



**Austin City Council  
MINUTES**

**REGULAR MEETING  
THURSDAY, NOVEMBER 5, 1998**

Mayor Watson called the meeting to order, Council Member Spelman temporarily absent.

1. Approval of Minutes for Regular Meetings of September 30, 1998, and October 1, 21 & 22, 1998.  
**Approved on Council Member Garcia's motion, Council Member Slusher's second, 7-0 vote.**

**CITIZEN COMMUNICATIONS: GENERAL**

2. John Kunkel
3. Gus Pena, to discuss City issues. **Absent**
4. Kenneth Walker, to discuss DBE contracting issues at airport. **Absent**
5. Janes VonWolske, to discuss Propositions 11 & 12.
6. Lynn Miraglia, to discuss lack of winter (cold weather) preparation in stray runs at Town Lake Animal Center.
7. Gavino Fernandez, "Que paso con ese Holly Power Plant Units 1 & 2 Closure."
8. Tommy Eden, to discuss the need to prohibit parking in bike lanes throughout the city.
9. Elissa Fineman, to discuss the winterizing conditions at Town Lake Animal Shelter.  
**Absent**
10. E.J. White, to discuss heating at Town Lake Animal Shelter (winter conditions.)
11. Margaret Reeder, to discuss winter preparations at Town Lake Animal Shelter.
12. Dennis Rudder, to discuss solid waste enforcement.

**READING OF CONSENT AGENDA**

**READING OF DISCUSSION AGENDA**

**CITIZEN COMMUNICATIONS: CONSENT AGENDA**

**ACTION ON CONSENT AGENDA**

**ITEMS CONTINUED FROM PREVIOUS MEETINGS**

13. Approve a resolution authorizing negotiation and execution of a professional services agreement with GILBANE BUILDING COMPANY, Austin, Texas, to

provide project management services for the Austin Convention Center expansion project, in an amount not to \$2,226,000. (Funding is available in the 1997-98 Amended Capital Budget of the Austin Convention Center Department.) Best qualification statement of three. 8.6% MBE, 18.2% WBE Subcontractor participation.

**Resolution No. 981105-13 approved with two friendly amendments: 1) MBE/WBE to be handled by City of Austin Small Minority Business Resources; 2) Gilbane to set up committee on Council Member Garcia's motion, Council Member Spelman's second, 6-0 vote, Council Member Lewis off the dais.**

14. Approve a resolution authorizing an amendment to the First Amended and Restated Agreement concerning creation and operation of the Senna Hills Municipal Utility district. (No fiscal impact.) [Recommended by Parks Board and Planning Commission]

**Resolution No. 981105-14 approved**

15. Approve a resolution authorizing negotiation and execution of a one-year lease renewal with MICHAEL KUHN, Austin, Texas, for 30,442 square feet of office and warehouse space located at 211 East Alpine Street for the Library Records Center, in the amount of \$144,256.08. (Funding is available in the 1998-99 Operating budget of the Library Department.)

**Resolution No. 981105-15 approved**

**Items 14 and 15 approved on Council Member Spelman's motion, Council Member Griffith's second, 7-0 vote.**

16. Consider and approve an ordinance establishing new expiration dates for Site Plans #SP-98-0207C, Western Oaks Apartments, located at 5555 La Cresada Drive; #SP-98-0268C, Village of Western Oaks Section 25 Condominiums, located at 5525 Davis Lane; and #SP-98-0278C, Village of Western Oaks Section 31 Townhomes, located at 8701 Escarpment Blvd., and extending the time for consideration of the appeal of the Planning Commission's decision regarding those site plans. Note: This matter concerns development regulations applicable in the Barton Springs Zone and proposes to modify the application of Chapter 13-7, Article I, Division 5 (Save Our Springs Initiative) to the property.] .) [Council Member William Spelman, Mayor Kirk Watson and Mayor Pro Tem Jackie Goodman] [Related to Items 17-19]

**Postponed to November 19,1998, @ 6:00 p.m.**

17. Set a public hearing to consider an appeal of the Planning Commission's decision to approve a site plan for the Village of Western Oaks Apartments located at 5555 La Cresada Drive. [Applicant: Lumberman's Investment] (Suggested date and time: December 10, 1998 at 7:00 p.m.) [Council Member William Spelman, Mayor Kirk Watson and Mayor Pro Tem Jackie Goodman] [Related to Items 16, 18-19]

**Public hearing set for December 10, 1998 @ 7:00 p.m. contingent upon approval of item #16.**

18. Set a public hearing to consider an appeal of the Planning decision to approve a site plan for the Village of Western Oaks Section 25 Condominiums located at 5525 Davis Lane. [Applicant: Investment] (Suggested date and time: December 10, 1998 at 7:00 p.m.) [Council Member William Spelman, Mayor Kirk Watson and Mayor Pro Tem Jackie Goodman] [Related to Items 16-17 & 19]  
**Public hearing set for December 10, 1998 @ 7:00 p.m. contingent upon approval of item #16.**
19. Set a public hearing to consider an appeal of the Planning Commission's decision to approve a site plan for the Village of Western Oaks Section 31 Townhomes located at 8701 Escarpment Blvd. [Applicant: Lumberman's Investment] (Suggested date and time: December 10, 1998 at 7:00 p.m.) [Council Member William Spelman, Mayor Kirk Watson and Mayor Pro Tem Jackie Goodman] [Related to Items 16-18]  
**Public hearing set for December 10, 1998 @ 7:00 p.m. contingent upon approval of item #16.**

