



Austin City Council MINUTES

NOTICE OF MEETING
THURSDAY, MARCH 4, 1999

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

EXECUTIVE SESSION (No Public Discussion on These Items)

Executive session was held at 12:20 p.m.

The City Council announced it would go into Executive Session, pursuant to Chapter 551 of the Texas Government Code, to receive advice from Legal Counsel, to discuss of land acquisition, litigation, and personnel matters as specifically listed on this agenda. Also, the City Council may receive advice from Legal Counsel regarding any other item on this agenda.

Private Consultation with Attorney – Section 551.071

71. Discuss legal issues relating to Austin's NPDES and TNRCC permits.
72. Discuss *South Cross Plaza v. City of Austin*, Cause No. 94-06387, in the Travis County District Court. (This litigation concerns development regulations applicable in the Barton Springs Zone.)
73. Discuss *Irene H. Sandahl, et al. v. City of Austin and Oak Cliff Financial Corporation, Inc.*, Cause No. 98-13530, Travis County District Court. (This litigation concerns development regulations applicable in the Barton Springs Zone.)
74. Discuss *Sean Mannix, et al. v. Eco Resources, Inc., et al.*, Cause No. 98-550-C26, pending in the 26th Judicial District Court of Williamson County, Texas, and related litigation and claims. (These lawsuits and claims arise out of last summer's incident involving the City of Austin's wastewater lifting station near Brushy Creek.)

76. Discuss *Kirk Anderson, Trustee v. City of Austin*, Cause No. 98-11862, in the 201st Judicial District Court of Travis County, Texas. (This litigation concerns development regulations applicable in the Barton Springs Zone.)
77. Discuss *FM Properties Operating Co. v. City of Austin*, Cause No. 94-06387, in the Travis County District Court. (This litigation concerns development regulations applicable in the Barton Springs Zone.)
78. Discuss legal issues concerning proposed legislation in the 76th Legislature.

Executive session ended at 1:45 p.m.

LIVE MUSIC: Carlos Cedillo

INVOCATION – Pastor Clyde Poldrack - Bethel Assembly of God Church

THE CITY COUNCIL OF AUSTIN, TEXAS, CONVENED IN A REGULAR MEETING AT 1:45 P.M. ON THURSDAY, MARCH 4, 1999, IN THE CITY COUNCIL CHAMBERS, 307 WEST SECOND STREET, FOR THE FOLLOWING PURPOSES:

Mayor Pro Tem Goodman called the meeting to order. Mayor Watson and Council Member Spelman were temporarily absent.

1. Approval of Minutes for Regular Meetings of February 24 & 25, 1999
Approval of the minutes was postponed one week.

CITIZEN COMMUNICATIONS: GENERAL

2. Jimmy Castro – Discuss Austin/Travis County Livestock Show and Rodeo
3. Jim Ellinger – Austin Music Network - Six (6) minute video - **Cancelled**
4. Grace Lehto – Discuss Carson Creek Drainage
5. Gus Pena – Discuss City Health Clinics and City Issues
6. Mike Haney – Discuss Limit Households to a Max of 5 cats and/or dogs and Leash Law
7. Sam Rivers – Discuss Sculling Concession Bid Procedure
8. Matt Knifton – Discuss Rowing Club Concession - **Cancelled**
9. John Hickson – Concession Permit for L'AXIRON Rowing Club on Town Lake
10. Gwen Jewiss – Discuss Rowing in Austin - **Cancelled**
11. Barrett Sandberg – Northeast Austin Thank you – Mueller Airport Runway Celebration

CONSENT AGENDA

ALL OF 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 SPELMAN'S MOTION, COUNCIL MEMBER GRIFFITH'S SECOND BY A 6-0 VOTE. MAYOR WATSON WAS TEMPORARILY ABSENT.

Items 12 and 13 were pulled for discussion.

14. Amend Ordinance 980915-A, the 1998-99 Operating Budget, by increasing the appropriation for the Health and Human Services Department, Social Services Contracts \$68,025 and by reducing the General Fund Contingency Reserve by \$68,025, in order to fund Amendment No. 2 to the 1998-99 Interlocal Agreement with Travis County for Social Services Contract for Travis County to increase its contract with the American Institute for Learning to implement a pilot program for Advanced Career Internships that can help youth ages 16-21 identify work. (Funding to be appropriated from the General Fund, Contingency Reserve, and is available in the 1998-99 Amended Operating Budget for the Health and Human Services Department.)
This item was pulled off the agenda by the City Manager.
15. Approve a resolution authorizing the negotiation and execution of Amendment No. 2 to the 1998-99 Interlocal Agreement with Travis County for Social Services Contract in the amount of \$68,025, for Travis County to increase its contract with the American Institute for Learning to implement a pilot program for Advanced Career Internships that can help youth ages 16-21 identify work opportunities, thus increasing the total amount of the Interlocal Agreement to \$6,055,466. (Funding to be appropriated from General Fund, Contingency Reserve, and is available in the 1998-99 Amended Operating Budget for the Health and Human Services Department.)
This item was pulled off the agenda by the City Manager.
16. Approve a resolution authorizing execution of a contract with MOTOROLA COMMUNICATIONS AND ELECTRONICS, INC., Austin, Texas, for the purchase of two-way radio equipment for the Austin Police Department in an amount not to exceed \$191,771. (Funding in the amount of \$103,817 is available in the 1998-99 Amended Operating Budget of the Austin Police Department. \$29,810 was included in the 1998-99 Operating Budget of the Austin Police Department Special Revenue Fund (1998 Local Law Enforcement Block Grant), and \$58,144 was included in the 1998-99 Operating Budget of the Austin Police Department Federal Asset Forfeiture Fund.) Sole Source. No MBE/WBE Subcontracting opportunities were identified.
Resolution No. 990304-16 approved
17. Approve a resolution authorizing execution of a contract with PE APPLIED BIOSYSTEMS, Foster City, Ca., for purchase of a DNA genetic analyzer and required software and peripherals for DNA analysis at the Austin Police Department Forensic Crime Laboratory in an amount not to exceed \$110,510.50. (Funding was included in the Austin Police Department Special Revenue Fund, Forensic DNA Lab Grant Program.) Sole Source. No MBE/WBE Subcontracting opportunities were identified.
Resolution No. 990304-17 approved

