



**Austin City Council
MINUTES**

**REGULAR MEETING
THURSDAY, APRIL 13, 2000**

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

The City Council of Austin, Texas, convened in a regular meeting on Thursday, April 13, 2000 at City Hall, 124 West 8th Street in Room 304.

INVOCATION – Reverend Robert Karli - First English Lutheran Church

Mayor Pro Tem Goodman called the meeting to order at 9:35 a.m.

Item 1 was approved but was reconsidered later in the meeting.

Item 2 was a Briefing.

Items 3 through 9 were Executive Session items.

Items 10 through 12 were public hearings set for a 7:30 p.m. time certain.

CONSENT AGENDA

The following items were acted on by one motion. No separate discussion or action occurred on any of the items. The consent items were approved on Council Member Garcia's motion, Council Member Lewis' second by a 6-0 vote. Mayor Watson was absent.

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

projected at this time. Revenue may result from future customer usage of the system to be estimated for subsequent years). (Third reading)

Ordinance No. 000413-14 was approved.

15. Approve an ordinance transferring control of the franchise held by TIME WARNER ENTERTAINMENT/ADVANCE NEWHOUSE. (Third reading)

Ordinance No. 000413-15 was approved.

Item 16 was pulled for discussion.

17. Approve a resolution authorizing execution of an amendment of a book supply agreement with INGRAM LIBRARY SERVICES, INC., LaVergne, Tenn., to increase the contract by \$450,000 for the current contract year for a total annual amount not to exceed \$1,069,650 and to increase the remaining extension option by \$720,850 for a total annual amount not to exceed \$1,300,000 for a total contract amount not to exceed \$3,172,150. (Funding in the amount of \$300,000 was included in the 1999-2000 Amended Operating Budget of the Library Department; \$150,000 was included in the 1998-1999 Amended Capital Budget of the Parks and Recreation Department)

Resolution No. 000413-17 was approved.

Item 18 was approved as part of the consent agenda but was reconsidered later in the meeting.

19. Approve a resolution authorizing execution of a 12-month supply agreement with PRECEPT BUSINESS PRODUCTS INC., Austin, Texas, for the production of City Council agenda packets, in an amount not to exceed \$74,520 with two extension options in an amount not to exceed \$74,520 per extension for a total contract amount not to exceed \$223,560. (Funding in the amount of \$37,260 was included in the Fiscal Year 1999-2000 Approved Operating Budget of the Office of the City Clerk. Funding for the remaining six months and extension options will be contingent upon available funding in future budgets.) Low bid of seven. No MBE/WBE subcontracting participation.

Resolution No. 000413-19 was approved.

20. Adopt a resolution consenting to the annexation of approximately one acre into Travis County Water Control and Improvement District 10 (WCID 10) for the provision of water service. The property is located at 1637 Westlake Drive and is within the City limits of the City of Westlake Hills; and it is adjacent to the WCID. (There are no expenditures incurred by the City of Austin for this action. The landowner or WCID 10 will incur all expenses for water service to the one-acre tract.) (Recommended by Water and Wastewater Commission)

Resolution No. 000413-20 was approved.

21. Approve a resolution authorizing the filing of eminent domain proceedings to acquire a permanent Wastewater Easement containing 50,006 square feet of land and two temporary construction easements containing 2,131 square feet and 24,489 square feet of land, situated at 5201 Ed Bluestein Boulevard, in the City of Austin, Travis County, Texas, owned by the Young Men's Christian Association of America, a Texas non-profit corporation, for the Water Reclamation Initiative Project. This easement is needed to construct a reclaimed water transmission main that will serve the central service area. The central service area includes the Morris Williams Golf Course, the Robert Mueller Redevelopment site, the University of Texas, the Capitol Complex, downtown, and other areas to the west. This is the inaugural project for the City's Water Reclamation Initiative Program. (Funding in the amount of \$7,369 is included in the 1999-2000 Amended Capital Budget of the Water and Wastewater Department.)

Resolution No. 000413-21 was approved.

22. Approve a resolution authorizing the filing of eminent domain proceedings to acquire a permanent wastewater easement containing 304 square feet of land and a temporary construction easement containing 427 square feet of land, situated in the James Jett Survey No. 1, Abstract No. 437, in the City of Austin, Travis County, Texas, owned by Josie Ellen Champion, Alma Juanita Champion Meier, and Mary Margaret Champion Robertson for the Shepherd Mountain Relief Main. (Funding in the amount of \$244 is included in the 1999-2000 Amended Capital Budget of the Water and Wastewater Department.)

Resolution No. 000413-22 was approved.

Items 23 through 25 were pulled for discussion.

26. Approve a resolution authorizing execution of Change Order No. 10 to the construction contract with BENITEZ CONSTRUCTION COMPANY (MBE/MH), Pflugerville, Texas, for the Central Market Wastewater Improvements Project, increasing the contract in the amount of \$47,065, for a total contract amount not to exceed \$1,571,084.45. (Funding in the amount of \$47,065 is available in the 1995-1996 Amended Capital Budget of the Water and Wastewater Utility.) 0% MBE; 74% WBE subcontracting participation. (Recommended by Water and Wastewater Commission)

Resolution No. 000413-26 was approved. Council Member Garcia requested that in the future, staff bring this back to Council if the contingency funds are depleted. Council Member Griffith asked the City Manager to draft a procedure on how similar situations will be handled in the future when the contingency fund for a project is depleted.