**Items 16 through 19 approved on Council Member Spelman's motion, Mayor Watson's second, 7-0 vote.**

20. Approve an ordinance to consider establishing the Villas at Mia Tia as a pilot project utilizing rainwater harvesting as impervious cover mitigation and waive Section 13-2-54 of the City Code by establishing impervious cover limits. (Council Members Daryl Slusher and William Spelman)  
**Approved first reading only on Council Member Slusher's motion, Council Member Spelman's second, 7-0 vote.**
21. Approve a resolution authorizing amendments to the City of Austin's Investment Policy. (Recommended by Audit and Finance Committee)  
**Resolution No. 981105-21 approved**

#### **Finance and Administrative Services**

22. Approve a resolution authorizing execution of a contract with CENTRAL TEXAS EQUIPMENT COMPANY, Austin, Texas, for the purchase of one replacement heavy truck cab chassis with mounted knuckle boom crane and dump body including extended warranties for use by the Watershed Protection Department to clear and load debris from culverts and bridges, in the amount of \$196,570. (Funding was included in the 1998-99 Capital budget of the Watershed Protection Department.) Low bid of three. No M/WBE Subcontracting opportunities were identified.  
**Resolution No. 981105-22 approved**
23. Approve a resolution authorizing execution of a twelve month supply agreement with BILL'S TRANSMISSION SERVICE, INC., Irving, Texas, for the purchase of rebuilt Allison transmissions, in an amount not to exceed \$75,000 with two twelve month extension options in an amount not to exceed \$75,000 per extension, for a

total contract amount not to exceed \$225,000. (Funding in the amount of \$68,750 was included in the 1998-99 Operating budget of the Fleet Services Division. Funding for the remainder of the contract and the extension options is contingent upon available funding in future budgets.) Low bid of two. No M/WBE Subcontracting opportunities were identified.

**Resolution No. 981105-23 approved**

24. Approve a resolution authorizing execution of a twelve month supply agreement with CRAFCO TEXAS, INC., San Antonio, Texas, for the purchase of pavement crack sealant used in the maintenance of City streets by the Street and Bridge Division of the Public Works and Transportation Department, in an amount not to exceed \$66,424 with two twelve month extension options in an amount not to exceed \$66,424 per extension, for a total amount not to exceed \$199,272. (Funding in the amount of \$55,353 was included in the 1998-99 Operating budget of the Public Works and Transportation Department, Transportation Fund. Funding for the remaining two months and the extension options is contingent upon available funding in future budgets.) Low bid of six. No M/WBE Subcontracting opportunities were identified.

**Resolution No. 981105-24 approved**

25. Approve a resolution authorizing execution of a twelve month supply agreement with TEXAS STATE DISTRIBUTORS, INC., Austin, Texas, for the purchase of police jackets, in an amount not to exceed \$68,121.38 with two twelve month extension options in an amount not to exceed \$68,121.38 per extension, for a total contract amount not to exceed \$204,364.14. (Funding in the amount of \$55,476 was included in the 1998-99 Operating budget of the Police Department and \$6,968.60 was included in the 1998-99 Operating budget of various budgets. Funding for the remainder of the contract and the extension options is contingent upon available funding in future budgets.) Low bid of five meeting specifications. No M/WBE Subcontracting opportunities were identified.

**Resolution No. 981105-25 approved**

**Items 21 through 25 approved on Council Member Spelman's motion, Council Member Griffith's second, 7-0 vote.**

26. Approve a resolution authorizing execution of amendment #2 to increase the twelve month contracts with the following vendors: MICRO MEDIA SOLUTIONS, INC., (MBE/MH) Austin, Texas; COMPUTER SOLUTIONS, (WBE/FR), Austin, Texas; DELL COMPUTER, Round Rock, Texas; INACOM INFORMATION SYSTEMS, Austin, Texas, for the purchase of notebook computers, desktop computers, servers and three year on-site warranty and service, in the amount of \$4,533,133, for a total amount not to exceed \$7,533,133. The total for all five contracts in extension option one is an amount not to exceed \$7,533,133 with two twelve month extension options remaining in an amount not to exceed \$3,000,000 per extension, for a total of all five contracts not to exceed \$19,867,775. (Funding was included in the 1998-99 Operating budget of various City departments; \$375,800 was included in the

1998-99 Capital budget of General Government – Support Service Year 2000.) No M/WBE Subcontracting opportunities were identified.

**Motion made to go back to Telecommunication Subcommittee on November 17, 1998 and return to Council on November 19, 1998 on Council Member Garcia's motion, Council Member Lewis' second, 7-0 vote.**

27. Approve a resolution authorizing execution of a contract with the DEPARTMENT OF INFORMATION RESOURCES (DIR) of the State of Texas, for the purchase of Novell products and maintenance support for a twelve month period against the Master License Agreement between Novell, Inc., and DIR, in an amount not to exceed \$114,524.74. (Funding was included in the 1998-99 Operating Budgets of various City departments.)  
**Resolution No. 981105-27 approved**

