



**Austin City Council
MINUTES**

**REGULAR MEETING
THURSDAY, March 9, 2000**

The following represents the actions taken by the Austin City Council in the order they occurred during the meeting. While the minutes are not in sequential order, all agenda items were discussed.

The City Council of Austin, Texas, convened in a regular meeting on Thursday, March 9, 2000 at City Hall, 124 W. 8th Street, Room 304.

INVOCATION – Reverend Stacy Brown - Praise Tabernacle

Mayor Watson called the meeting to order at 9:21 a.m.

1. Approval of minutes for regular meetings of February 17, 2000 and March 2, 2000
No action taken.

Items 2 - 4 were briefings

Items 5 - 14 were Executive Session items

Items 15 - 18 were discussed later in the meeting

CONSENT AGENDA

The following items were acted on by one motion. No separate discussion or action occurred on any of the items. The consent items were approved on Council Member Garcia's motion, Council Member Spelman's second by a 7-0 vote.

19. Adopt an action plan prepared by Computer Sciences Corporation and the City of Austin to improve greater Minority/Women local business participation.
This item was postponed to March 23, 2000.

Item 20 was pulled for discussion.

21. C14-99-2071 – To amend Chapter 25-2 of the Austin City Code by zoning property locally known as 12007 North Lamar Blvd. from SF-2, Single-Family Residence (Standard Lot) District zoning to MF-1, Multifamily Residence (Limited Density) District zoning. Planning Commission Recommendation: To grant MF-1-CO, Multifamily Residence (Limited Density-Conditional Overlay Combining District zoning with conditions. Applicant: Grace Christian Center of Austin, Inc.(Andrew McHolm); Agent: Minter, Joseph and Thornhill, P.C. (Dorothy Raven). City Staff: Clark Patterson, 499-2464 (continued from 3/2/00)

This item was postponed to April 6, 2000

Item 22 and 23 were pulled for discussion.

24. Approve a resolution authorizing negotiation and execution of a contract with HANSEN INFORMATION TECHNOLOGIES, INC., Sacramento, Calif., for the upgrade of current version (6.0) to version 7.5 of Hansen CMMS (Computerized Maintenance Management System) for the Water and Wastewater Utility in an amount not to exceed \$465,250. (Funding was included in the 1999-2000 Capital Budget of the Water & Wastewater Utility.) Sole Source. No subcontracting opportunities were identified. (Recommended by Water and Wastewater Commission)

Resolution No. 000309-24 was approved

Item 25 was pulled for discussion.

26. Approve a resolution authorizing negotiation and execution of an amendment to the Professional Services Agreement with PBS&J (formerly Espey, Huston & Associates, Inc.), Austin, Texas, for Phase III - Construction Phase Services for the Northwest A Pressure Zone Water System and Martin Hill Area Water System Improvements Project (Howard Lane Pump Station and Transmission Main) in the amount not to exceed of \$1,275,170.29, for a total amount not to exceed of \$2,985,169.46. (Funding in the amount of \$1,275,170.29 was included in the 1999-2000 Amended Capital Budget for the Water and Wastewater Utility.) 13.53% MBE; 26.75% WBE Subcontracting participation. (Recommended by Water and Wastewater Commission)

Resolution No. 000309-26 was approved.

27. Approve a resolution authorizing execution of a 12-month supply agreement with ACT PIPE & SUPPLY, Pflugerville, Texas, for the purchase of approximately 395 fire hydrants for the Water and Wastewater Utility in an amount not to exceed \$284,375 with two 12-month extension options in an amount not to exceed \$284,375 per extension option for a total contract amount not to exceed \$853,125. (Funding in the amount of \$165,885 was included in the 1999-2000 Amended Operating Budget of the Water & Wastewater Utility. Funding for the remaining five months of the original contract period and extension options

is contingent upon available funding in future budgets.) Low bid of four. No MBE/WBE subcontracting participation. (Recommended by Water and Wastewater Commission)

Resolution No. 000309-27 was approved.

28. Approve a resolution authorizing negotiation and execution of an amendment to the existing professional services agreement with CAMP, DRESSER & McKEE, Inc., Austin, Texas, for engineering services for design of the Walnut Creek Wastewater Treatment Plant 75 Million Gallon per Day (MGD) Upgrade Project, in an amount not to exceed \$3,777,000, for a total amount not to exceed \$4,437,239. (Funding was included in the 1999-2000 Amended Capital Budget of the Water & Wastewater Department.) 7.77% MBE; 44.51% WBE subcontracting participation. (Recommended by Water and Wastewater Commission)

Resolution No. 000309-28 was approved.

29. Approve a resolution authorizing execution of a 12-month service agreement with CAP-TEX, INC., Austin, Texas, sludge and sewage pumping, hauling and disposal services for the Water and Wastewater Utility, in an amount not to exceed \$100,000 with two 12-month extension options in a not to exceed amounts of \$100,000 per extension option for a total contract amount not to exceed \$300,000. (Funding in the amount of \$58,333 is available in the 1999-2000 Amended Operating Budget of the Water and Wastewater Utility. Funding for the remaining five months of the original contract period and extension options is contingent upon available funding in future budgets.) Low bid of three meeting specifications. No MBE/WBE subcontracting participation. (Recommended by Water and Wastewater Commission)

Resolution No. 000309-29 was approved.

30. Adopt a resolution authorizing negotiation and execution of a wastewater service agreement with the Travis County Emergency Services District No. 9, providing terms and conditions for wastewater service to the Westlake Fire Department Station No. 2, which is located inside the city limits of West Lake Hills; adopt an ordinance waiving certain requirements of Section 25-9-33, City Code, relating to the submittal of a request for annexation. (The Travis County Emergency Service District No. 9 will pay all costs associated with connecting to the City's wastewater system.) (Recommended by Water and Wastewater Commission)

Resolution No. 000309-30 was approved.

31. Approve an ordinance authorizing the sale of 10.059 acres of vacant City owned land located along the south line of High Country Boulevard, 3.5 miles east of IH 35, and 0.5 miles south of Gattis School Road, to the City of Round Rock, Texas, in the amount of \$350,000. (The amount of \$350,000 in property sale proceeds will be receipted into the Water and Wastewater Capital Projects Fund.)

Resolution No. 000309-31 was approved.

32. Approve a resolution authorizing the negotiation and execution of a contract to purchase in fee simple approximately 70.29 acres located along Hamilton Pool Road from CCNG

DEVELOPMENT COMPANY, L.P. for November 1998 Proposition #8 and the May 1998 Proposition #2 Barton Springs Clean Drinking Water program, in the amount of \$1,256,882. (Funding was included in the 1997-1998 Amended Capital Budget of the Water and Wastewater Utility, and \$1,100,000 was included in the 1999-2000 Amended Capital Budget of the Water and Wastewater Utility.

Resolution No. 000309-32 was approved.

Item 33 was pulled for discussion.

34. Approve a resolution authorizing negotiation and execution of a professional services agreement for architectural and engineering design and construction phase services for the New City Hall and Plaza, in an amount not to exceed \$3,950,000. (Funding is available in the 1998-1999 Amended Capital Budget of the Department of Public Works and Transportation.)
This item was postponed to March 23, 2000 at the applicant's request.

Item 35 and 36 were pulled for discussion.

37. Approve a resolution authorizing negotiation and execution of a professional services agreement with the following eight firms: PBS&J, Austin, Texas; FREESE & NICHOLS, INC., Austin, Texas; RAYMOND CHAN & ASSOCIATES, INC. (MBE/MA), Austin, Texas; CAMP DRESSER & MCKEE, INC., Austin, Texas; EARTH TECH, INC., Austin, Texas; LAN/DODSON - JOINT VENTURE, Austin, Texas; ALAN PLUMMER ASSOCIATES, INC., Austin, Texas; and MARTINEZ, WRIGHT & MENDEZ, INC.(MBE/MH), Austin, Texas, to provide general watershed engineering services for a variety of water quality management, flood control and erosion control missions and related projects for a period of approximately two years, or until available funding is expended, each agreement in an amount not to exceed \$2,500,000 with a total amount of the eight contracts not to exceed \$2,500,000. (Funding is included in the Watershed Protection Department's Capital Budget. Other accounts will be used depending on location and nature of the project.) PBS&J: 8.7% MBE, 18.2% WBE Subcontracting participation; FREESE & NICHOLS, INC.: 10% MBE, 18.2% WBE Subcontracting participation; RAYMOND CHAN & ASSOCIATES, INC. (MBE/MA): 9% MBE, 18.2% WBE Subcontracting participation; CAMP DRESSER & MCKEE, INC.: 8.7% MBE, 18.2% WBE Subcontracting participation; EARTH TECH, INC.: 8.7% MBE, 20% WBE Subcontracting participation; LAN/DODSON - JOINT VENTURE: 8.7% MBE, 18.2% WBE Subcontracting participation; ALAN PLUMMER ASSOCIATES, INC.: 8.7% MBE, 18.2% WBE Subcontracting participation; and MARTINEZ, WRIGHT & MENDEZ, INC.(MBE/MH): 21% MBE, 18.2% WBE Subcontracting participation (Recommended by the Environmental Board.)