Item 27 was pulled for discussion.

28. Approve a resolution authorizing execution of a construction contract with THE PORTER SERVICE COMPANY, Manchaca, Texas, for replacement of the existing cooling tower at the Waller Creek Center, in the amount of \$129,407. (Funding was included in the 1999-2000 Amended Capital Budget of the Water & Wastewater Utility.) Low bid of four. 1.01% MBE; 7.73% WBE subcontracting participation. (Recommended by Water and Wastewater Commission)

Resolution No. 000413-28 was approved.

29. Approve a resolution authorizing execution of a construction contract with MW BUILDERS, INC., Temple, Texas, for general improvements to the low service pump station at the A. R. Davis Water Treatment Plant located at 3500 West 35th Street, in the amount of \$7,924,000, plus \$396,200 contingency, for total amount not to exceed \$8,320,200. (Funding is included in the 1999-2000 Amended Capital Budget of the Water & Wastewater Utility.) Low bid of four. .05% MBE; 6.29% WBE subcontracting participation. (Water and Wastewater Review - 4/5/00)

Resolution No. 000413-29 was approved.

Items 30 through 31 were pulled for discussion.

32. Approve the issuance of a Street Event Permit for a fee paid event in the 400 block of Congress Avenue and at 100 East 5th Street to be held May 4, 2000 from 6:00 a.m. to 12:00 midnight for the Mexic-Arte Museum "Great Taste of Mexico" Celebration. (4 ½ % of gate receipts will be credited to the Great Streets fund.)

Resolution No. 000413-32 was approved. Council Member Garcia proposed and Council agreed that the fiscal note be changed to read, "Proceeds to remain with the Mexic-Arte Museum."

34. Approve a resolution authorizing the execution of a construction contract with HARKINS COMPANY, Elgin, Texas, for the construction of improvements to the Heating, Ventilating, and Air Conditioning (HVAC) system and building envelope in the administration building of the Austin Nature Center, in the amount of \$135,700. The bid package did not include any alternates. (Funding is included in the 1999-2000 Capital Budget of the Parks and Recreation Department.) Low bid of four. 4.24% MBE; 0% WBE subcontracting participation. (Recommended by Electric Utility Commission)
Resolution No. 000413-34 was approved.
35. Approve a resolution authorizing execution of a construction contract with HARKINS COMPANY, Elgin, Texas, For roof and mechanical replacement at the Northwest Recreation Center, located at 2913 Northland Drive, in the amount of \$221,300. (Funding in the amount of \$110,000 was included in the 1999-2000 Amended Capital Budget of the Financial Services Department; \$111,300 was included in the 1997-1998 Amended Capital Budget of the Parks and Recreation Department.) Low bid of seven. 2.65% MBE; 0% WBE subcontracting participation.)
Resolution No. 000413-35 was approved.
36. Approve a resolution authorizing execution of supply agreements with each of the following fourteen (14) firms for the purchase of natural gas to provide fuel for Austin Energy's generating plants in the estimated total amount of \$88.1 million per year. AQUILA ENERGY MARKETING CORPORATION, San Antonio, Texas; CONOCO INC., Houston, Texas; CORAL ENERGY RESOURCES, L. P. 909, Houston, Texas; DUKE ENERGY TRADING & MARKETING, L.L.C., Houston, Texas; DYNEGY MARKETING & TRADE, Houston, Texas; EXXON/MOBIL GAS MARKETING COMPANY, Houston, Texas; MITCHELL GAS SERVICES L. P., The Woodlands, Texas; PG&E REATA ENERGY, L. P., San Antonio, Texas; TENASKA MARKETING VENTURES, Arlington, Texas; TEXACO NATURAL GAS INC., Houston, Texas; TEXAS ENERGY TRANSFER COMPANY, LTD, Dallas, Texas; TITAN RESOURCES I, INC., Midland, Texas; TRISTAR GAS COMPANY, L. P., Dallas, Texas; U.S. GAS TRANSPORTATION, INC., Dallas, Texas. This contract is projected to be an evergreen contract. (Estimated \$88.1 million per year. Funds will be provided through the Utility Fuel Charge revenue.) Low bid of fourteen. No MBE/WBE subcontracting participation. (Recommended by Electric Utility Commission)
Resolution No. 000413-36 was approved.

Item 37 was pulled for discussion.

38. Approve a resolution authorizing execution of a contract with POWER SUPPLY COMPANY, Austin, Texas for the purchase of two substation transformers in the amount of \$196,840. (Funding was included in the 1999-2000 Amended Capital Budget for the Electric Utility Department.) Low bid of four. No MBE/WBE subcontracting participation. (Recommended by Electric Utility Commission)
Resolution No. 000413-38 was approved.

39. Approve a resolution authorizing execution of a construction contract with BRH-GARVER, INC. for the Chilled Water Distribution System for the CSC/City Hall District Cooling Project, in the amount of \$2,256,000 plus \$225,600 contingency, for a total contract amount not to exceed \$2,481,600. (Funding is available in the 1999-2000 Amended Capital Budget of the Electric Utility Department.) Low bid of seven. 33.35% MBE; 8.56% WBE subcontracting participation. (Recommended by Electric Utility Commission)

Resolution No. 000413-39 was approved.

