



# Austin City Council MINUTES

REGULAR MEETING  
THURSDAY, FEBRUARY 27, 1997

Mayor Todd called the meeting to order, noting the presence of all Councilmembers.

1. Approval of Minutes for Special Called Meeting of February 12, 1997 and Regular Meeting of February 13, 1997.  
Postponed to March 6, 1997

## CITIZEN COMMUNICATIONS: GENERAL

2. Ms. Kerry Tate, to discuss city matters.
3. Mr. Patrick Goetz, to discuss other bicycle helmet law issues.
4. Miss Jennifer Gale, to discuss the requirements and the need for a new police chief for the City of Austin.
5. Mr. Gus Pena, to discuss city issues, funding for senior citizens and youth issues, and combating juvenile crime, gangs and graffiti.
6. Mr. Leonard Lyons, to discuss Homer Simpson loses 2 to 3.
7. Mr. Ira Yates, to request the City Council increase the 15% impervious cover limitation in the Edwards's Aquifer Recharge Zone to the Non-Degradation level of 25% to match the Contributing Zone of the Edwards Aquifer (Slaughter Creek and Bear Creek, specifically.)
8. Mr. Tom Regner, to discuss bicycle issues.  
**Absent**
9. Mr. Dale Johnson, to discuss bicycle issues.
10. Mr. Barrett Sundberg, to speak (with a reservation or two) in support of Pay As You Throw.

Motion to vote on Consent Agenda before executive session on, Councilmember Reynolds' motion, Councilmember Slusher's second, 7-0 vote.

## ITEMS CONTINUED FROM PREVIOUS MEETINGS

11. Approve third reading of Ordinance No. 940916-A, Electric Rate Ordinance, and approve new and amended electric utility rates and tariffs. (This will decrease annual sales revenue by \$4.2 million. The impact on 1996-97 sales revenue is approximately \$3.2 million.)

(Recommended by Electric Utility Commission)  
Postponed to March 6, 1997

Parks and Recreation

12. Approve an ordinance authorizing acceptance of \$20,424 in additional grant funding from the National Senior Citizens Education and Research Center, Inc. to provide community service programs for senior citizens; amend Ordinance 960910-G, the 1996-97 Operating Budget Special Revenue fund of the Parks and Recreation Department, by appropriating an additional \$10,673, for a total grant amount of \$261,673. (An increase match in the amount of \$1,364 is required and is available in the 1996-97 operating budget of the Parks and Recreation Department.)  
**Ordinance No. 970227-A approved**
13. Approve a resolution approving the appointments of three Directors of the Austin-Rosewood Community Development Corporation. (No fiscal impact.)  
**Approved**
14. Approve a resolution authorizing negotiation and execution of an Amendment to the Professional Services Agreement with ROBINSON + MORALES, ARCHITECTS (MBE/MH), Austin, Texas, for additional services and reimbursable expenses for design of the new park road extension of Grove Boulevard for the Montopolis Sports Complex project, in the total estimated amount of \$54,000, for a total agreement not to exceed \$229,000. (Funding was included in the 1993-94 Amended Capital budget of the Parks and Recreation Department.) 20.4% MBE Prime Participation. 33.6% MBE, 4.7% WBE Subcontractor participation.  
**Approved**
15. Approve a resolution authorizing execution of Order #7 to the construction contract with GREATER TEXAS CONSTRUCTION CORPORATION, Belton, Texas, for revised sedimentation and filtration ponds as part of the Dove Springs Recreation Center, in the amount of \$54,834, for a total contract amount of \$2,004,857.65. (Funding was included in the 1994-95 Amended Capital budget of the Parks and Recreation Department.) No M/WBE Subcontracting opportunities were identified. (Recommended by Planning Commission)  
**Approved**
16. Set a public hearing to approve a 260,930 (5.99 acres) drainage improvement project (the Creek Bend Flood Control Project) through dedicated parkland known as Williamson Creek Greenbelt in accordance with Section 26.001 et seq. of the Texas Parks and Wildlife Code. (Suggested date and time: March 27, 1997 at 6:00 p.m.)  
**Approved**
17. Approve a resolution authorizing negotiation and execution of a management agreement with the Austin Heritage Society for the Jourdan-Bachman Pioneer Farm. (Funding in the amount of \$177,914 was included in the 1996-97 operating budget of the Parks and Recreation Department. In addition, there are currently grant (\$50,060 for 2 years) and program revenue

(\$45,279) expended under the current agreement.)

