



# Austin City Council MINUTES

REGULAR MEETING  
THURSDAY, DECEMBER 10, 1998

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

## CITIZEN COMMUNICATIONS: GENERAL

2. Frank Belanger, to discuss Barton Springs Pool/Habitat Conservation Plan.
3. Robert L. Thomas, to discuss Rosewood Recreation Center.
4. Paul Robbins
5. Gus Pena, to discuss City issues and health clinics.  
**Absent**
6. John Kunkel
7. Michael Bonds, to discuss review board, bike education, and helmet law.
8. Jon Empey, to discuss drainage at 183 and 71 – Del Valle area Planning Department.
9. Sam McDaniel, to discuss First Evangelical Free Church.
10. Mark Gentle, to discuss registration from Brackenridge Hospital oversight council.
11. Alvin L. Youngblood, to discuss City signs.

## 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 directing the City Manager to request that the Texas Natural Resource Conservation Commission establish maximum vapor pressure level and maximum sulfur level

requirements for gasoline delivered for sale in the Austin metropolitan area after April 1, 2000.  
(Mayor Kirk Watson, and Councilmembers Gus Garcia and Willie Lewis)

**Resolution No. 981210-12 approved**

### Finance and Administrative Services

13. Approve a resolution authorizing negotiation and execution of a twelve month contract with TEXAS INDUSTRIES FOR THE BLIND AND HANDICAPPED, Austin, Texas, to provide temporary clerical personnel services for City departments in an amount not to exceed \$400,000 with two additional twelve month extension options in an amount not to exceed \$400,000 per extension, for a total contract amount not to exceed \$1,200,000. (Funding in the amount of \$316,667 is available in the 1998-99 Operating budget of the user departments. Funding for the remaining two and one-half months and the extension options is contingent upon available funding in future budgets.)

**Resolution No. 981210-13 approved**

**Items 12 and 13 approved on Councilmember Spelman's motion, Councilmember Garcia's second, 7-0 vote.**

14. Approve execution of a construction contract with A.D. WILLIS CO., Austin, Texas, for reroofing and cooling tower replacement at the John Henry Faulk Library, located at 800 Guadalupe Street, in the amount of \$468,800. (Funding was included in the 1998-99 Capital Budget of the Financial and Administrative Services Department.) Low bid of five. 5.0% MBE, 64.5% WBE Subcontractor participation.

**Resolution No. 981210-14 approved on Councilmember Lewis' motion, Councilmember Spelman's second, 7-0 vote.**

15. Approve an ordinance to impose a tax on the rental of a motor vehicle in the City to fund the Town Lake Park community Events Center Venue Project. (Estimated tax revenue for FY 1998-99 is \$1,892,766.)

**Ordinance No. 981210-A approved**

16. Approve a resolution authorizing execution of a construction contract with TOTAL ROOFING SERVICES, INC., Austin, Texas, for asbestos removal and roof replacement for the Municipal Court building, in the amount of \$175,780. (Funding is available in the 1998-99 Capital budget of the Finance and Administrative Services Department.) Low bid of four. 29% MBE, 3% WBE Subcontractor participation.

**Resolution No. 981210-16 approved**

### Housing

17. Approve a resolution authorizing negotiation and execution of an amendment to the agreement with Austin Community Development Corporation (Austin CDC), dated December 31, 1996, to extend the agreement for an additional twelve months and to increase the contract amount by \$75,000, for a

total contract amount not to exceed \$486,500, to provide financial assistance to small businesses and small commercial development projects that create jobs for low and moderate income persons. (Funding is available through the Community Development Block Grant (CDBG) 24<sup>th</sup> year fund.)

**Resolution No. 981210-17 approved**

### **Public Works**

18. Approve a resolution authorizing negotiation and execution of professional services agreements with the following two engineering firms: RODRIGUEZ ENGINEERING LABORATORIES, (MBE/MH), Austin, Texas; and FUGRO SOUTH, INC., Austin, Texas, to provide professional engineering and construction materials engineering and testing services for streets, buildings, water and wastewater projects, drainage projects, parking lots, other City facilities, and subdivisions, for a period of approximately two years, each agreement in an amount not to exceed \$1,000,000 with a total amount of the two agreements not to exceed \$1,000,000 (estimated approximately \$500,000 per firm). Best proposals of four. Rodriguez Engineering: 100% Prime participation. 0% M/WBE Subcontractor participation; Fugro South Inc.: 95% Prime participation; 5% MBE, 0% WBE Subcontracting participation.

**Resolution No. 981210-18 approved**

19. Approve a resolution authorizing fee simple acquisition of Lot 10, Block B, University Hills Auburn Circle Subdivision, locally known as 6611 Auburndale Drive, from James M. Haynes Jr. and Nelda B. Haynes, for the Little Walnut Erosion Control Phase VIII Auburndale project, in the amount of \$128,000 plus \$28,700 in relocation benefits, for a total amount of \$156,700. (Funding is included in the 1998-99 Capital Budget of the Watershed Protection Department.)

**Resolution No. 981210-19 approved**

20. Approve a resolution authorizing execution of a construction contract with MUNIZ CONCRETE AND CONTRACTING, INC., (MBE/MH), Austin, Texas, for sidewalk and pavement improvements at the intersection of Robert E. Lee Road and Barton Springs Road, in the amount of \$541,607. (Funding in the amount of \$507,957 is included in the 1995-96 Amended Capital Budget of the Department of Public Works and Transportation; and \$33,650 is included in the 1996-97 Amended Capital Budget of the Parks and Recreation Department.) Low bid of two. Prime Participation: 53.20%. 9.95% MBE, 11.34% WBE Subcontracting participation. [Recommended by Parks Board]

**Resolution No. 981210-20 approved**

**Items 15 through 20 approved on Councilmember Spelman's motion, Councilmember Garcia's second, 7-0 vote.**

21. Approve a resolution authorizing the filing of eminent domain proceedings to acquire the fee simple interest in 4,883 sq. ft., and 9,122 sq. ft. of land, out of the James M. Mitchell Survey, No. 17, Abstract No. 521 and the James Coleman Survey No 25, and Richard Haberman, Trustees, for the Spicewood Springs Road right-of-way widening (from Mesa Drive to Loop 360). (Appraised value is \$70,400. Funding was included in the 1991-92 Capital Budget for the Department of Public Works and Transportation)

**Resolution No. 981210-21 approved**

22. Approve a resolution authorizing the filing of eminent domain proceedings to acquire the fee simple interest in 3,588 sq. ft. of land, out of the James M. Mitchell Survey, No. 17, Abstract No. 521 in the City of Austin, Travis County, Texas, owned by the Jomar Joseph Partners, Ltd., for the Spicewood Springs Road right-of-way widening (from Mesa Drive to Loop 360). (Appraised value is \$48,000. Funding was included in the 1991-92 Capital Budget for the Department of Public Works and Transportation.)

