



Austin City Council MINUTES

NOTICE OF MEETING
THURSDAY, MARCH 11, 1999

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.

EXECUTIVE SESSION (No Public Discussion on These Items)

Executive session was held at 12:25 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

54. Discuss legal issues concerning proposed legislation in the 76th Legislature.
55. 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.)
58. 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.)
59. 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.)
60. 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.)

61. Discuss legal issues relating to Austin's NPDES and TNRCC permits.

Personnel Matters Section – 551.074

64. Discuss duties and basis for future evaluation of the Municipal Court Clerk.

Executive Session ended at 1:38 p.m.

LIVE MUSIC: Two O'clock Courage

INVOCATION - Pastor Bill Vanderbush - Calvary Worship Center

THE CITY COUNCIL OF AUSTIN, TEXAS, CONVENED IN A MEETING AT 1:30 P.M. ON THURSDAY, MARCH 11, 1999, AT CITY COUNCIL CHAMBERS, 307 WEST SECOND STREET.

Mayor Watson called the meeting to order noting the temporary absence of Council Members Griffith and Slusher.

1. Approval of Minutes for Meetings of February 24, 25 and March 4, 1999
The minutes for the meetings of February 24, 25 and March 4 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.

CITIZEN COMMUNICATIONS: GENERAL

2. William Foreman Jr. – Discuss "The Haves vs. the Have Nots"
3. David Schroeder – Discuss private nuclear dump and uranium enrichment upstream from Austin.
4. Paul Robbins
5. Jennifer L. Gale – State of the City
6. Gus Pena – Discuss city clinics and discuss installing 4-way stop signs on West Mary to replace 4-way yield signs. **Absent**
7. Kenneth Phillips – The homeless (Police refuse or unable to help homeless) possible violation civil rights. **Absent**
8. John Zapp – Discuss smart growth/development in Lake Austin watershed and Bee Caves Road area
9. Susan Morre – Discuss Lake Austin watershed
10. Rolando Pina – Discuss "Moving In Principle" the I.N.S. Detention Facility away from Galindo Elementary Neighborhood Association (G.E.N.A.)
11. Dale Johnson – Discuss Airport

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 GARCIA'S MOTION, COUNCIL MEMBER LEWIS' SECOND BY A 7-0 VOTE.

12. An ordinance to authorize an increase in the reimbursement amount by \$61,468 for a total amount not to exceed \$240,468 under the Cost Reimbursement Agreement Regarding the Construction of Wastewater Improvements For Motorola Parmer Lane Campus with Faison Stone, Inc., increasing the waiver of water and wastewater capital recovery fees by \$58,440 for a total waiver of \$225,440; waiving certain requirements required under Section 13-3A-18(b) and Section 13-3A-18(c) of the City Code relating to the waiver of capital recovery fees; waiving the requirements under Section 13-3-6 of the City Code relating to the payment of tap and other connection fees, authorizing the repayment of tap and wastewater connection inspection fees in the amount of \$4,677; and waiving the requirements of Section 13-1-981 of the City Code relating to notice and public hearings. (Funding in the amount of \$61,468 was included in the 1998-99 Amended Capital Budget of the Water and Wastewater Utility.) [Recommended by Water and Wastewater Commission with no majority vote.]
Ordinance No. 990311-12 approved

Item 13 was 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 various departments in enterprise and general funds.)
This item was pulled from the agenda.

15. Approve a resolution authorizing the negotiation and execution of Amendment No. 2 to the 1998-99 Interlocal Agreement to \$6,055,466 (See related ordinance) with Travis County for Social Services Contract in the amount of \$68,025. There is no unanticipated fiscal impact. A fiscal note is not required.)
Resolution No. 990311-15 approved

Items 16-18 were pulled for discussion.

19. Approve a resolution authorizing execution of a contract with CHEROKEE SCAFFOLDING, Burleson, Texas, for scaffolding services at the Decker Creek Power Plant Unit #1 in an amount of \$52,600. (Funding is available in the 1998-99 Approved Operating Budget for the Electric Utility)

Department.) Low bid of three. No MBE/WBE subcontracting participation. (Recommended by Electric Utility Commission)

Resolution No. 990311-19 approved

Items 20-22 were pulled for discussion.