**Approved**

### Police

18. Approve a resolution authorizing the application and acceptance of a five year grant in the amount of \$25,777 from the State of Texas, Governor's Office, Criminal Justice Division, for the Police Department's Emergency Outreach to Children in Violent Households Program. (A City match in the amount of \$23,233 is required and is available in the 1996-97 operating budget of the Police Department.)

**Approved**

19. Approve a resolution authorizing application and acceptance of \$57,785 in grant funding from the State of Texas, Governor's Office, Criminal Justice Division to increase investigation and recovery of stolen property by adding a new civilian position to perform data entry duties and adding a new Research Specialist and software for increased crime analysis. (Grant funding offered by this program decreases over the next five years, with first year funding at 100%, and each succeeding year's funding reduced by 20%. A cash match of \$6,863 is required in the first year, to fund 50% of the computer equipment costs for the two new positions. The match funding would be budgeted as part of the 1997-98 operating budget for the Police Department.)

**Approved**

20. Approve a resolution authorizing execution of a contract with EN POINTE TECHNOLOGIES INCORPORATION, Austin, Texas, for the purchase and three year warranty of twenty-five personal computers, in the amount of \$60,996. (Funding is available in the 1996-97 operating budget of the Police Department.) Low bid of twenty-three. No M/WBE Subcontracting opportunities were identified.

**Approved**

### Emergency Medical Services

21. Approve a resolution authorizing execution of a contract with TAYLOR MADE AMBULANCES, Newport, Arkansas, for the purchase of repair services, including a twelve month workmanship warranty, for City Unit No. 96E851 ambulance, in an amount not to exceed \$60,000. (Funding is available in the 1996-97 operating budget of Emergency Medical Services.) Sole Source. No M/WBE Subcontracting opportunities were identified.

**Approved**

### Public Works and Transportation

22. Approve an ordinance to amend the Austin City Code by modifying the Basic Traffic Ordinance, Section 16-4-4 (D), Speed Limits, for the installation of a 20 mph reduced speed school zone on Palo Blanco Lane for the protection of students attending Mendez Middle

School. (Funding in the amount of \$400 for the installation of signs is available in the 1996-97

Child Safety Fund for the Public Works and Transportation Department.)  
**Ordinance No. 970227-B approved**

23. Approve a resolution authorizing execution of a contract with ROCAL, INC., Frankfort, Ohio, for the purchase of high intensity grade stop signs through the State of Texas Cooperative Purchasing Program, in the amount of \$108,720. (Funding is available in the 1996-97 operating budget of the Public Works and Transportation Department.)  
**Approved**
24. Approve a resolution authorizing acceptance of a Minute Order from the Texas Transportation Commission agreeing to provide 10% of the right-of-way acquisition and utility adjustment costs for upgrading US 183 from Pond Springs Road to north of Lakeline Boulevard, in the estimated amount of \$2,000,000. (Funding will be available through a future bond election.)  
**Approved**

### Information Systems

25. Amend Ordinance 960910-A, the 1996-97 Capital budget of the Information Systems Department, by increasing appropriations by \$132,565 for the Trunked Radio Project. (Funding is available from various local governmental entities in accordance with the Interlocal Agreement between the City of Austin and the participating entities in the regional radio coalition.) (Recommended by Telecommunications Subcommittee and Planning Commission)  
**Ordinance 970227-C approved**
26. Approve a resolution authorizing execution of an Interlocal Agreement between the City of Austin and the following governmental entities: Travis County, Austin Independent School District, University of Texas, Capital Metropolitan Transportation Authority, Austin Community College, Texas Legislative Council, City of West Lake Hills, City of Pflugerville, and Texas House of Representatives for an integrated regional communications system in the Austin-Travis County area, in the amount of \$303,353. (Funding in the amount of \$113,788 was included in the 1995-96 Approved Capital budget and \$57,000 was included in the 1996-97 Amended Capital budget of the Information Systems Department. Funding in the amount of \$132,565 is available from participants in the Regional Radio Coalition.) (Recommended by Telecommunications Subcommittee)  
**Approved**
27. Approve a resolution authorizing negotiation and execution of an Amendment to the Professional Services Agreement with RCC CONSULTANTS, INC., Houston, Texas, for Phase II detail system design, FCC licensing, RFP and evaluation for a two-way radio trunking system, in an amount not to exceed \$303,353, for a total agreement amount of \$503,367. (Funding was included in the 1996-97 Amended Capital budget of the Information Systems Department.)  
**Approved**