**Resolution No. 981210-22 approved**

23. Approve a resolution authorizing the filing of eminent domain proceedings to acquire the fee simple interest in 9,271 sq. ft. of land, out of the James M. Mitchell Survey No. 17, Abstract No. 521 and the James Coleman Survey No 25, Abstract No. 169, in the city of Austin, Travis County, Texas, owned by Morin M. Scott, Trustee for Susan Jane Joy Scott and Morin M. Scott, Jr., for the Spicewood Springs Road right-of-way widening project (from Mesa Drive to Loop 360). [Appraised value is \$60,000. Funding was included in the 1991-92 Capital Budget for the Department of Public Works and Transportation.]

**Resolution No. 981210-23 approved**

**Items 21 through 23 approved on Councilmember Lewis' motion, Councilmember Garcia's second, 7-0 vote.**

### Health and Human Services

24. Approve a resolution authorizing an Interlocal Cooperation Agreement with the Austin Independent School District to provide funding for three programs: Community Education in the amount of \$245,000; Victory Tutorial in the amount of \$204,909; and After School Enrichment in the amount of \$609,642, for a total amount not to exceed \$1,059,551 in 1998-99. The term for the Interlocal shall be concurrent with the City's fiscal year from October 1, 1998 through September 30, 1999. (Funding was included in the 1998-99 Operating budget of the Health and Human Services Department.)

**Resolution No. 981210-24 approved**

25. Approve a resolution authorizing the Health and Human Services Department to enter into a contract with the Texas Department of Health as part of the Centers for Disease Control Comprehensive grant in the amount of \$84,072; amend Ordinance No. 980915-A, the 1998-99 Operating Budget by appropriating \$184,068 in grant funds for the Health and Human Services Department Special Revenue Fund; and authorize one twelve-month renewal option in an amount not to exceed \$99,996 for the second year of the grant. (Funding in the amount of \$84,072 for the first year of the grant is available from the Texas Department of Health, Texas Diabetes program for a 9-month period beginning September 1, 1998 and ending June 30, 1999. Funding for the second year will be for a full 12 months at \$99,996 and is contingent upon funding from the grantor, but must be appropriated as part of the 1998-99 budget. A City match is not required.)

**Ordinance No. 981210-CC approved**

26. Approve a resolution authorizing acceptance of an additional \$3,221 in grant funds from the Texas Department of Health, Housing Opportunities for Persons with AIDS (HOPWA-TDH) grant program; amend Ordinance No. 980915-A, the 1998-99 Operating Budget; amend the Health and Human Services Department Special Revenue Fund by appropriating an additional \$3,221 in grant funds for

a total current year grant appropriation of \$15,221 for HIV-related housing services in the Austin Health Services Delivery area. (A City match is not required.)

**Ordinance No. 981210-DD approved**

27. Approve a resolution authorizing negotiation and execution of Amendment #3 to a contract with the Daughters of Charity Information Systems (DC-IS) for the Health and Human Services Department to fund additional implementation costs for the Integrated Client Management System, including the addition of an automated pharmacy tracking system, in the amount of \$536,000, for a total contract amount of \$2,581,000. (Funding was included in the 1998-99 Operating Budget of the Health and Human Services Department Disproportionate share Fund.)

**Resolution No. 981210-27 approved**

28. Approve a resolution authorizing a renewal and amendment of the 1998 Interlocal Cooperation Agreement with Travis County and the Austin Travis County Mental Health Retardation Center for the period of January 1, 1999 through December 31, 1999 at a cost to the City not to exceed \$1,125,147. (Funding in the amount of \$1,031,385 was included in the 1998-99 Operating budget of the Health and Human Services Department, Social Services Fund Contracts fund for the first eleven months of the 1999 contract period. Funding for the remainder of the contract is contingent on the 1999-2000 budget.)

**Resolution No. 981210-28 approved**

29. Approve a resolution authorizing acceptance of an additional \$31,400 in grant funds from the Texas Department of Health Bureau of Clinical and Nutrition Services; amend Ordinance No. 980915-A, the 1998-99 Operating Budget by appropriating an additional \$31,400 in grant funds and the addition of one full-time equivalent position for the Health and Human Services Department Special Revenue Fund, for a new total grant amount of \$133,400. (A City match is not required.)

**Ordinance No. 981210-EE approved**

## Police

30. Approve a resolution authorizing negotiation and execution of Amendment #1 to an existing professional services agreement with JESSEN, INC., (MBE/MH), Austin, Texas, for architectural design and construction phase services for the South Austin Police Substation, located at 400 Ralph Ablanado Drive, in the amount of \$126,331, for a total amount not to exceed \$460,895. (Funding is available in the 1997-98 Amended Capital Budget of the Police Department.) Prime Participation: 65%; 10% MBE, 10% WBE Subcontractor participation.

