



Austin City Council MINUTES

REGULAR MEETING
THURSDAY, DECEMBER 3, 1998

1. Approval of Minutes for Regular Meetings of November 18 & 19, 1998
Approved on Councilmember Garcia's motion, Councilmember Slusher's second, 6-0 vote, Councilmember Lewis absent.

CITIZEN COMMUNICATIONS: GENERAL

2. Frank Belanger, to discuss Barton Springs Pool/Habitat Conservation Plan.
2. Gus Pena, ask Mayor and Council for assistance in starting a neighborhood plan to revitalize the Ortega Community.
3. Charlie Waits, salute Council by reciting poem Ode to Environmentalist.
4. Carlton Green
Absent

READING OF CONSENT AGENDA

READING OF DISCUSSION AGENDA

CITIZEN COMMUNICATIONS: CONSENT AGENDA

ACTION ON CONSENT AGENDA

ITEMS CONTINUED FROM PREVIOUS MEETINGS

5. 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 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. (Reviewed by Council Committee for Telecommunications Infrastructure on November 17, 1998.)
Resolution No. 981203-5 approved on Councilmember Garcia's motion, Councilmember Spelman's second, 6-0 vote, Councilmember Lewis absent.

6. Approve a resolution authorizing negotiation and execution of a professional services agreement with BARNES ARCHITECTS – REBANKS ARCHITECTS JOINT VENTURE, Austin, Texas, to provide consulting and architectural services for a facilities needs assessment study, master planning, conceptual design and cost estimating for the Police Department, in an amount not to exceed \$85,000. (Funding is available in the 1998-99 Operating budget of the Police Department.) Best qualification statement of six. 10% MBE, 21% WBE Subconsultant participation.
Resolution No. 981203-6 approved on Councilmember Garcia's motion, Councilmember Spelman's second, 6-0 vote, Councilmember Lewis absent.

Telecommunications and Regulatory Affairs

7. Approve an ordinance consenting to the transfer of a telecommunications consent to C3 COMMUNICATIONS, INC. (No fiscal impact.)
Ordinance No. 981203-A approved on Councilmember Garcia's motion, Councilmember Spelman's second, 6-0 vote, Councilmember Lewis absent.

8. Approve second reading of an ordinance authorizing a license agreement with GTE GLOBAL NETWORKS, INC., for placement of underground fiber optic cable in designated areas of the City. (\$740.00 in Unanticipated Fee Revenue for 1998-99.)
Approved second reading only on Councilmember Slusher's motion, Councilmember Garcia's second, 6-0 vote, Councilmember Lewis absent.

Parks and Recreation

9. Approve an ordinance authorizing acceptance of \$5,000 in grant funds from the American Association for the Advancement of Science; amend Ordinance 980915-A, the 1998-99 Operating

Budget Special Revenue Fund of the Parks and Recreation Department by appropriating \$5,000 for a Public Science Day. (A City match is not required.)

Ordinance No. 981203-B approved

10. Approve an ordinance authorizing acceptance of \$500 in additional grant funds from the Texas Forest Service Public Outreach for a NeighborWoods Street Planting video to educate neighborhoods on environmental issues; amend Ordinance 980915-A, the 1998-99 Operating Budget Special Revenue Fund of the Parks and Recreation Department by appropriating an additional \$500, for a total grant amount of \$5,500. (A City match in the amount of \$5,500 is required and is available through in-kind services in the Planting for the Future Fund.)

Ordinance No. 981203-C approved

11. Approve an ordinance authorizing acceptance of \$25,000 in grant funds from the Texas Forest Service and amending Ordinance 980915-A, the 1998-99 Operating Budget Special Revenue Fund of the Parks and Recreation Department, by appropriating \$25,000 for coordinating Oak Wilt Suppression activities, for a total amount of \$25,000. (A City match is required.) [A City match in the amount of \$25,000 in in-kind services is required and available in the 1998-99 Operating Budget of the Parks and Recreation Department.]

Ordinance No. 981203-D approved

12. Approve a resolution authorizing the appointment of Board members to the Austin-Rosewood Community Development Corporation. (No fiscal impact.)

Resolution No. 981203-12 approved

Health and Human Services

13. Approve a resolution authorizing the Austin/Travis County Health and Human Services Department to enter into an Interlocal Agreement with the Austin Independent School District as part of the Southeast Austin Community Youth Development grant program in the amount of \$193,812; and authorize two twelve month renewal options not to exceed \$193,812 per extension, for a total amount not to exceed \$581,436. The term for the Interlocal Agreement shall run concurrent with the grant term, or from September 1 through August 31 for each year referenced in this action. (Funding is available in the Special Revenue Fund for the Health and Human Services Department from the Texas Department of Protective and Regulatory Services Southeast Austin Community Youth Development grant.)