40. Set a public hearing to consider approval of a variance request from Emile Jamail Properties, Inc. to allow: (1) construction of a building and parking area; and (2) exclusion of the building's footprint from a drainage easement to be dedicated as a result of this development in the 100-year floodplain of East Bouldin Creek at 1209 and 1301 South 1st Street. (Suggested Date and Time: April 20, 2000 at 6:00 p.m.)

Resolution No. 000413-40 was approved.

Item 41 was pulled for discussion.

42. Adopt an ordinance approving the Regulatory Plan for Avery Ranch, which is being annexed for limited purposes.

Ordinance No. 000413-42 was approved.

43. Approve a resolution authorizing execution of a 48-month lease agreement with STEWARD ENGINEERING SUPPLY INC., Arlington, Texas, for an Xerox 8825 digital document system for the Infrastructure Support Services (ISS), in an amount not to exceed \$61,332. (Funding in the amount of \$6,388.75 was included in the 1999-2000 Approved Operating Budget of the Infrastructure Support Services Department. Funding for the remaining 43 months of the original contract period and extension options will be contingent upon available funding in future budgets.) Low bid of three. No MBE/WBE subcontracting participation.

Resolution No. 000413-43 was approved.

Items 44 through 46 were pulled for discussion.

47. C14-99-0030 – Approve second/third readings of an ordinance amending Chapter 25-2 of the Austin City Code rezoning property located at 1515 West Koenig Lane from SF-3, Family Residence District zoning to LO, Limited Office District zoning with conditions. First reading on April 15, 1999; Vote 7-0. Conditions to be met: Conditions imposed by Council at first reading have been addressed. Applicant: Jay Morgan Lindley; Agent: Earl Straight. City Staff: Glenn Rhoades, 499-2775.

Ordinance No. 000413-47 was approved.

Items 48 through 49 were pulled for discussion.

Items 50 through 53 were Citizen Communication items set for a 1:30 p.m. time certain.

Items 54 through 59 were Austin Housing Finance items set for a 3:30 p.m. time certain

Items 60 through 64 were public hearings set for a 6:00 p.m. time certain

65. APPOINTMENTS

Airport Advisory Board

Herman "Tex" Moten	appointment	Consensus
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Arts Commission

Loretta Lewis	appointment (replacing B. Phifer)	Lewis
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Brackenridge Hospital Oversight

James Gjerset	appointment (attorney)	Consensus
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Child Care Council

Joan Burnham	re-appointment	Goodman
Dan Garcia	re-appointment	Garcia
Jill McRae	re-appointment	Slusher
Leonard Saenz	re-appointment	Spelman
Timy Baranoff	re-appointment	Consensus
Dr. Lila Carl	re-appointment	Consensus
Debra Keith-Thompson	re-appointment	Consensus

Community Development

Shama Gamkhar	re-appointment	Spelman
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Construction Advisory

Sergio Cortez	appointment (construction)	Slusher
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Mechanical, Plumbing and Solar

Paul Hovey	re-appointment	Consensus
Michael Nail	re-appointment	Consensus
Michael Prather	re-appointment	Consensus

MBE/WBE

Mareshk Naik	appointment (professional org.)	Consensus
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RMAAG (Robert Mueller Airport)

Mike Librick	re-appointment	Consensus
Ray Vrudhula	re-appointment	Consensus

Telecommunications

Marten Davies	appointment	Slusher
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The appointments were approved as part of the Consent Agenda with the addition of Mayor Pro Tem Goodman's re-appointment of Larry Cordle to the Music Commission and the approval of Resolution No. 000413-65 waiving of the residency requirements for Council Member Garcia's appointment, Mareshk Naik, to the MBE/WBE Commission.

DISCUSSION ITEMS

18. Amend the City Code to repeal Chapter 8-5 Charitable Solicitation (This action will result in a decrease in the estimated revenue for the Fiscal Year 1999-2000 Amended Operating Budget of the General Fund.)

Ordinance No. 000413-18 was approved.

A motion to reconsider this item was approved on Council Member Slusher's motion, Council Member Spelman's second by a 6-0 vote. Mayor Watson was absent.

This item was amended as follows on Council Member Slusher's motion, Council Member Spelman's second by a 5-0-1 vote. Mayor Watson was absent. Mayor Pro Tem Goodman abstained. The amendment was to Section 10-1-25, which should read, "Between the hours of 9:00 p.m. and 9:00 a.m., a person may not solicit contributions for a charitable cause by telephone or by going to the door of a residence."