28. Approve a resolution authorizing execution of a twelve-month supply agreement with AMERICAN CORPORATE SERVICES, Round Rock, Texas, for the purchase of pre-printed case file folders for Municipal Court, in an amount not to exceed \$87,300 with two twelve month extension options, in an amount not to exceed \$87,300 per extension, for a total amount not to exceed \$261,900. (Funding in the amount of \$80,025 was included in the 1998-99 Operating Budget of Municipal Court. Funding for the remaining one month of the original contract period and extension options will be contingent upon available funding in future budgets.) Low bid of four. No M/WBE Subcontracting opportunities were identified.  
**Resolution No. 981105-28 approved**

#### **City Clerk's Office**

- 29 .Approve ratification of the purchase of voting ballots from HART INFORMATION SERVICES, INC., Austin, Texas, for the November 3, 1998 special election, in the amount of \$73,446. (Funding is available in the 1998-99 Operating budget of the City Clerk's Office.) Sole source. No M/WBE Subcontracting opportunities were identified.  
**Resolution No. 981105- 29 approved**

#### **Watershed Protection**

30. Approve a resolution authorizing fee simple acquisition of Lot 13, Block B, University Hills, Auburn circle Subdivision, locally known as 6612 Auburnhill Drive, from Karen F. Carter, for the Little Walnut Erosion Control Phase VIII Auburndale Project, in the amount of \$95,300, plus \$28,700 in relocation benefits, for a total amount of \$124,000. (Funding is available in the 1998-99 Capital Budget for Watershed Protection Department.) [Related to Item 76]  
**Resolution No. 981105-30 approved in an amount not to exceed \$124,000.**

31. Authorize fee simple acquisition of Lot 14, Block B, University Hills, Auburn Circle Subdivision, locally known as 6610 Auburnhill Drive, Austin, Texas, from W. Catherine Spencer, for the Little Walnut Erosion Control Phase VIII Auburndale Project, in the amount of \$90,400, plus \$28,700 in relocation benefits, for a total amount of \$119,100. (Funding is included in the 1998-99 Capital Budget of the Watershed Protection Department.) [Related to Item 76]  
**Approved in an amount not to exceed \$119,100.**

**Items 27 through 31 approved on Council Member Spelman's motion, Council Member Griffith's second, 7-0 vote.**

### **Planning, Environmental and Conservation Services**

32. Amend Ordinance No. 98-0915A, the 1998-99 Operating budget of the Planning, Environmental and Conservation Services Department as follows: a.Planning, Environmental and Conservation Services Fund – decrease beginning balance by \$363,233; decrease transfers in from Austin Energy by \$4,007,782; appropriate \$108,433 in transfers in from Performance Contracting Fund; decrease operating requirements by \$3,867,143; decrease other requirements by \$395,439; decrease full-time equivalents by 40.00 to transfer the Energy Services Unit operations from the Planning, Environmental and Conservation Services Fund to the Performance Fund. b.Performance Contracting Fund – increase beginning balance by \$363,233; increase transfers in from the Austin Energy Fund by \$4,007,782; increase operating requirements by \$3,867,143; increase other requirements by \$395,439; appropriate transfers out to the Planning, Environmental and Conservation Services Fund by \$108,433; increase full-time equivalents by 40 to transfer the Energy Services Unit operations from the Planning, Environmental and Conservation Services Fund to the Performance Contracting Fund. c.Infrastructure Support Services Fund – decrease revenue from Planning, Environmental and Conservation Services Fund by \$380,539; and appropriate revenue of \$380,539 from the Performance Contracting Fund to transfer the Energy Services Unit operations support from the Planning, Environmental and Conservation Services Fund to the Performance Contracting Fund. d.Austin Energy Fund – decrease transfers out to the Planning, Environmental and Conservation Services Fund by \$4,007,782; appropriate transfers out to the Performance Contracting Fund by \$4,007,782. Funding in the amount of \$4,371,015 is available in the Planning, Environmental and Conservation Services Fund.)

**Ordinance No. 981105-E approved on Council Member Garcia's motion, Mayor Watson's second, 5-0 vote, Mayor Pro Tem Goodman and Council Member Lewis off the dais.**

33. Set public hearings for the full purpose annexation of the Harris Branch area. (Suggested dates and times: November 17, 1998 at 7:00 p.m. at Bluebonnet Elementary School, 11316 Farmhaven Road; and November 19, 1998 at 7:00 p.m. at City Council Chambers.)

**Resolution No. 981105-33 approved**

## **Housing**

34. Approve a resolution authorizing negotiation and execution of a grant agreement with Business Invest in Growth for implementation of the Micro Enterprise Technical Assistance Program, in an amount not to exceed \$160,000. (Funding in the amount of \$80,000 was included in the 1997-98 Neighborhood Housing and Community Development Office, 23rd Year CDBG, Micro Enterprise Technical Assistance Program, and \$80,000 is included in the 1998-99, 24th Year CDBG, Micro Enterprise Technical Assistance Program.)

**Resolution No. 981105-34 approved**

**Items 33 and 34 approved on Council Member Spelman's motion, Council Member Griffith's second, 7-0 vote.**

## **Public Works**

35. Amend the City Code by modifying the Basic Traffic Ordinance; Section 16-4-5 (B), Speed Limits, for the installation of speed limits on Scofield Ridge Parkway between Burnet Road and Lamplight Village Avenue. (\$500 for the installation of speed limit signs is available in the 1998-99 Operating Budget of the Public Works and Transportation Department.)