**Resolution No. 981210-30 approved**

31. Approve an ordinance authorizing acceptance of \$307,084 in grant funding from the State of Texas, Office of the Governor, Criminal Justice Division, for year one of the Juvenile Accountability Incentive Block Grant Program, to establish a Juvenile Diversion Center for youth who have committed Class C criminal offenses; amend Ordinance 980915-A, the 1998-99 Operating budget, amending the Police Department Special Revenue Fund, by increasing grant funding and grant expenditures by \$307,084. (A City match in the amount of \$34,120 is required; \$17,060 available in the 1998-99 Operating Budget of Health and Human Services Department; \$17,060 is available in the 1998-99 Operating Budget of Parks.)

**Ordinance No. 981210-B approved**

32. Approve a resolution authorizing negotiation and execution of an Agreement with the Austin Area Urban League to establish a Juvenile Diversion Center to address the needs of juveniles who have committed Class C criminal offenses, utilizing grant funding, in an amount not to exceed \$262,870. (Funding is available from the State of Texas, Office of the Governor, Criminal Justice Division, as part of a \$307,084 Juvenile Accountability Incentive Block Grant.)  
**Resolution No. 981210-32 approved**

Items 24 through 32 approved on Councilmember Spelman's motion, Councilmember Garcia's second, 7-0 vote.

### Convention Center

33. Approve a resolution authorizing negotiation and execution of a 50-year lease of Palmer Auditorium with Greater Austin Performing Arts Center, Inc., (ARTS Center Stage) on substantially the terms set forth in the Term Sheet, and on such other terms and conditions as are deemed favorable, necessary or required. (No fiscal impact.)  
**Resolution No. 981210-33 approved with friendly amendments by Councilmember Slusher to only negotiate, and on page 3 that "tenant shall pay all operating costs".**

Friendly amendment accepted.

34. Approve an ordinance authorizing the renaming of the new Town Lake Park Community Events Center as the Lester E. Palmer Community Events Center, and authorizing the renaming of Palmer Auditorium after it is leased for use as a performing arts center. (No fiscal impact.)  
**Ordinance No. 981210-W approved upon ratification of the City Council within 30 days after notice, if Council fails to take action ACS will be allowed to name said facility.**

Items 33 and 34 approved on Councilmember Spelman's motion, Councilmember Garcia's second, 7-0 vote.

35. Approve a resolution authorizing an amendment to the contract with the Austin Convention and Visitors Bureau (ACVB) increasing the budget for tourism and convention sales to Asian markets and increasing the contract payment by \$200,000. (Funding is available in the 1998-99 Operating budget of the Tourism and Promotion Fund.)  
**Resolution No. 981210-35 approved**
36. Approve a resolution authorizing contract amendment #7 to the contract with Capital City Chamber of Commerce, to extend the contract on a month-to-month basis, beginning October 1, 1998, in an amount not to exceed \$23,308 per month, for a total amount not to exceed \$279,703 and a total contract amount not to exceed \$1,063,914. for tourism and convention sales to African-American markets (Funding is available in the 1998-99 Operating budget of the Tourism and Promotion Fund.)  
**Resolution No. 981210-36 approved**
37. Approve a resolution authorizing contract amendment #9 to the contract with the Austin Hispanic Chamber of Commerce, to extend the contract on a month-to-month basis, beginning October 1, 1998, in an amount not to exceed \$23,308 per month, for a total amount not to exceed \$279,703 and

a total contract amount not to exceed \$1,063,914 for tourism and convention sales to Hispanic markets (Funding is available in the 1998-99 Operating budget of the Tourism and Promotion Fund.)  
**Resolution No. 981210-37 approved**

38. Approve a resolution authorizing negotiation and execution of a contract with a firm to assist in the development of a plan to aggressively market the expanded Convention Center, including the development of appropriate goals and performance measures for ACVB, Minority Marketing, and Heritage Marketing, in an amount not to exceed \$50,000. The consultant may be asked to provide additional services such as auditing the results of previous and current marketing efforts. (Funding is available in the 1998-99 Operating budget of the Tourism and Promotion Fund.)  
**Resolution No. 981210-38 approved**

Items 35 through 38 approved on Councilmember Garcia's motion, Councilmember Spelman's second, 7-0 vote.

### Annexation

39. Approve an ordinance annexing for full purposes, Case No. C7a-98-001, the Pond Springs Multi-family Area, consisting of approximately 22 acres generally located at the southeast corner of Pond Springs Road and Hunters Chase Drive. (this annexation is estimated to produce unbudgeted property tax revenue of less than \$2,000.)  
**Ordinance No. 981210-C approved**
40. Approve an ordinance annexing for full purposes, Case No. C7a-98-011, the Hymeadow Drive Commercial Area, consisting of approximately 14 acres on the east side of U.S. 183 generally located at the intersection of U.S. 183 and Hymeadow Drive. (This action is estimated to produce unbudgeted property tax of \$63,000 and estimated sales tax of \$125,000.)  
**Ordinance No. 981210-D approved**
41. Approve first reading of an ordinance annexing for limited purposes the following areas: C7L-98-007 the Pecan Creek Parkway Commercial Area (approximately six acres at the northeast corner of the intersection of Pecan Creek Parkway and Anderson Mill Road); C7L-98-006 the Millwright Parkway Commercial Area (approximately one acre at the northwest corner of the intersection of Millwright Parkway and Anderson Mill Road); C7L-98-005 Woodland Hills Village Commercial Area (approximately one acre on the west side of US 183 at the intersection of US 183 and Woodland Hills Drive); and, C7L-98-004 the Lake Creek Parkway Commercial area (approximately 33 acres on the west side of US 183 at the intersection of US 183 and Lake Creek Parkway). (The proposed action on this annexation is estimated to produce unbudgeted sales tax of \$125,000. There are no anticipated additional expenditures.)  
**Approved first reading only**
42. Approve first reading of an ordinance annexing for limited purposes, the Galloway Tract (C7L-98-003), consisting of approximately 19 acres on the south side of Elroy Road approximately 1,800 feet from the intersection of Elroy Road and Ross Road. (No fiscal impact.)  
**Approved first reading only**