18. Approve a resolution authorizing execution of a contract with CENTRAL TEXAS HARLEY-DAVIDSON, Austin, Texas, for purchase of fourteen replacements and five additional police motorcycles in the amount of \$294,732.56. (Funding in the amount of \$217,171.36 was included

in the 1998-99 Vehicle Acquisition Fund. \$77,561.20 was included in the 1998-99 Operating Budget of the Austin Police Department.) Low bid of two. No MBE/WBE Subcontracting opportunities were identified.

Resolution No. 990304-18 approved

19. Approve a resolution authorizing the execution of amendment #4 to extend the holdover period and increase the amount of the contract with CENETRON DIAGNOSTICS, Austin, Texas, for the provisions of HIV plasma RNA laboratory tests for patients served by the Health and Human Services Department, in the amount not to exceed \$54,173 for a total contract amount not to exceed \$835,351. (Funding in the amount of \$54,173 was included in the 1998-99 Health and Human Services Special Revenue Fund for the Ryan White Title I grant program.) No WBE/MBE Subcontracting opportunities were identified.

Resolution No. 990304-19 approved

Item 20 was pulled for discussion.

21. Approve a resolution authorizing an Interlocal Cooperation Agreement with TRAVIS COUNTY for services and improvements for the Austin Downtown Public Improvement District.

Resolution No. 990304-21 approved

22. Approve a resolution authorizing negotiation and execution of an amendment to the Professional Services Agreement with CFX (MBE/MH), Austin, Texas, for full time Technical Construction Observation and related Construction Phase Administration Services, for the modifications and repair of the Emmett Shelton Bridge, in an amount not to exceed \$61,625, for a total agreement amount not to exceed \$264,255. (Funding is available in the 1998-99 Amended Capital Budget of the Department of Public Works and Transportation.)

Resolution No. 990304-22 approved

23. Approve a resolution authorizing acceptance and execution of a contract with the TEXAS DEPARTMENT OF TRANSPORTATION utilizing Federal Surface Transportation funding for design and construction of a sidewalk on West Mary Street from Lamar Boulevard to South 5th Street, in an amount of \$132,000. (Funding was included in the 1998-99 Capital Budget of the Department of Public Works and Transportation (\$105,600 Federal and \$27,900 City match.)

Resolution No. 990304-23 approved

24. Amend the Austin City Code by modifying the Basic Traffic Ordinance; Section 16-4-5 (B), Speed Limits, for modification of speed limit on Rutherford Lane from Furness Drive to Cameron Road. (Funding in the amount of \$500 for the installation of speed limit signs is available in the 1998-99 Operating Budget of the Department of Public Works and Transportation.)

Ordinance No. 990304-24 approved

25. Approve a resolution authorizing negotiation and execution of professional services agreement with two firms: SITE SPECIFICS (WBE/FR), Austin, Texas; and URBAN DESIGN GROUP (WBE/FR), Austin, Texas, for professional consultant services to perform land development services for miscellaneous project, for a period of approximately two years, each agreement in an amount not to exceed \$100,000 with a total amount of two agreements not to exceed \$100,000 (estimated approximately \$50,000 per firm.) (Funding for these services is available in the Operating and/or Capital Budgets of various departments for which the services will be provided.) SITE SPECIFICS: Prime 50%, WBE, 9% MBE Subconsultant participation; URBAN DESIGN GROUP: Prime 90%, 10% MBE Subconsultant participation.
Resolution No. 990304-25 approved
26. Approve a resolution authorizing fee simple acquisition of Lot 16, Block L, Windsor Park III, Section 3, Travis County, Texas locally known as 2407 Trafalgar Drive, Austin, Texas from ARTURO AND MARTHA BATRES for the Trafalgar Drive Buyout in the Ft. Branch of Boggy Creek Erosion Control Project, in the amount of \$70,700 plus \$25,000 in relocation benefits, for a total amount not to exceed \$95,700. (Funding is included in the 1998-99 Amended Capital Budget of Watershed Protection Utility.)
Resolution No. 990304-26 approved
27. Approve a resolution authorizing fee simple acquisition of Lot 17, Block L, Windsor Park III, Section 3, Travis County, Texas locally known as 2409 Trafalgar Drive, Austin, Texas from JEANNIE TOLBERT for the Trafalgar Drive Buyout in the Ft. Branch of Boggy Creek Erosion Control Project, in the amount of \$86,000 plus \$8,000 in relocation benefits, for a total amount not to exceed \$94,000. (Funding is included in the 1992-93 Amended Capital Budget of Watershed Protection Utility.)
Resolution No. 990304-27 approved
28. Approve a resolution authorizing fee simple acquisition of Lot 13, Block D, Creek Bend Section 2, locally known as 4718 Teewood Drive, Austin, Texas, from ROBERT F. AND CAROL A. ELDRIDGE for the Second Phase of the Creek Bend Flood Control Project, in the amount of \$65,000 plus \$8,500 in relocation benefits, for a total amount not to exceed \$73,500. (Funding is included in the 1998-99 Amended Capital Budget of Watershed Protection Utility.)
Resolution No. 990304-28 approved
29. Approve a resolution authorizing fee simple acquisition of Lot 8, Block D, Creek Bend Section 2, locally known as 4728 Teewood Drive, Austin, Texas, from LINDA ASKEW for the Second Phase of the Creek Bend Flood Control Project, in the amount of \$56,000 plus \$27,000 in relocation benefits, for a total amount not to exceed \$83,000. (Funding is included in the 1998-99 Amended Capital Budget of Watershed Protection Utility.)
Resolution No. 990304-29 approved