Resolution No. 981203-13 approved

14. Approve a resolution authorizing an Interlocal Agreement with Travis County to fund and administer social services contracts for the period of January 1, 1999 through December 31, 1999, in an amount not to exceed \$5,750,580. (Funding in the amount of \$5,271,365 was included in the 1998-99 Operating Budget for the Health and Human Services Department, Social Services Fund. Funding for the remaining one month of the contract period will be contingent upon availability of funding in future budgets.) [Recommended by Community Action Network]

Resolution No. 981203-14 approved

Convention Center

15. Approve a resolution authorizing execution of an amendment to the professional service contract with LOCKE PURNELL RAIN HARRELL, to increase the amount of attorney fees up to \$17,500 for a total contract amount not to exceed \$52,500 for legal services in connection with negotiating the purchase of land for the expansion of the Convention Center Department. (Funding was included in the 1997-98 Capital budget of the Convention Center Department.)
Resolution No. 981203-15 approved

Finance and Administrative Services

16. Approve a resolution authorizing execution of a twelve month supply agreement with GRAINGER, Austin, Texas, for the purchase of industrial and commercial equipment and supplies (air compressors, fans, generators, electric motors, etc.) for the Fleet Services Centers, in an amount not to exceed \$125,000 with two twelve month extension options in an amount not to exceed \$125,000 per extension, for a total contract amount not to exceed \$375,000. (Funding in the amount of \$104,167 was included in the 1998-99 Operating Budget of Fleet Services Division of Finance and Administrative Services. Funding for the remaining two months of the original contract period 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. 981203-16 approved
17. Approve a resolution authorizing execution of a twelve month supply agreement with LTD AUDIO VISUAL, INC., Margate, Florida, for the purchase of audio compact discs for all City libraries, in an amount not to exceed \$50,000 with two twelve month extension options in an amount not to exceed \$50,000 per extension, for a total contract amount not to exceed \$150,000. (Funding in the amount of \$28,670 was included in the 1998-99 Operating budget of the Library Department; \$9,860 was included in the 1995-96 Capital budget of the Library Department; \$11,470 was included in the 1996-97 Capital budget of the Library Department. Funding for the extension options is contingent upon available funding in future budgets.) Best discount of two. No M/WBE Subcontracting opportunities were identified.
Resolution No. 981203-17 approved
18. Approve a resolution authorizing execution of a contract with HOUSTON-GALVESTON AREA COUNCIL OF GOVERNMENTS COOPERATIVE PURCHASING PROGRAM, Houston, Texas, for the purchase of four replacement and one additional fire trucks, in the amount of \$1,713,623.70. (Funding in the amount of \$1,367,869.24 was included in the 1998-99 Vehicle Acquisition Fund; \$345,754.46 was included in the 1997-98 Capital budget of the Fire Department.)
Resolution No. 981203-18 approved
19. Approve a resolution authorizing a contract with PINPOINT TECHNOLOGIES, INC., Boulder, Colorado, for the purchase of nine AcClaim Professional user software licenses and three electronic claims modules, including a one year upgrade program, installation and training and two years of product support for the Emergency Medical Systems Department, in the amount of \$66,605. (Funding was included in the 1998-99 Operating budget of the Emergency Medical Services Department.) Sole source. No M/WBE Subcontracting opportunities were identified.
Resolution No. 981203-19 approved

20. Approve a contract with PAGENET OF SAN ANTONIO, INC., Austin, Texas, for rental and service of pagers for various City departments for a period of 15 months (through the end of February, 2000), in the amount \$456,163. (Funding in the amount of \$304,100 was included in the 1998-99 Operating Budgets of various departments. Funding for the remaining five months of the contract period is contingent upon available funding in the FY 1999-00 budget. No M/WBE Subcontracting opportunities were identified.)
Resolution No. 981203-20 approved

Housing

21. Approve a resolution authorizing an Assignment Agreement approving the assignment of two Housing Assistance Payments contracts to the Housing Authority of the City of Austin (HACA) and the assumption by the HACA of all obligations under the contracts and release of obligations of the City, in the amount of \$23,738. (Funding is received on a reimbursement basis through HUD's Section 8 Substantial Rehabilitation Program. Once the Agreement becomes effective, the HACA will receive funding reimbursements from HUD.)
Resolution No. 981203-21 approved
22. Approve a resolution authorizing amendments to the 1998-99 Community Development Program and the Federal Consolidated Plan to reprogram \$445,000 in CDBG funds. (Funding is available from allocation of prior year's funds.) [Recommended by Community Development Commission]
Resolution No. 981203-22 approved