43. Approve an ordinance adopting the first transition agreement of the Strategic Partnership Agreement between the City of Austin and Anderson Mill Municipal Utility District. (No fiscal impact.)  
**Ordinance No. 981210-E approved**
44. Approve an ordinance annexing for full purposes, Case No. C7a-98-002, the RM 620 right-of-way area, consisting of approximately 25 acres of RM 620 right-of-way consisting of approximately 25 acres of RM 620 right-of-way, extending from the existing City limits at a point approximately 2000 feet north of the intersection of RM 620 and Wilson Parke Blvd., north to a point approximately one mile north of that intersection; and the intersection of RM 620 and Boulder Lane. (No fiscal impact.)  
**Ordinance No. 981210-F approved**
45. Approve an ordinance annexing for full purposes, Case No. C7a-98-003, the Parke Phase C area, consisting of approximately 31 acres generally located northwest of the intersection of Woodbay Parke Drive and Wilson Park Boulevard. (This action is estimated to produce unbudgeted property tax revenue of less than \$2,000.)  
**Ordinance No. 981210-G approved**
46. Approve an ordinance annexing for full purposes, Case No. C7a-98-004, the Aiken Tract, consisting of approximately 41 acres generally located north of the Bowie High School site on Slaughter Lane. (This action is estimated to produce unbudgeted property tax revenue of less than \$2,000.)  
**Ordinance No. 981210-H approved**
47. Approve an ordinance annexing for full purposes, Case No. C7a-98-005, the Lonestar/Gannaway Tract, consisting of approximately 27 acres located approximately 155 feet west of the intersection of Salida Drive and Sawmill Drive. (This action is estimated to produce unbudgeted property tax revenue of less than \$2,000.)  
**Ordinance No. 981210-I approved**
48. Approve an ordinance annexing for full purposes, Case No. C7a-98-006, the Brodie Springs Area, consisting of approximately 92 acres generally located at the northeast corner of the intersection of Brodie Lane and Squirrel Hollow. (This action is estimated to produce unbudgeted property tax revenue of less than \$2,000.)  
**Ordinance No. 981210-J approved**
49. Approve an ordinance annexing for full purposes, Case No. C7a-98-007, the Wild Basin (COA)/Loop 360 right-of-way, consisting of approximately 359 acres located approximately 2800 feet north of the intersection of Loop 360 and Wild Basin Road. (No fiscal impact.)  
**Ordinance No. 981210-K approved**
50. Approve an ordinance annexing for full purposes, Case No. C7a-98-008, the Pond Springs Commercial Area, consisting of approximately 28 acres generally located at the northeast corner of the intersection of Pond Springs Road and Shady Oaks Drive and approximately 2 acres at the southeast corner of the intersection of Pond Springs Road and Shady Oaks Drive. (This action is estimated to produce unbudgeted property tax of \$27,000.)  
**Ordinance No. 981210-L approved**



51. Approve an ordinance annexing for full purposes, Case No. C7a-98-009, the Howard Lane Industrial Tract, consisting of approximately 60 acres generally located at the northwest corner of the intersection of W. Howard Lane and McNeil-Merrill Town Road. (This action is estimated to produce unbudgeted property tax revenue of less than \$2,000.)  
**Ordinance No. 981210-M approved**
52. Approve an ordinance annexing for full purposes, Case No. C7a-98-010 the Harris Branch area, consisting of approximately 1,966 acres generally located at the intersection of Bluegoose Road and Harris Branch Parkway. (The projected expenditures for all funds in the first year exceed estimated revenue by \$706,777. The cumulative impact over 25 years is a projected gain of \$77 million.)  
**Ordinance No. 981210-N approved**
53. Approve an ordinance waiving, until December 31, 1999, the following fees for all properties approved for annexation on first or final reading on December 10, 1998; application fee for initial non-single family zoning; application fee for land use site plans for sites with approved unbuilt development permit site plans and sites with development permit site plans under review on December 31, 1998; and traffic impact analysis review fees associated with either of the above permit applications. (This action will result in foregone revenues estimated at \$2,000 to \$6,000. These specific revenue amounts were not included in the 1998-99 Budget.)  
**Ordinance No. 981210-O approved**

#### Fire

54. Approve a resolution to give official notice to Travis County Emergency Services Districts Number 4, 5, and 9 to Williamson County Emergency Services District Number 1, and to Travis County Rural Fire Prevention District Number 11 of full purpose annexations by the City of Austin in 1998. (No fiscal impact.)  
**Resolution No. 981210-54 approved**

#### Management Services

55. Approve the 1999 City Council Meeting schedule.  
**Resolution No. 981210-55 approved**
56. Approve a resolution supporting the City's participation in the International Resource Cities Program. (Travel and related costs will be paid by USAID through ICMA. No fiscal impact.)  
**Resolution No. 981210-56 approved**

Items 39 through 56 approved on Councilmember Spelman's motion, Councilmember Garcia's second, 7-0 vote.

## Governmental Relations

57. Approve a resolution adopting the City's Legislative Program for the 76<sup>th</sup> Legislative Session of the Texas Legislature. (No fiscal impact.)  
**Resolution No. 981210-57 approved on Councilmember Garcia's motion, Councilmember Spelman's second, 7-0 vote.**

## Parks and Recreation

58. Approve a resolution authorizing negotiation of a Memorandum of Understanding with the Trust for Public Land, dba TPL, Texas, Inc., a nonprofit California public benefit corporation to reimburse for direct expenses incurred in connections with the acquisition of parks and recreational property located in East and Southeast Austin as Destination Parks, along Austin creeks for future greenways and trails under the November 3, 1998 Bond Proposition 2, in an amount not to exceed \$350,000.  
**Approved to negotiate and execute on Councilmember Garcia's motion, Councilmember Lewis' second, 7-0 vote.**