Resolution No. 000309-37 was approved.

Item 38 was pulled for discussion.

39. Consider an ordinance making corrective amendments to Title 25 of the City Code
Ordinance No. 000309-39 was approved.

40. Approve an ordinance authorizing acceptance of \$137,955 in grant funds from the State of Texas Health and Human Services Commission for a Children's Health Insurance Program (CHIP) outreach initiative; amend Ordinance No. 9909914-1, the 1999-2000 operating budget; amending the Special Revenue Fund by appropriating \$137,995 in grant funds for the Health and Human Services Special Revenue Fund. (Grant funding is available from the State of Texas Health and Human Services Commission. The grant period is February 1, 2000 through January 1, 2002. No match is required.)
Ordinance No. 000309-40 was approved.
41. Approve a resolution authorizing execution of a 12-month service agreement with AUSTIN FAMILIES, INC., Austin, Texas, for the administration of the Jeannette Watson Fellowship program in an amount not to exceed \$100,000 with one 12-month extension option in an amount not to exceed \$100,000 for a total contract amount not to exceed \$200,000. (Funding was included in the 1999-2000 Approved Operating Budget of the Health and Human Services Department. Funding for the extension options is contingent upon available funding in future budgets.) Best of two proposals. No MBE/WBE subcontracting participation.
Resolution No. 000309-41 was approved.
42. Approve a resolution authorizing execution of a contract with DEALERS TRUCK EQUIPMENT COMPANY, INC., Austin, Texas, for the purchase and installation of four service bodies to be mounted on City truck chassis assigned to Electric Utility in the amount of \$59,475. (Funding was included in the 1999-2000 Approved Capital Budget of the Electric Utility.) Sole bid. No MBE/WBE subcontracting participation. (Recommended by Electric Utility Commission)
Resolution No. 000309-42 was approved.
43. Approve a resolution authorizing execution of an Interlocal Agreement with the AUSTIN INDEPENDENT SCHOOL DISTRICT for a ten-year term for the Electric Utility to provide energy management services, including energy analyses, system designs, and equipment installation, operation, and maintenance for Austin Independent School District facilities. (Recommended by Electric Utility Commission)
Resolution No. 000309-43 was approved.
44. Approve a resolution authorizing execution of an Interlocal Agreement with the LAKE TRAVIS INDEPENDENT SCHOOL DISTRICT for a ten-year term for the Electric Utility to provide energy management services, including energy analyses, system designs, and equipment installation, operation, and maintenance for Lake Travis Independent School District facilities. (Recommended by Electric Utility Commission)
Resolution No. 000309-44 was approved.
45. Approve a resolution authorizing the issuance of a Letter of Intent and a rebate in the amount of \$67,200 to ARCHSTONE COMMUNITIES for the installation of high-efficient heat pump equipment at the Monterey Oaks Apartments Complex. Energy improvements

qualifying for this rebate will save an estimated 245 kilowatts at a program cost of \$274 per kilowatt saved. Each high efficient heat pump will save the residents between \$70 and \$115 per cooling season in energy costs. The comparable cost of a gas turbine is \$1,329 kW, including fuel, operation, and maintenance. (Funding in the amount of \$67,200 is available in the Fiscal Year 1999-2000 Approved Operating Budget of the Conservation Rebates and Incentive Fund.) (Recommended by Electric Utility Commission) (Recommended by the Resource Management Commission)

Resolution No. 000309-45 was approved.

46. Approve a resolution authorizing the issuance of a Letter of Intent and a rebate in the amount of \$59,100 to EMBREY PARTNERS, LTD. for the installation of high-efficient air conditioners at the Toscana Apartments Complex. Energy improvements qualifying for this rebate will save an estimated 260 kilowatts at a program cost of \$227 per kilowatt saved. Each high efficient air conditioner will save the residents between \$70 and \$135 per cooling season in energy costs. The comparable cost of a gas turbine is \$1,329 kW, including fuel, operation, and maintenance. (Funding in the amount of \$59,100 is available in the Fiscal Year 1999-2000 Approved Operating Budget of the Conservation Rebates and Incentive Fund.) (Recommended by Electric Utility Commission) (Recommended by the Resource Management Commission)

Resolution No. 000309-46 was approved.

47. Approve a resolution authorizing execution of a 12-month supply agreement with COMVERGE TECHNOLOGY, Woodlands, Texas, for customized software, programmable thermostats, water heater switches with built-in receivers and system start up support for the "Power Partner Program" in an amount not to exceed \$464,963 with two 12-month extension options in an amount not to exceed \$1,537,500 per extension for a total contract amount not to exceed \$3,539,963. (Funding in the amount of \$271,228.42 is included in the 1999-2000 Approved Operating Budget for the Electric Utility Department. Funding for the balance of the contract and the extension options is contingent upon available funding in future budgets.) Sole Source. No subcontracting opportunities were identified. (Recommended by Electric Utility Commission)

Resolution No. 000309-47 was approved.

48. Approve a resolution authorizing execution of a 12-month agreement with FALCON INSURANCE AGENCY, INC., Austin, Texas, to provide Airport Liability Insurance through Old Republic Insurance Company in an amount not to exceed \$53,011 with three 12-month extension options in an amount not to exceed \$53,011 per extension for a total contract amount not to exceed \$212,044. (Funding in the amount of \$26,505.50 was included in the 1999-2000 Approved Operating Budget of the Aviation Department. Funding for the remaining six months of the original contract period and extension options is contingent upon available funding in future budgets.) Low bid of two. No MBE/WBE subcontracting participation.

Resolution No. 000309-48 was approved.

49. Adopt an ordinance to annex, for limited purposes, the Avery Ranch tract (approximately 1630 acres between the south shore of Brushy Creek and the existing City limits approximately 1.5 miles north of the intersection of FM 620 and Parmer Lane) (First reading)

First reading of the ordinance was approved

50. Set a public hearing to amend the Austin Tomorrow Comprehensive Plan by incorporating the Smart Growth Master Planning Guidelines as an update to the plan. (Planning Commission Review – 3/7/00) (Suggested Date and Time: March 30, 2000 at 6:00 P.M.)

Resolution No. 000309-50 was approved.

51. Approve an Ordinance approving Seventh Amendment to Agreement Concerning Creation and Operation of North Austin Municipal Utility District revising the district land plan to modify the use of a certain 11.5 acre tract and a certain 22.7 acre tract from Multifamily to Office (GO uses and standards with the maximum impervious cover of 80% and a maximum height of 40 feet). (Planning Commission – 12/7/99)

This item was postponed indefinitely.

52. Approve a resolution consenting to the annexation by Travis County Water Control Improvement District No. 18 of approximately 141.94 acres comprising the Werkenthin Tract, located between Winchester Road and the south shore of Lake Austin approximately 1.5 miles from the intersection of Cuernavaca Drive and RM 2244. (Planning Commission Review – 2/29/00) (Recommended by Water and Wastewater Commission)

Resolution No. 000309-52 was approved.

53. Set a public hearing to amend Chapter 25-2 of the Austin City Code for the Smart Growth Infill and Redevelopment proposals. (Suggested Date and Time: March 30, 6:00 p.m.)

Resolution No. 000309-53 was approved.

Items 54-60 were discussed later in the meeting.

61. Set a public hearing on the adoption of the 1997 Uniform Fire Code and local amendments. (Suggested Date and Time: April 6, 2000 at 6:00 P.M.)

Resolution No. 000309-61 was approved.

Item 62 was pulled for discussion.

63. Approve an interlocal cooperation agreement between Travis County and the City of Austin for after-school services by Austin Eastside Story. (Related to Item 62)

Resolution No. 000309-63 was approved.