BRIEFINGS

2. **Austin Energy Conservation Program – Presentation was made by Chuck Manning, Director; Gerald Murphy, Process Manager; and Richard Kindred, Meter Services Supervisor.**

DISCUSSION ITEMS

41. **Adopt an ordinance to annex, for limited purposes, the Avery Ranch tract (approximately 1630 acres between the south shore of Brushy Creek and the existing City limits approximately 1.5 miles north of the intersection of FM 620 and Parmer Lane) (Third reading)
Ordinance No. 000413-41 was approved on Council Member Spelman's motion, Council Member Garcia's second by a 6-0 vote. Mayor Watson was absent.**
48. **C814-99-0001- Avery Ranch - Amend Chapter 25-2 of the Austin City Code by zoning property locally known as 2,700 feet along the east and west side of Parmer Lane, approximately 1,500 feet south of its intersection with Brushy Creek Road form I-RR, Interim Rural Residence District zoning to PUD, Planned Unit Development District zoning. Planning Commission Recommendation: To grant PUD, Planned Unit Development District zoning with conditions. Applicant: Pebble Creek Joint Venture (Edward R. Rathgeber, Jr.); Agent: Prime Strategies, Inc. (Ralph Reed). City Staff: David Wahlgren, 499-6455. Note: The public hearing for this item was closed on March 30, 2000.
Ordinance No. 000413-48 was approved on Council Member Spelman's motion, Council Member Garcia's second by a 6-0 vote. Mayor Watson was absent.**
37. **Approve modification No. 1 of a 12-month service agreement with UTILITY METER SERVICES, Willow Grove, PA, to provide electric and water meter reading services in an amount not to exceed \$187,074 for the second year extension option, for a revised contract amount not to exceed a total of \$2,245,284. Modification of the third year extension option is requested in the amount of \$65,500, for a revised contract amount not to exceed a total of \$2,357,598. Modification of the fourth year extension option is requested in the amount of \$69,000, for a revised contract amount not to exceed a total of \$2,475,702. (Funding in the amount of \$77,948 is available in the 1999-2000 Amended Operating Budget of the Electric Utility Department. Funding for the remaining seven months of the original contract period and the extension options is contingent upon available funding in future budgets.) (Recommended by Electric Utility Commission)
Resolution No. 000413-37 was approved on Council Member Slusher's motion, Council Member Garcia's second by a 6-0 vote. Mayor Watson was absent.**
31. **Approve a resolution authorizing a \$40,000 increase in contract authority for the legal services contract with Denton, McKamie & Navarro, P.C., San Antonio, Texas, for representation in labor**

negotiations with the Austin Police Association, resulting in a total contract limit of \$80,000. (Funding in the amount of \$40,000 is available in the Approved Fiscal Year 1999-2000 Operating Budget for the Austin Police Department.)

Resolution No. 000413-31 was approved on Council Member Lewis' motion, Council Member Slusher's second on a 6-0 vote. Mayor Watson was absent.

The motion to recess the Council meeting at 11:54 a.m was approved on Council Member Garcia's motion, Council Member Slusher's second by a 6-0 vote. Mayor Watson was absent.

The meeting was re-convened at 1:56 p.m. in the Board Room at Lower Colorado River Authority Hancock Building, 3700 Lake Austin Boulevard.

CITIZEN COMMUNICATIONS

50. Jennifer L. Gale – A new era of open government: Reducing the amount of time in Executive Session
51. Robert R. Klein – Deny Home Depot Zoning Change
52. Rolando Pina – Keep Restrict Covenant for Neighborhood Compatibility (Home Depot) Galindo Elementary Neighborhood Association
53. Paul Robbins - spoke during the briefing under No. 2.

APPROVAL OF MINUTES

1. Approval of minutes for regular meetings of March 30, 2000
The minutes for the regular meeting of March 30, 2000 were approved on Council Member Garcia's motion, Council Member Slusher's second by a 4-0 vote. Mayor Watson was absent. Council Member's Griffith and Spelman were off the dais.

A motion to reconsider this item (because the date of the minutes was wrong) was approved on Council Member Slusher's motion, Council Member Griffith's second by a 5-0 vote. Mayor Watson was absent. Council Member Spelman was off the dais.

The minutes for the regular meeting of April 6, 2000 were approved on Council Member Griffith's motion, Council Member Slusher's second by a 6-0 vote. Mayor Watson was absent.

DISCUSSION ITEMS CONTINUED

25. Approve a resolution authorizing fee simple acquisition of Lot 1, Pierce Confirming Plat, also known as 811-813 Rocky River Road, Austin Texas, from PAULA P. BLAHA and ROBERT LEONARD NELSON, for the Ulrich Water & Wastewater Treatment Plant, Rocky River Road Lot Project, in the amount of \$180,000. (Funding is available in the 1995-1996 Amended Capital Budget of the Water and Wastewater Utility.)
Resolution No. 000413-25 was approved on Council Member Slusher's motion, Council Member's Spelman's second by a 5-1 vote. Mayor Watson was absent. Council Member Lewis voted No.
30. Approve a resolution authorizing negotiation and execution of an amendment to the professional services agreement with BARNES ARCHITECTS, Austin, Texas, for design, bid and construction

phase services to add service bays to the Water & Wastewater Utility's Joint Use North Service Center located at 10414 McKalla Place, and additional authorization to provide full time, on-site construction phase services in an amount not to exceed \$568,055, for a total agreement amount not to exceed \$2,286,750. (Funding in the amount of \$350,455 is included in the 1998-99 Capital Budget of the Financial Services Department; \$217,600 is included in the 1998-99 Amended Capital Budget of the Water and Wastewater Utility.) 6.43% MBE; 15.99% WBE (Recommended by Water and Wastewater Commission)

Resolution No. 000413-30 was approved on Council Member Slusher's motion, Mayor Pro Tem Goodman's second by a 6-0 vote. Mayor Watson was absent.