### Health and Human Services

28. Approve a resolution authorizing negotiation and execution of a contract with SOUTHWESTERN BELL CORPORATION, Austin, Texas, for the purchase and installation of networking hardware and software for an upgrade to existing Private Branch Exchange for the networking of two remote sites to the Rebekah Baines Johnson, in an amount not to exceed \$212,361. (Funding was included in the 1994-95 Amended Capital budget of the Health and Human Services Department.) Single bid. No M/WBE Subcontracting opportunities were identified.

**Approved**

29. Approve a resolution authorizing execution of a construction contract with BRAUN & BUTLER CONSTRUCTION INC., Austin, Texas, for additions and renovations to the Rosewood Zaragosa Health Clinic located at 2802 Webberville Road and the South Austin Health Clinic located at 2529 South First Street, in the amount of \$2,110,500. (Funding in the amount of \$2,018,500 was included in the Amended 1996-97 Capital budget of the Health and Human Services Department; \$62,000 was included in the 1996-97 Capital budget of the Financial and Administrative Services Department; and \$30,000 was included in the Amended 1994-95 Capital budget of the Planning, Environmental & Conservation Services Department.) Low bid of four. 4.27% MBE, 4.84% WBE Subcontractor participation.

**Approved**

30. Approve a resolution authorizing negotiation and execution of two eight month contracts for the provision of comprehensive youth services under the Strategic Intervention for High Risk Youth (SIHRY) initiative with YOUTH ADVOCACY, Austin, Texas, for case management, in an amount not to exceed \$68,933, with two twelve month extension options in an amount not to exceed \$103,400 per extension; and with AUSTIN CHILD GUIDANCE CENTER, for therapy/counseling, in an amount not to exceed \$39,525, with two twelve month extension options in an amount not to exceed \$59,288 per extension, for total contract amounts not to exceed \$275,733 and \$158,101 respectively. (Funding is available in the 1996-97 operating budget for the Health and Human Services Department; funding for the extension options will be contingent upon availability of funding in future budgets.) Best proposal of three. No M/WBE Subcontracting opportunities were identified. (Recommended by Community Action Network)

**Approved**

**Items 12 through 30 approved on, Mayor Pro Tem Garcia's motion, Councilmember Goodman's second, 7-0 vote.**

31. Amend Ordinance No. 960910-A, the 1996-97 Capital Budget of the Health and Human Services Department by increasing transfers in from the Health and Human Services Disproportionate Share Fund in the amount of \$1,036,435 and increasing appropriation of the Facilities Renovations and Improvements project by \$1,036,435 for relocation of the dental clinic to the Rebekah Baines Johnson Building. (Recommended by Planning Commission)

**Ordinance No. 970227-D approved**

32. Amend Ordinance No. 960910-G, the 1996-97 operating budget of the Health and Human

Services Department's Disproportionate Share Fund by appropriating Medicaid Disproportionate Share Revenue in the amount of \$2,876,841; increasing operating expenditures by \$270,000 for a mobile dental clinic, 2 vehicles and relocation expenses; increasing transfers out to the CIP by \$1,036,435; increasing the ending balance by \$1,570,406 for an amended ending balance of \$1,942,857. (Funding provided by 1996-97 Medicaid Disproportionate Share Revenue from the Texas Department of Health; of this amount \$270,000 will be appropriated within the Health and Human Services Department's Disproportionate Share Fund.)