Public Works

23. Approve a resolution authorizing acceptance and execution of a contract with TEXAS DEPARTMENT OF TRANSPORTATION accepting two Federal Intermodal Surface Transportation Efficiency Act (ISTEA) grants in the amount of \$117,275 (City's match is \$23,445) and \$233,400 (City's match is \$46,680) for bicycle projects approved by the Austin Transportation Study Policy Advisory Committee, for a total amount of \$350,675, including the City's matching funds (Grant A in the amount of \$117,275 was included in the 1996-97 and 1997-98 Capital budgets of the Public Works and Transportation Department; Grant B in the amount of \$233,400 was included in the 1997-98 and 1998-99 Capital budgets of the Public Works and Transportation Department.)
Resolution No. 981203-23 approved
24. Approve a resolution authorizing acceptance and execution of a contract with the TEXAS DEPARTMENT OF TRANSPORTATION for construction of the Boggy Creek Hike and Bike Trail, utilizing a Federal Intermodal Surface Transportation Efficiency Act (ISTEA) Grant for bicycle projects approved by the Austin Transportation Study Policy Advisory Committee, in the amount of \$428,580

(City's match is \$85,716. Funding was included in the 1998-99 Capital budget of the Public Works and Transportation Department.)
Resolution No. 981203-24 approved

Items 9 through 24 approved on Councilmember Garcia's motion, Councilmember Spelman's second, 6-0 vote, Councilmember Lewis absent.

25. Approve a resolution authorizing negotiation and execution of an Interlocal Agreement with the TEXAS DEPARTMENT OF TRANSPORTATION to take over roadway maintenance on Loop 275 (South Congress Boulevard) from U.S. Highway 290 (Ben White Boulevard) to Williamson Creek. (No fiscal impact.) [Recommended by Urban Transportation Commission]
Resolution No. 981203-25 approved

26. Approve a resolution authorizing execution of a construction contract with SCR CONSTRUCTION COMPANY, INC., Richmond, Texas, for repair and maintenance of the Emmett Shelton Bridge located at Red Bud Trail over Town Lake, in the amount of \$839,703. (Funding is available in the 1998-99 Capital budget of the Public Works and Transportation Department.) Single bid. 0.83% MBE, 17.77% WBE Subcontractor participation.
Resolution No. 981203-26 approved

Items 25 and 26 approved on Councilmember Griffith's motion, Councilmember Garcia's second, 6-0 vote, Councilmember Lewis absent.

27. Approve a request from Alexa C. Knight, on behalf of Covert Industries, for right-of-way vacation of a portion of the alley in the 600 block of West 3rd Street, between Rio Grande and Nueces Street for a proposed building. (Revenue in the amount of \$1,465 will be deposited in the Public Works and Transportation Capital Project Management Fund.)
Ordinance No. 981203-K approved

Police

28. Approve a resolution authorizing application and acceptance of \$79,986 in grant funding from the State of Texas, Governor's Office, Criminal Justice Division, Victims of Crime Act (VOCA) Fund, for the Police Department to enhance the Emergency Intake within victim services by adding two full-time equivalent (FTE) victim counselors. (An in-kind match of \$34,424 is required and represents existing salary costs approved in the 1998-99 Operating Budget and to be proposed in the 1999-00 Operating Budget for the Police Department. Funding for the continued operation of this program including an in-kind match of \$25,818 from the Police Department's 1999-00 Operating Budget is contingent upon available funding in future budgets.)
Resolution No. 981203-28 approved

29. Approve a resolution authorizing execution of Changer Order #1 to the construction contract with THE BARR COMPANY, (MBE/FH), Austin, Texas, for rewiring of telephone phone lines, circuits and connections, and to relocate workstations and equipment, as part of the Police Department's 9-1-1 remodeling project, increasing the contract in the amount of \$101,834.75, for a total contract amount not to exceed \$1,019,234.75. (Funding is available in the 1997-98 Amended Capital budget of the Police Department.) 10% MBE Prime participation. No M/WBE Subcontracting opportunities were identified.
Resolution No. 981203-29 approved

Austin Energy

30. Set a public hearing to receive public comment on proposed amendments to Ordinance No. 970306-P (as amended by Ordinance No. 970925-O) to revise the Security Lighting and Large Primary

Service Special Contract Rider tariffs and provide for a new Coincident Load Special Contract Rider tariff for the Electric Utility Department.) Suggested date and time: December 9, 1998 at 3:00 p.m.)
Resolution No. 981203-30 approved

Items 27 through 30 approved on Councilmember Garcia's motion, Councilmember Spelman's second, 6-0 vote, Councilmember Lewis absent.