64. Approve a resolution authorizing execution of a contract with MOTOROLA COMMUNICATIONS AND ELECTRONICS, INC., Austin, Texas, for the purchase of an upgrade to the existing Motorola Data Radio System for the Austin Police Department, Austin Fire Department, and Emergency Medical Services Department, in an amount not to

exceed \$390,942. (Funding was included in the 1999-2000 Capital Budget for Telecommunications 9-1-1 CAD/MDT Project.)

Resolution No. 000309-64 was approved.

65. Approve a resolution authorizing execution of a contract with HOUSTON-GALVESTON AREA COUNCIL OF GOVERNMENTS (H-GAC), Cooperative Purchasing Program, Houston, Texas, for purchase of garbage carts for the Solid Waste Services Department in the amount not to exceed \$208,504.70. (Funding is available in the Approved 1999-2000 Operating Budget for the Solid Waste Services Department.)

Resolution No. 000309-65 was approved.

66. Approve an ordinance transferring the franchise held by TIME WARNER ENTERTAINMENT COMPANY L.P. TO AOL Time Warner. (First reading)

First reading of the ordinance was approved.

67. Approve an ordinance granting a franchise to Western Integrated Networks of Texas, L.P. to provide cable and broadband services. (Cable system will be under construction and will not be operational for customers during this fiscal year. No anticipated revenue for FY 1999-2000 projected at this time. Revenue may result from future customer usage of the system to be estimated for subsequent years). (Second reading)

Second reading of the ordinance was approved.

68. Approve an ordinance granting a franchise to WideOpenWest Texas, LLC to provide cable and broadband services. (Cable system will be under construction and will not be operational for customers during this fiscal year. No anticipated revenue for Fiscal Year 1999-2000 projected at this time. Revenue may result from future customer usage of the system to be estimated for subsequent years). (First reading)

First reading of the ordinance was approved.

69. Approve an ordinance granting a franchise to Grande Communications to provide cable and broadband services. (Cable system will be under construction and will not be operational for customers during this fiscal year. No anticipated revenue for Fiscal Year 1999-2000 projected at this time. Revenue may result from future customer usage of the system to be estimated for subsequent years.) (First reading)

First reading of the ordinance was approved.

70. Approve an ordinance granting a franchise to METRICOM, INC., for use of rights-of-way to construct a wireless data communications radio network. (Network will not be operational for customers during this fiscal year. No anticipated revenue for Fiscal Year 1999-2000 projected at this time. Revenue may result from future customer usage of the system to be estimated for subsequent years.) (First reading)

First reading of the ordinance was approved.

71. Approve a resolution authorizing negotiation and execution of a contract with HARDY HECK MOORE & MYERS, INC., Austin, Texas, to conduct a detailed survey of historic

resources within the East 11th and 12th Street Redevelopment Area in an amount not to exceed \$66,389. (Funding was included in the 1999-2000 Approved Operating Budget of the Neighborhood Housing and Community Development Department.) Best of two proposals. No MBE/WBE Subcontracting participation.

Resolution No. 000309-71 was approved.

72. Approve a resolution authorizing the execution of a contract with SIRIUS COMPUTER SOLUTIONS, San Antonio, Texas, for the upgrade of an AS/400 midrange computer for the Municipal Court for a total contract amount of \$169,105. (Funding was included in the Approved 1999-2000 Operating Budget for the Municipal Court.)

Resolution No. 000309-72 was approved.

73. Approve a resolution authorizing execution of a nine month contract with PROFESSIONAL COMPUTER SOFTWARE SERVICES, Boiling Springs, South Carolina, to provide maintenance and support services for Judicial Enforcement Management Software (JEMS) in an amount not to exceed \$48,915 with four twelve-month extension options in an amount not to exceed \$68,471 per extension for a total contract amount not to exceed \$322,799. (Funding is available in the 1999-2000 Operating Budget of the Municipal Court. Funding for extension options will be contingent upon available funding in future budgets.)

Resolution No. 000309-73 was approved.

74. Set a public hearing to consider an ordinance amending Section 25-12-1 of the Land Development Code by re-adopting the 1994 Uniform Building Code with local amendments. (Suggested Date and Time: April 6, 2000 at 6:00 P.M.)

Resolution No. 000309-74 was approved.

75. C14-98-0042 – Approve second/third readings of an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 1910 W. Koenig Lane from SF-3, Family Residence District zoning to LO, Limited Office District zoning. First reading on June 4, 1998; Vote: 6-0 (Watson absent). Conditions met as follows: Street Deed addresses conditions imposed by Council at first reading. Applicant: Billie J. and Charles T. Holcomb. City Staff: Antonio Gonzalez, 499-2243.

Ordinance No. 000309-75 was approved.

76. C14-99-0066 - Approve third reading of an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property located at Dessau Road & East Yager Lane from SF-2, Single-Family Residence Standard Lot District and DR, Development Reserve District to MF-3-CO, Multifamily Residence (Medium Density)-Conditional Overlay District zoning with conditions. First reading on October 28, 1999; Vote: 5-0 (Lewis, Goodman absent). Second reading on March 2, 2000; Vote: 5-0 (Griffith, Spelman off the dais). Conditions met as follows: Conditional overlay incorporates conditions imposed by Council at second reading. Applicant: High Pointe Fellowship (Charles Bullock); Agent: The Faust Group (Bill Faust). City Staff: Clark Patterson, 499-2464.

Ordinance No. 000309-76 was approved.

Items 77-81 were pulled for discussion.

82. C14-99-2091 - Approve second reading of an ordinance amending Chapter 25-2 of the Austin City Code rezoning property locally known as 403 East Braker Lane from LO, Limited Office District zoning to GR-CO, Community Commercial-Conditional Overlay Combining District zoning with conditions. First reading on February 10, 2000; Vote 6-0, Goodman nay. Applicant: Rita Evans; Agent: Bill Faust. City Staff: Katie Larsen, 499-3072.

This item was postponed indefinitely.

83. C14-99-2124 - Approve second reading of an ordinance amending Chapter 25-2 of the Austin City Code rezoning property locally known as 805 West Avenue from MF-4, Multifamily Residence (Moderate-High Density) District zoning to DMU-CO, Downtown Mixed Use Sales-Conditional Overlay Combining District zoning with conditions. First reading on February 17, 2000; Vote 6-1, Watson absent. Property Owner and Applicant: Bianca Ellis. City Staff: Katie Larsen, 499-3072.

The second reading of the ordinance was approved.

Items 84 - 87 were pulled for discussion.**Items 88 - 97 were Citizen Communications.****Items 98 - 106 were Zoning Items.****Items 107 - 115 were Public Hearings.****APPOINTMENTS****116. Design Commission**

Joan Hyde

vacancy

Griffith

Downtown Commission

Marion Sandez Lozano

Hispanic Chamber (vacancy)

Consensus

Equity Commission

Sam Biscoe

Rachel Davila

Leo Dunn

Paul Ellis

Dr. Penny Green

Pat Hayes

Tom Kenney

Jennifer Kim

Chris King

Louis Malfaro
Ray Marshall
Earl Mosly
Mike Murphy
Jewel Parker
Sal Valdez

Music Commission

Jerome 'Jerry' Alvila

reappointment

Garcia

Solid Waste Commission

Lark Anthony

East IH-35 Rep. (vacancy)

Consensus

BRIEFINGS

2. Central Booking and Magistration. **The presentation was made by Chief Knee, Austin Police Department.**

DISCUSSION ITEMS

33. Approve an ordinance waiving certain requirements of Section 15-11 of the Austin City Code for the Lance Armstrong Criterium Bike Race to be held on April 8, 2000. (The amount of \$1,783 in permit fees will be waived by this action. Budgeted revenue for street closures is based upon historical data and not upon specific events. This street closure was not included in the budgeted revenue.)
Ordinance No. 000309-33 was approved with the friendly amendments shown below on Council Member Slusher's motion, Council Member Spelman's second by a 6-0 vote. Mayor Watson recused himself. The friendly amendments by Council Member Slusher included: Part one, Line 5, should read " . . . and the 500 through 700 blocks of Neches Street from two a.m. to nine p.m., on April 8, 2000." Part 2, should read, "Council waives the requirements of section 15-11-11-B, 15-11-21-B and 15-11-3-C of the City code to change the waiver to 8:00 p.m. o'clock curfew on Sixth Street." These were accepted by Council Member Spelman, who seconded the motion.
18. Approve a resolution adopting a settlement agreement in Cause No. 97-13994, Circle C Land Corp. et al. v. City of Austin, in the 53rd District Court of Travis County, Texas. (Related to Items 22 and 23)
Resolution No. 000309-18 was approved on Mayor Pro Tem Goodman's motion, Council Member Lewis' second by a 7-0 vote.
22. Amend Ordinance No. 990913-2, the 1999-2000 Capital Budget by increasing appropriations to the Water and Wastewater Utility by \$2,876,000 and creating a new water project known as "Phoenix Water Reimbursement, and a new wastewater project known as "Phoenix Wastewater Reimbursement" and appropriating \$2,515,400 to the Watershed Protection Department's Drainage Developer Reimbursements in Annexed Areas" project

account. (Funding in the amount of \$2,876,000 for Water and Wastewater Utility to be funded by the issuance of commercial paper. \$2,515,400 for Watershed Protection to be funded by future Certificates of Obligation.) (Recommended by Water and Wastewater Commission) (Related to Items 18 and 23)

Ordinance No. 000309-22 was approved on Mayor Pro Tem Goodman's motion, Council Member Lewis' second by a 7-0 vote.

