ranch, et al vs. City of Austin, Texas, Cause No. 97-1048, in for legal fees and expenses in the amount of up to an additional \$265,000. (Funding is available in the Strategic Partnership Fund.)

Resolution No. 981001-29 approved

Items 23 through 29 approved on Councilmember Spelman's motion, Mayor Pro Tem Garcia's second, 7-0 vote.

Fire

30. Approve a resolution authorizing execution of a construction contract with BRAUN AND BUTLER CONSTRUCTION, INC., Austin, Texas, for construction of the Fire/EMS Station located at 10111 Anderson Mill Road, in the amount of \$1,610,000. (Funding is available in the 1997-98 Amended Capital budget of the Fire Department.) Low bid of four. 11.85% MBE, 5.37% WBE Subcontractor participation.

Postponed to October 8, 1998 on Councilmember Lewis' motion, Councilmember Garcia's second, 7-0 vote.

### Parks and Recreation

31. Approve a resolution authorizing ratification of an amendment to the Professional Services Agreement with ROBINSON + MORALES, ARCHITECTS (MBE/MH), Austin, Texas, for design of an 80' clear span bridge over Country Club Creek to replace the previously designed 40' box culvert structure as part of the Montopolis Sports Complex Project, in the amount of \$65,000, for a total contract amount not to exceed \$331,255. (Funding is included in the 1997-98 Amended Capital budget of the Parks and Recreation Department.) 17.8% MBE Prime participation. 0% MBE, 80.7% WBE Subconsultant participation.  
**Resolution No. 981001-31 approved**

### Solid Waste Services

32. Approve a resolution authorizing execution of a twelve month contract with WAUKESHA-PEARCE INDUSTRIES, INC., Austin, Texas, for the lease of a motor grader to be used at the FM 812 Landfill, in an amount not to exceed \$43,200 with two twelve month extension options in an amount not to exceed \$43,200 per extension option, for a total amount of \$129,600. (Funding was included in the 1998-99 operating budget of the Solid Waste Services Department. Funding for the remainder of the contract and the extension options is contingent upon available funding in future budgets.) Low bid of three. No M/WBE Subcontracting opportunities were identified.  
**Resolution No. 981001-32 approved**

### Aviation

33. Approve a resolution authorizing execution of a contract with PELZEL & ASSOCIATES, (DBE/FH), Austin, Texas, for renovation of the Communications Building Renovation Phase II, at Austin-Bergstrom International Airport, in the amount of \$514,226 plus a contingency fund of \$77,134 for a total contract amount not to exceed \$591,360. (Funding is included in the 1997-98 Capital budget of the Aviation Department.) Low bid of five. 22.3% Prime DBE participation; 2.2% MBE, 0% WBE Subcontractor participation. [Recommended by Airport Advisory Board ]  
**Resolution No. 981001-33 approved**
34. Approve a resolution authorizing execution of a contract with HILMAN CONSTRUCTORS, INC., Austin, Texas, for construction of Building Maintenance Shops and Central Stores additions and renovations at Austin-Bergstrom International Airport, in the amount of \$1,963,000, plus a contingency fund in the amount of \$294,450, for a total contract amount not to exceed \$2,257,450. (Funding was included in the 1998-99 Capital Budget for Aviation.) Low bid of three. DBE Participation: 19.6% MBE, 0.8% WBE Subcontractor participation. [Recommended by Airport Advisory Board ]  
**Resolution No. 981001-34 approved**

Items 31 through 34 approved on Councilmember Spelman's motion, Mayor Pro Tem Garcia's second, 7-0 vote.

Motion to recess Council meeting and call the Board of Director's Meeting of the Austin-Bergstrom international Airport Development Corporation on Councilmember Garcia's motion, Councilmember Slusher's second, 7-0 vote.