23. Approve a resolution authorizing execution of amendment #2 to the twelve month supply agreement with GENERAL ELECTRIC SUPPLY COMPANY, Austin, Texas, for the purchase of luminaries and related supplies in the amount of \$74,852 for a revised total contract amount of \$564,260. (Funding is available in the 1998-99 Approved Operating Budget for the Electric Utility Department.) No MBE/WBE Subcontracting opportunities were identified. (Recommended by Electric Utility Commission)

Resolution No. 990311-23 approved

24. Approve a resolution authorizing execution of a contract with RABALAIS I & E CONSTRUCTORS, Corpus Christi, Texas, for electrical equipment installation at the Decker Creek Power Plant Unit #1 in an amount of \$51,960. (Funding is available in the 1998-99 Capital Budget for the Electric Utility Department.) Sole bid. No MBE/WBE subcontracting participation. (Recommended by Electric Utility Commission)

This item was pulled from the agenda.

25. Approve a resolution authorizing execution of Amendment #1 to a twelve-month service agreement with FURMANITE AMERICA, INC., LaPorte, Texas, to repair safety valves in an amount not to exceed \$9,013 for a total revised contract amount not to exceed \$45,063. (Funding in the amount of \$9,013 is available in the 1998-99 Approved Operating Budget for the Electric Utility Department.) No MBE/WBE subcontracting opportunities were identified. (Recommended by Electric Utility Commission)

Resolution No. 990311-25 approved

Item 26 was pulled for discussion.

27. Approve a resolution authorizing execution of a twelve month supply agreement with J/T HYDRAULICS & SERVICE COMPANY, Houston, Texas, for the purchase of on-line oil filtration systems for removal of contaminants and water from the insulating oil of on-load tap changers on power transformers without interrupting service, in an amount not to exceed \$47,925, with four twelve-month extension options in an amount not to exceed \$47,925 per extension for a total contract amount not to exceed \$239,625. (Funding in the amount of \$23,962.50 is available in the 1998-99 Capital Budget for the Electric Utility Department. Funding for the final six months and the extension options is contingent upon available funding in future budgets.) Low bid of six. No MBE/WBE subcontracting participation. (Recommended by Electric Utility Commission)

Resolution No. 990311-27 approved

28. Approve a resolution authorizing execution of a construction contract with USA ENVIRONMENTAL SERVICES, Houston, Texas, for demolition, environmental clean-up, and remediation of the former Pole Yard, located at 300 West Avenue, in the amount of \$949,763.60 plus \$142,464.54 to be used as a contingency fund for change orders, for a total of \$1,092,228.14. (Funding in the amount of

\$1,092,228.14 is available in the 1998-99 Approved Operating Budget of the Electric Utility Department.) Low bid of four. 18.20% MBE; 2.4% WBE Subcontracting participation. (Recommended by Electric Utility Commission)