23. Declare official intent to reimburse acquisition and construction costs in the amount of \$5,391,400 to be paid for developer reimbursements related to 1997 municipal utility district annexations. (Funding in the amount of \$2,876,000 for the Water and Wastewater Utility to be funded by the issuance of commercial paper and \$2,515,400 to be funded by the issuance of GO certificates of obligation in September 2000.) (Recommended by Water and Wastewater Commission) (Related to Items 18 and 22)

Resolution No. 000309-23 was approved on Mayor Pro Tem Goodman's motion, Council Member Lewis' second by a 7-0 vote.

BRIEFINGS

3. Lamar Street Pedestrian Bridge - **The presentation was made by Peter Rieck, Director, Public Works and Transportation.**
4. Austin Energy Conservation Program. **No presentation was made on this item.**

The motion to recess the Council meeting at 11:31 a.m. and go into Executive Session was approved on Council Member Griffith's motion, Mayor Watson's second by a 7-0 vote.

EXECUTIVE SESSION

The City Council went into Executive Session, 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 and to receive advice from Legal Counsel regarding any other item on this agenda.

Mayor Watson announced Council would be in private consultation with the attorney on Item 20 on today's agenda.

Executive session ended at 12:15 p.m.

The meeting was re-convened at in the Board Room at Lower Colorado River Authority Hancock Building, 3700 Lake Austin Boulevard, at 1:42 p.m.

DISCUSSION ITEMS CONTINUED

86. Direct the City Manager to study the (environmental and community impact as well as the) feasibility of a proposed hotel/golf course development at Decker Lake. (Council Member Willie Lewis and Mayor Kirk Watson)

Resolution No. 000309-86 was approved with the following friendly amendment on Council Member Lewis' motion, Council Member Garcia's second by a 6-0 vote. Council Member Griffith was off the dais. Council Member Spelman's friendly amendment was that the City Manager report back to the Council on the feasibility of the proposed development by mid-July. The friendly amendment was accepted by the maker of the motion and Council Member Garcia, who seconded the motion.

CITIZEN COMMUNICATIONS

88. **Paul Robbins**
89. **Paul Martin** – Central Booking
90. **Jennifer Gale** – For Austin's Integrity, We have a safety and environmental need to create State Highway 130 much further to the East.
91. **Marion Robertson Demberg** – Central Booking
92. **Julia Salinas** – Proposed Ban on Animal Acts
93. **Caroline Wright** – Proposed Ban on Animal Acts
94. **Elisabeth Kristof** – Proposed Ban on Animal Acts
95. **Hunter Cross** - Proposed Ban on Animal Acts
96. **Fred Dupy** – Mueller Redevelopment
97. **Lori C-Renteria** – Thank You to UT Student Volunteers, Keep Austin Beautiful & City of Austin Crews for Project 2000 Cleanup in East Cesar Chavez Planning Area.

DISCUSSION ITEMS CONTINUED

38. Approve a resolution authorizing execution of a contract with TEXAS COMMERCIAL BUS, for the purchase of three passenger buses for the Parks and Recreation Department in the amount of \$173,310. (Funding was included in the 1999-2000 Approved Vehicle Acquisition Fund.) Low bid of two meeting specifications. No MBE/WBE subcontracting participation.

Resolution No. 000309-38 was approved on Council Member Spelman's motion, Council Member Garcia's second by a 7-0 vote

The motion to recess the Council meeting at 3:00 p.m. and go into Executive Session was approved on Mayor Pro Tem Goodman's motion, Council Member Griffith's second by a 7-0 vote.

EXECUTIVE SESSION

5. Evaluate the performance of and consider a compensation package for the City Clerk and the City Auditor.

6. Discuss acquisition of real property for conservation purposes along Barton Creek.
7. Discuss *Southwestern Bell Telephone Company v. City of Austin*, Cause No. 99-02645, in the Travis County District Court.
8. Discuss settlement proposal in *City of Austin v. BFI Waste Systems of North America, Inc., et al.*, Cause No. 2295, proceedings in eminent domain in Travis County Probate Court No. 1.
10. Discuss legal issues related to Chapter 245 of the Local Government Code.
11. Discuss *Circle C Municipal Utility Districts Nos. 1, 2, 3 and 4 v. City of Austin*, Cause No. 97-13397, in the Travis County District Court.
12. Discuss *Circle C Homeowners' Association Inc., et al. v. City of Austin*, Cause No. 97-12528, in the Travis County District Court.
13. Discuss *City of Austin v. L.S. Ranch Ltd., et al.*, Cause No. 039800542-CV, in the Third Court of Appeals (Austin, Texas). (This litigation concerns development regulations applicable in the Barton Springs Zone.)
14. Discuss *FM Properties Operating Co. v. City of Austin*, Cause No. 98-0685, in the Supreme Court of Texas. (This litigation concerns development regulations applicable in the Barton Springs Zone.)

Mayor Watson announced Council would also be in private consultation with the attorney on Items 67 and 77 - 81 on today's agenda

Executive session ended at 4:23 p.m.

DISCUSSION ITEMS CONTINUED

16. Approve proposed settlement of *City of Austin v. BFI Waste Systems of North America, Inc., et al.*, Cause No. 2295, including relocation assistance to BFI for personal property and negotiation and execution of a 15 month lease-back of property to BFI for continued use of the existing facility with one six-month extension option.
Resolution No. 000309-16 was approved on Council Member Garcia's motion, Mayor Pro Tem Goodman's second on a 4-0 vote. Council Members Lewis, Griffith and Spelman were off the dais. This action approves the settlement of the lawsuit with BFI in the amount of \$3,900,000 including relocation assistance with BFI personal property in an amount not to exceed \$100,000 and negotiation and execution of a 15-month lease-back to BFI for continued use of the existing facility for \$2,000 per month with one six-month extension option at a rate of \$78,000 per month.

17. Consider settlement proposal in *Southwestern Bell Telephone Company v. City of Austin*, Cause No. 99-02645, in the Travis County District Court.
Resolution No. 000309-17 authorizing a \$55,000 settlement was approved on Council Member Garcia's motion, Mayor Pro Tem Goodman's second on a 4-0 vote. Council Members Griffith, Lewis, and Spelman were off the dais.
15. Approve a new compensation package for the City Clerk and for the City Auditor. (Mayor Pro-Tem Jackie Goodman and Council Member William Spelman)
Resolution No. 000309-15 was approved on Council Member Garcia's motion, Council Member Griffith's second on a 5-0 vote. Council Members Lewis and Spelman were off the dais. The City Clerk received an increase to \$90,500 annually and is eligible to receive Service Incentive Pay under the same terms and conditions that govern the eligibility of non-civil service employees to receive that benefit. The City Auditor received an increase to \$90,500 annually and is eligible to receive Service Incentive Pay under the same terms and conditions that govern the eligibility of non-civil service employees to receive that benefit.
20. Adopt a resolution approving the release of approximately 186 acres of extraterritorial jurisdiction (ETJ) from the City of Austin to the Village of Bee Cave (located east of Shane Lane approximately one mile south of the intersection of State Highway 71 and FM 2244.)
Resolution No. 000309-20 was approved on Mayor Pro Tem Goodman's motion, Council Member Lewis' second on a 7-0 vote.
35. Approve a resolution considering an application for a limited adjustment of Chapter 25-8, Article 12 (Save Our Springs Initiative) for development near Barton and adjacent springs required by the Endangered Species Act 10(a) Permit for Operation and Maintenance of Barton Springs Pool as identified in the final Habitat Conservation Plan approved by the U.S. Fish & Wildlife Service. Site Plan Case Number SPC-99-2029C. (This limited adjustment concerns development regulations applicable in the Barton Springs Zone.) (Recommended by Environmental Board and Historic Landmark Commission; Presentation made to Parks and Recreation Board on 2/22/00; Planning Commission Review - 02/29/00)
Resolution No. 000309-35 was approved on Council Member Spelman's motion, Mayor Pro Tem Goodman's second on a 7-0 vote.
36. Set a public hearing for consideration of a limited adjustment of Chapter 25-8, Article 12 (Save Our Springs Initiative) under Sections 25-8-518 and 25-1-252 of the City Code for development near Barton and adjacent springs as required by the Endangered Species Act 10(a) Permit for Operation and Maintenance of Barton Springs Pool and identified in the final Habitat Conservation Plan approved by the U.S. Fish & Wildlife Service. Site Plan Case Number SPC-99-2029C. (This limited adjustment concerns development regulations applicable in the Barton Springs Zone.) (Recommended by Environmental Board and ; Historic Landmark Commission; Presentation made to Parks and Recreation Board on 2/22/00; Planning Commission Review - 02/29/00) (Suggested Date and Time: March 30, 2000 at 6:00 p.m.)