23. Approve a resolution authorizing execution of a construction contract with EXCEL CONSTRUCTION SERVICES, LLC, Austin, Texas, for the Westpark Lift Station Improvements Project, in the amount of \$569,900. (Funding was included in the 1999-2000 Amended Capital Budget of the Water & Wastewater Utility.) Low bid of three. 3.28% MBE; 1.76% WBE subcontracting participation. (Recommended by Water and Wastewater Commission)
- Resolution No. 000413-23 was approved on Council Member Spelman's motion, Council Member Slusher's second by a 5-1 vote. Mayor Watson was absent. Council Member Lewis voted No.**
49. Approve a resolution directing the City Manager to investigate all possible avenues of acquiring the Wolf tract. (Mayor Pro-Tem Jackie Goodman)
- Resolution No. 000413-49 was approved with an amendment on Council Member Spelman's motion, Council Member Lewis' second by a 6-0 vote. Mayor Watson was absent. The amended resolution should read "The Council directs the City Manager to investigate all possible avenues of acquiring all or the most important pieces of the Wolf tract, located at the corner of Bee Caves Road and Cuernavaca, adjacent to Common Ford Ranch, and containing approximately 1,000 acres.**
44. Approve a resolution authorizing the negotiation and execution of an additional \$385,000 historic preservation grant to the Austin Revitalization Authority (ARA) for the purpose of restoring and preserving the historic structure located at 1101 East 11th Street, commonly known as Shorty's Bar, and leasing it as office space for a total amount of grants of \$685,000. (Funding is available in the amount of \$385,000 in the Fiscal Year 1999-2000 Neighborhood Housing and Community Development Office (NHCD) 25th year Community Development Block Grant (CDBG).)
- Resolution No. 000413-44 was approved with the following friendly amendments on Council Member Lewis' motion, Council Member Garcia's second by a 6-0 vote. Mayor Watson was absent. The friendly amendment from Council Member Lewis was that a loan of \$459,000 be secured to match the grant. The amendment by Council Member Slusher was to instruct the City Manager to consider a plan to protect the nearby historical properties.**
24. Approve a resolution authorizing execution of an Interlocal Agreement with THE TEXAS DEPARTMENT OF TRANSPORTATION for relocation of existing water and wastewater facilities as part of the Spur 69 (FM 2222/Koenig Lane) Improvements from Lamar Boulevard to Airport Boulevard, in the amount of \$2,365,348.20. (Funding is available in the 1999-2000 Amended Capital Budget of the Water & Wastewater Utility.) (Recommended by Water and Wastewater Commission)
- Resolution No. 000413-24 was approved on Council Member Spelman's motion, Council Member Garcia's second, by a 6-0 vote. Mayor Watson was absent.**

27. Approve a resolution authorizing execution of Change Order No. 6 to the construction contract with AUSTIN FILTER SYSTEMS, Austin, Texas, for pavement replacement on the Anderson Mill Transmission Main Phase III Project, increasing the contract in the amount of \$20,649.10 for a total contract amount not to exceed \$1,187,697.10. (Funding in the amount of \$20,649.10 is included in the 1995-1996 Amended Capital Budget of the Water & Wastewater Utility.) 14.99% MBE; 36.30% WBE subcontracting participation. (Recommended by Water and Wastewater Commission)
- Resolution No. 000413-27 was approved on Council Member Garcia's motion, Council Member Lewis' second, by a 4-0 vote. Mayor Watson was absent. Council Members Griffith and Spelman were off the dais.**

The motion to recess the Council meeting at 4:02 p.m. and go into the Board of Director's Meeting of the Austin Housing Finance Corporation was approved on Council Member Garcia's motion, Mayor Pro Tem Goodman's second by a 4-0 vote. Mayor Watson was absent. Council Members Griffith and Spelman were off the dais.

BOARD OF DIRECTOR'S MEETING OF AUSTIN HOUSING FINANCE CORPORATION

A Board meeting of the Austin Housing Finance Corporation (AHFC) was convened. Items 54-59 were the AHFC items considered by the Austin Housing Finance Corporation's Board of Directors.

54. Approve a resolution authorizing the negotiation and execution of a HOME Investment Partnership Act (HOME) Housing Implementation Program (HIP) loan in the amount not to exceed \$500,000 to Central Texas Mutual Housing Association (CTMHA) to assist in the rehabilitation of the Village Green Apartments located at 7224 Northeast Drive. (Funding is available from the Fiscal Year 1999-2000 Austin Housing Finance Corporation budget.)
- Resolution No. 000413-54 was approved on Board Member Garcia's motion, Board Member Slusher's second by a 5-0 vote. President Watson was absent. Board Member Spelman was off the dais.**
55. Approve a resolution authorizing the negotiation and execution of a HOME Investment Partnership Act (HOME) Housing Implementation Program (HIP) deferred-payment forgivable loan in the amount not to exceed \$100,000 to the Guadalupe Neighborhood Development Corporation (GNDC) for the construction of four units of affordable housing at 1100 East 10th Street, 1112 East 10th Street and 1214 East 10th Street. (Funding is available from the Fiscal Year 1999-2000 Austin Housing Finance Corporation Budget.)
- Resolution No. 000413-55 was approved on Board Member Garcia's motion, Board Member Slusher's second by a 5-0 vote. President Watson was absent. Board Member Spelman was off the dais.**
56. Approve a resolution authorizing the issuance of Austin Housing Finance Corporation Multifamily Housing Revenue Bonds (Fairway Village project) Series 2000, in an amount not to exceed an aggregate principal amount of \$4,000,000; the form and substance of a trust indenture, a loan agreement, a regulatory agreement with respect to the project; and other matters in connection with the transaction to finance the acquisition and rehabilitation of the Fairway Village located at 6118 Fairway Drive, to be owned and operated by Fairway Village, L. P., a single-asset limited partnership, affiliated with the American Housing Foundation. (All fees are to be paid by the requestor or out of bond sales proceeds. The AHFC will receive a financing fee of 0.5 percent of the amount of bonds from the bond sales proceeds at closing not to exceed \$20,000.)