**Ordinance No. 981105-F approved on Council Member Lewis' motion, Council Member Garcia's second, 6-0 vote, Mayor Pro Tem Goodman off the dais.**

36. Approve a resolution authorizing execution of Change Order #3 to the construction contract with BAY MAINTENANCE COMPANY, INC., Horseshoe Bay, Texas, for curb and gutter replacement, and additional traffic control on East 12th Street, from Airport to San Bernard as part of the East 12th Street Reconstruction, Overlay and Utility Adjustment Project, in the amount of \$6,612, for a total contract amount of \$975,129.41. (Funding is available in the 1996-97 Amended Capital budget of the Public Works and Transportation Department.) 0% MBE, 93.47% WBE Subcontractor participation.

**Resolution No. 981105-36 approved on Council Member Spelman's motion, Council Member Griffith's second, 7-0 vote.**

## **Lamar-Sixth Marketplace (Items 37-40)**

37. Approve a ordinance authorizing negotiation and execution of an agreement with LAMAR-SIXTH- AUSTIN I, INC., for the construction and engineering costs of 8-inch water mains, and construction of 4, 6, and 12-inch water service lines, and 8-inch gravity wastewater service lines and appurtenances to provide permanent water and wastewater service to the proposed Austin Marketplace tract with City cost reimbursement in an amount not to exceed \$225,200; waiving the fees for a Service Extension Request with Council approval under City Ordinance 820923-V in the amount of \$1,100; waiving certain requirements under Section 13-3-13 of the City

Code relating to the posting of fiscal security; waiving certain requirements under Section 13-3-15 of the City Code relating to cost reimbursement and cost participation; waiving certain requirements under Section 13-3-18 of the City Code relating to the reimbursement schedule; waiving the payment of capital recovery fees in an amount not to exceed \$153,962 and certain requirements under Section 13-3A-18 (b) and Section 13-3A-18 (c) of the City Code relating to the waiver of capital recovery fees; waiving certain requirements under Section 13-3-6 of the City Code relating to the payment of tap fees; and waiving the requirements of Section 13-1-981 of the City Code relating to public hearings and notices. (Recommended by Water and Wastewater Commission)

**Ordinance No. 981105-G approved**

38. Approve an ordinance for cost reimbursement with LAMAR-SIXTH-AUSTIN, Inc., for the MarketPlace development, pedestrian and street improvements which provides for Smart Growth Incentive Cost reimbursements not to exceed \$148,900 for amenities and \$278,250 for cost reimbursements not to exceed \$148,900 for amenities and \$278,250 cost reimbursements and credit for improvements to Shoal Creek. (Funding is included in the 1998-99 Amended Capital Budget of the Public Works and Transportation Department for pedestrian improvements. Consideration of \$278,250 to be received in the form of Shoal Creek infrastructure improvements related to the conveyance of Bowie Street right-of-way.)

**Ordinance No. 981105-H approved**

39. Approve the vacation and contract for sale of portions of the Bowie Street right-of-way (500) Block) from West 5th Street to West 6th Street to Charles Nash/Nash Ranch Inc., A&B Properties, Inc., and Lamar-Sixth-Austin, Inc. (Consideration of \$278,250 to be received in the form of Infrastructure Improvements.)

**Ordinance No. 981105-I approved**

40. Approve an Ordinance authorizing the waiver and reimbursement of certain development fees to LAMAR-SIXTH-AUSTIN, INC. for developing Austin MarketPlace consistent with the Smart Growth Incentives authorized by Council Resolution No. 980813-59, in an amount not to exceed \$1,146,184. (\$1,146,184 in foregone revenue. The 1998-99 budget was prepared based on a projection of all permit revenue. This specific project was not included in that projection.)

**Ordinance No. 981105-J approved**

**Items 37 through 40 approved on Council Member Garcia's motion, Council Member Spelman's second, 6-0 vote, Mayor Pro Tem Goodman off the dais.**

#### **Parks and Recreation**

41. Approve a resolution authorizing Change Order #22 to SHASTA INDUSTRIES, INCORPORATED, Phoenix, Arizona, for settlement of construction claims associated with the replacement of swimming pool paint and completion of site work for part the Dick Nichols Park Pool and Bathhouse Project, in an amount not



to exceed \$35,523.47, for a total contract amount not to exceed \$1,557,582.91. (Funding is available in the 1993-94 Amended Capital budget of the Parks and Recreation Department.) 0% MBE, 71.88% WBE Subcontractor participation.

**Resolution No. 981105-41 approved**

42. Set a public hearing to consider approval of a 0.22 and 0.07 acre (13,154.4 sq. ft.) license agreement for the construction of a wastewater line through dedicated parkland known as Springfield Park in accordance with Sec. 26.001 et. Seq. of the Texas Parks and Wildlife Code. (Suggested date and time: December 10, 1998 at 6:30 p.m.)

**Resolution No. 981105-42 approved**

### **Cable and Regulatory Affairs**

43. Approve first reading of an ordinance granting a franchise to LyncStar Integrated Communications, L.L.C., to provide cable services. (\$5,100 unanticipated 1998-99 Franchise Fee Revenue; \$1,785 unanticipated 1998-99 Access Fund Revenue. (Recommended by Telecommunications Commission and Council Committee for Telecommunications Infrastructure.)

**Approved first reading only**

### **Infrastructure Support**

44. Approve a street name change from Raymond Street to Wallingford Bend Drive, from the intersection of Shirley Avenue and Raymond Street westerly to the end of the right-of-way, the intersection of Raymond Street and North Lamar Boulevard. (The \$415 processing fee and \$300 the requester has paid street sign costs.

