



Austin City Council MINUTES

MARCH 21, 1996

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

1. Approval of Minutes for Regular Meeting of March 7, 1996.
Approved on, Mayor Pro Tem Garcia's motion, Councilmember Nofziger's second, 6-0 vote
Councilmember Shea temporarily absent.

CITIZEN COMMUNICATIONS: GENERAL

2. Mr. Gus Pena, to discuss youth and electric utility issues.
Absent
3. Mr. David C. Donnelly, to inform the Council of the efforts the Austin EMS Employees Association is making to increase productivity (up to 5,400 hours annually) at no additional cost to the citizens.
4. Mr. Dudley Houghton, to discuss reform of Board of Adjustment.
Absent
5. Mr. Alfredo Reza, to discuss bicycle safety (or lack thereof) and to present some action for the city to take: bike racks on all Capital Metro buses, no parking in bike lanes, pedestrian area on Congress Avenue.
6. Mr. Curtis Brundy, to address concern about bicycle safety.
7. Mr. John Thoms, address Council about bicyclist problems in Austin. We need bike lanes and city ordinance (enforced) to keep motor vehicles out of them.
8. Mr. Marek D. Swiderski, to discuss the need for more bicycle lanes and enforcement of bicyclists' rights.
9. Mr. Ben Oqbodieque, to discuss the public hearing on the City's Community Development Program regarding the G.N.D.C. Elderly Housing Project.
Absent
10. Mr. Jim Coddington, to discuss homeless situation.
11. Mr. Richard R. Troxell, to discuss homeless issues affecting our nation.
Absent

ITEMS CONTINUED FROM PREVIOUS MEETINGS

12. Adopt amendments to Chapter 5-7 of the City Code, the Minority-Owned and Women-Owned Business Enterprises Procurement Program. (Approved by MBE/WBE Advisory Committee) (No fiscal impact.)
Ordinance No. 960321-H approved on, Mayor Pro Tem Garcia's motion, Mayor Todd's second 6-0-1 vote, Councilmember Mitchell abstaining.
13. Authorize the issuance of a Request for Information to assist the City Council in its consideration of future options regarding the provision of electric utility service in Austin. (Funding to issue the RFI is available in the 1995-96 operating budget of the Electric Utility Departments.)
Motion by Mayor Pro Tem Garcia to refer items 13 and 58 to Electric Utility Commission on, Mayor Pro Tem Garcia's motion, Mayor Todd's second.

No vote taken.

Motion to sever items 13 and 58 on, Councilmember Reynolds motion.

Motion to refer RFI and blue ribbon committee to Electric Utility Commission on Mayor Pro Tem Garcia's motion, Mayor Todd's second.

Motion withdrawn.

Substitute motion to direct management to cease the issuance of the RFI on Councilmember Mitchell's motion, Councilmember Shea's second, 5-2 vote, Mayor Todd and Mayor Pro Tem Garcia voting "NO".

ORDINANCES

14. Approve third reading of an ordinance amending Chapter 13-2 of the Austin City Code rezoning property locally known as 7601-7705 Shadowridge Run, Case No. C14-95-0144, from SF-2, Single-Family Residence (standard lot) District to SF-4A, Single-Family Residence (small lot) District, SHADOWRIDGE CROSSING (Steve Tucker), by Carlson Engineering (Terry Reynolds). First and Second reading on February 29, 1996; Vote 5-2, Shea and Nofziger no. Conditions met as follows: There are no conditions to be met.
Motion to postpone to March 28, 1996 on, Councilmember Mitchell's motion, Councilmember Goodman's second, 4-0 vote, Mayor Todd, Councilmembers Shea and Reynolds off the dais.
15. Approve third reading of an ordinance amending Chapter 13-2 of the Austin City Code rezoning property locally known as 6010 to 6210 Daffodil Drive, Case No. C14-95-0111, from "LO", Limited Office to "CS", Commercial Services, subject to prohibit access to Daffodil Drive until street is improved to meet commercial street standards; BEN WHITE BOULEVARD NO. 1 LTD. (Herman Neusch), by Carson Planners (Bill Carson). First reading on November 16, 1995; Vote 7-0. Second reading on January 4, 1996; Vote 6-0, Shea absent. Conditions met as follows: Restrictive Covenant incorporating conditions imposed by Council has been executed.