Resolution No. 000309-36 was approved on Council Member Spelman's motion, Council Member Griffith's second on a 7-0 vote.

25. Approve a resolution authorizing negotiation and execution of an amendment to the existing professional services agreement with HDR ENGINEERING, INC., Austin, Texas, for additional design and construction engineering services for the A. R. Davis Water Treatment Plant as part of the General Improvements Project, in the amount of \$3,891,014 of a total agreement not to exceed \$8,001,570. (Funding in the amount of \$3,891,014 was included in the 1998-2000 Capital Budget of the Water & Wastewater Utility.) 4.05% MBE; 50.54% WBE subcontracting participation. (Recommended by Water and Wastewater Commission)

Resolution No. 000309-25 was approved on Council Member Garcia's motion, Mayor Watson's second on a 7-0 vote.

62. Amend Ordinance No. 990914-1, the 1999-2000 Operating Budget of the General Fund, by increasing revenue by \$98,355, and increasing the appropriation of East Side Story by \$98,355, to provide after school services for children living in Travis County Precinct 1 (Northeast Austin), especially those families that live outside the Austin city limits. (The amount of \$98,355 is available from Travis County.) (Related to Item 63)

Ordinance No. 000309-62 was approved by Council Member's Spelman's motion, Council Member Slusher's second on a 7-0 vote.

84. Direct the City Manager to initiate amendments to the City Code relating to hours of operation for private refuse collection services, with review by the Solid Waste Advisory Commission, Urban Transportation Commission, and the Planning Commission. (Mayor Pro Tem Jackie Goodman, Council Member Beverly Griffith)

Resolution No. 000309-84 was approved on Council Member Lewis' motion, Council Member Spelman's second on a 7-0 vote.

85. Authorize the payment of \$18,000 in matching funds to the Austin Downtown Alliance toward the completion of the Waller Creek Urban Greenway Action Plan by Greenways, Inc. (Mayor Pro Tem Jackie Goodman, Council Member Gus Garcia, Mayor Kirk Watson)

Resolution No. 000309-85 was approved on Mayor Pro Tem Goodman's motion, Council Member Spelman's second on a 7-0 vote.

99. C14-86-300 – Home Depot - Public hearing to amend Chapter 25-2 of the Austin City Code by amending a restrictive covenant for property locally known as 3500-3600 South IH-35. Planning Commission Recommendation: To Deny the restrictive covenant amendment. Applicant: STE-35; Agent: Armburst Brown & Davis, LLP (Richard T. Suttle). City Staff: Adam Smith, 499-2755. (continued from 2/17/00)

Action on this item was postponed to March 30, 2000 on Mayor Pro Tem Goodman's motion, Council Member Spelman's second on a 7-0 vote. The purpose of the postponement was to allow time for Home Depot to negotiate with the neighborhood association and to allow the hearing to be held at a reasonable time of the day.

100. C14-99-2024 – Home Depot - Public hearing to amend Chapter 25-2 of the Austin City Code by rezoning property located at 3500-3600 South IH-35 from GR, Community Commercial District and RR, Rural Residence District zoning to CS, General Commercial Services District and RR, Rural Residence District zoning. Planning Commission Recommendation: To Deny CS, General Commercial Services District and RR, Rural Residence District zoning. Applicant: STE-35 (Mike Palmer/Charles Ball); Agent: Armbrust Brown & Davis, LLP (Richard T. Suttle, Jr.). City Staff: Adam Smith, 499-2755. (continued from 2/17/00)

Action on this item was postponed to March 30, 2000 on Mayor Pro Tem Goodman's motion, Council Member Spelman's second on a 7-0 vote. The purpose of the postponement was to allow time for Home Depot to negotiate with the neighborhood association and to allow the hearing to be held at a reasonable time of the day.

67. Approve an ordinance granting a franchise to Western Integrated Networks of Texas, L.P. to provide cable and broadband services. (Cable system will be under construction and will not be operational for customers during this fiscal year. No anticipated revenue for FY 1999-2000 projected at this time. Revenue may result from future customer usage of the system to be estimated for subsequent years). (Second reading)

The second reading of this ordinance was approved on Council Member Garcia's motion, Council Member Spelman's second on a 6-0 vote. Council Member Slusher was off the dais.

It was observed that the item was not posted correctly so the following action was taken.

The first reading of this ordinance was approved on Council Member Spelman's motion, Council Member Garcia's second on a 6-0 vote. Council Member Spelman was off the dais.

The Council Meeting was recessed at 5:37 p.m. to allow for live music and the proclamations on Council Member Garcia's motion, Council Member Griffith's second on a 7-0 vote.

LIVE MUSIC: Alamo Suite

PROCLAMATIONS

The Mayor reconvened the meeting at 6:21 p.m.

DISCUSSION ITEMS CONTINUED

87. Approve a resolution setting out an action plan relative to the Bennett Tract Properties. (Mayor Kirk Watson, Council Member Gus Garcia and Council Member Willie Lewis)

The motion to suspend the rules and allow each side ten minutes to make their presentation was approved on Council Member Garcia's motion, Council Member Spelman's second on a 7-0 vote.

The motion to recess the discussion on this item to allow the opposing party time to arrive in the Chambers was approved on Council Member Griffith's motion, Council Member Garcia's second on a 7-0 vote.

The resolution was moved by Council Member Garcia, seconded by Council Member Slusher. No vote was taken.

Council Member Lewis offered a substitute motion to remove the NCCD; however, this was ruled out of order because that would require passage of an ordinance and Council was not posted to take that action.

Resolution No. 000309-87 was approved on Council Member Garcia's motion, Council Member Slusher's second on a 7-0 vote.

The Regular Council Meeting was recessed at 6:57 p.m. and the Special Called Meeting was called to order.

The City Council of Austin, Texas, convened the Special Called Meeting at 6:57 p.m. Thursday, March 9, 2000, in the Board Room at The Lower Colorado River Authority Hancock Building, 3700 Lake Austin Boulevard.

SPECIAL CALLED MEETING

1. Conduct a public hearing to consider an ordinance amending Section 25-12-213 (Housing Code) and Section 25-5-233 (Dangerous Building Code) of the City Code regarding civil penalties assessed by the Building and Standards Commission.
The public hearing was closed on Council Member Slusher's motion, Council Member Lewis' on a 5-0 vote. Mayor Watson and Council Member Garcia were off the dais.
111. Conduct a public hearing to consider an ordinance amending Section 25-12-213 (Housing Code) and Section 25-5-233 (Dangerous Building Code) of the City Code regarding civil penalties assessed by the Building and Standards Commission.
This item was doubled posted and is the same as item 1 of the Special Called Meeting, as shown above.
2. Consider an ordinance amending Section 25-12-213 (Housing Code) and Section 25-5-233 (Dangerous Building Code) of the City Code regarding civil penalties assessed by the Building and Standards Commission.

The first reading was approved on Council Member Slusher's motion, Council Member Lewis' second on a 5-0 vote. Mayor Watson and Council Member Garcia were off the dais.

115. Consider an ordinance amending Section 25-12-213 (Housing Code) and Section 25-12-233 (Dangerous Building Code) of the City Code regarding civil penalties assessed by the Building and Standards Commission.

This item was doubled posted and is the same as item 2 of the Special Called Meeting, as shown above.