Resolution No. 000413-56 was approved on Board Member Garcia's motion, Board Member Griffith's second by a 4-0 vote. President Watson was absent. Board Members Spelman and Slusher were off the dais.

57. Approve a resolution authorizing the issuance of Austin Housing Finance Corporation Multifamily Housing Revenue Bonds (Santa Maria Village project) Series 2000, in an amount not to exceed an aggregate principal amount of \$3,500,000; the form and substance of a trust indenture, a loan agreement, a regulatory agreement with respect to the project; and other matters in connection with the transaction to finance the acquisition and rehabilitation of the Santa Maria Village located at 8071 North Lamar Boulevard, to be owned and operated by Santa Maria Village, L. P., a single-asset limited partnership, affiliated with the American Housing Foundation. (All fees are to be paid by the requestor or out of bond sales proceeds. The AHFC will receive a financing fee of 0.5 percent of the amount of bonds from the bond sales proceeds at closing not to exceed \$17,500.)

Resolution No. 000413-57 was approved on Board Member Garcia's motion, Board Member Griffith's second by a 4-0 vote. President Watson was absent. Board Members Spelman and Slusher were off the dais.

58. Approve a resolution authorizing the issuance of Austin Housing Finance Corporation Multifamily Housing Revenue Bonds (Springdale Apartments project) Series 2000, in an amount not to exceed an aggregate principal amount of \$3,600,000; the form and substance of a trust indenture, a loan agreement, a regulatory agreement with respect to the project; and other matters in connection with the transaction to finance the acquisition and rehabilitation of the Springdale Apartments located at 6415 Springdale Road, to be owned and operated by Springdale Apartments, L. P., a Texas limited partnership, affiliated with Springdale Affordable Housing, Inc.. (All fees are to be paid by the requestor or out of bond sales proceeds. The AHFC will receive a financing fee of 0.5 percent of the amount of bonds from the bond sales proceeds at closing not to exceed \$18,000.)

Resolution No. 000413-58 was approved on Board Member Spelman's motion, Board Member Garcia's second by a 5-0 vote. President Watson was absent. Board Member Griffith was off the dais.

59. Approve a resolution authorizing the issuance of Austin Housing Finance Corporation Multifamily Housing Revenue Bonds (South Congress project) Series 2000, in an amount not to exceed an aggregate principal amount of \$6,300,000; the form and substance of a trust indenture, a loan agreement, a regulatory agreement with respect to the project; and other matters in connection with the transaction to finance the acquisition and rehabilitation of the South Congress Apartments located at 2703 South Congress Avenue, to be owned and operated by South Congress Apartments, L.P., a Texas limited partnership, affiliated with South Congress Affordable Housing, Inc. (All fees are to be paid by the requestor or out of bond sales proceeds. The AHFC will receive a financing fee of 0.5 percent of the amount of bonds from the bond sales proceeds at closing not to exceed \$31,500.)

Resolution No. 000413-59 was approved on Board Member Spelman's motion, Board Member Garcia's second by a 5-0 vote. President Watson was absent. Board Member Griffith was off the dais.

The AHFC Board Meeting was adjourned on Board Member Slusher's motion, Board Member Garcia's second by a 5-0 vote. President Watson was absent. Board Member Griffith was off the dais.

The Council meeting was reconvened at 5:22 p.m.

The motion to recess the Council meeting at 5:25 p.m. and go into Executive Session was approved on Council Member Garcia's motion, Council Member Spelman's second by a 4-0 vote. Mayor Watson was absent. Council Members Griffith and Slusher were off the dais.

EXECUTIVE SESSION

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

Private Consultation with Attorney - Section 551.071

3. Discuss *Travis County v. Ridge Investors, Limited, et al*, Cause No. 2247, proceedings in eminent domain in Travis County Probate Court No. 1.
4. Discuss legal issues regarding proposed revisions of the transportation user fee and drainage utility ordinances.
6. Discuss *Robert M. Denning v. City of Austin, et al.*, Cause No. 97-11859, pending in the Travis County District Court.

Public Power Utility Competitive Matters-Section 551.086

8. Discuss issues relating to the Electric Utility Restructuring Act (SB7).

Mayor Pro Tem Goodman reconvened the Council meeting at 6:39 p.m.