Ordinance No. 960321-A approved

16. Approve second/third readings of an ordinance amending Chapter 13-2 of the Austin City Code rezoning property locally known as 3607 Manchaca Road, Case No. C14-95-0178, from "SF-3", Family Residence to "LO-MU", Limited Office-Mixed Use Combining District; BLACKWELL PROPERTIES (Jon Crain). First reading on February 1, 1996; Vote 5-0; Shea & Nofziger absent.

Ordinance No. 960321-B approved

Items 15 and 16 approved on, Mayor Pro Tem Garcia's motion, Councilmember Goodman's second, 7-0 vote.

17. Approve second/third readings of an ordinance amending Chapter 13-2 of the Austin City Code rezoning property locally known as North F.M. 620 and Broadmeade Avenue, Case No. C14-95-0163, from "SF-2", Single Family Residence (standard lot) & "LR", Neighborhood Commercial to "GR-CO", Community Commercial-Conditional Overlay for Tract 1 and "RR", Rural Residence District for Tract 2 (floodplain). The provisions of the overlay are as follows: prohibit - Automotive Repair Services, Automotive Sales, Automotive Washing (any type), Drop-Off Recycling Collection Facility, Exterminating Services, Indoor Entertainment, Indoor Sports and Recreation, Business or Trade Services, Hotel-Motel, and sale or rental of Adult-Oriented Products if such sale or rental accounts for 10% or more revenues of a specific business; JOE HAJJAR. First reading on March 7, 1996; Vote 4-0, Mitchell, Nofziger & Shea off the dais. Conditions met as follows: conditional overlay incorporates conditions imposed by Council.

Postponed to March 28, 1996, on applicant's request

18. Approve second/third readings of an ordinance amending Chapter 13-2 of the Austin City Code rezoning property locally known as North F. M. 620 and Broadmeade Avenue, Case No. C14-95-0164, from "LR", Neighborhood Commercial to "GR-CO", Community Commercial-Conditional Overlay zoning for Tract 2, with the provisions of the overlay as follows: (1) prohibit the following uses - Automotive Repair Services, Automotive Sales, Automotive Washing (any type), Drop-Off Recycling Collection Facility, Exterminating Services, Indoor Entertainment, Indoor Sports and Recreation, Business or Trade School, Hotel-Motel, and sale or rental of Adult-Oriented Products if such sale or rental accounts for 10% or more revenues of a specific business; and (2) dedication of up to 35 feet of right-of-way from the existing centerline of Briar Hollow Drive; AND "CS-1-CO", Commercial Liquor Sales-Conditional Overlay, zoning for Tract 1 with the provisions of the overlay limiting: (1) uses permitted in GR zoning district; (2) one liquor store only; and (3) this liquor store will be limited to a maximum of 5,000 square feet; JOE HAJJAR. First reading on March 7, 1996; Vote 4-0, Mitchell, Nofziger & Shea off the dais. Conditions met as follows: conditional overlay incorporates conditions imposed by Council.

Postponed to March 28, 1996, on applicant's request

19. Approve second/third readings of an ordinance amending Chapter 13-2 of the Austin City Code rezoning property locally known as North F.M. 620 and Briar Hollow Drive, Case No. C14-95-0165, from "SF-2", Single Family Residence (standard lot) to "GR-CO", Community Commercial-Conditional Overlay zoning, with the provisions of the

overlay as follows: (1) prohibit the following uses - Automotive Repair Services, Automotive Sales, Automotive Washing (any type), Drop-Off Recycling Collection Facility, Exterminating Services, Indoor Entertainment, Indoor Sports and Recreation, Business or Trade School, Hotel-Motel, and sale or rental of Adult-Oriented Products if such sale or rental accounts for 10% or more revenues of a specific business; and (2) dedication of up to 35 feet of right-of-way from the existing centerline of Briar Hollow Drive; JOE HAJAR. First reading on March 7, 1996; Vote 4-0, Mitchell, Nofziger & Shea off the dais. Conditions met as follows: conditional overlay incorporates conditions imposed by Council.