## Development Review

59. Approve a resolution authorizing negotiation of an agreement with the AUSTIN INDEPENDENT SCHOOL DISTRICT for construction and operation of the proposed St. Johns Multipurpose Center. (No fiscal impact.)  
**Resolution No. 981210-59 approved on Councilmember Spelman's motion, Councilmember Garcia's second, 7-0 vote.**
60. 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. (Continued from 11/5/98, 11/19/98 and 12/3/98)  
**Ordinance No. 981210-AA approved on Councilmember Spelman's motion, Mayor Pro Tem Goodman's second, 5-2 vote, Councilmember Garcia and Slusher voting "NO".**
61. C14-98-0060 - Approve second/third readings of an ordinance amending Chapter 13-2 of the Austin City Code zoning property locally known as 6514 McNeil Road from "I-RR" Interim Rural Residence, to "CS-CO", Commercial Services zoning with conditions. Conditions met as follows: Conditional overlay incorporates conditions imposed by Council on first reading. First reading on October 22, 1998; Vote 5-0, Watson and Griffith off dais. Applicant: Adco Advertising Specialties, Inc., Agent: Carlton Bernhard. City Staff: David Wahlgren, 499-6455.  
**Ordinance No. 981210-P approved**
62. C14-98-0067 - Approve second/third readings of an ordinance amending Chapter 13-2 of the Austin

City Code zoning property locally known as Harris Ridge Blvd. and East Parmer Lane from "GR" Community Commercial and "MF-3" Multi-Family Residence to "GR", Community Commercial district zoning on Tract 1; from "MF-3" Multi-Family Residence and "SF-6" Townhouse and Condominium Residence to "MF-2" Multi-Family Residence district zoning on Tract 2; from "LI" Limited Industrial, "GR" Community Commercial, "SF-6" Townhouse and Condominium Residence, "LR" Neighborhood Commercial, and "MF-3" Multi-Family Residence to "P" Public district zoning on Tract 3; and from "SF-6" Townhouse and Condominium Residence, "MF-3" Multi-Family Residence, and "RR" Rural Residence to "RR" Rural Residence district zoning on Tract #4. Conditions met as follows: No conditions imposed by Council on first reading. First reading on August 6, 1998; Vote 7-0. Applicant: Gottesman Company (Sandy Gottesman), Agent: The Liverman Company (Bob Liverman) City Staff: David Wahlgren, 499-6455.

**Ordinance No. 981210-Q approved**

**Items 61 and 62 approved on Councilmember Spelman's motion, Councilmember Garcia's second, 7-0 vote.**

63. C14-98-0091 - Approve third reading of an ordinance amending Chapter 13-2 of the Austin City Code by zoning property locally known as Old Bee Caves Road and Weir Hills Road, from "I-RR", Interim-Rural Residence, to "MH-CO", Mobile Home-Conditional Overlay district zoning with conditions. Conditions met as follows: Conditional overlay incorporates conditions imposed by Council on second reading. First reading on October 1, 1998; vote 5-2, Griffith and Spelman nay. Second reading on November 19, 1998; vote 6-1, Goodman nay. Applicant: Travis Star Corporation (Mac Spellman); Agent: A.R. Thrower Design (Ron Thrower). City Staff: Susan Villarreal, 499-6319. **Ordinance No. 981210-BB approved Planning Commission recommendation and private covenants on Councilmember Garcia's motion, Councilmember Slusher's second, 5-2 vote, Mayor pro Tem Goodman and Councilmember Griffith voting "NO".**
64. C14-98-0096 - Approve second/third readings of an ordinance amending Chapter 13-2 of the Austin City Code by zoning property locally known as South side of Boardwalk Drive (200' east of the intersection of Boardwalk Drive and U. S. Hwy. 183), from "I-SF-2", Interim Rural Residence to "CS-CO", General Commercial Service-Conditional Overlay district zoning with conditions. Conditions met as follows: Conditional overlay incorporates conditions imposed by Council on first reading. First reading on October 8, 1998; Vote 6-0, Goodman off dais. Applicant: Allen Rundell; Agent: Site Specifics (John Hussey). City Staff: David Wahlgren, 499-6455. **Ordinance No. 981210-R approved**
5. C14-98-0097 - Approve second/third readings of an ordinance amending Chapter 13-2 of the Austin City Code by zoning property locally known as South side of Boardwalk Drive (600' east of the intersection of Boardwalk Drive and U. S. Hwy. 183), from "I-SF-2", Interim Rural Residence to "CS-CO", General Commercial Service-Conditional Overlay district zoning, with conditions. Conditions met as follows: Conditional overlay incorporates conditions imposed by Council on first reading. First reading on October 8, 1998; Vote 6-0, Goodman off dais. Applicant: Allen Rundell; Agent: Site Specifics (John Hussey). City Staff: David Wahlgren, 499-6455. **Ordinance No. 981210-S approved**
66. C14-98-0098 - Approve second/third readings of an ordinance amending Chapter 13-2 of the Austin City Code by zoning property locally known as South side of the intersection of Boardwalk Drive and

Roxie Drive, from "I-SF-2", Interim Rural Residence to "CS-CO", General Commercial Service-Conditional Overlay district zoning with conditions. Conditions met as follows: Conditional overlay incorporates conditions imposed by Council on first reading. First reading on October 8, 1998; Vote 6-0, Goodman off dais. Applicant: Allen Rundell; Agent: Site Specifics (John Hussey). City Staff: David Wahlgren, 499-6455.

**Ordinance No. 981210-T approved**

67. C14-98-0099 - Approve second/third readings of an ordinance amending Chapter 13-2 of the Austin City Code by zoning property locally known as North side of Roxie Drive (600' north of the intersection of Roxie Drive and U. S. Hwy. 183, from "I-SF-2", Interim Rural Residence to "CS-CO", General Commercial Service with Conditional Overlay district zoning with conditions. Conditions met as follows: Conditional overlay incorporates conditions imposed by Council on first reading. First reading on October 8, 1998; Vote 6-0, Goodman off dais. Applicant: Allen Rundell; Agent: Site Specifics (John Hussey). City Staff: David Wahlgren, 499-6455.
- Ordinance No. 981012-U approved**

Items 64 through 67 approved on Councilmember Spelman's motion, Councilmember Garcia's second, 7-0 vote.