DISCUSSION ITEMS CONTINUED

9. Consider settlement proposal in *Robert M. Denning v. City of Austin, et al.*, Cause No. 97-11859, pending in the Travis County District Court.
Resolution No. 000413-09 was approved with the settlement amount of \$111,400 on Council Member Garcia's motion, Council Member Slusher's second by a 5-0 vote. Mayor Watson was absent. Council Member Spelman was off the dais.

ZONING DISCUSSION

45. C14-99-2071 – Amend Chapter 25-2 of the Austin City Code by zoning property locally known as 12007 North Lamar Blvd. from SF-2, Single-Family Residence (Standard Lot) District zoning to MF-1, Multifamily Residence (Limited Density) District zoning. Planning Commission Recommendation: To grant MF-1-CO, Multifamily Residence (Limited Density-Conditional Overlay Combining District zoning with conditions. Applicant: Grace Christian Center of Austin, Inc.(Andrew McHolm); Agent: Minter, Joseph and Thornhill, P.C. (Dorothy Raven). City Staff: Clark Patterson, 499-2464 (continued from 3/2/00 and 3/9/00 and 4/6/00)
This first reading of the ordinance was approved with the following amendments on Council Member Spelman's motion, Council Member Slusher's second on a 6-0 vote. Mayor Watson was absent. Council Member Slusher's amendments included: Restrict 2.753 acre SF-2 tract as undeveloped (restrictive covenant); CO Conditional Overlay restricting access to permit N. Lamar access only and to prohibit future access to any other roadway; Conditional

approval on dedication of 8.356 acres of RR zoned property as parkland. Council Member Spelman's amendment was that in addition to the retention requirements of SF6 zoning, the application retain no less than 10% volume of water.

60. Conduct a public hearing to amend the Austin Tomorrow Comprehensive Plan by adopting the Hyde Park Neighborhood Plan for the area bounded by 38th St. on the south; Duval, 45th and Red River Streets on the east; 51st Street on the north; and Guadalupe Street on the west. (There is no fiscal impact associated with adopting the Plan. A partial estimate of the fiscal impact to implement all of the recommendations in the plan is \$1,208,500. This plan is advisory and does not legally obligate the Council to implement any particular recommendation.) (Recommended by the Planning Commission)
The public hearing was closed on Council Member Griffith's motion, Council Member Lewis' second by a 5-0-1 vote. Mayor Watson was absent. Council Member Spelman abstained.
63. Consider amending the Austin Tomorrow Comprehensive Plan by adopting the Hyde Park Neighborhood Plan for the area bounded by 38th St. on the south; Duval, 45th and Red River Streets on the east; 51st Street on the north; and Guadalupe Street on the west.
Resolution No. 000413-63 was approved on Council Member Garcia's motion, Council Member Griffith's second by a 5-0-1 vote. Mayor Watson was absent. Council Member Spelman abstained.
16. Amend Ordinance No. 990914-1, the 1999-2000 Operating Budget of the General Fund, by increasing the transfer from the Contingency Reserve Fund by \$140,000, and increasing the appropriation of East Side Story by \$140,000 to cover the cost of instructors, transportation and miscellaneous supplies for the 5th Annual Eastside Story Math, Science and Technology Camp. (Funding is available in the Contingency Reserve Fund.)
Ordinance No. 000413-16 was approved with the following amendment on Council Member Spelman's motion, Council Member Garcia's second on a 5-1 vote. Mayor Watson was absent. Council Member Griffith voted No. Council Member Slusher's amendment was the East Side Story staff accept assistance from Mr. Butler of the CAN project to evaluate this program to determine its effectiveness and for the City Manager to consider the transfer of this program to the Parks Department.
46. C14H-99-0017 – Cater Joseph House - Amend Chapter 25-2 of the Austin City Code by rezoning property locally known as 2824 Rio Grande Street from MF-4, Multifamily Residence (Moderate-High Density) District zoning to MF-4-H, Multifamily Residence (Moderate-High Density)-Historic District zoning. Planning Commission Recommendation: To Grant MF-4-H, Multifamily Residence (Moderate-High Density)-Historic District zoning with conditions. Applicant: City of Austin; Property Owner: JCA Partnership. City Staff: Barbara Stocklin, 499-2414. Note: A valid petition has been filed in opposition to this rezoning request and the public hearing for this item was closed on April 6, 2000.
The public hearing was closed on Council Member Spelman's motion, Council Member Garcia's second by a 6-0 vote. Mayor Watson was absent.
- The motion to approve historic zoning failed on Council Member Spelman's motion, Council Member Griffith's second on a 2-3-1 vote. Mayor Watson was absent. Council Members Garcia, Lewis and Slusher voted No. Mayor Pro Tem Goodman abstained because of the process that was used in this matter.**

The motion to suspend the rules and continue the meeting past 10:00 p.m. was approved on Council Member Griffith's motion, Council Member Spelman's second by a 6-0 vote. Mayor Watson was absent.

61. Conduct a public hearing to receive comments from the community regarding the proposed relocation of the Central Booking Facility to the Travis County Criminal Justice Center, which is to be located at 10th Street and Nueces Street.

The motion to suspend the rules and allow a one hour hearing on this item was approved on Council Member Slusher's motion, Council Member Garcia's second on a 6-0 vote. Mayor Watson was absent.

The public hearing was closed on Council Member Slusher's motion, Council Member Griffith's second by a 6-0 vote. Mayor Watson was absent.