Development Review

31. 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 and 11/19/98)

Motion to deny on Councilmember Slusher's motion, Councilmember Garcia's second, 3-3 vote, Mayor Pro Tem Garcia, Councilmembers Griffith and Spelman voting "NO".

Postponed to December 10, 1998 on Councilmember Griffith's motion, Councilmember Spelman's second, 6-0 vote, Councilmember Lewis absent.

32. C14-96-0146 - Approve second/third readings of an ordinance amending Chapter 13-2 of the Austin City Code by zoning property locally known as 8036 U.S. Highway 290 West, from "I-RR", Interim Rural Residence to "CS-CO", General Commercial Services-Conditional Overlay district zoning with conditions. Conditions met as follows: Conditional overlay incorporates conditions imposed by Council on first reading. First reading on April 30, 1998; Vote 7-0. Applicant: William E. Fowler, Jr. City Staff: Antonio Gonzalez, 499-2243.

Ordinance No. 981203-E approved

33. C14-98-0105 - Approve second/third readings of an ordinance amending Chapter 13-2 of the Austin City Code rezoning property locally known as 1000 East 41st Street, from "GR", Community Commercial to "CS-1-CO", Commercial Liquor Sales-Conditional Overlay district zoning with conditions. First reading on November 5, 1998; Vote 6-0, Lewis absent. Conditions met as follows: Conditional overlay incorporates conditions imposed by Council on first reading. Twin Liquors (David M. Jabour); Austin Permit Service (Melissa Whaley). City Staff: Antonio Gonzalez, 499-2243.

Ordinance No. 981203-F approved

34. C14H-97-0005 - Approve second/third readings of an ordinance amending Chapter 13-2 of the Austin City Code by rezoning property locally known as 1000 East 8th Street, from "SF-3", Family Residence to "SF-3-H", Family Residence-Historic district zoning. Conditions met as follows: No conditions imposed by Council on first reading. First reading on January 15, 1998; Vote 7-0. Applicant: City of Austin; Agent: Development Review and Inspection Department. City Staff: Barbara Stocklin, 499-2414.

Ordinance No. 981203-G approved

35. C14H-98-0005 - Approve second/third readings of an ordinance amending Chapter 13-2 of the Austin City Code by rezoning property locally known as 105 East 5th Street, from "CBD", Central Business District to "CBD-H", Central Business district-Historic district zoning. Conditions met as follows: No conditions imposed by Council on first reading. First reading on August 20, 1998; Vote 7-0. Applicant: Carriage Lofts, Inc. City Staff: Barbara Stocklin, 499-2414.
Ordinance No. 981203-H approved

36. Set a public hearing on an appeal by Mr. Majid Hemmasi of the Historic Landmark Commission's decision to disapprove a request to demolish the structure ("Horton-Duval House") on the property located at 6706 Bluff Springs Road. File #C14H-77-009. (Suggested date and time: December 10, 1998, at 8:00 p.m.)
Resolution No. 981203-36 approved

37. Set a public hearing on an appeal by Mr. Jim Bennett on behalf of Mr. Robert E. Stobeck (Shell Oil Company) of the Sign Review Board's decision to deny a sign variance request for the property located at 2711 South I.H. 35. File #C16-98-029. (Suggested date and time: January 7, 1998, at 6:00 p.m.)
Resolution No. 981203-37 approved

East Austin YMCA

38. Approve an ordinance waiving or authorizing the reimbursement of certain development fees for the YMCA of Austin for development of its East Austin Communities Branch, . project, in the amount of \$32,450. (Foregone revenue in the amount of \$1,290 from the Watershed Protection Department; \$16,770 from the Department of Public Works and Transportation (construction inspection); and \$14,390 from Development Review and Inspection.) **[Related to Item 39]**
Ordinance No. 981203-I approved

39. Approve a ordinance authorizing the negotiation and execution of an agreement with YMCA of Austin, Inc., for the construction of a 12-inch water main and 6-inch wastewater service connection, and appurtenances to provide permanent water and wastewater service to the proposed YMCA of Austin East communities Branch with City cost reimbursement in an amount not to exceed \$275,000; waiving certain requirements under City Ordinance No. 820923-V relating to the collection of fees for a Service Extension Request with Council approval; 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 capital recovery fee waiver findings under Section 13-3-A-18(b) and Section 13-3A-18(c) of the City code that an amount equal to the capital recovery fees waived by Council be appropriated from other City funds; waiving the requirements of (13-3-6(d) requiring the payment of certain fees; waiving the inspection fees; and waiving requirements of 13-1-981 relating to notice and public hearings. (Cost reimbursement in an amount not to exceed \$275,000 is subject to funding approval in future budgets.) **[Related to Item 38]**
Ordinance No. 981203-J approved

Items 32 through 39 approved on Councilmember Garcia's motion, Councilmember Spelman's second, 6-0 vote, Councilmember Lewis absent.