**Ordinance No. 970227-E approved**

**Items 31 and 32 approved on, Councilmember Slusher's motion, Mayor Pro Tem Garcia's second, 7-0 vote.**

### Financial Services

33. Approve a resolution authorizing execution of a nine month contract through the State of Texas with AT&T WIRELESS, Austin, Texas, for cellular phone airtime and services for 1204 cellular telephones used by the City of Austin staff, in the amount of \$476,350 with two twelve month extension options in an amount not to exceed \$657,358 per extension option, for a total amount not to exceed \$1,791,066. (Funding is available in the 1996-97 operating budget of the various City departments. Funding for the extension options is contingent upon available funding in future budgets.)

**Approved on, Councilmember Goodman's motion, Mayor Pro Tem Garcia's second, 6-0 vote, Mayor Todd off the dais.**

34. Approve a resolution authorizing execution of a contract with HOUSTON-GALVESTON AREA COUNCIL OF GOVERNMENTS COOPERATIVE PURCHASING PROGRAM, for the purchase of 57 various types of trucks, sedans, vans and utility vehicles, in the amount of \$1,090,936.38. (Funding was included in the 1996-97 operating budgets for various city departments: \$83,363.82 was included in the 1996-97 Capital Budget for the Electric Utility Department; \$23,851 was included in the 1996-97 Capital Budget for the Drainage Utility Department).

**Approved**

### Planning, Environmental and Conservation Services

35. Approve a resolution authorizing execution of a nine month service agreement with WEATHER-RITE OF AUSTIN, Manchaca, Texas, for purchase and installation of solar screens, solar film and skylight covers for low-income apartment complexes, in an amount not to exceed \$100,000. (Funding is available in the 1996-97 Incentive Budget for the Planning, Environmental and Conservation Services Department.) Low bid of four. No M/WBE Subcontracting opportunities were identified. (Recommended by Resource Management Commission)

**Approved**

**Items 34 and 35 approved on, Mayor Pro Tem Garcia's motion, Councilmember Goodman's**

second, 7-0 vote.

### Development Review and Inspection

36. Approve third reading of an ordinance amending Chapter 13-2 of the Austin City Code rezoning property locally known as 5100 Southwest Parkway and 4900, 4916 Industrial Oaks Boulevard, Case No.C14-96-0043, from "GR", Community Commercial to "SF-6-CO", Townhouse and Condominium Residence-Conditional Overlay, zoning subject to: (1) a maximum of 88 units and (2) the applicant's voluntary agreement with an Integrated Pest Management Program (IPM); BH TRAVIS COUNTRY (Lee Weber), by Land Strategies (Paul Johnson). First reading on June 13, 1996; Vote 5-0, Nofziger off the dais. Second reading on July 18, 1996; Vote 6-1, Slusher voting "No". Conditions met as follows: Conditional Overlay incorporates the conditions imposed by Council. Note: At this time, the only additional condition the applicant and the neighborhood have agreed upon is to "limit the site to a maximum of 88 units." (continued from 2/6/97)

**Applicant and neighborhood are requesting a postponement to March 20, 1997**

37. Approve second/third readings of an ordinance amending Chapter 13-2 of the Austin City Code rezoning property locally known as 710 to 718 Colorado Street, Case No. C14-96-0137, from "CBD", Central Business District to "CBD-CURE", Central Business District-Central Urban Redevelopment District, zoning with the waiver of development fees as requested; CANILE COMPANY, L.L.C. (James McBride), by Bury & Pittman, Inc. (Jim Gallegos). First reading on February 13, 1997; Vote 6-0, Mitchell off the dais. Conditions met as follows: Ordinance incorporates conditions imposed by Council.

**Ordinance No. 970227-F approved**

**Ordinance No. 970227-G approved**

### Office of Cable and Regulatory Affairs

38. Approve first reading of an ordinance amending the terms of the existing telecommunications services franchises with American Communications Services, Inc., Central and South West Communications, Inc., GST Lightwave, Inc., Metro Access Networks, and MCI Metro Access Transmission Services, Inc., and approve request by CSWC to transfer its franchise to CSW/ICG ChoiceComm, L.P. (\$20,000 in Franchise Revenue was included in the 1996-97 budget.)