Postponed to March 28, 1996, on applicant's request

20. Amend Ordinance 950911-B, the 1995-96 Capital budget of the Parks and Recreation Department, appropriating \$200,000 in grant funds for the Pease Park Renovations project. (Funding in the amount of \$200,000 is available from the Moody Foundation. The grant period ends upon completion of the project. These private funds are not affected by State or Federal appropriations. The match in the amount of \$109,103 was included in the 1993-94 Capital budget of the Parks and Recreation Department.) (To be reviewed by Planning Commission)

Postponed indefinitely

21. Approve second reading of an ordinance granting a charter bus franchise to Admiral Coach Lines, Inc., and a proposed rate of fare. (5% of gross revenue for the first year, 10% each additional year.) (Recommended by Urban Transportation Commission)

Postponed to April 11, 1996

22. 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 school zone on North Hills Drive for students attending Murchison Middle School. (Funding in the amount of \$4,800 for flashing lights, signs and markings is available in the 1995-96 operating budget of the Child Safety Fund.)

Ordinance No. 960321-C approved

23. Approve an ordinance amending Section 16-5-98 of the Austin City Code; increasing the civil fine for handicapped parking violations and providing that the highest applicable civil fine will be assessed where multiple parking violations occur. (No fiscal impact.)

Ordinance No. 960321-D approved

24. Amend Ordinance 950911-D, the 1995-96 Fee Ordinance to rescind the Animal Rescue Fee, and to add a refundable fee of \$50.00 for spay/neuter of young animals; amend Ordinance No. 950911-A, the 1995-96 operating budget for the Health and Human Services Department decreasing budgeted revenue \$2,227 and expense appropriations by the same amount; amend City Code Section 3-1-4, relating to animal control pound fees assessed for animals impounded for rabies and quarantine; and amend Section 3-3-39, relating to city pet registration fee exemptions and add Section 3-3-93 to allow for a waiver of owner released animals at City impoundment facilities. (Recommended by Animal Advisory Commission)

Ordinance No. 960321-E approved

Items 22 through 24 approved on Mayor Pro Tem Garcia's motion, Councilmember

Goodman's second, 7-0 vote.

25. Amend Ordinance 950911-A, the 1995-96, Operating Budget of the Neighborhood Housing and Conservation Office (NHC) by appropriating \$50,000 from the Capital Metropolitan Transportation Authority (CMTA) Interlocal Agreement with the City of Austin. (Funds provided by CMTA) (Related to Item 45, 46, 47)
Ordinance No. 960321-F approved on, Mayor Pro Tem Garcia's motion, Councilmember Goodman's second, 6-1 vote, Councilmember Nofziger voting "NO".

RESOLUTIONS

26. Approve execution of a twelve month supply agreement with POLYPURE, INC., Parsippany, New Jersey, for the purchase of dry polymer for use in water removal of treated sludge at the Hornsby Bend Wastewater Treatment Plant, in an amount not to exceed \$192,001 with two twelve month extension options in an amount not to exceed \$192,001 per extension option, for a total amount not to exceed \$576,003. (Funding is available in the 1995-96 operating budget of the Water and Wastewater Utility. Funding for the remaining five months and the extension options is contingent upon available funding in future budgets.) Low bid of five. No M/WBE Subcontracting opportunities were identified. (Recommended by Water and Wastewater Commission)
Approved
27. Approve execution of a twelve month supply agreement with ALAMO CONCRETE PRODUCTS, LTD., Austin, Texas, for the purchase of ready-mix concrete for the Water and Wastewater Utility, in an amount not to exceed \$172,175 with two twelve month extension options in an amount not to exceed \$172,175 per extension option, for a total amount not to exceed \$516,525. (Funding in the estimated amount of \$86,087.50 is available in the 1995-96 operating budget of the Water and Wastewater Utility. Funding for the final six months and the extension options is contingent upon available funding in future budgets.) Low bid of two. No M/WBE Subcontracting opportunities were identified. (Recommended by Water and Wastewater Commission)
Approved
28. Approve execution of a twelve month supply agreement with BADGER METER, INC., Milwaukee, Wisconsin, for the purchase of cold water meters for the Water and Wastewater Utility, in an amount not to exceed \$210,550 with two twelve month extension options in an amount not to exceed \$210,550 per extension option, for a total amount not to exceed \$631,650. (Funding in the amount of \$122,821 is available in the 1995-96 operating budget of the Water and Wastewater Utility. Funding for the final five months and the extension options is contingent upon available funding in future budgets.) Low bid of four. No M/WBE Subcontracting opportunities were identified. (Recommended by Water and Wastewater Commission)
Approved
29. Approved execution of a contract with PAUWELS CANADA, FEDERAL PIONEER, Winnipeg, Manitoba, for the purchase of repair and replacement parts for Load Tap Changers (LTC), a part of the transformer, in the amount of \$40,641.50. (Funding is