**Ordinance No. 981105-A approved**

**Items 41 through 44 approved on Council Member Spelman's motion, Council Member Griffith's second, 7-0 vote.**

### **Development Review and Inspection**

45. 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", Rural Residence-Overlay 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. (Continue from 10/1/98)

**Approved Planning Commission recommendation on Council Member Garcia's motion, Council Member Spelman's second, 6-0 vote, Council Member Lewis off the dais.**

**Friendly amendment by Council Member Slusher to approve second reading only**

**Motion fails for lack of second.**

**Postponed to November 19, 1998, staff and applicant should meet and discuss water detention options, effect -volume of velocity of runoff; present information on pre- development and post-development water runoff.**

46. C14-98-0113 - Approve second/third readings of an ordinance amending Chapter 13-2 of the Austin City Code by rezoning property locally known as 811 South Lamar Boulevard, from "SF-3", Family Residence to "GR", Community Commercial district and "RR", Rural Residence district zoning. First reading on October 1, 1998; Vote 7-0. Applicant: Annie Rice. City Staff: Antonio Gonzalez, 499-2243.

**Ordinance No. 981105-B approved on Council Member Spelman's motion, Council Member Griffith's second, 7-0 vote.**

#### **Development Review**

47. C14-98-0029 - Approve second/third readings of an ordinance amending Chapter 13-2 of the Austin City Code zoning property locally known as 7800 North capital of Texas Highway from "SF-2" Single Family Residence (Standard Lot) district to "LO-CO", Limited Office-Conditional Overlay district zoning with conditions. First reading on October 22, 1998; Vote 4-1, Slusher nay, Garcia and Watson off dais. Conditions met as follows: Conditional overlay incorporates conditions imposed by Council on first reading. Applicant: Carpenter & Associated, Inc. (Ron Reue). Agent: Urban Design Group (Norma Pena Raven). City Staff: Don Perryman, 499-2786.

**Postponed to November 19, 1998 on Council Member Garcia's motion, Mayor Watson's second, 5-0 vote, Mayor Pro Tem Goodman and Council Member Slusher off the dais.**

48. Set a public hearing on a variance request to allow installation of a fence at 12605 River Bend Road in the 25-year floodplain. (Suggested date and time: December 3, 1998 at 6:00 p.m.)

**Resolution No. 981105-48 approved**

#### **Management Services**

49. Approve an ordinance to cancel the December 16 and 17, 1998 City Council meetings.

**Ordinance No. 981105-C approved**

## **Health**

50. Amend Ordinance No. 980915-A, the 1998-99 Operating Budget by eliminating the \$2,000,000 transfer out to the CIP for land purchases and adding a \$2,000,000 transfer out to the CIP for an emergency shelter; Amend Ordinance No. 980915-B, the 1998-99 Capital Budget as follows: (1) For the Solid Waste Services Department: eliminate the transfer in from the General Fund and de-appropriate \$2,000,000 in the "Solid Waste Support Facilities Project"; (2) for the Finance and Administrative Services Department: decrease the CIP Contingency Project by \$993,000; (3) for the Health and Human Services Department: create a transfer in from the General Fund and appropriate \$2,993,000 to a new project "Emergency Shelter." (Related to Item 51)

**Ordinance No. 981105-D approved**

51. Approve execution of a 99-year ease and sublease agreement between the Travis County Domestic Violence and Sexual Assault Survival Center, a Texas non-profit corporation d/b/a/ SafePlace and the City of Austin, for a 100-bed shelter for victims of domestic violence. (Funding was included in the 1998-99 amended capital budget for the Health and Human Services Department) [Related to Item 50]

**Resolution No. 981105-51 approved**

**Items 48 through 51 approved on Council Member Spelman's motion, Council Member Griffith's second, 7-0 vote.**

## **Solid Waste**

52. Approve a resolution authorizing negotiation and execution of a Professional Services Agreement with CARTER-BURGESS, Austin, Texas, for professional engineering services for the Private Landfill Environmental Assessment Project, in an amount not to exceed \$50,000. (Funding is available in the 1998-99 operating budget of the Solid Waste Services Department.) Best qualification statement of four. 8.6% MBE, 18.2% WBE Subcontractor participation. (To be reviewed by Solid Waste Advisory Commission on November 4, 1998) (Recommended by the Solid Waste Advisory Commission.)

**Resolution No. 981105-52 approved the authorization of negotiation but not execution of a Professional Services Agreement on Council Member Lewis' motion, Council Member Griffith second,**

**Friendly amendment to execute**

**Friendly amendment not accepted.**

**Substitute motion to approve and to come back to Council with report as soon as possible on Council Member Slusher's motion, Council Member Spelman's second, 5-2 vote, Council Member Griffith and Lewis voting "NO".**

53. Approve a resolution authorizing execution a contract with SOONER SCALE, INC., Oklahoma City, Oklahoma, for the purchase and installation of a 70' x 10' truck scale in the amount of \$29,000 and a 40' x 11' truck scale in the amount of \$20,843.50 for the Todd Lane Transfer Station, for a total amount of \$49,843.50. (Funding was included in the 1998-99 Capital Budget for Solid Waste Services Department.) Low bid of two. No M/WBE Subcontracting opportunities were identified.