### 3:30 P.M. – BOARD OF DIRECTOR'S MEETING OF THE AUSTIN-BERGSTROM INTERNATIONAL AIRPORT (ABIA) DEVELOPMENT CORPORATION

The Mayor will recess the City Council meeting. A Board meeting of the Austin-Bergstrom International Airport (ABIA) Development Corporation will be conducted. Following adjournment of the ABIA Board meeting, the City Council will be reconvened. Items 35-36 are the ABIA items to be considered by the Austin-Bergstrom International Airport (ABIA) Development Corporation's Board of Directors.

35. Public hearing on the issuance of ABIA Development Corporation Airport Facilities Revenue Bonds (Austin Bellyport Development L.L.C. Project) Tax-exempt Series 1998A and Taxable Series 1998B.
36. Approve a resolution authorizing the issuance of Airport Facilities Revenue Bonds (Austin Bellyport Development L.L.C. Project) Tax-exempt Series 1998A in the amount of \$8,200,000 and Taxable Series 1998B in the amount of \$250,000, and approving documents.

Adjourned ABIA Development Corporation meeting at 4:22 p.m. on Boardmember Lewis' motion, Boardmember Slusher's second, 7-0 vote.

Motion to recess ABIA meeting at 4:22 p.m. and call Council Meeting back into session on Boardmember Lewis' motion, Boardmember Slusher's second, 7-0 vote.

### Finance and Administrative Services

37. Approve a resolution authorizing the issuance by ABIA Development Corporation of Airport Facilities Revenue Bonds, (Austin Bellyport Development L.L.C. Project) Tax-exempt Series 1998A in the amount of \$8,200,000, and Taxable Series 1998B in an amount not to exceed \$250,000.  
Pulled off agenda

### Development Review and Inspection

38. C14-98-0046 - Approve second/third readings of an ordinance amending Chapter 13-2 of the Austin City Code zoning property locally known as 800' West of Parmer Lane & Dessau Road intersection from "DR", Development Reserve, to "GR-CO", Community Commercial-Conditional Overlay District zoning with conditions. First reading on August 13, 1998; Vote 6-0, Garcia absent. Conditions met as follows: Conditional overlay incorporates conditions imposed by Council at first reading. Applicant: Capital City Christian Church (Truman Whitaker); Agent: Republic Commercial Properties (Doug Hodge); City Staff: Susan Villarreal, 499-6319.  
Postponed to October 22, 1998, applicant's request

39. C14-98-0051 - Approve second/third readings for an ordinance amending Chapter 13-2 of the Austin City Code by rezoning property locally known as 11558 Spicewood Parkway, from "I-RR", Interim Rural Residence to "SF-6-CO", Townhouse and Condominium Residence-Conditional Overlay District zoning with conditions. First reading on September 3, 1998; Vote 7-0. Conditions met as follows: Conditional overlay incorporates conditions imposed by Council at first reading. Applicant: Churchill Development Corp. (A.J. Price); Agent: Garrett/Associates, Inc. (Michael Simmons-Smith). City Staff: David Wahlgren, 499-6455.

**Ordinance No. 981001-A approved**

40. C14-98-0069 - Approve second/third readings of an ordinance amending Chapter 13-2 of the Austin City Code zoning property locally known as 1315 to 1429 Wells Branch Parkway, from "I-RR", Interim Rural Residence to "CS-CO", General Commercial Services-Conditional Overlay District zoning with conditions. First reading on August 13, 1998; Vote 6-0, Garcia absent. Conditions met as follows: Conditional overlay incorporates conditions imposed by Council on first reading. Applicant: C. Aubrey Smith, Jr., Steve & Michele Turnquist; By: Jim Bennett. City Staff: David Wahlgren, 499-6455.