DISCUSSION ITEMS CONTINUED

Items 77-81 were approved simultaneously with the respective friendly amendments shown below on Council Member Griffith's motion, Council Member Spelman's second on a 5-0 vote. Mayor Watson and Council Member Garcia were off the dais. The maker of the motion accepted the friendly amendments from Council Member Spelman.

77. C14-98-0161 – Champion Property (Tract 1A) – Approve third reading of an ordinance amending Chapter 25-2 of the Austin City Code rezoning property locally known as 6507 Winterberry Drive from DR, Development Reserve District Zoning to SF-2-CO, Single-Family Residence (Standard Lot)-Conditional Overlay Combining District zoning with conditions. First reading on December 2, 1999; Vote 6-0, Lewis absent. Second reading on January 13, 2000: Vote: 7-0. Conditions met as follows: Conditional overlay incorporates the conditions imposed by Council at second reading. Applicant: Josic Champion, Juanita Meier and Mary Roberson; Agent: Graves, Dougherty, Hearon & Moody (Mike Whellan). City Staff: Jerry Rusthoven, 499-2741.

Ordinance No. 000309-77 was approved.

78. C14-98-0162 – Champion Property (Tract 3) – Approve third reading of an ordinance amending Chapter 25-2 of the Austin City Code rezoning property locally known as 6011-6411 City Park Road, 5801-6507 FM 2222 from SF-2, Single-Family Residence (Standard Lot) District zoning to LO-CO, Limited Office-Conditional Overlay Combining District zoning with conditions for Tract 3. First reading on December 2, 1999; Vote 6-0, Lewis absent. Second reading on January 13, 2000: Vote: 7-0. Conditions met as follows: Conditional overlay incorporates the conditions imposed by Council at second reading. Applicant: Josie Champion, Juanita Meier, and Mary Roberson; Agent: Graves, Dougherty, Hearon & Moody (Mike Whellan) and Lockwood Engineers, Inc. (Fred Lockwood). City Staff: Jerry Rusthoven, 499-2741.

Ordinance No. 000309-78 was approved.

The friendly amendments were that Part 2, Subpart 3 that reads, "A building or structure may not be constructed or maintained within 200 feet of Bull Creek" would be deleted. Subpart 5 that reads, "A building or structure may not exceed a height of 25 feet above ground" would be deleted. The setback requirement would be revised from 300 feet to 100 feet. The zoning would be changed from Single-Family SF2 to Limited Office Conditional Overlay GO-CO.

79. C14-98-0163 – Champion Property (Tract 5) – Approve third reading of an ordinance amending Chapter 25-2 of the Austin City Code rezoning property locally known as 5614-5620 FM 2222; 6300-6406 Lakewood Drive; 6700-6708 Lakewood Drive; 6401-6711 Capital of Texas Highway North from SF-2 Single-Family Residence (Standard Lot) District to GR-CO, Community Commercial-Mixed Use-Conditional Overlay Combining District zoning with conditions for Tract 5. First reading on December 2, 1999; Vote 6-0, Lewis absent. . Second reading on December 16, 1999; Vote: 7-0. Conditions met as follows: Conditional overlay incorporates the conditions imposed by Council at second reading. Applicant: Josie Champion, Juanita Meier, and Mary Roberson; Agent: Graves, Dougherty, Hearon & Moody (Mike Whellan) and Lockwood Engineers, Inc. (Fred Lockwood). City Staff: Jerry Rusthoven, 499-2741.
- Ordinance No. 000309-79 was approved.**

80. C14-99-0076 – Champion Property (Tracts 1B, 1C, 1D)– Approve third reading of an ordinance amending Chapter 25-2 of the Austin City Code rezoning property locally known as 5800-6802 FM 2222 and 6100-6712 Capital of Texas Highway North from DR, Development Reserve District and SF-2, Single-Family Residence (Standard Lot) District zoning to MF-1-CO, Multifamily Residence (Low Density)-Conditional Overlay Combining District zoning with conditions for Tract 1B; from SF-2, Single-Family Residence (Standard Lot) District zoning to LR-CO, Neighborhood Commercial-Conditional Overlay Combining District zoning with conditions for Tract 1C; from DR, Development Reserve District and SF-2, Single-Family Residence (Standard Lot) District zoning to LO-CO, Limited Office-Conditional Overlay Combining District zoning with conditions for Tract 1D. First reading on December 2, 1999; Vote 6-0, Lewis absent. Second reading on January 13, 2000: Vote: 7-0. Conditions met as follows: Conditional overlay incorporates the conditions imposed by Council at second reading. Applicant: Josie Champion, Juanita Meier, and Mary Roberson; Agent: Graves, Dougherty, Hearon & Moody (Mike Whellan). City Staff: Jerry Rusthoven, 499-2741.
- Ordinance No. 0000309-80 was approved.**

The friendly amendment was that part 4, subpart 2 that reads, "A building or structure may not be constructed or maintained within 200 feet of Bull Creek" would be deleted. Part 5, subpart 2 that reads, "A building or structure may not be constructed or maintained within 200 feet of Bull Creek" would be deleted. The zoning would be changed to GO-CO.

Council Member Slusher made a substitute motion that part 1 would be changed from development district, Single-Family Resident, Standard Lot SF-District to Single-Family Resident, Single Lot Conditional Overlay SF-CO2 Combining District. Part 3 would be deleted. This was seconded by Council Member Garcia. No vote was taken on this motion.

81. C14-99-0077 – Champion Property (Tract 2)– Approve third reading of an ordinance amending Chapter 25-2 of the Austin City Code rezoning property locally known as 6100-6404 City Park Road and 6509-6909 FM 2222 from DR, Development Reserve District

zoning to LR-CO, Neighborhood Commercial-Conditional Overlay Combining District zoning with conditions for Tract 2. First reading on December 2, 1999; Vote 6-0, Lewis absent. Second reading on January 13, 2000; Vote: 7-0. Conditions met as follows: Conditional overlay incorporates the conditions imposed by Council at second reading. Applicant: Josie Champion, Juanita Meier, and Mary Roberson; Agent: Graves, Dougherty, Hearon & Moody (Mike Whellan). City Staff: Jerry Rusthoven, 499-2741.

Ordinance No. 000309-81 was approved.

The friendly amendment was part 2, subpart 3 that reads "A building or structure may not be constructed or maintained within 200 feet of Bull Creek" would be deleted.

ZONING DISCUSSION ITEMS

98. C14-85-288.12 – Public hearing to amend Chapter 25-2 of the Austin City Code by termination of the restrictive covenant for property locally known as 7907-8021 Southwest Parkway. Planning Commission Recommendation: To approve the request to terminate the restrictive covenant. Applicant: Hilltop Joint Venture, Travis County Road District #1, Jean Daugherty; Agent: Joseph Ranzani. City Staff: Adam Smith, 499-2755.

The public hearing was closed on Mayor Pro Tem Goodman's motion, Council Member Garcia's second on a 5-0 vote. Council Members Griffith and Spelman were off the dais.

Action on this item was postponed to March 23, 2000 on Council Member Slusher's motion, Council Member Griffith's second on a 6-0 vote. Council Member Spelman was off the dais.

101. C14-99-0125 - Public hearing to amend Chapter 25-2 of the Austin City Code by zoning property locally known as 7909 FM 1826 Road from SF-2, Family Residence (standard lot), RR, Rural Residence and DR, Development Reserve to GR, Community Commercial. Planning Commission Recommendation: To Grant GR, Community Commercial District zoning with conditions. Applicant: Jimmy Nassour; Agent: Bury & Pittman, Inc. (Alexa Knight). City Staff: Michele Rogerson, 499-2308.

This item was postponed to March 23, 2000 on Council Member Griffith's motion, Mayor Watson's second on a 6-0 vote. Council Member Spelman was off the dais.

103. C14-99-2112 – Public hearing to amend Chapter 25-2 of the Austin City Code by zoning property located southeast of the intersection of Mellow Meadow Drive and Lake Creek Parkway from I-RR, Interim-Rural Residence District zoning to GR, Community Commercial District zoning. Planning Commission Recommendation: To Grant to GR-CO, Community Commercial-Conditional Overlay Combining District zoning with conditions. Applicant: Round Rock ISD (Pat Abbott); Agent: Lopez-Phelps, Vaughn & Associates (Amelia Lopez-Phelps/Rick Vaughn). City Staff: David Wahlgren, 499-6455. (continued from 2/17/00)

The public hearing was closed on Council Member Griffith's motion, Council Member Slusher's second on a 6-0 vote. Council Member Spelman was off the dais.