**Resolution No. 981105-53 approved on Council Member Spelman's motion, Council Member Griffith's second, 7-0 vote.**

54. Approve a resolution authorizing negotiation and execution of Second Amendments to Recycling and Solid Waste Disposal Services Agreements between Longhorn Disposal, Inc., and Circle C Municipal Utility Districts Numbers 2, 3 and 4 to provide for collection of past due accounts. (Annual estimate is \$2,000.)

**Resolution No. 981105-54 approved**

55. Approve execution of a 120 day hold-over of contract CA09394 with ACCO-BFI Recycling, Austin, Texas, for the sale and processing of recyclable plastic and glass bottles, and aluminum and tin cans in an amount of \$60,200 for processing fees (Recycling revenue is expected to be \$60,200 lower in 1998-99 than would have been realized under the original terms.)

**Resolution No. 981105-55 approved**

**Items 54 and 55 approved on Council Member Spelman's motion, Council Member Garcia's second, 7-0 vote.**

#### **Law**

56. Approve a resolution authorizing execution of an amendment to the professional services contract with Henry, Lowere, Hass & Frederick, for legal services regarding the City's National Pollution Discharge Elimination system stormwater permit, in the amount of \$15,000, for a total contract amount not to exceed \$50,000. (Funding is available in the 1998-99 Operating Budget of the Law Department.)

**Resolution No. 981105-56 approved on Council Member Spelman's motion, Council Member Griffith's second, 7-0 vote.**

#### **3:30 P.M. – BOARD OF DIRECTOR'S MEETING OF AUSTIN HOUSING FINANCE ORPORATION**

**The Mayor will recess the City Council meeting. A Board meeting of the Austin Housing Finance Corporation (AHFC) will be conducted. Following adjournment of the AHFC Board meeting, the City Council will be reconvened. Item 57 are the AHFC items to be considered by the Austin Housing Finance Corporation's Board of Directors.**

57. Approve the issuance of Austin Housing Finance Corporation Multifamily Housing Revenue Bonds (Rutland Place I & II project) Series 1998 A & B, in an amount not to exceed an aggregate principal amount of \$12,575,000, the form and substance of a trust indenture, a loan agreement, a regulatory agreement with respect to the project, and other matters in connection with the transaction, requested by the San Antonio Alternative Housing Corporation, a 501(c) 3 Texas non-profit Corporation, to finance the acquisition and rehabilitation of the Rutland Place I and II Apartments located at 1647-1711 Rutland Drive. (All fees are to be paid by requester or out of the bond proceeds. The Austin Housing Finance Corporation (AHFC) will receive a financing fee of .5% of the amount of the bonds from bond proceeds at closing. The financing fee revenue will not exceed \$62,875 and will increase the 1998-99 sources of funds for AHFC.)  
**Approved on Boardmember Garcia's motion, Vice President Goodman's second 7-0 vote.**

#### ITEMS FROM COUNCIL

58. Approve a resolution supporting the City of Austin Employees' Retirement System Board's proposal to amend to the enabling act for the City's Employees' Retirement System and expressing support for increasing the City's contribution rate to the system in the future. (Mayor Pro Tem Jackie Goodman)  
**Resolution No. 981105-58 approved with a friendly amendment that the City Council directs the City Manager to consider a recommendation to increase the City's contribution to the Employee's Retirement System on Council Member Spelman's motion, Council Member Garcia's second, 7-0 vote.**
59. Set public hearing for the proposed street name change of the entire length of Maple Avenue to O.T. Arnold Avenue (from the intersection of East 12th Street and Maple Avenue northerly to the end of the right-of-way, the intersection of Maple Avenue and Manor Road) in order to recognize Reverend O.T. Arnold for his outstanding service to the community. [Suggested date and time: December 3, 1998 at 8:00 p.m.] (Council Member Willie Lewis)  
**Resolution No. 981105-59 approved**
60. Approve a resolution-authorizing acceptance of a Texas Highway Traffic Safety Grant from the Texas Department of Transportation and direct the city manager to enter into an agreement with the Trans Texas Alliance to administer the grant funds. (Council Member Daryl Slusher)  
**Resolution No. 981105-60 approved**
- Items 59 and 60 approved on Council Member Spelman's motion, Council Member Griffith's second, 7-0 vote.**

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

61. C14-98-0078 - Public hearing to amend Chapter 13-2 of the Austin City Code by zoning property locally known as 2009 & 2011 Fort View Road and 2024 & 2026 West Ben White Blvd., from "SF-3", Family Residence to "CS", General Commercial Services. Planning Commission Recommendation: To Deny "CS", General Commercial Services District zoning. Applicant: Maria Garcia, Tauhlee Watts & John Gustafson; Agent: J. B. Goodwin Company (Mike Jones). City Staff: Susan Villarreal, 499-6319. Note: A valid petition has been filed in opposition to this rezoning request. Continued from 10/8/98)

**Closed public hearing and approve first reading only on Council Member Slusher's motion, Mayor Pro Tem Goodman's second, 7-0 vote.**

**The requested re-zoning of the above noted properties from the current SF-3 (Family Residence) zoning to CS (commercial Services) was and is strongly opposed by owners of adjacent and nearby properties as indicated by the filed petition (valid at 28%). The Planning Commission voted to recommend that the request be denied and also did not endorse the staff-recommended zoning of LR-CO (Neighborhood commercial-conditional Overlay).**

**The proposed alternative, re-zoning, the above noted properties to NO (Neighborhood Office), is not being opposed provided that the following restrictions, in addition to other site development regulations, are approved by City Council as conditions of the zoning and are included in the Restrictive Covenant and/or Conditional Outlay for the subject tract:**