**Ordinance No. 981001-B approved**

**Items 38 and 40 approved on Councilmember Spelman's motion, Mayor Pro Tem Garcia's second, 7-0 vote.**

41. C14-98-0075 - Approve second/third readings of an ordinance amending Chapter 13-2 of the Austin City Code zoning property locally known as 6108 Bolm Road from "LI", Limited Industrial Services District to "LR-MU CO" Neighborhood Retail-Mixed Use-Conditional Overlay District zoning with conditions. First reading on September 3, 1998; Vote 7-0. Conditions met as follows: Conditional overlay incorporates conditions imposed by Council on first reading. Applicant: G&M Texas, Inc. (Michael W. Gorton); City Staff: Susan Villarreal, 499-6319.

**Postponed to November 19, 1998 on Councilmember Garcia's motion, Councilmember Lewis' second, 7-0 vote.**

42. C14-98-0044 - Approve second/third readings of an ordinance amending Chapter 13-2 of the Austin City Code zoning property locally known as 9400 Lampasas Trail from "I-RR", Interim-Rural Residence District to "RR-CO", Single Family Rural Residential Conditional Overlay (large lot) District zoning with conditions. First reading on September 10, 1998; Vote 6-0, Watson Absent. Conditions met as follows: Conditional overlay incorporates conditions imposed by Council on first reading. Applicant: City of Austin; Agent: Development Review and Inspection Department. City Staff: David Wahlgren, 499-6455.

**Postponed to November 5, 1998, owner should look at mitigating 50% or more of runoff, on Councilmember Spelman's motion, Councilmember Griffith's second, 7-0 vote.**

#### **ITEMS FROM COUNCIL**

43. Staff briefing on Vision Village. (Councilmember Willie Lewis)  
**Presentation given by Paul Hilgers, no action taken.**
44. Approve a resolution to include the University Hills Branch Library HVAC and Interior Improvement Project in the Proposed 1999-2000 Capital Improvement Plan, in the amount of \$480,000. (Councilmembers Willie Lewis, Beverly Griffith and Jackie Goodman)



Resolution No. 981001-44 approved on Councilmember Spelman's motion, Mayor Pro Tem Garcia's second, 7-0 vote.

45. Approve the appointment of Councilmember Jackie Goodman to the position of Mayor Pro Tem and accept the resignation of Councilmember Gus Garcia from the position of Mayor Pro Tem. (Mayor Pro Tem Gus Garcia)

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

46. Approve an ordinance granting fee waivers for Austin Habitat for Humanity's development of 24 single-family lots for low income housing in Montopolis (Mary Vice Estates), in the amount of

\$93,817.63. (Mayor Pro Tem Gus Garcia and Councilmembers Jackie Goodman and Willie Lewis)

**Approved first reading only**

47. Approve a resolution authorizing application of a State Infrastructure Bank loan in the amount of \$4 million for S.H. 71 east and U.S. 183 North to be totally repaid by the Austin Transportation Study. (Mayor Kirk Watson and Councilmembers Daryl Slusher and Jackie Goodman)

**Resolution No. 981001-47 approved**

48. Approve a resolution directing the City Manager to pursue all available means to implement Telework as an option for the City of Austin to utilize the guidelines in the Telework Pilot Project. (Council Committee for Telecommunications and Infrastructure)

**Resolution No. 981001-48 approved**

**Items 46 through 48 approved on Councilmember Spelman's motion, Mayor Pro Tem Garcia's second, 7-0 vote.**

49. Approve a resolution directing the City Manager to negotiate with Time Warner to reexamine the proposal to relocate the AISD channel with a view of maintaining AISD's current channel placement. (Recommended by Council Committee for Telecommunications and Infrastructure)

**Resolution No. 981001-49 approved on Councilmember Garcia's motion, Councilmember Spelman's second, 7-0 vote.**

50. Approve a resolution adopting the Information Management and Technology Commission's report "The Report on the Current State of Technology: City of Austin, April 6, 1998," and direct the City Manager to report back in 30 days with a feasibility assessment and implementation plan to execute the Commission's recommendations. (Councilmember William Spelman and Mayor Pro-Tem Gus Garcia)