Management Services

40. Authorize negotiation and execution of one or more agreements, including development agreements and leases with Computer Sciences Corporation, the State of Texas, the Austin Museum of Arts (AMOA) and AmlI for the development and use of downtown properties (Blocks 2, 3, 4, 21, 22, 25, 26 and 27. (\$20.6 million will be available from the net present value of the leases to CSC, AMLI and Post Properties. An estimated 20 year net present value amount of \$79 million will be available from future amounts budgeted for rental expenditures from departments relocating to the Hobby Building.. \$1.0 million will be available from the Great Streets program. Additional revenue would be available from the sale of the Municipal Building **(Time Certain – 5:00 p.m.)**

Recessed at 6:46 p.m.

Recessed at 9:49 p.m.

Approved on Councilmember Garcia's motion, Mayor Pro Tem Goodman's second, 5-1 vote, Councilmember Griffith voting "NO", Councilmember Lewis absent.

ITEMS FROM COUNCIL

41. Presentation by Peter Calthorpe on the Triangle project. [Mayor Kirk Watson, Councilmember William Spelman and Mayor Pro Tem Jackie Goodman] **(Time Certain – 5:30 P.M.)**
Presentation given by Austin Liebrach, no action taken.
42. Direct the City Manager to undertake a Traffic Management Study for the region surrounding the Triangle Development. (Mayor Kirk Watson, Mayor Pro Tem Jackie Goodman and Councilmember Daryl Slusher)
Approved on Councilmember Garcia's motion, Councilmember Spelman's second, 6-0 vote, Councilmember Lewis absent.
43. 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)
Postponed to December 10, 1998 on Councilmember Garcia's motion, Councilmember Spelman's second, 6-0 vote, Councilmember Lewis absent.
44. Approve a resolution directing the City Manager to present a proposed amendment to the Land Development code implementing the Telecommunications Tower Task Force recommendations regarding the siting of wireless telephone antenna towers. (Councilmember Gus Garcia, Mayor Pro Tem Jackie Goodman, and Councilmember William Spelman)
Resolution No. 981203-44 approved
45. Direct the City Manager to initiate an ordinance placing interim development controls on automobile-related uses in the South Lamar area. (Mayor Pro-Tem Jackie Goodman)
Postponed indefinitely

46. Set a public hearing on the creation of a Special Impact Area in support of an application for federal funding from the Economic Development Administration of the U.S. Department of Commerce for the construction of a Downtown Youth Career Center by American Institute for Learning. (Suggested date and time: December 10, 1998 at 5:30 p.m.) [Councilmembers Gus Garcia and William Spelman]
Resolution No. 981203-46 approved
47. Approve a resolution instructing the City Manager to initiate a demographic study of the Asian Community in Austin. (Councilmember Gus Garcia)
Resolution No. 981203-47 approved

Items 44 through 47 approved on Councilmember Garcia's motion, Councilmember Spelman's second, 6-0 vote, Councilmember Lewis absent.