- 1. Zoning of subject tract limited to NO (Neighborhood Office).**
- 2. Prohibited access to subject tract via fort View Road.**
- 3. Construction of a 6-foot privacy fence along north, west, and east sides of subject tract, facing Fort View Road and alongside adjacent properties.**
- 4. Creation of vegetative barrier alongside constructed fence.**
- 5. Required 15-foot setback for fence from Fort View Road.**
- 6. Required 25-foot setback for any buildings from Fort View Road and adjacent properties.**
- 7. Restricted location of any parking lot/accommodations to east two lots of subject tract (lots #9 & 14)**
- 8. Restricted location of any trash receptacles to southeast side of subject tract (lot #14).**
- 9. Restricted hours of operation: Monday through Friday, 8:00 a.m. to 6:00 p.m.**

62. C14-80-199 - Public hearing to amend Chapter 13-2 of the Austin City Code by amending a restrictive covenant for the property locally known as 5315 Ed Bluestein. Existing zoning: LI, Limited Industrial, zoning. Planning Commission Recommendation: To Approve the Restrictive Covenant Amendment. Applicant: YMCA (Larry Smith); Agent: Griffin Engineering Group, Inc. (Gregory Griffin). City Staff: Susan Villarreal, 499-6319.  
**Postponed to November 19, 1998, applicant's first request.**
63. C14-98-0105 - Public hearing to amend Chapter 13-2 of the Austin City Code by zoning property locally known as 1000 E. 41st Street from GR, Community Commercial and CS, General Commercial Services to CS-1, Commercial-Liquor Sales. Planning Commission Recommendation: To Grant CS-1-CO Commercial-Liquor Sales-Conditional Overlay district zoning with conditions. Applicant: Twin Liquors (David M. Jabour); Agent: Austin Permit Service (Melissa Whaley). City Staff: Antonio Gonzalez, 499-2243.  
**Approved first reading only**
64. C14-98-0110 - Public hearing to amend Chapter 13-2 of the Austin City Code by zoning property locally known as 13601 Century Park Cove and 13604 Ida Ridge Drive from "IP", Industrial Park to "MF-3", Multi-Family Residence (medium density). Planning Commission Recommendation: To Grant "MF-3-CO", Multi-Family Residence (medium density)-Conditional Overlay district zoning with conditions. Applicant: Sage Land Company, Inc. (Peter A. Lamy); Agent: Prime Strategies, Inc. (Ralph E. Reed). City Staff: David Wahlgren, 499-6455.  
**Postponed to January 7, 1999, applicant's first request.**
65. C14-98-0111 - Public hearing to amend Chapter 13-2 of the Austin City Code by zoning property locally known as 13601 & 13605 Ida Ridge Dr. and 2700, 2800, and 2900 Century Park Blvd. from "IP", Industrial Park to "MF-3", Multi-Family Residence (medium density). Planning Commission Recommendation: To Deny "MF-3, Multi-Family Residence (medium density) zoning. Applicant: Sage Lane Company (Peter A. Lamy); Agent: Prime Strategies (Ralph A. Reed). City Staff: David Wahlgren, 499-6455.  
**Postponed to January 7, 1999, applicant's first request.**
66. C14-98-0126 - Public hearing to amend Chapter 13-2 of the Austin City Code by zoning property locally known as 1508 & 1606 Dessau Ridge Lane from "DR", Development Reserve to "GR", Community Commercial. Planning Commission Recommendation: To Grant "LR-CO", Neighborhood Commercial-Conditional Overlay district zoning for Tract A, and "LO-CO", Limited Office-Conditional Overlay district zoning Tract B, with conditions. Applicant: David Avila; Agent: Morales & Associates (Ponciano Morales). City Staff: Antonio Gonzalez, 499-2243.  
**Ordinance No. 981105-K approved**

67. C14-98-0133 - Public hearing to amend Chapter 13-2 of the Austin City Code by zoning property locally known as 7213 McNeil Drive from "SF-3", Family Residence to "CS", General Commercial Services. Planning Commission Recommendation: To Grant "CS-CO", General Commercial Services-Conditional Overlay district zoning with conditions. Applicant: David P. & Sharon A. Hall; Agent: Jim Bennett. City Staff: David Wahlgren, 499-6455.  
**Approved first reading only.**

**Items 62 through 67 approved on Council Member Garcia's motion, Mayor Pro Tem Goodman's second, 6-0 vote, Council Member Lewis off the dais.**