The motion was made to suspend the rules and continue the meeting past 10:00 p.m. on Council Member Griffith's motion, Council Member Spelman's second by a 6-0 vote. Mayor Watson was absent.

62. Conduct a public hearing on proposed revisions to Chapter 18-3 of the Austin City Code which established the Drainage Utility and provides for the drainage fee; amend Chapter 18-3 of the Austin City Code and the City's Fee Ordinance (990914-4) in regards to the Comprehensive Drainage Fee. (The proposed amendments will not require additional funding. Proposed changes to refund procedures would provide an estimated \$200,000 per year in additional drainage fee revenue.) (Environmental Board recommended revisions to proposed ordinances.)

The public hearing was closed on Council Member Spelman's motion, Council Member Garcia's second by a 6-0 vote. Mayor Watson was absent.

33. Amend Chapter 15-6 of the Austin City Code and the City's Fee Ordinance (990914-4) as regards the Transportation User Fee. Chapter 15-6 establishes the Transportation Fund and provides for the transportation user fee. Amend Chapter 1-2 of the City Code to expand its authority to cover all rules established under ordinance or law. (The proposed amendments will not require additional funding. Proposed changes to refund procedures would provide an estimated \$200,000 per year in additional transportation user fee revenue.)

Ordinance No. 000413-33 was approved on Council Member Spelman's motion, Council Member Garcia's second by a 6-0 vote with the effective date of the ordinance set for May 23, 2000. Mayor Watson was absent.

64. Approve proposed revisions to Chapter 18-3 of the Austin City Code which established the Drainage Utility and provides for the drainage fee; amend Chapter 18-3 of the Austin City Code and the City's Fee Ordinance (990914-4) in regards to the Comprehensive Drainage Fee. (The proposed amendments will not require additional funding. Proposed changes to refund procedures would provide an estimated \$200,000 per year in additional drainage fee revenue.)

Ordinance No. 000413-64 was approved on Council Member Spelman's motion, Council Member Garcia's second on a 6-0 vote with the effective date of the ordinance set for May 23, 2000. Mayor Watson was absent.

12. Approve a resolution authorizing negotiation and execution of an amendment to the existing professional services agreement with RAYMOND CHAN & ASSOCIATES, INC. (MBE/MA), Austin, Texas, for Phase 2 (design) and Phase 3 (construction management) engineering services

for the Crystal Brook Flood Control Project, in the amount of \$1,102,100 plus \$110,210 contingency, for a maximum contract amount not to exceed \$1,039,173. (Funding in the amount of \$1,212,310 is included in the 1999-2000 Capital Budget of the Watershed Protection Department.) 5.44% MBE; 29.10% WBE subcontracting participation. (Recommended by Environmental Board)

Resolution No. 000413-12 was amended to \$750,000 plus \$75,000 contingency for design of the internal drainage system with action on the other part of the contract postponed to June 8, 2000 on Council Member Garcia's motion, Council Member Spelman's second on a 6-0 vote. Mayor Watson was absent.

10. Approve a resolution authorizing negotiation and execution of an amendment to the professional services agreement with HDR ENGINEERING, INC., Austin, Texas, for load rating analysis services on the existing Lamar Bridge, in the amount of \$82,000, for a total contract amount not to exceed \$1,569,466. (Funding in the amount of \$82,000 is available in the 1992-1993 Amended Capital Budget of the Department of Public Works & Transportation.) No MBE/WBE subcontracting participation.

The motion to approve the resolution that was made on Council Member Spelman's motion, Council Member Griffith's second FAILED by a 2-4 vote. Mayor Pro Tem Goodman, Council Members Garcia, Lewis and Slusher voted No. Mayor Watson was absent.

11. Approve a resolution authorizing execution of a construction contract with JAY-REESE CONSTRUCTION, Austin, Texas, for a new Pedestrian/Bicycle Bridge over the Town Lake, east of the existing Lamar Bridge, in the amount of \$6,615,106.60 plus \$300,000 to be used as a contingency fund for change orders for a total amount not to exceed \$6,915,106.60. (Funding in the amount of \$6,154,569.60 is available in the 1992-1993 Amended Capital Budget of Public Works Department; \$145,431 is available in the 1997-1998 Amended Capital Budget of the Public Works Department; and \$615,106 is available in the 1999-2000 Amended Capital Budget of the Public Works Department.) Low bid of two. 13.58% MBE; 27.84% WBE subcontracting participation.

Resolution No. 000413-11 was approved on Council Member Garcia's motion, Mayor Pro Tem Goodman's second by a 6-0 vote. Mayor Watson was absent.

5. Discuss *FM Properties Operating Co. v. City of Austin*, Cause No. 98-0685, in the Supreme Court of Texas. (This litigation concerns development regulations applicable in the Barton Springs Zone.) **No action was taken on this item.**
6. Discuss legal issues regarding labor negotiations with the Austin Police Association.
No action was taken on this item.

ADJOURNED at 12:43 a.m. on Council Member Garcia's motion, Mayor Pro Tem Goodman's second by a 6-0 vote.

The minutes for the Regular Meeting of April 13, 2000 were approved on this the 20th day of April, 2000 on Council Member Garcia's motion, Council Member Spelman's second by a 7-0 vote.