



Austin City Council MINUTES

REGULAR MEETING
THURSDAY, APRIL 1, 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 12:30 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

21. Discuss legal issues concerning proposed legislation in the 76th Legislature.
22. Discuss *FM Properties Operating Co. v. City of Austin*, Cause No. 98-0865, in the Supreme Court of Texas. (This litigation concerns development regulations applicable in the Barton Springs Zone.)

Real Property – Section 551.072

23. Discuss proposed acquisition of downtown property by City of Austin, proposed lease of downtown City of Austin property for development, and relocation of current occupants of proposed leased sites.

Executive Session ended at 2:10 p.m.

LIVE MUSIC:

INVOCATION – Reverend Tom A. Carroll – Lakeway Interdenominational Church

THE CITY COUNCIL OF AUSTIN, TEXAS, CONVENED IN A REGULAR MEETING AT 2:34 P.M. ON THURSDAY, APRIL 1, 1999, AT CITY COUNCIL CHAMBERS, 307 WEST SECOND STREET, FOR THE FOLLOWING PURPOSES:

Mayor Watson called the meeting to order. Council Members Slusher and Spelman were off the dais.

1. Approval of Minutes for Regular Meetings of March 25, 1999
Approved on Council Member Garcia's motion, Council Member Griffith's second by a 5-0 vote.
Council Members Slusher and Spelman were off the dais.

CITIZEN COMMUNICATIONS: GENERAL

2. Joe Riddell – Discuss Problems with the City's Review Approval and Inspection of a Drainage Detention Pond and Swale at 3201 ½ S. 5th St. (Cuba Libre Drainage Project)
3. Pate Brendle – Update on CONA 2222 Development Project - **Cancelled**
4. Michael Bonds – Fools in April!
5. Charles T. Waits, Jr. – Perceptions
6. Jim Walker – Mueller Airport Redevelopment
7. William Foreman, Jr. – Human Relations 101
8. Jennifer L. Gale – Proportional Representation - **Absent**

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 GRIFFITH'S SECOND BY A 6-0 VOTE. MAYOR WATSON WAS OFF THE DAIS.

Items #9 and #10 were pulled for discussion.

11. C14-98-0076 – Approve second/third readings of an ordinance amending Chapter 13-2 of the Austin City Code zoning property locally known as 1205 E. Wells Branch Parkway from "I-RR" Interim-Rural Residence District to "CS-CO", Commercial Services Conditional Overlay district zoning. First reading on October 8, 1998; Vote 6-0 (Garcia off dais). Conditions met as follows: Conditional Overlay incorporates conditions imposed by Council on first reading. Applicant: David Campbell Agent: Jim Bennett City Staff: David Wahlgren, 499-6455.
Ordinance No. 990401-11 was approved.

Items 12 through 23 were discussed later in this meeting.

ADDENDUM

24. Approve a resolution supporting the passage of House Bill 938 by the 76th Texas Legislature, which enhances penalties for crimes motivated by hate, prejudice, or bias. (Lewis)
Resolution No. 990401-24 was approved.