**Resolution No. 981001-50 approved with the report from the City Manager to come back in 60 days on Councilmember Spelman's motion, Mayor Pro Tem Garcia's second, 7-0 vote.**

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

51. C14-85-314 & C14-85-322 - Public hearing to amend Chapter 13-2 of the Austin City Code by amending a restrictive covenant for the property locally known as East Yager Lane and North IH-35 Service Road (northbound). Existing zoning "CH", Commercial Highway, "LR", Neighborhood Commercial, "GR", Community Commercial, "GO", General Office, "CS", General Commercial Services, "LI", Limited Industrial Services, "MF-2", Multifamily Residence (low density), and "RR",

Rural Residence District zoning. Planning Commission Recommendation: To Approve the Restrictive Covenant Amendment. Applicant: Metrotech; Agent: Quentin Corporation (Paul Juarez). City Staff: David Wahlgren, 499-6455.

**Approved Planning Commission recommendation**

52. C14-88-0077 - Public hearing to amend Chapter 13-2 of the Austin City Code by amending a restrictive covenant for the property locally known as North I-H 35 Service Road (South Bound) at Parmer Lane. Existing zoning: "CH-CO", Commercial Highway-Conditional Overlay, "GR-CO", Community Commercial-Conditional Overlay, and "LO", Limited Office. planning Commission Recommendation: To Approve the Restrictive Covenant Amendment. Applicant: Park Central Venture, L.L.C.; Agent: Jim Nais. City Staff: Don Perryman, 499-2786.  
**Postponed to October 8, 1998, staff request, restrictive covenant has not been executed**

**Items 51 and 52 approved on Councilmember Slusher's motion, Councilmember Spelman's second, 7-0 vote.**

53. C14-98-0074 - Public hearing to amend Chapter 13-2 of the Austin City Code by zoning property locally known as 1610 E. 4th Street and 1202 E. 7th Street, from "CS", General Commercial Services, to "CS-MU-CURE", General Commercial Services-Mixed Use-Central Urban Redevelopment Combining District zoning (Tract A); and from "GR", Community Commercial, "SF-3", Family Residence, to "SF-3-CURE", Family Residence-Central Urban Redevelopment Combining District zoning (Tract B). Planning Commission Recommendation: To grant "CS-MU-CURE", General Commercial Services-Mixed Use-Central Urban Redevelopment Combining District zoning (Tract A); and from "GR", Community Commercial and "SF-3", Family Residence, to "SF-3-CURE", Family Residence-Central Urban Redevelopment Combining District zoning (Tract B), with conditions. Applicant: City of Austin; Agent: Development Review and Inspection Department; City Staff: Susan Villarreal, 499-6319.

**Ordinance No. 981001-C approved Planning Commission recommendation**

54. C14-98-0113 - Public hearing to amend Chapter 13-2 of the Austin City Code by zoning property locally known as 811 South Lamar Boulevard from "SF-3", Family Residence District to "GR", Community Commercial District. Planning Commission Recommendation: To Approve "GR", Community Commercial and "RR", Rural Residence District zoning. Applicant: Annie Rice. City Staff: Antonio Gonzalez, 499-2243.

**Approved Planning Commission recommendation, first reading only**

**Items 53 and 54 approved on Councilmember Slusher's motion, Councilmember Spelman's second, 7-0 vote.**

55. C14-98-0018 - Public hearing to amend Chapter 13-2 of the Austin City Code by zoning property locally known as 1706 West 6th Street from "SF-3", Family Residence to "LO-MU", Limited Office-Mixed Use. Planning Commission Recommendation: To grant "NO-MU-CO", Neighborhood Office-Mixed Use-Conditional Overlay District zoning with conditions. Applicant: Oxford Custom Homes, Inc. (Rick Linda); Agent: Austin Permit Service (Melissa Whaley). City Staff: Don Perryman, 499-2786. (Continued from 6/25/98, 8/13/98, 8/20/98 and 9/10/98) Note: A valid petition has been filed in opposition to this rezoning request.