**Approved first reading only on, Mayor Pro Tem Garcia's motion, Councilmember Goodman's second, 6-0-1 vote, Councilmember Reynolds "ABSTAINING".**

39. Approve first reading of an ordinance granting a telecommunications services franchise to Time Warner Communications. (\$20,000 in franchise fee revenue was included in the 1996-97 budget.)

**Approved first reading only on, Mayor Pro Tem Garcia's motion, Councilmember Goodman's second, 6-0-1 vote, Councilmember Reynolds "ABSTAINING".**

40. Approve first reading of an ordinance granting a telecommunications services franchise to

Southwestern Bell Telephone Company (SWBT). (\$1,682,500 in Franchise Fee Revenue was included in the 1996-97 budget.)

**Approved first reading only on, Mayor Pro Tem Garcia's motion, Councilmember Goodman's second, 6-0-1 vote, Councilmember Reynolds "ABSTAINING".**

#### ITEMS FROM COUNCIL

41. Set a public hearing to approve a request by Tim and Karrie League, Austin Cinema Drafthouse, Inc., located at 409 Colorado St., to waive Section 8-3-4 of the City Code (minimum separation distance) between the restaurant and theater which intends to sell alcoholic beverages and the American Institute for Learning. (Suggested date and time: March 6, 1997 at 7:00 p.m.) (Councilmember Jackie Goodman)  
**Approved on, Mayor Pro Tem Garcia's motion, Councilmember Goodman's second, 7-0 vote.**
42. Direct the City Manager to develop plans for the addition of two lanes for vehicular traffic on Lamar Street Bridge as well as plans to accommodate bicycle and pedestrian needs, and include this project in the next bond election. (Mayor Bruce Todd and Councilmember Eric Mitchell)  
**Postponed to March 6, 1997**
43. Approve a resolution welcoming the people of East Austin at Council Chambers to discuss their concerns on peace and public safety. (Councilmember Daryl Slusher)  
**Motion to hear speakers and approve on, Councilmember Slusher's motion, Councilmember Griffith's second, 7-0 vote.**
44. Approve the scheduling of Community Council meetings. (Suggested dates and times: April 3, 1997 at 6:00 p.m. at Conley-Guerrero Senior Activity Center; July 24, 1997 at 6:00 p.m. at Northwest Recreation Center; and October 23, 1997 at 6:00 p.m. at South Senior Activity Center, located at 3911 Manchaca Rd.) (Councilmember Runny Reynolds)  
**Approved on, Mayor Pro Tem Garcia's motion, Councilmember Goodman's second, 7-0 vote.**

#### 4:00 P.M. - ZONING HEARINGS AND APPROVAL OF ORDINANCES

45. C14-96-0126 - CEDAR CORP. (F.S. Rebeiz), by Key Group Engineering, Inc. (Keith Young), West Dittmar Road and Cooper Lane. From I-RR to SF-2. Planning Commission Recommendation: To Grant SF-2-CO, Single Family Residence (standard lot)-Conditional Overlay, subject to dedication of up to 35' of right-of-way from the future centerline of Dittmar Road, and up to 30' of right-of-way from the future centerline of Cooper Lane. The Conditional Overlay limits development to that which generates less than 2,000 trips per day, prohibits access to Dittmar Road until the street meets City standards, and prohibits vehicular access to Reno Drive and Cooper Lane.  
**Postponed to March 6, 1997 by Council**
46. C14-96-0140 - JOSEPH A. DIQUINZIO, JR., 604 to 606 West 9th Street. From MF-4 to DMU. Planning Commission Recommendation: To Grant DMU, Downtown Mixed Use Combining District, zoning as requested.



Ordinance No. 970227-H approved Planning Commission recommendation.

47. C14-96-0141 - JOSEPH A. DIQUINZIO, JR., 602 West 9th Street. From MF-4-H to DMU-H. Planning Commission Recommendation: To Grant DMU-H, Downtown Mixed Use Combining District-Historic, zoning as requested.