Resolution No. 990311-28 approved

29. Approve a resolution authorizing negotiation and execution of professional service agreements with the following ten firms: PARSONS ENGINEERING SCIENCE, INC., Austin, Texas; ALAN PLUMMER ASSOCIATES, INC., Austin, Texas; ROY F. WESTON, INC., Austin, Texas; GSG, INC. (MBE/MA), Austin, Texas; URBAN DESIGN GROUP (WBE/FR), Austin, Texas; RAYMOND CHAN & ASSOCIATES, INC. (MBE/MA), Austin, Texas; THONHOFF CONSULTING ENGINEERS, INC., Austin, Texas; ASSOCIATED CONSULTING ENGINEERS, INC., Austin, Texas; JASTER-QUINTANILLA & ASSOCIATES, INC. (MBE/MH); Austin, Texas; and CARTER & BURGESS, INC., Austin, Texas, to provide professional civil engineering services for projects which are of general or routine nature or whose schedule or emergency nature are critical, for an estimated period of two years or until financial authorization is expended, each agreement not to exceed \$3,000,000 with a total of the ten agreements not to exceed \$3,000,000 (estimated approximately \$400,000 for each of the first five firms and \$200,000 for each of the remaining five firms). (Funding for these services is available in the Capital budgets and/or operating budgets of the various departments for which services are needed. Approximately \$2,000,000 of this funding is for proposed Water and Wastewater Utility Department projects and the remaining \$1,000,000 is for other departments.) PARSONS ENGINEERING SCIENCE, INC.: 20% MBE, 20% WBE; ALAN PLUMMER ASSOCIATES, INC.: 8.7% MBE, 18.2% WBE; ROY F. WESTON, INC.: 10% MBE, 18.2% WBE; GSG, INC. (MBE/MA): 67.4% MBE Prime, 7.4% MBE, 18.2% WBE; URBAN DESIGN GROUP (WBE/FR): 86.3% WBE Prime, 8.7% MBE, No WBE Sub-consultant Participation; RAYMOND CHAN & ASSOCIATES, INC. (MBE/MA): 74.8 MBE Prime, 7% MBE, 18.2% WBE; THONHOFF CONSULTING ENGINEERS, INC.: 8.7% MBE, 18.2% WBE; ASSOCIATED CONSULTING ENGINEERS, INC.: 8.7% MBE, 18.2% WBE; JASTER-QUINTANILLA & ASSOCIATES, INC. (MBE/MH): 73.09% MBE Prime, 7% MBE, 20% WBE; CARTER & BURGESS, INC.: 8.7% MBE, 18.2% WBE. (Recommended by Water and Wastewater Commission)

Resolution No. 990311-29 approved

30. Approve a resolution authorizing execution of a construction contract with RYAN-O EXCAVATING, INC., Austin Texas, for street and drainage improvements along Miles Avenue, Berkeley Avenue, Cannonleague Drive, and Stanley Avenue, for the Community Development District No. 43 Phase II Project, in the amount of \$1,663,882.20. (Funding in the amount of \$1,256,352.20 was included in the 1998-99 Amended Capital Budget of the Department of Public Works & Transportation; \$407,530 was included in the 1995-96 Amended Capital Budget of the Water & Wastewater Utility.) Low bid of five. 23.92% MBE, 8.42% WBE Subcontracting participation. (Recommended by Water and Wastewater Commission)

Resolution No. 990311-30 approved

31. Approve a resolution authorizing execution of a twelve month service agreement with METRO SERVICE CONSULTANTS, Inc., Channelview, Texas, for the annual refurbishing of fire hydrants, for the Water and Wastewater Utility in an amount not to exceed \$80,300 with two twelve-month extension options in an amount not to exceed \$80,300 per extension option for a total amount not to

exceed \$240,900. (Funding in the amount of \$80,300 was included in the 1998-99 Approved Operating Budget of the Water and Wastewater Utility. Funding for the extension options is contingent upon available funding in future budgets.) Low bid of two. (Recommended by Water and Wastewater Commission.)

Resolution No. 990311-31 approved

32. To set a public hearing to consider an ordinance amending Chapter 25 of the City Code by revising the use and site development regulations for a Lodginghouse Residential Use (Bed and Breakfast Establishment). (Suggested Date and Time: April 8, 1999 at 6:00 p.m.)

Resolution No. 990311-32 approved

33. C14-97-0147 - Approve second/third readings of an ordinance amending Chapter 13-2 of the Austin City Code by zoning property locally known as Copperfield Drive and East Parmer Lane from "DR", Development Reserve district to "GR", Community Commercial district zoning on Tract 1 and "SF-6-CO", Townhouse and Condominium Residence-Conditional Overlay district zoning on Tract 2, 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: Copperfield IV Venture (Rodney L. Madden) and Parmer Ridge LTD. (John S. Lloyd). City Staff: Don Perryman, 499-2786.