**Closed public hearing on Councilmember Spelman's motion, Councilmember Griffith's second, 7-0 vote.**

Approved on Councilmember Spelman's motion,

Motion fails for lack of second.

Motion to deny by Mayor Pro Tem Goodman, Mayor Watson's second, 6-1 vote, Councilmember Spelman voting "NO".

56. C14-98-0091 - Public hearing to amend Chapter 13-2 of the Austin City Code by zoning property locally known as Old Bee Caves Road and Weir Loop Circle from "I-RR", Interim-Rural Residence District to "MH", Mobile Home Residence District zoning. Planning Commission Recommendation: To Grant "MH-CO", Mobile Home Residence-Conditional Overlay District zoning with conditions. Applicant: Travis Star Corporation (Mac Spelman); Agent: A. R. Thrower Design (Ron Thrower). City Staff: Susan Villarreal, 499-6319. (continued from 9/10/98)  
Closed public hearing on Councilmember Slusher's motion, Councilmember Griffith's second, 6-0 vote, Councilmember Lewis off the dais.  
Approved Planning Commission recommendation on first reading only: (1. How are mobile home parks taxed? i.e. owned unit vs rented land?; (2. Where and how will children get to school-which school? (3. How many school age children anticipate? (4. What is the status IP tract to the north-is it subject to SOS?), on Councilmember Slusher's motion, Mayor Watson's second, 5-2 vote, Councilmembers Griffith and Lewis voting "NO".

#### PUBLIC HEARINGS

57. 6:00 P.M. - Public hearing on an appeal by Ms. Susan Littleton of the Planning Commission's decision to approve a Conditional Use Permit for the Slick Willie's Family Billiard Hall located at 1509 South Lamar Blvd. File #SPC-97-0415C.

Postponed by applicant

#### ACTION ON PUBLIC HEARINGS

58. Approve/deny an appeal by Ms. Susan Littleton of the Planning Commission's decision to approve a Conditional Use Permit for the Slick Willie's Family Billiard Hall located at 1509 South Lamar Blvd. File #SPC-97-0415C.  
Postponed  
Items 57 and 58 postponed to October 8, 1998 @ 7:00 p.m. on Councilmember Slusher's motion, Councilmember Spelman's second, 7-0 vote.

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

Executive session held at 12:20 p.m. to 1:35 p.m.

Executive session held at 6:45 p.m. to 9:10 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**

59. Discuss L.S. Ranch, Ltd., et al v. City of Austin, CA No. 97-13994, Travis County District Court.
60. Discuss, Circle C Land Corp. v. City of Austin, Cause No. 97-13994, 53rd Judicial District of Travis County.
61. Discuss City of Austin v. Horse Thief Hollow Ranch, Ltd., et al, CA. No. 98-00248, Travis County District Court.
62. Discuss Greater Austin Chamber of Commerce, et al. v. City of Austin, Cause No. A 98 CA 597-SS, United States District Court for the Western District of Texas.
63. Discuss Richard Polley and Suzanne Polley v. The City of Austin and Officer Mark Balagia, Cause No. 92-06577, Travis County District Court.
64. Discuss Gordon Dunaway and Eli J. Garza vs. City of Austin, Cause No. 97-12434, in the 261<sup>st</sup> Judicial District Court of Travis County, Texas.
65. Discuss IBC Partners, Ltd., a Texas Limited Partnership, and Foster Family Land, Ltd., a Texas Limited Partnership, The City of Austin, et al., Cause No. 97-05393, in the Travis County District Court.