## **PUBLIC HEARINGS**

68. **5:30 P.M.** - Public hearing on a request to waive the minimum separation/distance requirement of City Code Section 8-3-4, between a one day outdoor street festival (Guadalupe Street Fair), which intends to sell alcoholic beverages at the 2100, 2200 and 2300 Blocks of Guadalupe Street, 400 Block of West 22nd Street and 400 Block of West 23rd Street, and area churches and public schools. File #SP-98-0371 (AW).  
**Closed public hearing on Council Member Slusher's motion, Council Member Spelman's second, 4-0 vote, Mayor Pro Tem Goodman, Council Members Garcia and Lewis off the dais.**
69. **6:30 P.M.** - Public hearing on proposed amendments to the 1998/99 Community Development Program and the Consolidated Plan to reprogram \$445,000 in CDBG funds. (Funds are available from the allocation of prior year's funds.)  
**Closed public hearing on Council Member Garcia's motion, Council Member Spelman's second, 4-0 vote, Mayor Pro Tem Goodman, Council Members Lewis and Slusher off the dais.**
70. **7:00 P.M.** - Public hearing for full purpose annexation of the following areas: Pond Springs Multi-family Area; FM 620 ROW; Parke Phase C; Aiken Tract; Lonestar/Gannaway Tract; Brodie Springs Area; Wild Basin (COA)/Loop 360 Right of Way; Pond Springs Commercial Area; and Howard Lane Industrial Tract. Closed public hearing on Council Member Spelman's motion, Council Member Garcia's second, 4-0 vote, Mayor Pro Tem  
**Goodman, Council Member Lewis and Slusher off the dais.**
71. **7:15 P.M.** - Public hearing for the limited purpose annexation of the Galloway Tract.  
**Closed public hearing on Council Member Spelman's motion, Council Member Garcia's second, 4-0 vote, Mayor Pro Tem Goodman, Council Member Lewis and Slusher off the dais.**
72. **7:30 P.M.** - Public hearing to consider a Strategic Partnership Agreement with Anderson Mill Municipal Utility District and to consider Limited Purpose



annexation of certain commercial tracts and Full Purpose annexation of certain commercial tracts in Anderson Mill MUD.

**Closed public hearing on Council Member Garcia's motion, Mayor Pro Tem Goodman's second, 5-0 vote, Council Member Lewis and Spelman off the dais.**

#### **ACTION ON PUBLIC HEARINGS**

73. Action on a request to waive the minimum separation/distance requirement of City Code Section 8-3- 4, between a one day outdoor street festival (Guadalupe Street Fair), which intends to sell alcoholic beverages at the 2100, 2200 and 2300 Blocks of Guadalupe Street, 400 Block of West 22nd Street and 400 Block of West 23rd Street, and area churches and public schools. File #SP-98-0371 (AW).

**Ordinance No. 981105-L approved on Council Member Spelman's motion, Council Member Slusher's second, 5-0 vote, Mayor Pro Tem Goodman and Council Member Lewis off the dais.**

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

**Executive Session held at 12:30 p.m. to 2:00 p.m.**

**Executive Session held at 3:26 p.m. to 5:07 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**

74. Discuss L.S. Ranch, Ltd., et al v. City of Austin, CA No. 97-13994, Hays County District Court.
75. Discuss Marta Cotera v. State of Texas, et al., Civil Action No. A-98-CA-346JN, in the United States District Court for Western District of Texas, Austin Division.

#### **Real Estate – Section 551.071**

76. Discuss fee simple acquisition of real properties for the Little Walnut Erosion Control Phase VIII Auburndale Project. (Related to Items 30-31)

#### **ADDENDUM**

**November 5, 1998**

## **Health**

77. Approve confirmation of the interim appointment of Marjorie Viscardi, M.D., as the Health Authority for Austin/Travis County Health and Human Services Department beginning November 1, 1998. (No fiscal impact.)

**Resolution No. 981105-77 approved on Council Member Spelman's motion, Council Member Griffith's second, 7-0 vote.**

## **Aviation**

78. Authorize negotiation and execution of a sublease of up to 28,000 square feet of space from Austin BellyPort, Inc. at Austin-Bergstrom International Airport.

**Resolution No. 981105-78 approved on Council Member Spelman's motion, Council Member Griffith's second, 7-0 vote.**

**Recessed at 8:29 p.m.**

## **PUBLIC HEARINGS**

79. **5:00 p.m.** – Public hearing on the proposed relocation of the Up to Me Chemical Dependency Center to 2915 Webberville Road. (Council Member Daryl Slusher)

**Recessed at 6:55 p.m.**

**Recessed at 8:29 p.m.**

**Recessed at 10:00 p.m.**

**Motion to allow rules to be suspended past 10:00 p.m. by Council Member Slusher, Council Member Garcia's second, 6-0 vote, Council Member Spelman off the dais.**

**Motion to take 2 more speakers on each side then close public hearing on Council Member Slusher's motion, Council Member Garcia's second, 6-0 vote, Council Member Lewis off the dais.**

**Motion to close public hearing on Council Member Slusher's motion, Council Member Griffith's second, 6-0 vote, Council Member Lewis off the dais.**

## **ACTION ON THE FOLLOWING**

80. Approve a resolution regarding the proposal of Up to Me, Inc., to operate a rehabilitation facility at 2915 Webberville Road. (Council Member Daryl Slusher)  
**Postponed to November 19, 1998**

**Motion to deny and direct staff to assist in finding another place on Council Member Slusher's motion,**

**Motion withdrawn**

**Friendly amendment by Council Member Spelman**

**Friendly amendment fails for lack of second.**

**Motion to allow withdrawal of application and begin new process on Mayor Pro Tem Goodman's motion, Council Member Garcia's second, 6-0 vote, Council Member Lewis off the dais.**

#### **EXECUTIVE SESSION**

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

81. Discuss lease of city-owned downtown property.

**ADJOURNED at 12:35 a.m. on Council Member Slusher's motion, Council Member Griffith's second, 7-0 vote.**

**These minutes were approved on the 19th day of November, 1998 on Council Member Griffith's motion, Council Member Slusher's second on a 4-0 vote. Mayor Pro Tem Goodman and Council Members Garcia and Spelman off the dais.**