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

48. C14-98-0055 - Public hearing to amend Chapter 13-2 of the Austin City Code by zoning property locally known as Elroy Road & FM 973 from "SF-2", Single Family Residence (Standard Lot) and "P", Public to "MF-2", Multi-Family Residence (Low Density), "SF-4A", Single Family Residence (Small Lot) and "GR", Community Commercial. Planning Commission Recommendation: To Grant "MF-2", Multi-Family Residence (Low Density) district zoning on Tract 1; "SF-4A", Single Family Residence (Small Lot) district zoning on Tract 2; "MF-2", Multi-Family Residence (Low Density) district zoning on Tract 3; "SF-4A", Single Family Residence (Small Lot) district zoning on Tract 4; and "GR", Community Commercial district zoning on Tract 5, with conditions. Applicant: MC Joint Venture (William Gurasich); Agent: Armbrust Brown & Davis (Richard T. Suttle, Jr.). City Staff: Joe Arriaga, 499-2308.
Approved first reading only
49. C14-98-0108 - Public hearing to amend Chapter 13-2 of the Austin City Code by zoning property locally known as 8001 FM 620 North from "I-RR", Interim-Rural Residence to "CS", Commercial Services. Planning Commission Recommendation: To Grant "W/LO-CO" Warehouse/ Limited Office-Conditional Overlay, "LR-MU-CO" Neighborhood Retail-Mixed Use-Conditional Overlay, and "CS-CO" General Commercial Services-Conditional Overlay district zoning with conditions. Applicant: Automative Group I, Inc. (Michael C. Hopkins); Agent: Joe Lucas. City Staff: David Wahlgren, 499-6455.
Approved first reading only
50. C14-98-0115 - Public hearing to amend Chapter 13-2 of the Austin City Code by rezoning property located approximately 400 feet south of the intersection of Bintliff Drive & Spicewood Springs Road, from "DR", Development Reserve to "P", Public district. Planning Commission Recommendation: To Grant "P", Public district zoning. Applicant: City of Austin; Agent: Development Review and Inspection Department; Owner: FC Properties Three Limited, Ltd.; City Staff: David Wahlgren, 499-6455.
Approved first reading only
51. C14-98-0116 - Public hearing to amend Chapter 13-2 of the Austin City Code by rezoning property located approximately 200 feet east of the intersection of Spicewood Mesa and Kabar Trail, from

"RR", Rural Residence to "P", Public district. Planning Commission Recommendation: To Grant "P", Public district zoning. Applicant: City of Austin; Agent: Development Review and Inspection Department; Owner: FC Properties Three Limited, Ltd.; City Staff: David Wahlgren, 499-6455.

Approved first reading only

52. C14-98-0117 - Public hearing to amend Chapter 13-2 of the Austin City Code by rezoning property located at the terminus of Spicewood Mesa, from "DR", Development Reserve to "P", Public district. Planning Commission Recommendation: To Grant "P", Public district zoning. Applicant: City of Austin; Agent: Development Review and Inspection Department; Owner: FC Properties Three Limited, Ltd.; City Staff: David Wahlgren, 499-6455.

Approved first reading only

53. C14-98-0118 - Public hearing to amend Chapter 13-2 of the Austin City Code by rezoning property located approximately 400 feet south of the intersection of Bintliff Drive & Spicewood Springs Road from "DR", Development Reserve to "P", Public district. Planning Commission Recommendation: To Grant "P", Public district zoning. Applicant: City of Austin; Agent: Development Review and Inspection Department; Owner: FC Properties Three Limited, Ltd.; City Staff: David Wahlgren, 499-6455.

Approved first reading only

54. C14-98-0135 - Public hearing to amend Chapter 13-2 of the Austin City Code by rezoning property locally known as 13400 U. S. Highway 183 North from "I-RR", Interim-Rural Residence District and "GR", Community Commercial to "GR", Community Commercial. Planning Commission Recommendation: To Grant "GR-CO", Community Commercial-Conditional Overlay district with conditions. Applicant: Synergy Center, LTD (Lily Saad); Agent: Craig M. Overmiller. City Staff: David Wahlgren, 499-6455.

Approved first reading only

Items 48 through 54 approved on Councilmember Spelman's motion, Mayor Pro Tem Goodman's second, 5-0 vote, Councilmember Griffith off the dais, Councilmember Lewis absent.

55. C14-98-0141 - Public hearing to amend Chapter 13-2 of the Austin City Code by zoning property locally known as 9700 Manchaca Road from "I-RR", Interim-Rural Residence to "CS", General Commercial Services. Planning Commission Recommendation: To Grant "W/LO-CO", Warehouse/Limited Office-Conditional Overlay district zoning with conditions. Applicant: 9700 Manchaca Road Limited (David B. Edelman); Agent: Jim Bennett. City Staff: Joe Arriaga, 499-2308.

Motion to close public hearing on Councilmember Spelman's motion, Councilmember Griffith's second, 6-0 vote, Councilmember Lewis absent.

Motion to approve Planning Commission recommendation, first reading only on Councilmember Spelman's motion, Mayor Pro Tem Goodman's second, 6-0 vote, Councilmember Lewis absent.

56. C14-98-0144 - Public hearing to amend Chapter 13-2 of the Austin City Code by rezoning property locally known as 204 West Powell Lane from "W/LO" Warehouse/Limited Office, "GR" Community Commercial and "CS" General Commercial Services to "CS", General Commercial Services district for Tract 1; and from "GR", Community Commercial to "NO", Neighborhood Office district for Tract 2. Planning Commission Recommendation: To deny the request for "CS" General Commercial Services

district zoning for Tract 1; and To Grant "NO-CO", Neighborhood Office-Conditional Overlay district zoning for Tract 2, with conditions. Applicant/Agent: Powell Lane Joint Venture (Joe Petrocelli, Mark McCandless). City Staff: Don Perryman, 499-2786.