Ordinance No. 990311-33 approved

34. C14-98-0145 – Approve second/third readings of an ordinance amending Chapter 13-2 of the Austin City Code zoning property locally known as 12401 Los Indios Trail from "I-RR" Interim Rural Residence district to "SF-6", Townhouse and Condominium Residence district zoning. First reading on December 3, 1998; Vote 6-0, Lewis Absent. Conditions met as follows: No conditions imposed by Council on first reading. Applicant: The Park at Los Indios, LTD. Agent: Jim Bennett City Staff: David Wahlgren, 499-6455.

Ordinance No. 990311-34 approved

35. Approve a resolution authorizing an Interlocal Cooperation Agreement between the City of Austin and the Austin Independent School District for Adult Basic Education effective March 1, 1999 through September 30, 1999, for a total amount not to exceed \$50,000. (Funding was included in the Fiscal Year 1998-99 Neighborhood Housing and Community Development Office Special Revenue Fund, Community Development Block Grant (CDBG).)

Resolution No. 990311-35 approved

36. Set a public hearing on proposed amendments to the Land Development Code to adopt the mitigation land policy in the Barton Springs Zone, including changes to the SOS Ordinance. (Suggested Date and Time: March 25, 1999 at 6:00 p.m.)

Resolution No. 990311-36 approved

37. Approve a resolution authorizing fee simple acquisition of Lot 7, Block D, Creek Bend Section 1, locally known as 4713 Creek Bend Drive, Austin, Texas, from BERTA F. ALVAREZ AND SONNY ALVAREZ for the Second Phase of the Creek Bend Flood Control Project, in the amount of \$55,000 plus \$22,500 in relocation benefits, for a total amount not to exceed \$77,500. (Funding is included in

the 1998-99 Amended Capital Budget of the Watershed Protection Department.)

Resolution No. 990311-37 approved

38. Approve a resolution authorizing fee simple acquisition of Lot 10, Block D, Creek Bend Section 2, locally known as 4716 Teewood Drive, Austin, Texas, from RAUNEL AND FLAVIO RODRIGUEZ for the Second Phase of the Creek Bend Flood Control Project, in the amount of \$55,000 plus \$8,000 in relocation benefits, for a total amount not to exceed \$63,000. (Funding is included in the 1998-99 Amended Capital Budget of the Watershed Protection Department.)

Resolution No. 990311-38 approved

39. Approve a resolution authorizing fee simple acquisition of Lot 14, Block D, Creek Bend Section 2, locally known as 4724 Teewood Drive, Austin, Texas, from LARRY D. THOMPSON for the Second Phase of the Creek Bend Flood Control Project, in the amount of \$60,000 plus \$8,000 in relocation benefits, for a total amount not to exceed \$68,000. (Funding is included in the 1998-99 Amended Capital Budget of the Watershed Protection Department.)

Resolution No. 990311-39 approved

40. Approve a resolution authorizing the filing of eminent domain proceedings to acquire a varying width Water and Wastewater Easement containing 6,195 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 AIL Investments L.P. for the Four Points Annexed Project. (Funding in the amount of \$12,003 was included in the 1998-99 Approved Capital Budget of the Water and Wastewater Department)

Resolution No. 990311-40 approved

41. Approve a resolution authorizing the filing of eminent domain proceedings to acquire one 30' x 30' Temporary Work Space Easement containing 900 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 \$1,600 was included in the 1998-99 Approved Capital Budget of the Water and Wastewater Department)

Resolution No. 990311-41 approved

42. Approve a resolution authorizing the filing of eminent domain proceedings to acquire one 30' wide Water and Wastewater Easement containing 2,571 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 The Jack Brown Family III, Limited Partnership for the Four Points Annexed Project. (Funding in the amount of \$7,552 was included in the 1998-99 Approved Capital Budget of the Water and Wastewater Department)

Resolution No. 990311-42 approved

43. Approve a resolution authorizing the filing of eminent domain proceedings to acquire a 30' wide Water and Wastewater Easement containing 6,303 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 Austin Marine Service Corporation for the Four Points Annexed Project. (Funding in the amount of \$37,750 was included in the 1998-99 Approved Capital Budget of the Water and Wastewater Department)