Item 30 was pulled for discussion.

31. Approve a resolution authorizing an increase in the Interlocal Agreement with LOWER COLORADO RIVER AUTHORITY for laboratory analysis services for Barton Springs Pool and Barton Creek monitoring required for compliance with the City's Environmental Protection Agency National Pollutant Discharge Elimination System Municipal Separate Storm Sewer permit, and for laboratory services associated with a bathymetric survey of Town Lake and Lake Austin, in the amount of \$60,300. (Funding is included in the 1998-99 Amended Operating Budget of the Watershed Protection Department.)
Resolution No. 990304-31 approved
32. Amend Ordinance 980915-A, the 1998-99 Operating Budget amending the General Fund as follows:
- Increasing budgeted expenditures in the Parks and Recreation Department by \$107,406;
 - Increasing full time equivalents in the Parks and Recreation Department by 5.0;
 - Increasing the budgeted transfer from the General Fund to the Drainage Utility fund by \$105,000;
 - Decreasing the contingency reserve by \$212,406; and
- Amending the Drainage Utility Fund (in the Watershed Protection Department) as follows:
- Increasing transfers in from the General Fund by \$105,000;
 - Increasing expenditures by \$105,000; and
 - Increasing full time equivalents in the Watershed Protection Department by 2.0.
- (Funding in the amount of \$212,406 is available in the 1998-99 General Fund Contingency Reserve Account.) [Environmental Board]
Ordinance No. 990304-32 approved
33. Approve a resolution authorizing the Department of Aviation to accept grants from the Federal Aviation Administration (FAA) in an amount not to exceed \$21,700,000 in FAA Airport Improvement Program (AIP), Noise Program, and/or Military Airports Program (MAP) funding for the Austin Bergstrom International Airport (ABIA) for the fiscal year ending September 30, 1999. (FAA grant reimbursement will apply to projects approved by Council in the 1993-94 and the 1994-95 Capital Budget. Grant funds will be placed in the New Airport Construction Fund.) [Recommended by Airport Advisory Board]
Resolution No. 990304-33 approved

Items 34 and 35 were pulled for discussion.

36. Amend Ordinance 980915-A, the 1998-99 Operating Budget of the Airport Fund transferring \$208,000 from the Airport Operating Reserve Fund and increasing budgeted expenditures by \$208,000 for lease costs and personnel costs associated with the new airport. Authorizing additional forty additional full-time Employees (FTEs) to be funded by budget reallocations. (Funding in the amount of \$208,000 is from the Operating Reserve Fund. The fund balance in the Airport Operating Reserve Fund is approximately \$7,000,000.) [Airport Advisory Board]
Ordinance No. 990304-36 approved
37. Approve the resolution authorizing the negotiation and execution of a revenue-generating agreement with SUPER SHUTTLE INTERNATIONAL, INC., Phoenix, Arizona, to operate a demand response, shared ride shuttle service to transport passengers and baggage to and from

Austin-Bergstrom International Airport (ABIA) and locations within Austin, Texas (the City) and surrounding communities. (The estimated revenue for Fiscal Year 1998-99 is \$14,866. This revenue is not included in the DOA Approved Fiscal Year 1998-99 Budget. Revenue over the life of the initial five-year term of the contract is estimated at \$430,747 to the Department of Aviation) [Recommended by Airport Advisory Board]