Approved first reading only on Councilmember Spelman's motion, Councilmember Garcia's second, 6-0 vote, Councilmember Lewis absent.

57. 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.

Postponed one week

58. C14-98-0145 - Public hearing to amend Chapter 13-2 of the Austin City Code by zoning property locally known as 12401 Los Indios Trail from "I-RR", Interim-Rural Residence to "MF-4", Multi-Family Residence (Moderate Density). Planning Commission Recommendation: To Grant "SF-6" Townhouse and Condominium Residence district zoning. Applicant: The Park at Los Indios, LTD (Brian Lott); Agent: Jim Bennett. City Staff: David Wahlgren, 499-6455.

Approved first reading only

Items 57 and 58 approved on Councilmember Spelman's motion, Mayor Pro Tem Goodman's second, 5-0 vote, Councilmember Griffith off the dais, Councilmember Lewis absent.

PUBLIC HEARINGS

59. 6:00 P.M. - Public hearing on a variance request to allow installation of a fence located at 12605 River Bend Road in the 25-year flood plain.

Postponed to January 14, 1998 on Councilmember Griffith's motion, Councilmember Spelman's second, 6-0 vote, Councilmember Lewis absent.

60. 6:30 P.M. - Public hearing on a request to waive the minimum separation distance requirement of City Code Section 8-3-4, between a proposed restaurant (Chili's) at 4420 Lamar Blvd. which intends to sell alcoholic beverages and a public school (Texas School for the Blind and the Visually Impaired). File #SP-98-0369(AW). Applicant: Morningside Ltd.; Agent: Bury and Pittman.

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

Motion to suspend rules to continue Council meeting after 10:00 p.m. on Councilmember Slusher's motion, Councilmember Spelman's second, 5-0 vote, Councilmember Garcia off the dais, Councilmember Lewis absent.

61. 7:00 P.M. - Public hearing to receive comments on approving the proposed Urban Renewal Plan for the Central East Austin 11th and 12th Street areas.

Recessed at 8:30 p.m. on Councilmember Garcia's motion, Mayor Pro Tem Goodman's second, 6-0 vote, Councilmember Lewis absent.

Close public hearing on Councilmember Garcia's motion, Councilmember Spelman's second, 6-0 vote, Councilmember Lewis absent.

62. 7:30 P.M. - Public hearing on an ordinance establishing interim development controls on certain automotive related and other uses for property along portions of South Congress Avenue, South First Street and Oltorf Street.

Postponed indefinitely on Councilmember Garcia's motion, Councilmember Spelman's second, 6-0 vote, Councilmember Lewis absent.

63. 8:00 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 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. (Councilmember Willie Lewis)

Postponed to December 10, 1998

ACTION ON PUBLIC HEARINGS

64. Approve/deny a variance request to allow installation of a fence located at 12605 River Bend Road in the 25-year flood plain. (Staff recommends denial.)

Postponed to January 14, 1998 on Councilmember Griffith's motion, Councilmember Spelman's second, 6-0 vote, Councilmember Lewis absent.

65. Approve/deny waiving the minimum separation distance requirement of City Code Section 8-3-4, between a proposed restaurant (Chili's) at 4420 Lamar Blvd. which intends to sell alcoholic beverages and a public school (Texas School for the Blind and the Visually Impaired). File #SP-98-0369(AW). Applicant: Morningside Ltd.; Agent: Bury and Pittman. (Staff recommends approval.)

Approved on Councilmember Garcia's motion, Councilmember Spelman's second, 6-0 vote, Councilmember Lewis absent.

66. Approve an ordinance establishing interim development controls on certain automotive related and other uses for property along portions of South Congress Avenue, South First Street and Oltorf Street.

Postponed indefinitely

67. Approve a street name change for 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. (Councilmember Willie Lewis)

Postponed to December 10, 1998

EXECUTIVE SESSION (No Public Discussion on These Items)

Executive session held at 12:33 p.m. to 1:50 p.m.

Executive session held at 3:16 p.m. on Councilmember Slusher's motion, Councilmember Griffith's second, 6-0 vote, Councilmember Lewis absent.