DISCUSSION AGENDA

9. Approve a resolution authorizing negotiation and execution of a twelve month service agreement with UTILITY METER SERVICES, Willow Grove, PA, to provide electric and water meter reading services in an amount not to exceed \$2,079,000 with the option to extend for up to three twelve-month periods in an amount not to exceed \$2,058,210 (year two), \$2,292,098 (year three), and \$2,406,702 (year four) for a total contract amount not to exceed \$8,836,010. (Funding in the amount of \$1,212,750 was included in the 1998-99 Operating Budget of the Electric Utility Department. Funding for the remaining five months of the original contract period and the extension options are contingent upon available funding in future budgets.) Best proposal of two. 15% WBE, 0% MBE Subcontracting participation. (Recommended by Electric Utility Commission)
Resolution No. 990401-9 was approved with an amendment by Council Member Slusher for staff to report to Council within six months with a detailed plan to either bring this work in-house or work with the contractor to address the issue of offering benefits to their employees regarding their future plans to address the issues. The report should include: how long it will take to hire and train the appropriate staff for in-house meter reading; how long it will take to acquire the necessary equipment, such as cars, uniforms, etc.; a plan for offering performance incentives to employees similar to what the contractor offers and other measures to decrease City cost and bring it closer to private companies; technology options and decisions that will be faced by the City of Austin. The Law Department will analyze the Tennessee law regarding benefits and other legal alternatives that would result in contractors providing benefits to employees. Staff should provide a full explanation of the numbers given. Council Member Garcia seconded the motion and it passed by a 7-0 vote.
10. Approve a resolution authorizing negotiation and execution of a professional services agreement with KIMBLE/ZETTY, San Antonio, Texas, for construction partnering consultant services for a period of approximately one-year, in an amount not to exceed \$50,000. (Funding was included in the 1998-99 Operating Budget of the Department of Public Works and Transportation, Capital Projects Management Fund.) Best qualification of two. 0% MBE, 3% WBE Subconsultant participation.
Resolution No. 990401-10 was approved with an amendment authorizing negotiation and execution of a professional services agreement with Garza-Fisher and Associates on Council Member Garcia's motion, Council Member Lewis' second by a 6-1 vote. Council Member Spelman voted no.

The Council recessed at 3:49 p.m. on Council Member Slusher's motion, Mayor Pro Tem Goodman's second by a 7-0 vote.

Mayor Watson reconvened the meeting at 4:35 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 GARCIA'S MOTION, COUNCIL MEMBER LEWIS' SECOND BY A 6-0 VOTE. COUNCIL MEMBER GRIFFITH WAS OFF THE DAIS.

12. C14-98-0214 – Public hearing to amend Chapter 13-2 of the Austin City Code by zoning property locally known as 11111 FM 2222 Road from “SF-2”, Single-Family Residence (Standard Lot) district, to “CS”, General Commercial Services district. Planning Commission recommendation: To grant “GR-CO”, Community Commercial-Conditional Overlay district zoning and “CS-CO”, General Commercial Services-Conditional Overlay district zoning, with conditions. Applicant: The Cooke Family Trust (David A. Cooke); Agent: Dunagan, Weichert, & Houston (Glenn K. Weichert). City Staff: Ellen Meadows 499-2339

This item was postponed to April 13, 1999 at the staff request to verify and send a notice to the new owner of the former origins site.

Item 13 was pulled for discussion.

14. C14-98-0267 – Public hearing to amend Chapter 13-2 of the Austin City Code by rezoning property locally known as 9725 Anderson Mill Road from “I-RR”, Interim Rural Residence, to “GR”, Community Commercial district. Planning Commission recommendation: To grant “LR-CO”, Neighborhood Commercial-Conditional Overlay district zoning with conditions. Applicant: Gourmet Guys & Gals Catering (Robert Norzick); Agent: Armbrust, Brown, & Davis (Gregg C. Krumme). City Staff: Antonio Gonzales, 499-2243.

Approved Planning Commission's recommendation on first reading only.

15. C14-99-0015 – Public hearing to amend Chapter 13-2 of the Austin City Code by rezoning the property locally known as 12708 Huntsville Drive from “MF-3”, Multifamily Residence, to “GO”, General Office. Planning Commission recommendation: To grant “GO-CO”, General Office-Conditional Overlay district zoning with conditions. Applicant: Highflex Partners, LLC (Darrell S. David); Agent: Austin Civil Engineering (Gary Caywood). City Staff: David Wahlgren 499-6455.

Ordinance No. 990401-15 approved the Planning Commission's recommendation.