Resolution No. 990304-37 approved

38. C14-98-0110 - Approve second/third readings of an ordinance amending Chapter 13-2 of the Austin City Code by rezoning property locally known 13604 Ida Ridge Drive and 13601 Century Park Cove from "IP" Industrial Park district to "MF-3-CO" Multi-Family Residence-Conditional Overlay district zoning with conditions. First reading on January 21, 1999; Vote 7-0. Conditions met as follows: Conditional overlay incorporates conditions imposed by Council on first reading. Applicant: Sage Land Company; Agent: Prime Strategies; City Staff: David Wahlgren, 499-6455. **The applicant pulled this item.**
39. Approve a resolution authorizing the filing of eminent domain proceedings to acquire a Water and Wastewater Easement containing 2,535 square feet of land, situated in the Alex Dunlap Survey No. 805, Abstract No. 224 in the City of Austin, Travis County, Texas, owned by Hillwood Investment Land, L.P., a Texas Limited Partnership, for the Four Points Annexed Project. (Funding in the amount of \$4,183 was included in the 1998-1999 Approved Capital Budget of the Water and Wastewater Department.).
Resolution No. 990304-39 approved
40. Approve a resolution authorizing the filing of eminent domain proceedings to acquire a Water and Wastewater Easement containing 3,864 square feet of land, situated in the Alex Dunlap Survey No. 805, Abstract No. 224 in the City of Austin, Travis County, Texas, owned by Hillwood Investment Land, L.P., a Texas Limited Partnership, for the Four Points Annexed Project. (Funding in the amount of \$6,375 was included in the 1998-1999 Approved Capital Budget of the Water and Wastewater Department.)
Resolution No. 990304-40 approved
41. Approve a resolution authorizing the filing of eminent domain proceedings to acquire a Water and Wastewater Easement containing 4,451 square feet of land, situated in the Alex Dunlap Survey No. 805, Abstract No. 224 in the City of Austin, Travis County, Texas, owned by Hillwood Investment Land, L.P., a Texas Limited Partnership, for the Four Points Annexed Project. (Funding in the amount of \$7,344 was included in the 1998-1999 Approved Capital Budget of the Water and Wastewater Department.)
Resolution No. 990304-41 approved
42. Approve a resolution authorizing the filing of eminent domain proceedings to acquire a Water and Wastewater Easement containing 3,157 square feet of land, situated in the Alex Dunlap Survey No. 805, Abstract No. 224 in the City of Austin, Travis County, Texas, owned by Robert Scott Ingram, aka Robert Skot Ingram, for the Four Points Annexed Project. (Funding in the amount of \$5209 was included in the 1998-1999 Approved Capital Budget of the Water and Wastewater Department.)

Resolution No. 990304-42 approved

43. Approve a resolution authorizing the filing of eminent domain proceedings to acquire a Water and Wastewater Easement containing 3,150 square feet of land, situated in the Alex Dunlap Survey No. 805, Abstract No. 224 in the City of Austin, Travis County, Texas, owned by Eda L. Montandon and Richard Buratti, Co-Trustees of the Montandon Community and Property Management Trust for the Four Points Annexed Project. (Funding in the amount of \$8,498 was included in the 1998-1999 Approved Capital Budget of the Water and Wastewater Department.)

Resolution No. 990304-43 approved

44. Approve a resolution authorizing the filing of eminent domain proceedings to acquire a Water and Wastewater Easement containing 3,150 square feet of land, situated in the Alex Dunlap Survey No. 805, Abstract No. 224 in the City of Austin, Travis County, Texas, owned by Eda L. Montandon and Richard Buratti, Co-Trustees of the Montandon Community and Property Management Trust for the Four Points Annexed Project. (Funding in the amount of \$5,198 was included in the 1998-1999 Approved Capital Budget of the Water and Wastewater Department.)

Resolution No. 990304-44 approved

45. Approve a resolution authorizing the filing of eminent domain proceedings to acquire three Water and Wastewater Easements containing 598 square feet of land, 3,055 square feet of land 634 square feet of land, situated in the Alex Dunlap Survey No. 805, Abstract No. 224 in the City of Austin, Travis County, Texas, owned by Eda L. Montandon and Richard Buratti, Co-Trustees of the Montandon Community and Property Management Trust for the Four Points Annexed Project. (Funding in the amount of \$7,074 was included in the 1998-1999 Approved Capital Budget of the Water and Wastewater Department.)

Resolution No. 990304-45 approved

46. Approve a resolution authorizing the filing of eminent domain proceedings to acquire a Water and Wastewater Easement containing 5,601 square feet of land, situated in the Alex Dunlap Survey No.805, Abstract No. 224, in the City of Austin, Travis County, Texas, owned by Eda L. Montandon and Richard Buratti, Co-Trustees of the Montandon Community and Property Management Trust for the Four Points Annexed Project. (Funding in the amount of \$9,242 was included in the 1998-1999 Approved Capital Budget of the Water and Wastewater Department.)

Resolution No. 990304-46 approved

47. Approve a resolution authorizing the filing of eminent domain proceedings to acquire a Water and Wastewater Easement containing 5,698 square feet of land, situated in the Alex Dunlap Survey No.805, Abstract No. 224, in the City of Austin, Travis County, Texas, owned by Eda L. Montandon and Richard Buratti, Co-Trustees of the Montandon Community and Property Management Trust for the Four Points Annexed Project. (Funding in the amount of \$9,402 was included in the 1998-1999 Approved Capital Budget of the Water and Wastewater Department.)

Resolution No. 990304-47 approved

48. Approve a resolution authorizing the filing of eminent domain proceedings to acquire a Water and Wastewater Easement containing 5,725 square feet of land, situated in the Alex Dunlap Survey

No.805, Abstract No. 224, in the City of Austin, Travis County, Texas, owned by Eda L. Montandon and Richard Buratti, Co-Trustees of the Montandon Community and Property Management Trust for the Four Points Annexed Project. (Funding in the amount of \$9,446 was included in the 1998-1999 Approved Capital Budget of the Water and Wastewater Department.)