Ordinance No. 000309-103 was approved on Council Member Lewis' motion, Council Member Griffith's second on a 6-0 vote. Council Member Spelman was off the dais.

102. C14-99-2070 - Public hearing to amend Chapter 25-2 of the Austin City Code by rezoning property locally known as 5500 South 1st Street from SF-3, Family Residence to LR-CO, Neighborhood Commercial-Conditional Overlay Combining District. Planning Commission Recommendation: To Grant GO-MU-CO, General Office-Mixed Use-Conditional Overlay Combining District zoning with conditions. Applicant: Evelyn C. Lovelady; Agent: Jim Bennett. City Staff: Michele Rogerson, 499-2308.

The public hearing was closed on Council Member Griffith's motion, Council Member Garcia's second on a 7-0 vote.

The first reading was approved on Council Member Garcia's motion, Council Member Lewis' second on a 5-1 vote. Mayor Pro Tem voted no. Council Member Spelman was off the dais.

105. C14H-99-0017 – Cater Joseph House - Public hearing to amend Chapter 25-2 of the Austin City Code by rezoning property locally known as 2824 Rio Grande Street from MF-4, Multifamily Residence (Moderate-High Density) District zoning to MF-4-H, Multifamily Residence (Moderate-High Density)-Historic District zoning. Planning Commission Recommendation: To Grant MF-4-H, Multifamily Residence (Moderate-High Density)-Historic District zoning with conditions. Applicant: City of Austin; Property Owner: JCA Partnership. City Staff: Barbara Stocklin, 499-2414. Note: A valid petition has been filed in opposition to this rezoning request.

This item was postponed to March 30, 2000 on Council Member Garcia's motion, Council Member Griffith's second on a 6-0 vote. Council Member Spelman was off the dais.

106. C14-99-2004 – Public hearing to amend Chapter 25-2 of the Austin City Code by zoning property locally known as 6114 East Riverside Drive from SF-3, Family Residence District zoning to GR-CO, Community Commercial-Conditional Overlay Combining District zoning with conditions. Planning Commission Recommendation: To deny GR-CO, Community Commercial-Conditional Overlay Combining District zoning with conditions. Applicant: Travis Used Cars (Brad Joiner). City Staff: Adam Smith, 499-2755. Note: A valid petition has been filed in opposition to this rezoning request. (continued from 3/2/00)

This item was postponed to April 6, 2000 at the applicant's request on a 6-0 vote. Council Member Spelman was off the dais.

The motion was made to suspend the rules and continue the meeting past 10:00 p.m. on Council Member Slusher's motion, Council Member Spelman's second by a 5-0 vote. Mayor Pro Tem Goodman and Council Member Garcia were off the dais.

54. Approve an ordinance adopting a settlement agreement in Cause No. 97-1048, L.S. Ranch Ltd., et. al. v. City of Austin, Texas, in the 207th District Court of Hays County, Texas; and

in Cause No. 99-05842, Phoenix Holdings, Ltd. V. City of Austin and Continental Homes of Austin, L.P., in the 98th District Court of Travis County, Texas; and amending Title 25 of the City Code, including the Save Our Springs initiative, to implement the settlement. (This matter involves development regulations in the Barton Springs Zone.

The public hearing was closed on Council Member Griffith's motion, Council Member Slusher's second on a 6-0 vote. Council Member Lewis was off the dais.

The first reading was approved on Council Member Spelman's motion, Council Member Slusher's second on a 6-0 vote. Council Member Lewis was off the dais.

55. Adopt an ordinance to annex for the limited purposes of planning and zoning, the Edwards Crossing Tract consisting of approximately 298 acres located approximately one-quarter mile south of the intersection of State Highway 45 and Loop 1/MoPac.

The public hearing was closed on Council Member Griffith's motion, Council Member Slusher's second on a 6-0 vote. Council Member Lewis was off the dais.

The first reading was approved on Council Member Spelman's motion, Council Member Slusher's second on a 6-0 vote. Council Member Lewis was off the dais.

56. Approve an ordinance adopting a Regulatory Plan for the Edwards Crossing Tract which is being annexed for limited purposes.

The public hearing was closed on Council Member Griffith's motion, Council Member Slusher's second on a 6-0 vote. Council Member Lewis was off the dais.

The first reading was approved on Council Member Spelman's motion, Council Member Slusher's second on a 6-0 vote. Council Member Lewis was off the dais.

57. Adopt an ordinance to annex for the limited purposes of planning and zoning, the Spillar/Pfluger Tracts, consisting of approximately 1,604 acres located along Bear and Little Bear Creeks west of Bliss Spillar Road and generally north of Spanish Oak Trail.

The public hearing was closed on Council Member Griffith's motion, Council Member Slusher's second on a 6-0 vote. Council Member Lewis was off the dais.

The first reading was approved on Council Member Spelman's motion, Council Member Slusher's second on a 6-0 vote. Council Member Lewis was off the dais.

58. Approve an ordinance adopting a Regulatory Plan for the Spillar Pfluger Tracts which are being annexed for limited purposes.

The public hearing was closed on Council Member Griffith's motion, Council Member Slusher's second on a 6-0 vote. Council Member Lewis was off the dais.

The first reading was approved on Council Member Spelman's motion, Council Member Slusher's second on a 6-0 vote. Council Member Lewis was off the dais.

59. Set public hearings to amend the Circle C Annexation Area (C7a-97-018) Annexation Service Plan. The Circle C Annexation Area covers approximately 4,661 acres extending east of FM 1826 and north from the border between Hays and Travis counties. (Suggested Dates and Times: March 23, 2000 at 6:00 P.M. and March 30, 2000 at 6:00 P.M.)
Resolution No. 000309-59 was approved on Council Member Spelman's motion, Council Member Slusher's second on a 6-0 vote. Council Member Lewis was off the dais.
60. Approve execution of agreements between the City and Mid-Tex Utilities, Inc., for wholesale water service and for wholesale wastewater service to the Spillar and Pfluger Tracts.
This item was postponed to March 23, 2000 on Council Member Spelman's motion, Council Member Slusher's second on a 6-0 vote. Council Member Lewis was off the dais.
104. C14-00-2035 – Bradley Interests - Public hearing to amend Chapter 25-2 of the Austin City Code by zoning property locally known as:
- 1) Northeast corner Slaughter Lane West and Barstow Avenue, Travis County, Texas, from I-RR, Interim-Rural Residential District zoning to SF-4A, Single Family Residence (Small Lot) District zoning for Tract 1;
 - 2) Northwest corner Slaughter Lane West and Barstow Avenue, Travis County, Texas, from I-RR, Interim-Rural Residential District zoning to SF-4A, Single Family Residence (Small Lot) District zoning for Tract 2A;
 - 3) South of the (future) extension of Davis Lane, west of Clairmont Drive, north and east of Colberg Drive and north the terminus of Barstow Avenue, Travis County, Texas, from I-RR, Interim-Rural Residential District zoning to SF-2, Single Family Residence (Standard Lot) District zoning for Tract 2B;
 - 4) 3501 Slaughter Lane West, Travis County, Texas, from I-RR, Interim-Rural Residential District zoning to GR-CO, Community Commercial-Conditional Overlay Combining District zoning with conditions for Tract 3;
 - 5) 5827 La Crosse Avenue, Travis County, Texas, I-RR, Interim-Rural Residential District zoning to LO-CO, Limited Office-Conditional Overlay Combining District zoning with conditions for Tract 4;
 - 6) North of State Hwy 45, east of FM 1826 and west of the subdivisions known as Circle C Ranch, Phase B, Sections 1 and Section 2, and the Hielscher, Sections 1 and Section 2, Travis County, Texas, from I-RR, Interim-Rural Residential District zoning to SF-2, Single Family Residence (Standard Lot) District zoning for Tracts 5,6,7,8C,8D and 9, and I-RR, Interim-Rural Residential District zoning to GR-CO, Community Commercial-Conditional Overlay Combining District zoning with conditions for Tract 8B;
 - 7) Southwest of the terminus Escarpment Blvd., south of the subdivision known as Circle C Ranch, Phase B, Section 11, and east of the subdivision known as The Hielscher, Section 1, Travis County, Texas, from I-RR, Interim-Rural Residential District zoning to SF-2, Single Family Residence (Standard Lot) District zoning for Tract 8A;