DISCUSSION ZONING ITEMS

13. C14-98-0239 – Public hearing to amend Chapter 13-2 of the Austin City Code by rezoning property locally known as 1200-1300 West Braker Lane from “NO”, Neighborhood Office, and “LR”, Neighborhood Commercial district to “GO”, General Office. Planning Commission recommendation: To grant “GO-CO”, General Office-Conditional Overlay district zoning with conditions. Applicant: Jerry L. Smith, Helen Gracy Smith, and Richard S. Gracy; Agent: Lopez-Phelps, Vaughn and Associates (Amelia Lopez-Phelps). City Staff: Antonio Gonzales, 499-2243.

The public hearing was recessed and postponed to June 3, 1999 on Council Member Slusher's motion, Council Member Spelman's second by a 7-0 vote.

The Council meeting was recessed at 4:53 p.m. on Council Member Griffith's motion, Council Member Slusher's second by a 7-0 vote.

PUBLIC HEARINGS

16. 6:00 P.M. - Public hearing on an appeal of the Sign Review Board's Decision to deny a variance request to install a freestanding sign exceeding: 1) the maximum allocable sign area requirement of Section 13-2-867 from 177.52 square feet to 360 square feet; and 2) the maximum allowable sign height requirement of Section 13-2-867 from 35 feet to 60 feet in height, in a "CS" General Commercial Services district (Expressway Corridor sign district) for Austin Eye Clinic located at 1015 East 40th Street. Case No.: C16-98-036. Applicant: Michael Wong. City Staff: Connie Buckner, 499-2206.

Postponed at staff request until May 6, 1999.

ACTION ON PUBLIC HEARINGS

18. Consider a resolution regarding an appeal of the Sign Review Board's Decision to deny a variance request to install a freestanding sign exceeding: 1) the maximum allocable sign area requirement of Section 13-2-867 from 177.52 square feet to 360 square feet; and 2) the maximum allowable sign height requirement of Section 13-2-867 from 35 feet to 60 feet in height, in a "CS" General Commercial Services district (Expressway Corridor sign district) for Austin Eye Clinic located at 1015 East 40th Street. Case No.: C16-98-036. Applicant: Michael Wong. City Staff: Connie Buckner, 499-2206.

Postponed at staff request until May 6, 1999.

Mayor Watson reconvened the meeting at 6:35 p.m.

17. 6:30 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 Mayor Pro Tem Goodman's motion, Council Member Garcia's second by a 7-0 vote.

20. Approve an ordinance authorizing the "Statement Concerning Essential Terms for Computer Sciences Corporation Downtown Headquarters Facility", direct the City Manager to schedule all necessary ordinance changes for review and action by the City Council and authorize the City Manager to execute definitive agreements necessary to implement all Essential Terms.

Ordinance No. 990401-20 approved on Council Member Spelman's motion, Mayor Pro Tem Goodman's second by a 7-0 vote. Two friendly amendments were added to the motion and accepted by both the maker of the motion and the Mayor Pro Tem. The first amendment was on Page 4, line 8, section 2.3.4 would read, "The traffic impact analysis will include a study of those offsite measures and the City will make its best efforts to provide for the smooth transitioning of traffic to and from the parking facilities for Blocks 2, 3, 4 and 21. The costs of any reasonable offsite measures to provide for such transitioning will be borne by the City." The second friendly amendment was to add the following to 2.3.6: "Related to the Essential Terms, Council directs the City Manager to negotiate and execute agreements whereby a third party would finance, construct and operate the retail component of the project, subject to the reasonable consent of CSC."

19. Approve a resolution authorizing the City Manager to prepare and send on behalf of the City of Austin the notices by the Texas Tax Increment Financing Act (Texas Tax Code Chapter 311) to create a Tax Increment Reinvestment Zone to each of the taxing entities that levies real property taxes in the proposed Reinvestment Zone; and to request that such taxing entities waive the statutory sixty day consideration period.

Resolution No. 990401-19 approved on Council Member Spelman's motion, Council Member Garcia's second by a 7-0 vote.

ADJOURN at 9:35 p.m. on Council Member Slusher's motion, Council Member Griffith 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.