#### ITEMS FROM COUNCIL

68. Approve second/third reading of an ordinance to consider establishing the Villas at Mia Tia as a pilot project utilizing rainwater harvesting as impervious cover mitigation. (Councilmembers Daryl Slusher and William Spelman)
- Resolution No. 981210-68 approved a resolution directing staff to study and monitor, but did not approve ordinance, therefore, the application has to be revised to comply with watershed regulations on Councilmember Spelman's motion, Councilmember Griffith's second, 6-0 vote, Councilmember Garcia off the dais.**

69. Approve an ordinance waiving the requirements of Chapter 15-11 of the City Code and the permit fee and deposit under Ordinance No. 971016-I, for the temporary closure of Third Street from the east 100 block through the west 300 block on January 28, 1998, and waiving the requirements of Chapter 8-11 of the City Code for a parade honoring Ricky Williams and the University of Texas Football Team. (Mayor Kirk Watson and Councilmember Willie Lewis)

**Ordinance No. 981210-V approved**

70. Approve naming the facility known informally as the Central City Entertainment Center. (Councilmember Willie Lewis)
- Ordinance No. 981210- HH approved**

Items 69 and 70 approved on Councilmember Spelman's motion, Councilmember Garcia's second, 7-0 vote.

71. Set a public hearing on a proposal to prohibit parking between 7 a.m. and 7 p.m. in existing bicycle lanes. (Suggested date and time: February 4, 1998, at 6:00 p.m.)
- Postponed indefinitely on Councilmember Lewis' motion, Councilmember Garcia's second, 7-0 vote.**

72. Approve the Articles of Incorporation of the Austin First Step Corporation and direct the City Manager to file the Articles with the Secretary of State. (Mayor Kirk Watson and Councilmember Willie Lewis) [Related to Item 73]  
**Resolution No. 981210-72 Approved**
73. Approve a resolution authorizing negotiation and execution of a contract with Austin First Step corporation, a non-profit Texas corporation, that is being established for the purpose of managing and administering \$710,000 in grant and scholarship funds provided by the City. (Mayor Kirk Watson and Councilmember Willie Lewis) [Related to Item 72]  
**Resolution No. 981210-73 approved**

Items 72 and 73 approved on Councilmember Spelman's motion, Councilmember Garcia's second, 7-0 vote.

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

74. C14-98-0149 - Public hearing to amend Chapter 13-2 of the Austin City Code by rezoning property locally known as 11902 North I.H. 35 Service Road (Southbound) from "LO", Limited Office" to "GR", Community Commercial. Planning Commission Recommendation: To Grant "GR-CO", Community Commercial-Conditional Overlay district zoning with conditions. Applicant/Agent: Yellow Rose Communications (Andrew McGregor). City Staff: Don Perryman, 499-2786. Note: A valid petition has been filed in opposition to this rezoning request.  
**Closed public hearing on Councilmember Garcia's motion, Mayor Pro Tem Goodman's second, 7-0 vote.**

**Motion to deny on Councilmember Spelman's motion, Councilmember Griffith's second,**

**Motion withdrawn by applicant.**

75. C14-98-0136 - Public hearing to amend Chapter 13-2 of the Austin City Code by rezoning property locally known as 2200 Park Bend Drive from "MF-2-CO", Multi-Family Residence (low density)-Conditional Overlay to "GO-CO", General Office-Conditional Overlay District. Planning Commission Recommendation: To Grant "GO-MU-CO", General Office-Mixed Use-Conditional Overlay District zoning with conditions. Applicant: DIL/SAHP Corporation; Agent: Minter, Joseph & Thornhill (Michele C. Hausmann). City Staff: Don Perryman, 499-2786. (continued from 10/22/98)  
**Ordinance No. 981210-X approved Planning Commission recommendation**
76. C14-98-0166 - Public hearing to amend Chapter 13-2 of the Austin City Code by zoning property locally known as 1301 West 25th Street from "MF-3", Multi-Family Residence (medium density) to "LO", Limited Office zoning. Planning Commission Recommendation: To Grant "LO", Limited Office district zoning. Applicant: City of Austin. Agent: Development Review & Inspection Department. City Staff: Antonio Gonzalez, 499-2243.  
**Ordinance No. 981210-Y approved Planning commission recommendation**
77. C14-98-0148 - Public hearing to amend Chapter 13-2 of the Austin City Code by zoning property locally known as 700-1100 East Stassney Lane from "GR", Community Commercial to "CS-CO", General Commercial Services-Conditional Overlay district. Planning Commission Recommendation:

To Grant "CS-CO", General Commercial Services-Conditional Overlay district zoning with conditions. Applicant: Oryx Development Corporation (David McClain); Agent: Minter, Joseph & Thornhill (Michele Hausmann). City Staff: Debra Williams, 499-2987.

**Postponed to January 7, 1999 at request of neighborhood association, first request.**

78. SP-98-0226C - Public hearing to approve a site plan required by a restrictive covenant for property locally known as 1506 San Antonio Street. Existing zoning "LR", Neighborhood Commercial. Planning Commission Recommendation: To approve the site plan. Applicant/Agent: ATS Engineering (Andrew Evans). City Staff: Don Perryman, 499-2786.

**Approved first reading only**

79. C14-98-0152 - Public hearing to amend Chapter 13-2 of the Austin City Code by zoning property locally known as 13200 Pond Springs Road from "I-RR", Interim Single Family Residence, Standard Lot to "CS", General Commercial Services. Planning Commission Recommendation: To Grant "CS-CO", General Commercial Services-Conditional Overlay district zoning. Applicant: Routh-Knap (Todd Routh); Agent: Duprie and Assoc. (Stephanie Duprie). City Staff: David Wahlgren, 499-6455.

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

**Items 75 through 79 approved on Councilmember Spelman's motion, Councilmember Lewis' second, 7-0 vote.**

80. C14-98-0155 - Public hearing to amend Chapter 13-2 of the Austin City Code by rezoning property locally known as 11877-11879 Research Blvd. from "LO", Limited Office, "SF-2", Single Family (Standard Lot), and "GR", Community Commercial to "GR", Community Commercial. Planning Commission Recommendation: To Grant "LO-CO", Limited Office-Conditional Overlay district zoning with conditions. Applicant: City of Austin; Agent: Development Review and Inspection Department. Property Owners: Ruth Brunk, Dicotec Inc. and James Mattox; City Staff: David Wahlgren, 499-6455. Note: A valid petition has been filed in opposition to this rezoning request.