Resolution No. 990304-48 approved

49. Approve a resolution authorizing the filing of eminent domain proceedings to acquire a Water and Wastewater Easement containing 10,785 square feet of land, situated in the Alex Dunlap Survey No. 805, Abstract No. 224 in the City of Austin, Travis County, Texas, owned by P-WB Joint Venture, A Texas Joint Venture, for the Four Points Annexed Project. (Funding in the amount of \$14,560 was included in the 1998-1999 Approved Capital Budget of the Water and Wastewater Department.)

Resolution No. 990304-49 approved

50. Approve a resolution authorizing the filing of eminent domain proceedings to acquire a Water and Wastewater Easement containing 6,091 square feet of land, situated in the Alex Dunlap Survey No. 805, Abstract No. 224 in the City of Austin, Travis County, Texas, owned by P-WB Joint Venture, A Texas Joint Venture, for the Four Points Annexed Project. (Funding in the amount of \$7,614 was included in the 1998-1999 Approved Capital Budget of the Water and Wastewater Department.)

Resolution No. 990304-50 approved

51. Approve a resolution authorizing the filing of eminent domain proceedings to acquire a Water and Wastewater Easement containing 8,138 square feet of land, situated in the Alex Dunlap Survey No. 805, Abstract No. 224 in the City of Austin, Travis County, Texas, owned by P-WB Joint Venture, A Texas Joint Venture, for the Four Points Annexed Project. (Funding in the amount of \$13,428 was included in the 1998-1999 Approved Capital Budget of the Water and Wastewater Department.)

Resolution No. 990304-51 approved

52. Authorize the filing of eminent domain proceedings to acquire a Water and Wastewater Easement containing 6,813 square feet of land, situated in the Alex Dunlap Survey No. 805, Abstract No. 224 in the City of Austin, Travis County, Texas, owned by Sylvia Ann Cowan Troutman, for the Four Points Annexed Project. (Funding in the amount of \$11,241 was included in the 1998-1999 Approved Capital Budget of the Water and Wastewater Department.)

Resolution No. 990304-52 approved

Item 53 was pulled for discussion.

54. Adopt Ordinance granting to Green Pastures Restaurant only a one-time partial waiver of water and wastewater Capital Recovery Fees in the amount of \$5,712.50.

Ordinance No. 990304-54 approved

55. Approve a resolution for the City of Austin to co-sponsor a Tribute and Farewell Reception for Dr. Ricardo Romo. (Council Member Gus Garcia)

Resolution No. 990304-55 approved

56. Approve an ordinance creating a Green Building Task Force (Council Member Gus Garcia)
Ordinance No. 990304-56 approved

Item 57 was discussed at 3:30 p.m. during the Board of Director's Meeting of the Austin Housing Finance Corporation.

Items 58 through 67 were discussed during the Zoning Hearings.

Items 68 and 69 were public hearings.

Item 70 was the action item for the public hearing at 6:00 p.m.

Items 71 through 78 were Executive Session items.

Item 79 was the action item for Executive Session item 72.

80. Consider settlement proposal with *Kirk Anderson, Trustee v. City of Austin*, Cause No. 98-11862, in the 201st Judicial District Court of Travis County, Texas. (This litigation concerns development regulations applicable in the Barton Springs Zone.)
Approved

DISCUSSION AGENDA

Items 12 and 13 were approved on Council Member Lewis' motion, Council Member Garcia's second by a 5-0 vote. Mayor Watson was temporarily absent and Council Member Spelman was off the dais.

12. Amend ordinance 980915-B, the 1998-99 Capital Budget for the Austin Fire Department by transferring and appropriating \$375,082 from the completed Burleson/Drossett, Harris Branch, and Ralph Albanedo Fire Stations, and \$699,918 from the 1999 CIP Contingency Project to the Fire Station #37-Hwy. 71/Fletcher (Oak Hill) project account, for a total additional appropriation of \$1,075,000 and a total amended appropriation of \$3,070,000. (Funding in the amount of \$375,082 is available from completed projects from the 1992 GO Bond Proposition 2 projects and \$699,918 is available from the 1998-99 CIP Contingency Account.) [Reviewed by Planning Commission]
Ordinance No. 990304-12 approved
13. Approve a resolution authorizing execution of a construction contract with O'NEAL CONSTRUCTION OF TEXAS, INC., Austin, Texas, for construction of the Oak Hill Fire Station located at 8700 Highway 71, in the amount of \$1,861,400. (Funding is available in the 1998-99 Amended Capital Budget of the Austin Fire Department.) Low bid of two. 6.34% MBE, 1.05% WBE Subcontracting participation.
Resolution No. 990304-13 approved