- 8) North of Slaughter Lane West; approximately 1400 feet east of F.M.1826, Travis County, Texas, from I-RR, Interim-Rural Residential District zoning to SF-2, Single Family Residence (Standard Lot) District zoning for Tract 10;
- 9) South side of Slaughter Lane West, approximately 3600 feet east of F.M.1826, Travis County, Texas, from I-RR, Interim-Rural Residential District zoning to LR, Neighborhood Commercial District zoning for Tract 11A and from I-RR, Interim-Rural Residential District zoning to GR-MU, Community Commercial-Mixed Use Combining District zoning for Tract 11B;
- 10) South of State Highway 45, approximately 3,200 feet west of Mopac South, Travis County, Texas, from I-RR, Interim-Rural Residential District zoning to SF-2, Single Family Residence (Standard Lot) District zoning for Tract 12A, 12B and 17;
- 11) Northeast corner of State Highway 45 and Mopac Expressway (Loop 1) South, Travis County, Texas, from I-RR, Interim-Rural Residential District zoning to GR-CO, Community Commercial-Conditional Overlay Combining District zoning with conditions for Tract 13;
- 12) Southeast of the terminus of State Highway 45 and east of its intersection of Mopac Expressway (Loop 1) South, Travis County, Texas, from I-RR, Interim-Rural Residential District zoning to GO, General Office District zoning for Tract 14A and 14B, and from I-RR, Interim-Rural Residential District zoning to SF-2, Single Family Residence (Standard Lot) District zoning for Tracts 15, 16A and 16B;
- 13) Approximately, 8000 feet southwest of the intersection State Highway 45 and Mopac Expressway (Loop 1) South (referred to as the Spillar Ranch), Travis County and Hays County, Texas, from I-RR, Interim-Rural Residential District zoning to SF-2, Single Family Residence (Standard Lot) District zoning, SF-4A, Single Family Residence (Small Lot) District zoning, CR, Commercial Recreation District zoning and CS-1, Commercial Liquor Sales District zoning for Tract 18;
- 14) Northwest and west of the terminus Chaparral Road and Spanish Oak Trail, and northwest and west of the subdivision known as Allegre Monantial (referred to as the Pfluger Ranch), Hays County, Texas, from I-RR, Interim-Rural Residential District zoning to SF-2, Single Family Residence (Standard Lot) District zoning for Tract 19. Planning Commission Recommendation: To be considered by the Planning Commission on March 7, 2000. Applicant: City of Austin; Agent: Development Review and Inspection. Property Owners: Phoenix Holdings, Ltd., Hielscher at Circle C, Ltd., Landon Corporation, James Gressett, Trustee, Eleven Castle Management, Slaughter 100, Ltd., Andrewartha Family Partnership and Capitol Pacific Holdings, LLC. City Staff: Greg Guernsey, 499-2387.
- The public hearing was closed on Council Member Griffith's motion, Council Member Slusher's second on a 6-0 vote. Council Member Lewis was off the dais.**

This item was postponed to March 23, 2000 on Council Member Spelman's motion, Council Member Slusher's second on a 6-0 vote. Council Member Lewis was off the dais.

110. Conduct a public hearing on a proposal to develop certain land in southwest Travis County and northern Hays County (including Circle C West, Spillar Ranch, Pfluger Ranch, and other properties) and settlement of related litigation. (proposed Bradley settlement)

The public hearing was closed on Council Member Griffith's motion, Council Member Slusher's second on a 6-0 vote. Council Member Lewis was off the dais.

The Regular Council Meeting was recessed at 11:32 p.m. and the Special Called Meeting was called to order.

SPECIAL CALLED MEETING

3. Consider a settlement agreement with the Circle C Homeowners Association, Inc., in *Circle C Homeowners' Association Inc., et al. v. City of Austin*, Cause No. 97- 12528, in the Travis County District Court and *City of Austin v. L.S. Ranch Ltd., et al.*, Cause No. 039800542-CV, in the Third Court of Appeals (Austin, Texas).
This item was postponed to March 23, 2000 on Council Member Slusher's motion, Council Member Spelman's second.
117. Consider a settlement agreement with the Circle C Homeowners Association, Inc., in *Circle C Homeowners' Association Inc., et al. v. City of Austin*, Cause No. 97- 12528, in the Travis County District Court and *City of Austin v. L.S. Ranch Ltd., et al.*, Cause No. 039800542-CV, in the Third Court of Appeals (Austin, Texas).
This item was doubled posted and is the same as item #3 of the special called meeting, as shown above.
4. Consider a resolution authorizing a management and operations agreement with a co-grantee of a conservation easement (proposed Bradley settlement).
This item was postponed to March 23, 2000 on Council Member Slusher's motion, Council Member Spelman's second.
118. Consider a resolution authorizing a management and operations agreement with a co-grantee of a conservation easement.
This item was doubled posted and is the same as item #4 of the special called meeting, as shown above.

DISCUSSION ITEMS CONTINUED

107. Conduct a public hearing to consider approval of a variance request to allow encroachment of a proposed building and parking area on the 25-year and 100-year flood plains of Waller Creek at 4517 Speedway, and to waive the requirements to dedicate a drainage easement to the limits of the 100-year flood plain.
The public hearing was closed on Council Member Garcia's motion, Council Member Spelman's second on a 6-0 vote. Council Member Lewis was off the dais
112. Consider approval of a variance request to allow encroachment of a proposed building and parking area on the 25-year and 100-year flood plains of Waller Creek at 4517 Speedway, and to waive the requirements to dedicate a drainage easement to the limits of the 100-year flood plain.

Ordinance No. 000309-112 was approved on Council Member Garcia's motion, Council Member Spelman's second by a 6-0 vote. Council Member Lewis was off the dais.

108. Conduct a public hearing to consider approval of a variance request to allow encroachment of a proposed building and parking area on the 25-year and 100-year flood plains of Shoal Creek at 1105 North Lamar Blvd., and to waive the requirements to dedicate a drainage easement to the limits of the 100-year flood plain.

The public hearing was closed on Mayor Pro Tem Goodman's motion, Council Member Spelman's second on a 6-0 vote. Council Member Lewis was off the dais.

113. Consider approval of a variance request to allow encroachment of a proposed building and parking area on the 25-year and 100-year flood plains of Shoal Creek at 1105 North Lamar Blvd., and to waive the requirements to dedicate a drainage easement to the limits of the 100-year flood plain.

Ordinance No. 000309-113 was approved on Council Member Garcia's motion, Council Member Spelman's second by a 6-0 vote. Council Member Lewis was off the dais.

109. Conduct a public hearing and approve an ordinance to amend the Comprehensive Plan by amending the Austin Metropolitan Area Transportation Plan to designate the 4th Street right-of-way (west of IH 35 to Rio Grande Street) and the West 3rd Street right-of-way (from Shoal Creek to North Lamar Boulevard) as the future passenger rail corridor connecting the Union Pacific Railroad-owned rail right-of-way to the Giddings-to-Llano rail right-of way owned by the Capital Metropolitan Transportation Authority (Capital Metro).

The public hearing was closed on Council Member Spelman's motion, Council Member Garcia's second on a 6-0 vote. Council Member Lewis was off the dais

114. Consider approval of an ordinance to amend the Comprehensive Plan by amending the Austin Metropolitan Area Transportation Plan to designate the 4th Street right-of-way (west of IH 35 to Rio Grande Street) and the West 3rd Street right-of-way (from Shoal Creek to North Lamar Boulevard) as the future passenger rail corridor connecting the Union Pacific Railroad-owned rail right-of-way to the Giddings-to-Llano rail right-of way owned by the Capital Metropolitan Transportation Authority (Capital Metro).

Ordinance No. 000309-114 was approved on Council Member Garcia's motion, Council Member Slusher's second by a 6-0 vote. Council Member Lewis was off the dais.

The motion to recess the Council meeting at 11:35 p.m. and go into Executive Session was approved on Council Member Slusher's motion, Mayor Pro Tem Goodman's second by a 6-0 vote. Council Member Lewis was off the dais.

EXECUTIVE SESSION

9. Discuss legal issues related to the application for a limited adjustment from SOS water quality regulations for the Barton Springs pool improvements. (This limited adjustment concerns development regulations applicable in the Barton Springs Zone.)

Executive session ended at 12:00 a.m

ADJOURNED at 12:00 p.m. on Council Member Spelman's motion, Council Member Garcia's second by a 6-0 vote. Council Member Lewis was off the dais.

The minutes for the Regular Meetings of February 17, 2000, March 2, 2000 and March 9, 2000 were approved on this the 23rd day of March, 2000 on Council Member Spelman's motion, Council Member Garcia's second by a 6-0 vote. Council Member Slusher was off the dais.