Resolution No. 990311-43 approved

44. Approve a resolution authorizing execution of a five year revenue generating contract with ROWING DOCK, Austin, Texas, for a rowing and sculling concession located on Town Lake in an estimated amount of \$12,000 with the option to extend for one additional five- year period in an estimated amount of \$12,000 a year, for an estimated total contract amount of \$60,000 Revenue Contract- \$12,000/year. (\$60,000 net guaranteed revenue to the City over the duration of the first five year contract period and \$60,000 net guaranteed revenue for the second five year contract period. Additional revenue will be based on percentage of net sales. Revenue will be placed in the General Fund. Budgeted Revenue in 1998-99 Approved General Fund Budget. Best of two proposals. No MBE/WBE subcontracting participation. (Recommended by Parks and Recreation Commission)
This item has been postponed to March 25, 1999.

Item 45 was pulled for discussion.

46. Set a public hearing regarding the request to increase the fee for non-emergency medical transfer to \$195 for each transfer and to \$5 per mile. (Suggested day and time: March 25, 1999 at 6 p.m.)
Resolution No. 990311-46 approved

47. Direct the City Manager to negotiate and execute an Interlocal Agreement between the University of Texas and the City of Austin regarding a study group of grid and modified grid requirements for new subdivisions in an amount not to exceed \$6,506. (Mayor Pro Tem Jackie Goodman and Council Member Daryl Slusher)
Resolution No. 990311-47 approved with Council Member Spelman abstaining on this item.

48. Approve an ordinance waiving the requirements of Chapter 15-11 of the City Code, except the public safety requirements and waiving the permit fee and deposit under Ordinance No. 980915-C for the temporary closure of the 300 and 400 blocks of East 6th Street on March 28th to enable The National Forum of Black Public Administrators to hold a block party. (Council Members Willie Lewis and Gus Garcia)
Ordinance No. 990311-48 approved

49. Approve a resolution directing the City Manager to begin negotiations for a proposed lease to house a One Stop Shop Small Business Assistance Center at 500 Chicon Street. (Council Member Gus Garcia and Mayor Kirk Watson)
Resolution No. 990311-49 approved

63. Discuss proposed lease of Palmer Auditorium to ARTS Center Stage for renovation and use as a performing arts center.
This item has been postponed to March 25, 1999.

65. Approve resolution authorizing the negotiation and execution of a lease of Palmer Auditorium to ARTS Center Stage for renovation and use as a performing arts center.
This item has been postponed to March 25, 1999

67. APPOINTMENTS

The following appointments were approved:

Arts Commission

Dr. Margie Huerta

Mayor Watson

Child Care Council

Linda Campus-Ruiz (reappointment)

Consensus

Joene Grissom (reappointment)

Consensus

Patricia Koch (reappointment)

Consensus

Ronya Kozmetsky (reappointment)

Consensus

Rhonda Paver (reappointment)

Consensus

Gale Spear (reappointment)

Consensus

Anne Wentworth (reappointment)

Consensus

Community Development Commission

Karen Paup (reappointment)

Mayor Pro Tem Goodman

Sonia Santana (reappointment)

Council Member Slusher

Donald Dodson (reappointment)

Consensus

(South Austin Neighborhood Representative)

Christina De La Fuente-Valdez (reappointment)

Mayor Watson

(Urban Renewal Board Representative)

John Hall (reappointment)

Mayor Watson

(Urban Renewal Board Representative)

Ben SiFuentes (reappointment)

Mayor Watson

(Urban Renewal Board Representative)

Downtown Commission

Danny Crooks

Consensus

(Music Commission Representative)

EMS Quality Assurance Team

Robert Walker (reappointment)

Mayor Watson

Library Commission

Ira Strange, Jr. (reappointment)

Council Member Lewis

Mayor's Committee for People with Disabilities

Olachi Ezeh (reappointment)
Kathy Kasprisin

Mayor Watson
Mayor Watson

MBE/WBE Advisory Committee

Frank Lam (reappointment)
(Professional Organization Representative)
Cheryse Phillips (reappointment)
(Capital City Chamber of Commerce Representative)
Jesus Ramirez (reappointment)
(Owner of Certified MBE/WBE Representative)