34. Approve a resolution authorizing the execution of a settlement agreement with HILMAN CONSTRUCTORS, INC., Austin, Texas, as compensation for costs incurred by the contractor as a result of the cancellation of Austin-Bergstrom International Airport (ABIA) NAPT Contract No. P2100C, Building Maintenance Shops & Central Stores Addition and Renovation, in an amount of \$150,000. (Funding is included in the 1998-99 approved Capital Budget for Aviation.) (Recommended by Airport Advisory Board)
This item was postponed for one week on Council Member Spelman's motion, Council member Griffith's second by a 6-0 vote. Mayor Watson was off of the dais.
20. Approve a resolution authorizing the negotiation and execution of a twelve month service contract with CATON SERVICES, INC., Austin, Texas to provide registered nurses and surgical technicians to assist in the provision of surgical services at Brackenridge Hospital in an amount not to exceed \$286,302 with four twelve-month extension options in an amount not to exceed \$300,617 for the first extension, \$315,648 for the second extension, \$331,430 for the third extension, and \$348,002 for the fourth extension, for a total contract amount not to exceed \$1,581,000. (Funding in the amount of \$131,222 was included in the 1998-99 General Fund of the Health and Human Services Department.) Low bid of two. No MBE/WBE subcontracting participation.
Resolution No. 990304-20 was approved on Council Member Spelman's motion, Council Member Slusher's second by a 6-0 vote. Mayor Watson was temporarily absent.
35. Approve a resolution authorizing the execution of a contract with WHEELER COATINGS ASPHALT, INC., Round Rock, Texas for an Indefinite Delivery Contract for Asphalt Pavement Resurfacing and Repair at Austin-Bergstrom International Airport (ABIA), NAPT Contract No. S33000C in the amount of \$179,500 plus a contingency fund of \$17,900, for a total of \$197,400. An optional twelve (12) month extension in a not-to-exceed amount of \$179,500, may be executed for the 2nd year for a total not-to-exceed \$376,900. (Funding in the amount of \$197,400 is included in the 1998-99 Capital Budget for Aviation. Funding for the optional period will be from O&M budget, subject to Council Approval of Fiscal Year 99/00.) Low bid of three. 23% DBE Subcontracting participation. (Recommended by Airport Advisory Board)
Resolution No. 990304-35 was approved on Council Member Lewis' motion, Council Member Slusher's second by a 6-0 vote. Mayor Watson was temporarily absent.
53. Approve a resolution authorizing change orders (4) & (5) to the contract with JALCO, INC., Houston, Texas, for the Effluent Outfall to the Colorado River project at the Walnut Creek Wastewater Treatment Plant in an amount of \$671,161.10 for a total contract amount of \$5,641,872.40. (Funding in the amount of \$671,161.10 is included in the 1995-96 Amended Capital Budget of the Water and Wastewater Utility.) 35.43% MBE, 3.74% WBE Subcontracting participation. (Recommended by Water and Wastewater Commission)
Resolution No. 990304-53 was approved on Council Member Spelman's motion, Council Member Slusher's second by a 6-0 vote. Mayor Watson was temporarily absent.

Council meeting was recessed at 3:23 p.m.

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

THE AUSTIN HOUSING FINANCE CORPORATION MEETING WAS CALLED TO ORDER ON BOARD MEMBER LEWIS' MOTION, BOARD MEMBER SPELMAN'S SECOND BY A 6-0 VOTE. PRESIDENT WATSON WAS OFF THE DAIS.

57. Approve a resolution authorizing the negotiation and execution of a deferred-payment forgivable loan to the PUSH UP FOUNDATION in an amount not to exceed \$625,000 for the acquisition of a 50-unit transitional housing facility for homeless men located at 1711 East Cesar Chavez Street. (Funding is available in the 1998-99 Budget of the Austin Housing Finance Corporation.)
Resolution No. 990304-57 was approved on Board Member Garcia's motion, Board Member Slusher's second by a 6-0-1 vote. Board Member Lewis abstained because he has interest in property in the area.

THE MEETING OF THE AUSTIN HOUSING FINANCE CORPORATION WAS ADJOURNED AT 5:24 P.M. ON BOARD MEMBER SLUSHER'S MOTION, BOARD MEMBER GRIFFITH'S SECOND BY A 6-0 VOTE. BOARD MEMBER LEWIS WAS OFF THE DAIS.

THE REGULAR COUNCIL MEETING WAS BACK IN SESSION AT 5:25 P.M.

ZONING ITEMS

ALL OF THE FOLLOWING ITEMS WERE ACTED UPON BY ONE MOTION. NO SEPARATE DISCUSSION OR ACTION OCCURRED ON ANY OF THE ITEMS. THE FOLLOWING CONSENT ITEMS WERE APPROVED ON MAYOR PRO TEM GOODMAN'S MOTION, COUNCIL MEMBER SPELMAN'S SECOND BY A 7-0 VOTE.

64. C14-98-0238 – Public hearing to amend Chapter 13-2 of the Austin City Code by zoning property locally known as 13200 Pond Springs Road from "I-RR", Interim-Rural Residence zoning district to "CS", General Commercial Services district. Planning Commission Recommendation: To Grant "CS-CO", General Commercial Services-Conditional Overlay district zoning with conditions. Applicant: Great Pond Partners, Ltd. (Stephen Kwang); Agent: Duprie & Associates (Stephanie R. Duprie). City Staff: David Wahlgren, 499-6455.
Ordinance No. 990304-64 was approved with the Planning Commission recommendation of CS-CO zoning.
65. C14-98-0240 – Public hearing to amend Chapter 13-2 of the Austin City Code by rezoning property locally known as 2608 South 1st Street from "SF-3", Family Residence district to "LO", Limited Office district. Planning Commission Recommendation: To Grant "LO", Limited Office district zoning. Applicant: Zamora Family Enterprises, Inc. (Santiago A. Zamora); Agent: Rudy R. Colmemero. City Staff: Susan Villarreal, 499-6319.
Ordinance No. 990304-65 was approved with the Planning Commission recommendation.