**Postponed to January 7, 1999, applicants first request on Councilmember Slusher's motion, Councilmember Garcia's second, 7-0 vote.**

81. C14h-98-0006 - Public hearing to amend Chapter 13-2 of the Austin City Code by rezoning property locally known as 701 Congress Avenue from "CBD", Central Business District to "CDB-H", Central Business District-Historic district zoning. Planning Commission Recommendation: To Grant "CBD-H", Central Business District-Historic district zoning. Applicant K.L. Austin Hotel Owners L.P., Delaware Limited Partnership; Agent: Nix Group (Eric Ullmann). City staff: Barbara Stocklin, 499-2414.

**Ordinance No. 981210-Z approved Planning Commission recommendation on Councilmember Spelman's motion, Councilmember Lewis' second, 7-0 vote.**

## PUBLIC HEARINGS

82. 5:30 p.m. - Public hearing on creating a Special Impact Area under U.S. Department of Commerce grant regulations; approve submission of a grant application in conjunction with American Institute for Learning for a Downtown Youth Career Center; and designate the Community Development Commission as the oversight

committee for purposes of complying with grant requirements. (Councilmembers Gus Garcia and William Spelman)

Closed public hearing on Councilmember Lewis' motion, Councilmember Spelman's second 6-0 vote, Councilmember Garcia off the dais.

83. 6:00 P.M. – Public hearing on a request to waive the minimum separation distance requirement of City Code Section 8-3-4, between the Westminster Convenience Store, at 5933 Westminster Drive which intends to sell alcoholic beverages, and a public school (Harris Elementary School). File #SP-98-0315(AW). Applicant: M&M Equities; Agent: Holt Planners (David Holt).

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

84. 6:30 P.M. – Public hearing on a license agreement for the construction of a wastewater line through dedicated parkland on 0.22 and 0.07 acre (13,154.4 square feet) known as Springfield Park in accordance with Section 26.001 et. Seq. of the Texas Parks and Wildlife Code.

Closed public hearing on Councilmember Slusher's motion, Councilmember Lewis' second, 4-0 vote, Mayor Pro Tem Goodman and Councilmember Griffith and Spelman off the dais.

85. 7:00 P.M. - Public hearing on the proposed street name change of the entire length of Maple Avenue to O.T. Arnold Avenue (from the intersection of East 12<sup>th</sup> 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. (Councilmember Willie Lewis)

Closed public hearing on Councilmember Slusher's motion, Mayor Pro Tem Goodman's second, 6-0 vote, Councilmember Spelman off the dais.

86. 7:30 P.M. – Public hearing on the Austin Downtown Public Improvement District (PID) 1999 assessments. (The proposed 1999 assessment rate at \$0.10/\$100 valuation is estimated to produce \$909,048 at a 99% collection rate.)

Closed public hearing on Councilmember Spelman's motion, Mayor Pro Tem Goodman's second, 6-0 vote, Councilmember Slusher off the dais.

87. 8:00 P.M. - Public Hearing on an appeal of the decision by the Historic Landmark Commission to deny an application for a demolition permit for the Horton-Duval House, a city historic landmark, locally known as 6706 Bluff Springs Road. Applicant: Mr. Majid Hemmasi. City Staff: Barbara Stocklin, 499-2414.

Postponed to January 21, 1998 at 6:30 p.m.

#### ACTION ON PUBLIC HEARINGS

88. Approve a resolution creating a Special Impact Area under U.S. Department of Commerce grant regulations; approve submission of a grant application in conjunction with American Institute for Learning for a Downtown Youth Career Center; and designate the Community Development

Commission as the oversight committee for purposes of complying with grant requirements.  
(Councilmembers Gus Garcia and William Spelman)

**Resolution No. 981210-88 approved on Councilmember Lewis' motion, Councilmember Slusher's second, 7-0 vote.**

89. Approve/Deny a request to waive the minimum separation distance requirement of City Code Section 8-3-4, between the Westminster Convenience Store, at 5933 Westminster Drive which intends to sell alcoholic beverages, and a public school (Harris Elementary School). File #SP-98-0315(AW). Applicant: M&M Equities; Agent: Holt Planners (David Holt).

**Motion to deny on Councilmember Spelman's motion, Councilmember Garcia's second, 7-0 vote.**

90. Approve/deny a license agreement for the construction of a wastewater line through dedicated parkland on 0.22 and 0.07 acre (13,154.4 square feet) known as Springfield Park in accordance with Section 26.001 et. Seq. of the Texas Parks and Wildlife Code. [Recommended by Parks Board]

**Denied approval on Councilmember Slusher's motion, Councilmember Lewis' second, 4-0 vote, Mayor Pro Tem Goodman, Councilmembers Griffith and Spelman off the dais.**

91. Approve proposed street name change of the entire length of Maple Avenue to O.T. Arnold Avenue (from the intersection of East 12<sup>th</sup> 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. (Councilmember Willie Lewis)

**Motion to deny on Councilmember Lewis' motion, Councilmember Slusher's second, 7-0 vote.**

92. Approve the 1999 assessment roll and levying of assessments. (The proposed 1999 assessment rate at \$0.10/\$100 valuation is estimated to produce \$909,048 at a 99% collection rate.)

**Ordinance No. 981210-FF approved**

93. Amend Ordinance 980915-A, the 1998-99 Operating Budget of the Planning Environmental and Conservation Services Department Special Revenue Fund to increase revenue by \$1,115,816 and appropriations by \$1,051,540 for the Austin Downtown Public Improvement District. (Funding is available through \$909,048 in 1999 assessments (at a 99% collection rate); \$38,401 for interest accrued in the PID Account; \$30,633 from unappropriated prior year collections; \$137,734 City of Austin Annual Contribution (\$68,867 from Austin Convention Center Fund, and \$68,867 from Water and Wastewater Utility Fund); and possible adjustment, after the assessment roll hearing on December 10, 1998, which is dependent on the results of that hearing.)