Ordinance No. 970227-I approved Planning commission recommendation.

48. C14-96-0144 - SIDNEY ORTON, TRUSTEE, by The Holland Co. (Steve Holland), 12633 Research Boulevard. From I-SF-2 to CS. Planning Commission Recommendation: To Grant GR-CO, Community Commercial-Conditional Overlay, zoning with the provision of the overlay to limit development to that which generates less than 2,000 vehicle trips per day.

Approved Planning Commission Recommendation first reading only

49. C14-96-0148 - BEST AMERICA BUILDING SUPPLY (Arturo Diaz), by The Interfield Group (George Lyons), East U.S. Hwy. 290. From DR to CS. Planning Commission Recommendation: To Grant CS-CO, Commercial Services-Conditional Overlay, with the provision of the overlay to limit the site to that which generates less than 2,000 vehicle trips per day.

Ordinance No. 970227-J approved Planning Commission recommendation.

EXECUTIVE SESSION (No Public Discussion on These Items)

Executive session held at 3:10 p.m. to 5:15 p.m.

Executive session held at 9:15 p.m. to 9:45 p.m.

The City Council will announce it will go into Executive Session, if necessary, 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. The City Council may also announce it will go into Executive Session, if necessary, to receive advice from Legal Counsel regarding any other item on this agenda.

Real Estate - Section 551.072

50. Discuss Lease/Right of First Refusal on One Texas Center.
51. Discuss acquisition of real property to extend Metric Boulevard between Rundberg Lane and Rutland Drive.

Advice of Counsel - Section 551.071

52. Discuss City of Austin v. Southwest Travis County Water District, CA 96-13123, Travis County District Court, and laws relating to annexation.
53. Discuss City of Austin for a Little Less Corruption! et al. v. City of Austin et al., CA 97-01734, Travis County District Court.

Staff Briefing - Section 551.075

54. Receive information from and ask questions of city staff concerning meet and confer negotiations.

ACTION ON EXECUTIVE SESSION ITEMS

55. Authorize negotiation of an agreement to extend Metric Boulevard between Rundberg Lane and Rutland Drive.

**Approved on, Mayor Pro Tem Garcia's motion, Councilmember Goodman's second, 4-0-1 vote, Councilmember Griffith "ABSTAINING", Councilmembers Slusher and Mitchell absent.**

February 27, 1997

ADDENDUM

56. Approve a resolution to consider authorizing an executive session under Sec. 551.075 of the Open Meetings Act to receive information from and ask questions of city staff concerning meet and confer negotiations.

**Approved on, Mayor Pro Tem Garcia's motion, Councilmember Goodman's second, 6-1 vote, Councilmember Slusher voting "NO".**

ITEMS FROM COUNCIL

57. Approve a resolution directing Time Warner Communications to construct INet drops at the following locations: Huston-Tillotson College, Threadgill's on North Lamar, Austin Music Hall, Austin School for the Blind, and Texas Senate Chambers. (Councilmembers Jackie Goodman and Eric Mitchell)

**Approved with the removal of Threadgill's on North Lamar to come back on the March 20, 1997 agenda on, Mayor Pro Tem Garcia's motion, Councilmember Goodman's second, 7-0 vote.**

58. Direct the City Manager to develop proposals to install an upgrade connection at the DeWitty Center to accommodate Free-Net Activities. (Councilmember Eric Mitchell and Jackie Goodman)

**Approved**

59. Approve a resolution removing Ted Kircher as a member of the Telecommunications Commission. (Councilmember Ronney Reynolds)

**Approved**

**Items 58 and 59 approved on, Mayor Pro Tem Garcia's motion, Councilmember Goodman's second, 7-0 vote.**

EXECUTIVE SESSION (No Public Discussion on These Items)

Real Estate - Section 551.072

60. Discuss acquisition of real property for a Fire/EMS Station at Maconda Park Subdivision.  
No action taken.

ADJOURNED at 9:45 p.m.

Approved on this the 6<sup>th</sup> day of March, 1997 on, Mayor Pro Tem Garcia's motion, Councilmember Goodman's second, 7-0 vote.