66. C14-98-0271 – Public hearing to amend Chapter 13-2 of the Austin City Code by zoning property locally known as 13729 North U. S. Highway 183 from “I-RR”, Interim-Rural Residence zoning district to “GR”, Community Commercial. Planning Commission Recommendation: To Grant “GR”, Community Commercial district zoning. Applicant: Lake Creek Retail, Inc. (Michael J. Romo); Agent: Bury & Pittman (James B. Knight). City Staff: David Wahlgren, 499-6455.
This item was postponed to March 25, 1999 at the applicant's request.
67. C14-98-0272 – Public hearing to amend Chapter 13-2 of the Austin City Code by zoning property locally known as 9422 Anderson Mill Road from “I-RR”, Interim-Rural Residence district to “LR”, Neighborhood Commercial district. Planning Commission Recommendation: To Grant “LR”, Neighborhood Commercial district zoning. Applicant: Lamar Enterprises (Larry Mitchell); Agent: Lisa Mitchell. City Staff: Clark Patterson, 499-2464.
First reading only was approved with LR zoning as recommended by the Planning Commission.

The Council meeting was recessed to go into executive session on Council Member Garcia's motion, Council Member Slusher's second by a 6-0 vote. Council Member Lewis was off the dais.

EXECUTIVE SESSION (No Public Discussion on These Items)

Executive session was held at 5:31 p.m. on item 75.

The City Council announced it would go into Executive Session, pursuant to Chapter 551 of the Texas Government Code, to receive advice from Legal Counsel to discuss of land acquisition, litigation, and personnel matters as specifically listed on this agenda. Also, the City Council may receive advice from Legal Counsel regarding any other item on this agenda.

Executive session ended at 6:45 p.m.

ACTION ON THE FOLLOWING

79. Approve execution of an amendment to the contract with The Holford Group to increase the contract amount by \$50,000, for a total contract amount not to exceed \$85,000, for expert witness services in South Cross Plaza v. City of Austin, Cause No. 94-06387, in the Travis County District Court. (This litigation concerns development regulations applicable in the Barton Springs Zone.)
No action was taken on this item.

ZONING DISCUSSION ITEMS

58. C14-98-0215 – Public hearing to amend Chapter 13-2 of the Austin City Code by rezoning property locally known as 12021 N. Lamar Blvd. from “RR”, Rural Residence district and “SF-2”, Single Family Residence (Standard Lot) district to “MF-3”, Multifamily Residence (Medium Density) district. Planning Commission Recommendation: To Deny “MF-3”, Multifamily Residence (Medium

Density) district zoning. Applicant: Andrew McHolm; Agent: Jim Bennett. City Staff: Antonio Gonzalez, 499-2243.

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

Motion was made to approve the Planning Commission recommendation to deny MF-3 and was approved on Council Member Garcia's motion, Council Member Spelman's second by a 7-0 vote.

PUBLIC HEARINGS

68. 6:00 P.M. - Conduct a public hearing regarding a change in the street name for the entire length of Aransas to Adam L. Chapa Sr. Street (from the intersection of Aransas Street to East Cesar Chavez Street northeasterly to the end of the right-of-way at the intersection of Aransas Street and East 3rd Street) in order to recognize Adam L. Chapa, Sr. for his outstanding community services.

The public hearing was closed on Council Member Lewis' motion, Council Member Slusher's second by a 7-0 vote.

ACTION ON PUBLIC HEARING

70. Approve change in the street name for the entire length of Aransas to Adam L. Chapa Sr. Street (from the intersection of Aransas Street to East Cesar Chavez Street northeasterly to the end of the right-of-way at the intersection of Aransas Street and East 3rd Street) in order to recognize Adam L. Chapa, Sr. for his outstanding community services.
Ordinance No. 990304-70 was approved on Council Member Garcia's motion, Council Member Slusher's second by a 7-0 vote.

THE FOLLOWING ITEMS WERE DISCUSSED AND ACTED ON TOGETHER.

The public hearing on items 59 through 63 was closed on Council Member Griffith's motion, Council Member Slusher's second by a 6-0 vote. Council Member Spelman was off the dais.

A motion was made to deny items 59 through 63 on Council Member Slusher's motion, Council Member Griffith's second. No vote was taken.

A substitute motion was made for first reading only by Council Member Spelman to approve zoning the three smaller lots GR with a limit of 1,000 vehicle trips per day, and the larger lots GR with the current 2,000 vehicle trips per day.

As the maker of the motion Council Member Slusher did not accept substitute motion as a friendly amendment.

Mayor Pro Tem Goodman seconded the substitute motion made by Council Member Spelman for discussion only.

A friendly amendment was made by Council Member Goodman to zone the smaller lots to LR and turning the larger lots into GR-MU with a 2,000 cap and with a few prohibitions on use of the lots.

A friendly amendment was made by Council Member Spelman to zone items 59 through 63 GR-MU. The three smaller lots being less than one acre would be a limitation of 1,000 vehicle trips per day with a prohibition against fast food restaurants and food sales. The larger lots would be zoned GR-MU also with a limitation of 2,000 vehicle trips a day. The friendly amendment was accepted.

A friendly amendment was made by Mayor Pro Tem Goodman to add prohibition against convenience stores, gas stations and automotive services. The Friendly amendment was accepted.

