



Austin City Council MINUTES

JANUARY 18, 1996

Mayor Todd called the meeting to order, Councilmember Mitchell temporarily absent, Councilmember Shea absent.

1. Approval of Minutes for the Worksession of January 10, 1996 and the Regular Called Meeting of January 11, 1996.
Minutes for the Worksession of January 10, 1996 approved on Councilmember Goodman's motion, Mayor Pro Tem Garcia's second, 6-0 vote, Councilmember Shea absent. Minutes for the Regular Called Meeting of January 11, 1996 postponed.

CITIZEN COMMUNICATIONS: GENERAL

2. Mr. Robert L. Thomas, to discuss Rosewood Park.
3. Mr. Gus Pena, to discuss housing, public safety and child care issues.
4. Mr. Neal Tuttrup, to discuss endangered species and the Four Points Center development.
Absent

ITEMS CONTINUED FROM PREVIOUS MEETINGS

5. Approve adding Chapter 15-9 to the City Code of the City of Austin, providing for the promotion and protection of trees on public property. (Mayor Pro Tem Gus Garcia and Councilmember Michael "Max" Nofziger)
Postponed two weeks - February 1, 1996
6. Approve an ordinance amending Section 10 Chapter 18-3, the Drainage Utility, offering an exemption from drainage utility fees for churches that join in a coalition to assist the homeless. (Councilmembers Michael "Max" Nofziger, Jackie Goodman and Brigid Shea) **(Related to Item 7)**
Approved on, Mayor Pro Tem Garcia's motion, Councilmember Shea's second, 4-3 vote, Mayor Todd and Councilmembers Reynolds and Mitchell voting "NO".
7. Approve requesting churches in the community to partner with the city to create a funding of

\$500,000 annually for assistance to the homeless and directing the City Manager to inform churches of the initiative and assist them in the formation and implementation of a coalition to provide homeless programs. (Councilmembers Michael "Max" Nofziger and Jackie Goodman) (Related to Item 6)

Approved on, Mayor Pro Tem Garcia's motion, Councilmember Shea's second, 4-3 vote, Mayor Todd and Councilmembers Reynolds and Mitchell voting "NO".

ORDINANCES

8. Amend Chapter 2-4 of the Austin City Code, revising the membership and duties of the Animal Advisory Commission. (No fiscal impact.) (Recommended by Animal Advisory Commission)
Ordinance No. 960118-A approved on, Mayor Pro Tem Garcia's motion, councilmember Shea's second, 7-0 vote.
9. Authorize acceptance of \$78,949 in additional grant funds from the Texas Department of Health for the Immunization Action Plan, amend Ordinance No. 950911-A, the 1995-96 operating budget, amending the Special Revenue Fund by appropriating an additional \$78,949 in grant funds for the Health and Human Services Department Special Revenue Fund, for a total grant amount of \$145,949; and authorize an additional 2.00 full-time equivalent (FTE) grant funded positions.
Pulled from agenda
10. Amend the Austin City Code by modifying the Basic Traffic Ordinance, Section 16-4-4 (D) Speed Limits, for the installation of a reduced 20 mph school zone on Cimarron Trail for students attending Joslin Elementary School. (Funding in the amount of \$500 for signs and street markings is available in the 1995-96 Child Safety Fund for the Public Works and Transportation Department.)
Ordinance No. 960118-B approved
11. Authorize acceptance of a \$10,500 grant from the Texas Forest Service for planting trees at the Oakhill Branch Library; amend Ordinance 950911-A, the 1995-96 operating budget, amending the Special Revenue Fund by appropriating \$10,500 for the Library Department. (A City match in the amount of \$9,750 was included in the 1994-95 Capital budget of the Library Department.)
Ordinance No. 960118-C approved
12. Amend Ordinance 950911-H by revising the classifications for City of Austin firefighters to reflect the civil service staffing changes due to the Fire Department restructuring plan; converting three Lieutenants and five Fire Specialists to Firefighters; the total number of positions authorized remains unchanged. (The \$79,360 cost savings is allocated in the 1995-96 operating budget of the Austin Fire Department.)
Ordinance No. 960118-D approved
13. Approve a one-time variance from the requirements of Chapter 13-3A of the Austin City Code of 1992 as amended, to provide for reimbursement of Water and Wastewater Capital Recovery Fees paid for a maximum of 100 single-family residential lots in Fairway Ridge Subdivision, if housing units constructed thereon are sold to "qualifying purchasers" with gross household incomes below 80% of median family incomes as defined by the federal "HOME" Affordable Housing Program. Maximum possible impact to the Water and Wastewater Utility is \$157,125. (Related to Item 14)

Ordinance No. 960118-E approved

RESOLUTIONS

14. Authorize \$150,000 of home ownership assistance in the form of \$1,500 per house for 100 single family residents in the Fairway Ridge Subdivision, Phase I. Assistance will be available to first time home buyers earning 80% or below Median Family Income (MFI) purchasing homes in the Fairway Ridge Subdivision. (Funding is available in the Special Revenue Fund of the Neighborhood Housing and Conservation Office HOME Year 3.) **(Related to Item 13)**. Amount and source of funds were appropriated in the 1995 Federal budget.