**Ordinance No. 981210-GG approved**

**Items 92 and 93 approved on Councilmember Spelman's motion, Councilmember Garcia's second, 6-0 vote, Councilmember Slusher off the dais.**

94. Action on an appeal of the decision by the Historic Landmark Commission to deny an application for a demolition permit for the Horton-Duval House, a city historic landmark, locally known as 6706 Bluff Springs Road. Applicant: Mr. Majid Hemmasi. City Staff: Barbara Stocklin, 499-2414.

**No action taken**

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



**Executive session held at 12:36 p.m. to 1:30 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**

95. Discuss Ethel Spiller, et al. v. Robert M. Walker, et al., No. A-98-CA-255-SS, United States District Court for the Western District of Texas.
96. Discuss legal issues pertaining to proposed cable service franchise for Lyncstar, LLC.
97. Discuss legal issues regarding a claim by a former City employee involving the Family and Medical Leave Act.
98. Discuss legal issues on proposed Ground Lease of Poleyard Property to Post Apartment Homes, L.P.
99. Discuss legal issues on proposed Ground Lease of Palmer Auditorium to Arts Center Stage for renovation and use as a performing arts center.
100. Discuss Kirk Anderson, Trustee, v. City of Austin, Cause No. 98-11862, in the 201st Judicial District Court of Travis County, Texas. (This litigation concerns development regulations applicable in the Barton Springs Zone.)
101. Discuss City of Austin v. HorseThief Hollow Ranch, Ltd., et al., Cause No. 96-1154, in the Supreme Court of Texas. (This litigation concerns development regulations applicable in the Barton Springs Zone.)
102. Discuss legal issues regarding contract Anderson Community Development Corporation.

**ACTION ON THE FOLLOWING**

103. Approve second reading of an ordinance granting a franchise to LyncStar Integrated Communications LLC to provide cable services. (\$5,100 unanticipated 1998-99 Franchise Fee revenue; \$1,785 unanticipated 1998-99 Fund 711 Access Fund revenue.) [Recommended by Telecommunications Commission]  
**Pulled**
104. Approve a resolution authorizing negotiation and execution of an Agreement to Lease and a Ground Lease of the Poleyard Property with Post Apartment Homes, L.P. on the Term Sheet, and enter into said Agreement to Lease and Ground Lease on such additional terms and conditions as are deemed favorable, necessary or required. (\$225,000 is estimated to be required for construction of a Street.

Funds have been identified in 1984 Street Projects. A budget amendment will be required at the time of approval of the street contract.) [Recommended by Downtown Development Advisory Group]  
**Resolution No. 981210-104 approved on Councilmember Slusher's motion, Councilmember Garcia's second, 7-0 vote.**

105. Consider Phase One of a limited adjustment application under Section 13-1-305 and Chapter 13-7, Article I, Division 5 (Save Our Springs Initiative) for a development project known as the Kirk Anderson Tract, Site Plan Case Numbers C14R-86-106 and C14R-86-107. (This litigation concerns development regulations applicable in the Barton Springs Zone.)

**Motion to deny on Councilmember Spelman's motion, Councilmember Garcia's second, 6-0 vote, Councilmember Slusher off the dais.**

106. APPOINTMENTS

Construction Advisory Committee – NASH MARTINEZ (CONSTRUCTION REPRESENTATIVE-COUNCILMEMBER LEWIS)

Electrical Board - RALPH MERRIWEATHER (REAPPOINTMENT-COUNCILMEMBER LEWIS)

Ethics Review Commission - SUSAN ALBERS (CONFIRMATION-MAYOR WATSON), SAMUEL LOUGHLIN (CONFIRMATION-TRAVIS COUNTY BAR ASSOCIATION REPRESENTATIVE-CONSENSUS). JESUS VASQUEZ (NOMINATION-COUNCILMEMBER GARCIA)

Water & Wastewater Commission – DACIO MARIN (COUNCILMEMBER GARCIA)

**Approved on Councilmember Garcia's motion, Councilmember Spelman's second, 7-0 vote.**

ADDENDUM

DECEMBER 10, 1998

1. Approval of Minutes for December 3 & 4, 1998.  
**Approved on Councilmember Goodman's motion, Councilmember Griffith, 6-0 vote, Councilmembers Spelman and Garcia off the dais.**
107. Approve a resolution directing the City Manager to develop a plan for City of Austin participation in the Center for Computer and Electronic Product Disposition Research and Business Development. (Mayor Pro Tem Jackie Goodman, Mayor Kirk Watson and Councilmember Daryl Slusher.  
**Resolution No. 981210-107 approved on Councilmember Spelman's motion, Councilmember Garcia's second, 7-0 vote.**
108. Approve a resolution directing the City Manager to negotiate an Interlocal Agreement with the City of Westlake Hills for wastewater service. (Mayor Pro Tem Jackie Goodman)  
**Postponed on Mayor Pro Tem Goodman's motion, Councilmember Garcia's second, 7-0 vote.**
109. Approve an ordinance amending Ordinance No. 980915-A, the 1998-99 Operating Budget of the Department of Public Works and Transportation, to fund the City of Austin's cost-share portion of an Austin Transportation Study Group grant, in the amount of \$4,400, for an AMTG staff assistant. (Mayor Pro Tem Jackie Goodman)  
**Pulled**

110. APPOINTMENTS

Arts Commission - 1

ADJOURNED at 8:05 on Councilmember Garcia's motion, Mayor Pro Tem Goodman's second, 6-0 vote, Councilmember Slusher off the dais.

Approved on this the 7<sup>th</sup> day of January, 1999 on Councilmember Griffith's motion, Councilmember Lewis' second, 5-0 vote, Councilmembers Garcia and Spelman off the dais.