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

68. Discuss John Goode, d/b/a Mr. Bones BBQ v. City of Austin, et al., Civil Action No. A-98-CA-144-SS, pending in the United States District Court for the Western District of Texas.
69. Discuss legal issues in claims and anticipated litigation against the Austin Police Department.
70. Discuss Kirk Anderson, Trustee, v. City of Austin, Cause No. 98-11862, in the 201st Judicial District Court of Travis County, Texas.
71. Discuss Gordon Dunaway and Eli J. Garza vs. City of Austin, Cause No. 97-12434, in the District Court of Travis County, Texas. (This litigation concerns development regulations applicable in the Barton Springs Zone.)
72. Discuss City of Austin v. Horse Thief Hollow Ranch, Ltd., et al., Cause No. 98-00248, in the 345th Judicial District Court of Travis County.
73. Discuss Jerry J. Quick, et al. v. City of Austin, et al., Cause No. 96-1154, in the Supreme Court of Texas. (This item concerns development regulations applicable in the Barton Springs Zone.)
74. Discuss Hidden Oaks Limited vs. City of Austin, Cause No. 95-CA-834SS, in the United States District Court and Tideland Limited Partnership v. The City of Austin, Cause No. 97-59241, U.S. Bankruptcy Court.
75. Discuss distribution of tobacco litigation settlement funds.
76. Discuss Michael Castillo, et al. v. City of Austin, Texas, Cause No. 97-12978, 261st Judicial District of Travis County.
77. Discuss legal issues regarding acquisition of real property for Solid Waste Services.

Real Property - Section 551.072

78. Discuss acquisition of real property for Solid Waste Services.

ACTION ON THE FOLLOWING

79. Consider an application for a limited adjustment under Chapter 13-7, Article I, Division 5 (Save Our Springs Initiative) for a development project known as the Kirk Anderson Tract.
Postponed to December 10, 1998 with friendly amendment to have staff review proposals during this week on Councilmember Spelman's motion, Councilmember Griffith's second, 5-0 vote, Mayor Watson off the dais, Councilmember Lewis absent.
80. Approve expert consulting contract for \$66,000 to Holford Group, expert witness, in Hidden Oaks Limited vs. City of Austin, Cause No. 95-CA-834-SS, in the United States District Court.
Resolution No. 981203-80 approved
81. Approve expert consulting contract for \$54,000 to Fredericks and Hornsby, expert witness, in Hidden Oaks Limited vs. City of Austin, Cause No. 95-CA-834-SS, in the United States District Court.
Resolution 981203-81 approved
- Items 80 and 81 approved on Councilmember Garcia's motion, Mayor Pro Tem Goodman's second, 6-0 vote, Councilmember Lewis absent.**
82. Approve settlement proposal in Hidden Oaks Limited vs. City of Austin, Cause No. 95-CA-834SS, in the United States District Court and Tideland Limited Partnership v. The City of Austin, Cause No. 97-59241, U.S. Bankruptcy Court.
Resolution No. 981203-82 approved on Councilmember Garcia's motion, Councilmember Spelman's second, 6-0 vote, Councilmember Lewis absent.
83. Consider an application for a limited adjustment under 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.
Duplicate of Item #79
84. Approve settlement of Gordon Dunaway and Eli J. Garza vs. City of Austin, Cause No. 97-12434, in the District Court of Travis County, Texas. (This litigation concerns development regulations applicable in the Barton Springs Zone.)
Postponed
85. Adopt an ordinance ratifying the bilingual pay program that was in effect at the Austin Police Department prior to the passage of Ordinance 980212-K on February 12, 1998.
Ordinance No. 981203-L approved

86. APPOINTMENTS

Ethics Review Commission - SUSAN ALBERS (NOMINATION-MAYOR KIRK WATSON-REAPPOINTMENT); SAMUEL LOUGHLIN (NOMINATION-CONSENSUS-TRAVIS COUNTY BAR ASSOCIATION REPRESENTATIVE)

Approved

Items 85 and 86 approved on Councilmember Garcia's motion, Councilmember Goodman's second, 6-0 vote, Councilmember Lewis absent.

ADDENDUM

DECEMBER 3, 1998

Law

87. Approve a resolution authorizing a professional services agreement with Clark, West, Keller, Butler & Ellis for legal services in Brown, Arthur, et al v. City of Austin Police Department, in Travis County District Court, in the amount of \$98,000 Cause No. 95-12194. (Funding is available in the Liability Reserve Fund.)

Resolution No. 981203-87 approved on Councilmember Spelman's motion, Councilmember Garcia's second, 6-0 vote, Councilmember Lewis absent.

ADJOURNED at 12:50 p.m. on Mayor Pro Tem Garcia's motion, Councilmember Slusher's second, 6-0 vote, Councilmember Lewis absent.

Approved on this the 10th day of December, 1998 on Mayor Pro Tem Goodman's motion, Councilmember Griffith's second, 6-0 vote, Councilmember Spelman off the dais.