Approved

15. Approve execution of a twelve month supply agreement with INDUSTRIAL INTERNATIONAL, INC., Austin, Texas, for the purchase of approximately 360 fire hydrants for the Water and Wastewater Utility, in an amount not to exceed \$216,415 with two twelve month extension options in an amount not to exceed \$216,415 per extension, for a total amount not to exceed \$649,245. (Funding in the amount of \$144,276.64 is available in the 1995-96 operating budget of the Water and Wastewater Utility. Funding for the final four months and the extension options is contingent upon available funding in future budgets.) Low bid of three. No M/WBE Subcontracting opportunities were identified. (Recommended by Water and Wastewater Commission)

Approved

16. Approve a execution of a twelve month supply agreement with INCHCAPE TESTING SERVICES, Richardson, Texas, for analytical services for laboratory testing of water, wastewater, biosolids, and industrial discharges, in an amount not to exceed \$130,000 with two twelve month extension options in an amount not to exceed \$130,000 per extension, for a total amount not to exceed \$390,000. Best proposal of six. No M/WBE Subcontracting opportunities were identified. (Recommended by Water and Wastewater Commission)

Approved

17. Approve execution of a contract with SCREENING SYSTEMS INTERNATIONAL, INC., Monticello, Mississippi, for the purchase of three traveling water screens used in the water purification process, in the amount of \$468,426. (Funding was included in the 1995-96 Capital budget of the Water and Wastewater Utility.) Low bid of three. No M/WBE Subcontracting opportunities were identified. (Recommended by Water and Wastewater Commission)

Approved

18. Approve a construction contract award to EDWARD R. COLEMAN CONSTRUCTION, Round Rock, Texas, for the drainage improvements at the Police Academy, in the amount of \$87,994.00. (Funding was included in the 1995-96 Capital budget of General Government.) Low bid of three. 25.18% MBE, 12.89% WBE Subcontractor participation.

Approved

19. Approve execution of a contract with STORAGE TECHNOLOGY CORPORATION, Houston, Texas, to provide hardware maintenance for the StorageTek cartridge tape system and printer, in an amount not to exceed \$41,584.12 with three twelve month extension options in an amount not to exceed \$41,584.12 for the first two extensions and \$43,663.33 for the third extension, for a total amount not

to exceed \$168,415.69. (Funding is available in the 1995-96 operating budget of the Information Systems Department. Funding for the three twelve month extension options is contingent upon available funding in future budgets.) Sole source. No M/WBE Subcontracting opportunities were identified.

Approved

20. Approve a twelve month Service Agreement with JIFFY LUBE, Austin, Texas for preventive maintenance of light duty vehicles in an amount not to exceed \$60,969, with 2 twelve month extension options in an amount not to exceed \$60,969 per extension, for a total contract amount not to exceed \$182,907. (Funding in the amount of \$35,565.25 is available in the 1995-96 operating budget of the Fleet Division. Funding for the remaining five months of the contract and the extension options is contingent upon available funding in future budgets.) Low bid of 3. No M/WBE Subcontracting opportunities were identified.

Approved

Items 10 through 20 approved on, Mayor Pro Tem Garcia's motion, Councilmember Shea's second, 7-0 vote.

21. Approve execution of a twelve month service agreement with MATVEST, INC., DBA BERMEX, INC., Southfield, Michigan, to provide meter reading services for the Utility Customer Service Office, in an amount not to exceed \$1,389,150 with options to extend for two additional twelve month extension options in amounts not to exceed \$1,566,693.30 and \$1,613,694 respectively, for a total amount not to exceed \$4,569,357.30. (Funding in the amount of \$703,080 is available in the 1995-96 operating budget of the Utility Customer Service Office. Funding for the remaining three months and the extension options is contingent upon available funding in future budgets.) Low bid of three. No M/WBE Subcontracting opportunities were identified.

Approved on, Mayor Pro Tem Garcia's motion, Councilmember Shea's second, 6-0-1 vote, Councilmember Goodman abstaining.