Mayor Pro Tem Goodman seconded the substitute motion on first reading only and a 6-1 vote was taken. Council Member Slusher voted "NO".

59. C14-98-0225 – Public hearing to amend Chapter 13-2 of the Austin City Code by zoning property locally known as 6721 to 6807 North FM 620 Road and 11115 to 11209 FM 2222 Road from "I-RR", Interim Rural Residence district, "I-SF-2", Interim-Single Family Residence (standard lot) district, and "DR", Development Reserve district to "GR", Community Commercial district. Planning Commission Recommendation: To forward to City Council without a zoning recommendation. Applicant: Richard Burratti. Agent: Ray Wilkerson Companies (Jim Spence). City Staff: Ellen Meadows, 499-2339.

The motion was to approve first reading only and approved GR-MU-CO limited to 2,000 vehicle trips and subject to dedication of 75 feet of right-of-way from the future centerline of RM 2222 and reservation of 110 feet of right-of-way from the future centerline of RM 2222.

60. C14-98-0232 - Public hearing to amend Chapter 13-2 of the Austin City Code by zoning property locally known as 6901 North FM 620 Road from "I-SF-2", Interim-Single Family Residence (standard lot) district to "GR-MU", Community Commercial – Mixed Use district. Planning Commission Recommendation: To forward to City Council without a zoning recommendation. Applicant: Donnie Ray Cowan. Agent: Robert E. Crain. City Staff: Ellen Meadows, 499-2339.

The motion was to approve first reading only and approved GR-MU-CO limited to 1,000 vehicle trips, subject to reservation of 110 feet of right-of-way from the future centerline of RM 620.

61. C14-98-0233 - Public hearing to amend Chapter 13-2 of the Austin City Code by zoning property locally known as 6657 North FM 620 Road from "DR", Development Reserve district to "GR", Community Commercial district. Planning Commission Recommendation: To forward to City Council without a recommendation. Applicant: Bernice King. Agent: Ray Wilkerson Companies (Jim Spence). City Staff: Ellen Meadows, 499-2339.
The motion was to approve first reading only with GR-MU-CO limited to 1,000 vehicle trips, subject to reservation of 110 feet of right-of-way from the future centerline of RM 620.
62. C14-98-0234 - Public hearing to amend Chapter 13-2 of the Austin City Code by zoning property locally known as 11213 to 11219 FM 2222 Road from "I-SF-2", Interim-Single Family Residence (standard lot) district and "I-RR", Interim Rural Residence district to "GR", Community Commercial district. Planning Commission Recommendation: To forward to City Council without a zoning recommendation. Applicant: Valeta and Bobby Dockal. Agent: Ray Wilkerson Companies (Jim Spence). City Staff: Ellen Meadows, 499-2339.
The motion was to approve first reading only and approved GR-MU-CO limited to 2,000 vehicle trips and subject to dedication of 75 feet of right-of-way from the future centerline of RM 2222 and reservation of 110 feet of right-of-way from the future centerline of RM 2222.
63. C14-98-0235 - Public hearing to amend Chapter 13-2 of the Austin City Code by zoning property locally known as 6811 North FM 620 Road from "I-SF-2", Interim Single Family Residence (standard lot) district to "GR-MU", Community Commercial – Mixed Use district. Planning Commission Recommendation: To forward to City Council without a zoning recommendation. Applicant: 4 Points Vet Clinic (Jim Spence). Agent: Ray Wilkerson Companies (Jim Spence). City Staff: Ellen Meadows, 499-2339.
The motion was to approve first reading only with GR-MU-CO limited to 1,000 vehicle trips, subject to reservation of 110 feet of right-of-way from the future centerline of RM 620.

***At the time of 2nd/3rd readings on items 59 through 63, staff should provide a report on what is approved (with traffic impact analysis) within one mile of the site on 620 and RM 2222. Also staff was asked to provide a percentage change in traffic counts for the last 5 years on 620 and RM 2222.**

PUBLIC HEARINGS

69. **7:00 P.M.** - Conduct a public hearing and grant limited adjustment of the SOS Ordinance, pursuant to the Land Development Code, Section 13-1-305, for the Barton Springs Pool 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 and by the Americans With Disabilities Act (ADA).

The public hearing was closed on Council Member Slusher's motion, Council Member Spelman's second by a 7-0 vote.

Ordinance No. 990304-69 was approved on Council Member Garcia's motion, Council Member Slusher's second by a 7-0 vote.

ACTION ON THE PUBLIC HEARING

30. Amend Ordinance 980915-B, the 1998-99 Capital Budget for the Watershed protection Department by transferring and appropriating \$470,000 from the 1999 CIP Contingency Account to a new project known as Barton Springs Pool Improvement Phase One. (Funding is available in the 1998-99 CIP Contingency Account) [Recommended by the Planning Commission and Environmental Board]

Ordinance No. 990304-30 was approved on Council Member Spelman's motion, Council Member Slusher's second by a 7-0 vote.

ADJOURNED at 10:00 p.m. on Council Member Slusher's motion, Council Member Griffith's second, 7-0 vote.

On this the 11th day of March, 1999 the minutes for the regular meetings of February 24th, 25th and March 4th were approved on Council Member Garcia's motion, Council Member Spelman's second by a 5-0 vote. Council Members Slusher and Griffith were off the dais.