Consensus

Consensus

Consensus

Medical Assistance Program Advisory Board

Swarup Agrawal (reappointment)
(Program User Representative)
Mary Sellers (reappointment)
(Program User Representative)

Consensus

Consensus

Telecommunications Commission

Dolores Eufracio (reappointment)

Consensus

Urban Forestry Board

Kurt Jobe

Council Member Lewis

Urban Renewal Board

Christina De La Fuente-Valdez (reappointment)
John Hall (reappointment)
Ben SiFuentes (reappointment)

Mayor Watson
Mayor Watson
Mayor Watson

Water & Wastewater Commission

Kimberly Clouser
Michael Wilson

Consensus
Consensus

ADDENDUM

ACTION ON THE FOLLOWING

69. 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, Travis County District Court. (This litigation concerns development regulations applicable in the Barton Springs Zone.)
Resolution 990311-69 approved

EXECUTIVE SESSION

Executive session was called at 2:57 p.m. on Mayor Pro Tem Goodman's motion, Council Member Slusher's second by a 7-0 vote.

59. Approve fee waiver for the International Day Without Violence Parade (Mayor Kirk Watson and Mayor Pro Tem Jackie Goodman)

Real Property – Section 551.072

62. Discuss negotiations concerning the acquisition and leasing of property in the vicinity of the downtown area.

Executive session ended at 4:42 p.m.

CONSENT ITEMS FOR ZONING

ALL OF THE FOLLOWING ITEMS WERE ACTED UPON 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 GARCIA'S SECOND BY A 5-0 VOTE. MAYOR WATSON AND COUNCIL MEMBER GRIFFITH WERE OFF THE DAIS.

51. C14-98-0156 – Public hearing to amend Chapter 13-2 of the Austin City Code by rezoning property locally known as Johnny Morris Road and Loyola Lane from "LI-CO", Limited Industrial Service-Conditional Overlay district, "W/LO-CO", Warehouse/Limited Office Conditional Overlay district and "SF-3", Family Residence district to "MH", Mobile Home Residence district. Planning Commission Recommendation: To Grant "MH", Mobile Home Residence district zoning. Applicant: Drs. Carey & Georgia Leggett (Georgia Leggett) and Armstrong Printing (Douglas Armstrong); Agent: Republic Commercial Properties (Doug Hodge). City Staff: Susan Villarreal, 499-6319.
This item has been postponed to April 8, 1999. The postponement was the applicant's first request.
52. C14-98-0252 – Public hearing to amend Chapter 13-2 of the Austin City Code by zoning property locally known as 2031 Highway 71 East from "I-RR", Interim-Rural Residence district to "CS", General Commercial Services. Planning Commission Recommendation: To Grant "CS-CO", General Commercial Services-Conditional Overlay district zoning with conditions. Applicant: T. C. Steiner &

Sons, Ltd. (Thomas C. Steiner, Jr.); Agent: Crocker Consultants (Sarah Crocker). City Staff: Susan Villarreal, 499-6319.

Ordinance No. 990311-52 approved CS-CO as recommended by the Planning Commission.

53. C14-99-0002 – Public hearing to amend Chapter 13-2 of the Austin City Code by rezoning property locally known as 300 West Avenue from “P”, Public district to “DMU”, Downtown Mixed Use district. Planning Commission Recommendation: To Grant “DMU-CO”, Downtown Mixed Use-Conditional Overlay district zoning with conditions. Applicant: City of Austin; Agent: Development Review and Inspection Department. City Staff: Ellen Meadows, 499-2339.

Approved first reading only for DMU-CO as recommended by Planning Commission.