#### **Real Property – Section 551.072**

66. Discuss acquisition of approximately 3,266.23 acres from (1) Ira Jon Yates (389.41 acres), (2) John Young Paschall, Richard F. Paschall, Lois Y. Paschall and Mary Alice Pashall Mann [143.336 acres] (3) Edwards Crossing, A Texas General Partnership [82.354 acres]; (4) Kenneth A. McClure [183.29 acres]; (5) Thomas M. Reavley [99.039 acres]; (6) Amelia Mettke, Ursula Kutra, Charlene Klaus, Annie Heilscher and Carl Heilsher [237.401 acres]; (7) Hays County Ranch, Ltd., a Texas Limited Partnership [1,325 acres]; (8) KrasovecReunion Hays County Joint Venture (512.1 acres); (9) Lila Calhoun, Loveta Jordan, Lesa Calhoun, L.Ray Calhoun, Lex Calhoun, Lana Larsen, Linda Heller, Luta Bulgerin [163.7 acres]; (10) Lady Bird Johnson Wildflower Center [50 acres], and (11) Tina Trochta-Lancaster [80.60 acres], to protect a portion of the City's water supply pursuant to the May 2, 1998 Bond Election, Proposition 2.

#### **ACTION ON THE FOLLOWING**

67. Approve settlement of Gordon Dunaway and Eli J. Garza vs. City of Austin, Cause No. 97-12434, in the 261<sup>st</sup> Judicial District Court of Travis County, Texas.  
**No action taken**

68. Approve settlement of Richard Polley and Suzanne Polley v. The City of Austin and Officer Mark Balagia, Cause No. 92-06577, Travis County District Court.  
**Approved in an amount not to exceed \$65,000 on Councilmember Spelman's motion, Mayor Pro Tem Garcia's second, 7-0 vote.**
69. Approve execution of an amendment to the contract with Wiseman, Durst, Tuddenbam & Owens to increase the amount of attorney fees by \$29,579. 15, for a total contract amount not to exceed \$64,579.15 for legal services in IBC Partners, Ltd., a Texas Limited Partnership, and Foster Family Land, Ltd., a Texas Limited Partnership, The City of Austin, et al., Cause No. 97-05393, in the Travis County District Court.  
**Approved on Mayor Pro Tem Goodman's motion, Councilmember Garcia's second, 7-0 vote.**
70. Authorize negotiation and execution of eleven contracts for the acquisition of approximately 3,266.23 acres from (1) Ira Jon Yates [389.41 acres], (2) John Young Paschall, Richard F. Paschall, Lois Y. Paschall and Mary Alice Pashall Mann [143.336 acres] (3) Edwards Crossing, A Texas General Partnership [82.354 acres]; (4) Kenneth A. McClure [183.29 acres]; (5) Thomas M. Reavley [99.039 acres]; (6) Amelia Mettke, Ursula Kutra, Charlene Klaus, Annie Heilscher and Carl Heilsher [237.401 acres]; (7) Hays County Ranch, Ltd., a Texas Limited Partnership [1,325 acres]; (8) KrasovecReunion Hays County Joint Venture (512.1 acres); (9) Lila Calhoun, Loveta Jordan, Lesa Calhoun, L.Ray Calhoun, Lex Calhoun, Lana Larsen, Linda Heller, Luta Bulgerin [163.7 acres]; (10) Lady Bird Johnson Wildflower Center [50 acres], and (11) Tina Trochta-Lancaster [80.60 acres], to protect a portion of the City's water supply pursuant to the May 2, 1998 Bond Election, Proposition 2.  
**Approved in an amount not to exceed \$16,894,495 for items 1-7 and 11 on Councilmember Garcia's motion, Councilmember Slusher's second, 7-0 vote.**

71. APPOINTMENTS

Solid Waste Operations Task Force – 1 Solid Waste Industry Representative  
No action taken

ADJOURNED at 10:00 p.m. on Councilmember Slusher's motion, Councilmember Garcia's second, 7-0 vote.

Approved on this the 5<sup>th</sup> day of November, 1998 on Councilmember Garcia's motion, Councilmember Slusher's second, 7-0 vote.