22. Approve execution of a contract with RM MECHANICAL, INC., Austin, Texas, for a fume hood control system and ventilation retrofit for the Holly Power Plant chemistry lab in the amount of \$55,071. (Funding was included in the 1995-96 Operating Budget for the Electric Utility.) Low bid of three (3). No M/WBE Subcontracting opportunities were identified.

Approved

23. Approve Change Order #3 to OSCAR RENDA CONTRACTING, INC., Roanoke, Texas, which includes increases and decreases in pipe, extra manhole depths and varying construction methodologies for the West Bouldin Creek Wastewater Interceptor Phase A project located along West Bouldin Creek, in the amount of \$83,940.82, for a total contract amount of \$3,129,482.82. (Funding was included in the 1993-94 Capital budget of the Water and Wastewater Utility.) 3.94% MBE, 0.56% WBE Subcontractor participation. (Recommended by Water and Wastewater Commission)

Approved

24. Approve Change Order #6 to HILMAN CONSTRUCTORS, INC., Austin, Texas, for cleaning, sealing and repairing portions of the exterior of the building as part of the improvements to the Austin History Center project, in the amount of \$12,017, for a total contract amount of \$1,243,300. (Funding was

included in the 1992-93 Capital budget of the Library Department.) No M/WBE Subcontracting opportunities were identified.

Approved

Items 22 through 24 approved on, Mayor Pro Tem Garcia's motion, Councilmember Shea's second, 7-0 vote.

25. Authorize a grant from the HOME Program Year 4 to the Austin Housing Finance Corporation (AHFC), in an amount not to exceed \$117,000; and execution of an agreement to transfer the operation of the Down Payment Assistance Program to the Austin Housing Finance Corporation. **(Related to Item 42)** Amount and source of funds were appropriated in the 1995 Federal budget.
Postponed to February 1, 1996
26. Authorize a grant from the HOME Program Years 3 and 4 to the Austin Housing Finance Corporation (AHFC), in an amount not to exceed \$1,160,000; and execution of an agreement to transfer the operation of the Single Family Loan Program to the Austin Housing Finance Corporation. **(Related to Item 43)** Amount and source of funds were appropriated in the 1995 Federal budget.
Postponed to February 1, 1996
27. Authorize a grant from the 21st Year Community Development Block Grant (CDBG) to the Austin Housing Finance Corporation (AHFC) in an amount not to exceed \$1,185,840 to fund the Welcome Home Program. **(Related to Item 44)** Amount and source of funds were appropriated in the 1995 Federal budget.
Postponed to February 1, 1996
28. Authorize a grant from the 21st Year Community Development Block Grant (CDBG) to the Austin Housing Finance Corporation (AHFC), in an amount not to exceed \$1,046,269; and execution of an agreement to transfer the operation of the Single Family Loan Program to the Austin Housing Finance Corporation. **(Related to Item 45)** Amount and source of funds were appropriated in the 1995 Federal budget.
Postponed to February 1, 1996
29. Authorize negotiation and execution of Supplemental Amendment #3 to the Professional Services Agreement with CH2M-HILL, INC., Austin, Texas, for additional services including additional Phase I (preliminary engineering) and Phase II (design) services for the Safe Drinking Water Act Phase II and Associated Water System Improvements Project, for a total estimated amount of \$958,200 and a total contract amount of \$1,877,207. (Funding in the amount of \$679,529 was included in the 1995-96 Capital budget, \$278,671 was included in the 1991-92 Capital budget of the Water and Wastewater Utility.) 33.6% MBE, 2.5% WBE Subconsultant participation. (Recommended by Water and Wastewater Commission)
Substitute motion by Councilmember Shea to delay action on #4, on Councilmember Shea's motion, Councilmember Nofziger's second, 3-3-1 vote, Mayor Todd, Councilmembers Mitchell and Reynolds voting "NO", Mayor Pro Tem Garcia abstaining.

Substitute motion fails.

Approve item as is on, Mayor Pro Tem Garcia's motion, Councilmember Reynolds' second, 5-1-1

vote, Councilmember Goodman voting "NO", Councilmember Shea abstaining.

30. Approve a construction contract award to Travis Paving Company, (MBE/MH), Austin, Texas, for construction of the truck storage area for the future South Austin Transfer Station located at 3810 Todd Lane, in the amount of \$437,940. (Funding was included in the 1991-92 Capital budget of the Solid Waste Services Department.) Low bid of ten. 76.19% MBE, 11.06% WBE Subcontractor participation. (Recommended by Planning Commission)

Approved

31. Ratify the contract modification #1 with ACCO-BFI RECYCLING, Austin, Texas, to provide additional revenue to the City in an estimated amount of \$57,300 for the sale of recycled plastic containers, resulting in a new contract amount of \$250,230. (Revenues are expected to be \$45,840 higher in 1995-96 and \$11,460 higher in 1996-97 than would have been realized under the original terms. This additional revenue was included in the 1995-96 operating budget of the Solid Waste Services Fund. Revenue will be credited to the Solid Waste Services Fund.)