DISCUSSION ITEMS FOR ZONING

50. C14-98-0202: Public hearing to amend Chapter 13-2 of the Austin City Code by zoning property locally known as 105 East 38th Street from “MF-3”, Multi Family Residence (Medium Density) to “NO-MU”, Neighborhood Office – Mixed Use. Planning Commission Recommendation: To Grant “NO-MU”, Neighborhood Office – Mixed-Use district zoning. Applicant: John Neal. Agent: Jim Bennett. City Staff: Don Perryman, 499-2786. (Continued from 2/25/99)

The public hearing was closed on Council Member Garcia’s motion, Council Member Slusher’s second by a 4-0 vote. Mayor Watson, Council Members Griffith and Spelman were off the dais.

Motion to refer this item back to the Planning Commission under a compressed timetable on April 6, 1999; and to Council on April 15, 1999, was approved on Council Member Garcia’s motion, Council Member Griffith’s second by a 5-0-1 vote. Council Member Spelman abstained. Mayor Watson was off the dais.

Staff was asked to verify whether North University Neighborhood Association has initiated or expressed an interest in creating a neighborhood plan.

DISCUSSION ITEMS

22. Approve a resolution authorizing execution of a contract with LAUREN CONSTRUCTORS, Abilene, Texas, for the retubing of the Holly Unit #1 Boiler Furnace in an amount of \$1,600,819. (Funding is available in the 1998-99 Approved Operating Budget for the Electric Utility Department.) Low bid of five. 25.41% MBE; .53% WBE Subcontracting participation. (Recommended by Electric Utility Commission)

Motion to postpone action to March 25, 1999 to allow Council time to study the information and for staff to investigate all possible alternatives failed on Mayor Pro Tem Goodman’s motion and Council Member Lewis’ second by a 2-5 vote. Mayor Watson, Council Members Garcia, Griffith, Slusher and Spelman voted no.

Resolution No. 990311-22 was approved on Council Member Slusher’s motion, Council Member Spelman’s second by a 6-1 vote. Council Member Lewis voted no. There was a friendly amendment by Mayor Pro Tem Goodman for staff to aggressively seek out

alternative means of generating power for this summer. There was a friendly amendment by Council Member Spelman to have staff report back to Council within six weeks on the recommendations including in the TDH report. The maker (Council Member Slusher) and Council Member Spelman accepted both friendly amendments.

ADDENDUM

68. 6:00 P.M. - Conduct a public hearing regarding the proposed plan for the City of Austin to lease Downtown property to Computer Sciences Corporation.

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

DISCUSSION ITEMS

Item 13 was reconsidered later in the meeting and appears on page 13.

16. 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)
Resolution No. 990311-16 was approved on Council Member Lewis' motion, Council Member Spelman's second by a 7-0 vote.
17. Approve a resolution authorizing execution of a contract with GILBANE BUILDING COMPANY, Austin, Texas, for the Austin Convention Center Expansion Project, in the amount of \$3,891,020 for program management services. (Funding is available in the 1998-99 Amended Capital Budget of the Austin Convention Center Department.)
Resolution No. 990311-17 was approved with Council Member Garcia's amendment that the contractor and major subcontractors be instructed to report on MBE/WBE compliance. Mayor Pro Tem Goodman seconded the amended motion. It passed by a 7-0 vote.
18. Approve a resolution authorizing execution of a contract with PAGE SOUTHERLAND PAGE ARCHITECTS, Austin, Texas, for the Austin Convention Center Expansion Project, in the amount of \$5,768,824 for design and construction phase services. (Funding is available in the 1998-99 Amended Capital Budget of the Austin Convention Center Department.)
Resolution No. 990311-18 was approved on Council Member Garcia's motion, Council Member Spelman's second by a 7-0 vote.

Motion to waive the rules and allow the meeting to go past 10:00 p.m. was approved on motion by Council Member Slusher, second by Council Member Spelman by a 7-0 vote.

13. Approve a resolution authorizing the second amendment to the School District Land Development Standards Agreement with the Austin Independent School District regarding the development

standards to be applied to school district facilities. The proposed amendment addresses building height limits, parking requirements, and the impervious cover limits within the urban watersheds. It also allows up to 5000 square feet of disturbed area to qualify for site plan exemptions.

Resolution No. 990311-13 was approved on Council Member Slusher's amendment to the motion to limit the impervious coverage to 20% in the Barton Springs area. Council Member Garcia's seconded this motion but added a friendly amendment that if the 20% restriction was not workable, the applicant could come back to Council. There was a friendly amendment by Goodman to restrict the height to sixty feet. This motion, with the friendly amendments, passed by a 7-0 vote.

A motion by Council Member Slusher was seconded by Council Member Spelman to reconsider item 13 to provide clarification and passed by a 7-0 vote.

Motion by Council Member Slusher and second by Council Member Garcia to add language on page 7 No. 5 of the 2nd agreement to the Land Development Standards Commission, so that Section 3.1 A. 3a. read "except as provided in Subsection A.3.b., the maximum impervious is 20% of the net site area." Section 3.1 A.3.b should read "for a school site described on Exhibit B 20% of the impervious cover or the regulations established in section 25-a-514 of the City Code, the Save Our Springs ordinance, whichever is greater." The motion was accepted by a 7-0 vote.

20. Approve an Ordinance authorizing the vacation and sale of electric transmission easement rights on a 14.48 acre tract of land out of the Samuel Hamilton Survey No. 16, being the easement purchased from Ira Jon Yates by instrument dated December 4, 1986, recorded in Volume 10072, Page 141, Travis County Deed Records, to Ira Jon Yates, 4309 Circle C. Ranch Road, Austin, Texas, in the amount of \$63,000. (Recommended by Electric Utility Commission)

Ordinance No. 990311-20 was approved on Council Member Lewis' motion, Council Member Spelman's second by a 7-0 vote.

21. Approve a resolution authorizing execution of a twelve-month supply agreement with ANTIQUE STREET LAMPS, INC., Buda, Texas for the purchase of ornamental and Sixth Street lights and poles, in an amount not to exceed \$970,620, with three twelve-month extension options in an amount not to exceed \$970,620 per extension for a total contract amount not to exceed \$3,882,480. (Funding for \$485,310 was included in the 1998-99 Capital Budget for the Electric Utility Department. Funding for the final six months and the extension options is contingent upon available funding in future budgets.) Low bid of four. No MBE/WBE subcontracting participation. [Recommended by Electric Utility Commission]

Resolution No. 990311-21 was approved on Council Member Lewis' motion, Council Member Spelman's second by a 7-0 vote.

26. Approve a resolution authorizing execution of a sixty day service agreement with MATVEST, INC., dba BERMEX, INC., Southfield, Michigan, to provide electric and water meter reading services in an amount not to exceed \$294,000, with the option to extend for up to one thirty-day period in an amount not to exceed \$147,000, for a total contract amount not to exceed \$441,000. (Funding is available in the 1998-99 Approved Operating Budget for the Electric Utility Department.) No

MBE/WBE Subcontracting opportunities were identified. (Recommended by Electric Utility Commission)

Resolution No. 990311-26 was approved on Council Member Lewis' motion, Council Member Spelman's second by a 7-0 vote.

45. Approve a resolution authorizing execution of Change Order #6 to the construction contract with TREMUR CONSTRUCTION CONSULTING, INCORPORATED, Del Valle, Texas, for creek bed cleanup, rock restoration and gabion walls in Country Club Creek, two bullpens in the senior baseball field, and landscaping for the Montopolis Youth Sports Complex, located at 800 Grove Boulevard, in the amount of \$25,657.22 for a total contract amount of \$2,441,338. (Funding in the amount of \$25,657.22 is included in the 1997-98 Amended Capital Budget of the Parks and Recreation Department.) 74.16% WBE; No MBE Subcontracting participation.

Resolution No. 990311-45 was approved on Council Member Garcia's motion, Council Member Spelman's second by a 7-0 vote.

ACTION ON THE FOLLOWING

66. Adopt performance evaluation plan for the Municipal Court Clerk.
No action was taken on this item.

ADJOURNED at 10:59 p.m. on Council Member Slusher's motion, Council Member Goodman's second by a 7-0 vote.

Approved on this the 8th day of April, 1999 on Council Member Garcia's motion, Council Member Spelman's second by a 7-0 vote.