Approved

Items 30 and 31 approved on, Mayor Pro Tem Garcia's motion, Councilmember Shea's second, 7-0 vote.

32. Ratify the purchase of 1,153 sixty gallon carts and 200 thirty gallon refuse carts in an amount of \$49,999.25 and approve execution of a twelve month supply agreement with TOTER, INC., Statesville, North Carolina, for the purchase of thirty, sixty, and ninety gallon refuse carts for the final phase of the Pay-As-You-Throw program, in an amount not to exceed \$281,375 and \$262,750 respectively, for a total amount not to exceed \$1,453,687.50. (Funding in the amount of \$401,527 was included in the 1995-96 Capital budget of the Solid Waste Services Department. Funding for the remainder of the contract and the extension options is contingent upon available funding in future budgets.) Low bid of three. 0% MBE, 2% WBE Subcontractor participation.

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

33. Authorize the filing of eminent domain proceedings to acquire a Temporary Workspace Easement for a Transmission Main Waterline containing 0.950 of one acre of land (41,384 square feet); and a Transmission Main Waterline Easement containing 0.420 of one acre (18,273 square feet) out of the Racheal Saul Survey and the Jesse Grimes Survey No. 25 in Williamson County, Texas, owned by Robert Vance Thurmond, Jr. for the Anderson Mill Transmission Main Project. (Appraised value is \$6,145.) (Recommended by Water and Wastewater Commission)

Approved on, Mayor Pro Tem Garcia's motion, Councilmember Shea's second, 7-0 vote.

34. Authorize the filing of eminent domain proceedings to acquire a Temporary Working Space Easement for a Transmission Main Waterline containing 0.501 of one acre of land (21,813 square feet); and a Transmission Main Waterline Easement containing 0.121 of one acre (5,285 square feet) out of the Jesse Grimes Survey No. 25 in Williamson County, Texas, owned by Robert Thurmond for the Anderson Mill Transmission Main Project. (Appraised value is \$2,791.) (Recommended by Water and Wastewater Commission)

Approved

35. Set public hearings to consider full purpose annexation of approximately three hundred acres of land

in Jourdan Crossing. (Suggested dates and times: February 1, 1996 and February 8, 1996 at 5:00 P.M.)

Approved

ITEMS FROM COUNCIL

36. Ratify approval of a "Management Coordination Team Interagency Agreement" and authorize execution of a "Juvenile Agency Coordinating Committee Interagency Agreement" and an ancillary information sharing agreement.

Approved

37. Amend Ordinance 950330-F by continuing the Citizen's Planning Committee to February 29, 1996. (Councilmember Jackie Goodman and Mayor Bruce Todd)
Ordinance No. 960118-F approved

Items 30 through 37 approved on, Mayor Pro Tem Garcia's motion, Councilmember Shea's second, 7-0 vote.

38. Approve a resolution supporting staff recommendations for strengthening the provisions of the Texas Natural Resource Conservation Commission Chapter 313 (Edwards Aquifer Rules). (Mayor Pro Tem Gus Garcia)

Approved on, Mayor Pro Tem Garcia's motion, Councilmember Nofziger's second, 5-1-1 vote, Councilmember Mitchell voting "NO", Councilmember Reynolds abstaining.

39. Consider amending current tax abatement guidelines and criteria (Ordinance 950406-E) to allow abatements for downtown multifamily residence projects. (Councilmember Michael "Max" Nofziger and Mayor Pro Tem Gus Garcia)

Councilmember Nofziger made a motion to approve the item. Mayor Pro Tem Garcia seconded the motion, Councilmember Mitchell offered a friendly amendment, to expand boundaries drawing a straight line down MLK to Poquito then a straight line to Peach Street and continue a in a straight line down 11th Street and Rosewood avenue. After future discussion, the item was postponed until February 1, 1996.

40. Consider a resolution calling on Congress to set aside part of the money budgeted for Defense spending to be spent on housing the homeless. (Councilmembers Michael "Max" Nofziger and Jackie Goodman)

Approved on, Councilmember Nofziger's motion, Councilmember Goodman's second, 5-2 vote, Councilmembers Mitchell and Reynolds voting "NO".

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

The Mayor will recess the City Council meeting. A Board meeting of the Austin Housing Finance Corporation (AHFC) will be conducted. Following adjournment of the AHFC Board meeting, the City Council will be reconvened. Items are the AHFC items to be considered by the Austin Housing Finance Corporation's Board of Director's.

Board of Director's of AHFC meeting postponed to February 1, 1996.

41. Approve minutes of December 14, 1995, meeting.
42. Authorize the General Manager or his designee to accept a grant in an amount not to exceed \$117,000 from the HOME Program Year 4 to fund the Down Payment Assistance Program; to execute an agreement to accept transfer of the Down Payment Assistance Program to the Austin Housing Finance Corporation (AHFC) and authorize the General Manager or his designee to execute grant agreements, certifications and such other instruments as may be necessary and proper to carry out the purposes of the Down Payment Assistance Program. **(Related to Item 25)**
43. Authorize the General Manager or his designee to accept a HOME Program Years 3 and 4 grant in an amount not to exceed \$1,160,000; to execute an agreement to accept transfer of the Single Family Loan Program to the Austin Housing Finance Corporation (AHFC) and authorize the General Manager or his designee to execute grant agreements, certifications, and such other instruments as may be necessary and proper to carry out the purposes of the Single Family Loan Program; and increase the AHFC budget accordingly. **(Related to Item 26)**
44. Authorize the General Manager or his designee to accept a 21st Year Community Development Block Grant (CDBG) in an amount not to exceed \$1,185,840 to fund the Welcome Home Program and authorize the General Manager or his designee to execute grant agreements, certifications, and other instruments as may be necessary and proper to carry out the purposes of the Welcome Home Program; and increase the budget by the same amount. **(Related to Item 27)**
45. Authorize the General Manager or his designee to accept a grant from the 21st Year Community Development Block Grant (CDBG) in an amount not to exceed \$1,046,269 to fund the Single Family Loan Program; to execute an agreement to accept transfer of the Single Family Loan Program to the Austin Housing Finance Corporation (AHFC) and authorize the General Manager or his designee to execute grant agreements, certifications and such other instruments as may be necessary and proper to carry out the purposes of the Single Family Loan Program; and adjust the budget accordingly. **(Related to Item 28)**

EXECUTIVE SESSION (No Public Discussion on These Items)

Executive session held on the morning of this day .

Executive session held at 3:50 p.m. to 4:45 p.m. on items 48 and 50.

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.

Pending/Contemplated Litigation - Section 551.071

46. Discuss Monaghan et al v. Maple Run at Austin MUD and the City of Austin, 53rd District Court, Travis County, CA 95-06139.

47. Discuss litigation threatened by Barton Springs Edwards Aquifer Water District.
48. Discuss an amendment to a contract with Randy Leavitt, Attorney at Law, for legal representation in Case No. A-94-CA-355-SS; Joel Bellah, et al v. Scott Gunnlaugsson and Walter Riek; in the United States District Court.

Real Estate Acquisition - Section 551.072

49. Discuss fee simple acquisition of Lot 1, of Treehouse, a Subdivision in Travis County, Texas for park and recreational purposes.

Personnel Matters - Section 551.074

50. Discuss Municipal Court Presiding Judge appointment. (Councilmember Eric Mitchell)

Staff Briefing - Section 551.075

51. Staff briefing on the determination of responsiveness of bids for the ABIA Terminal Building contract.

ACTION ON THE FOLLOWING

52. Appoint Municipal Court Presiding Judge.
53. Approve settlement of Monaghan et al v. Maple Run at Austin MUD and the City of Austin, 53rd District Court, Travis County, CA 95-06139.
54. Approve agreement with Barton Springs Edwards Aquifer Water District.
55. Authorize negotiation and execution of a contract with Tribble and Stephens Company for fee simple acquisition of Lot 1, of Treehouse, a Subdivision in Travis County, Texas for park and recreational purposes.
Approved \$65,000 on, Mayor Pro Tem Garcia's motion, Councilmember Shea's second, 7-0 vote.
56. Approve amendment to a contract with Randy Leavitt, Attorney at Law, for legal representation in Case No. A-94-CA-355-SS; Joel Bellah, et al v. Scott Gunnlaugsson and Walter Riek; in the United States District Court.

APPOINTMENTS

57. URBAN RENEWAL AGENCY - 3
Postponed to February 1, 1996

ADJOURNED at 5:10 p.m. on, Councilmember Reynolds' motion, Mayor Pro Tem Garcia's second, 5-0

vote, Councilmembers Nofziger and Shea off the dais.

Approved on this the 2nd day of February, 1996, on Mayor Pro Tem Garcia's motion, Councilmember Goodman's second, 5-0 vote, Councilmembers Shea and Nofziger absent.