available in the 1996-97 operating budget of the Electric Utility Department.) Low bid of two. No M/WBE Subcontracting opportunities were identified.

Approved

30. Authorize negotiation and execution of a joint funding agreement for water resources investigation projects between the City of Austin and the United States Department of the Interior Geological Survey, in the amount of \$229,515. (Funding is available in the 1995-96 operating budget of the Environmental and Conservation Services Department.)

Approved

31. Approve execution of a twelve month Service Agreement with LONE STAR BRAKE & CLUTCH COMPANY, Austin, Texas, for brake repair services, in an amount not to exceed \$90,000 with two twelve month extension options in an amount not to exceed \$90,000 per extension, for a total amount not to exceed \$270,000. (Funding in the amount of \$45,000 is available in the 1995-96 operating budget of the Fleet Service Division, Finance and Administrative Service. Funding for the remaining six months and the extension options is contingent upon available funding in future budgets.) Low bid of two. No M/WBE Subcontracting opportunities were identified.

Approved

32. Approve a construction contract award to AUS-TEX PLUMBING, HEATING AND AIR-CONDITIONING, INC., Plugerville, Texas, for installation of a new steam boiler at the City Coliseum, in the amount of \$123,251. (Funding was included in the 1991-92 Approved Capital budget of the Convention Center Department.) Low bid of two. 4.07% MBE, 0.00% WBE Subcontractor participation.

Approved

33. Approve an Interlocal Agreement with Austin Community College (ACC) in an amount not to exceed \$6,200 per year for use of a "Resource Room on Wheels" lending vehicle, with two twelve month renewal options. (Funding is available in the Health and Human Services Department special revenue fund for the Child Care Management System (CCMS) grant program. Future funding is contingent upon available grant funds.)

Approved

34. Authorize acceptance of an additional \$108,336 in grant funds from the Austin/Travis County Private Industry Council (PIC) for Child Care Voucher Services; amend ordinance No. 950911-A., the 1995-96 Operating budget, amending the Special Revenue Funds by appropriating \$108,336 in grant funds for the Health and Human Services Department Special revenue Fund, for a total grant amount \$283,336.

Ordinance No. 960321-G approved

35. Approve an Affiliation Agreement with Southwest Texas State University for Clinical Internships and Rotations, effective February 1, 1996 and renewable annually. (No fiscal impact.)

Approved

36. Approve execution of contracts with SGS CONTRACT FURNITURE, INC., San Antonio,

Texas, in the amount of \$52,970.04 and AUSTIN BUSINESS FURNITURE, Austin, Texas, in the amount of \$42,237.31 for the purchase and installation of modular systems furniture for the new Oak Hill Branch Library, for a total amount of \$95,207.35. (Funding was included in the 1994-95 Capital budget of the Austin Public Library.) Low bids of six. No M/WBE Subcontracting opportunities were identified.

Approved

37. Approve execution of a twelve month service agreement with BIF'S MINI-MOVERS (MBE/MH), Austin, Texas, to deliver door to door, door hangers in conjunction with the Solid Waste Services Brush and Bulky Programs; in the amount of \$56,160 with the option to extend for two additional twelve month periods in the amount of \$56,160 each, for a total amount of \$168,480. (Funding in the amount of \$28,080 is available in the 1995-96 operating budget of the Solid Waste Services. Funding for the final six months and the extension options is contingent upon available funding in future budgets.) Low bid of four. 100% M/WBE Prime participation. No M/WBE Subcontracting opportunities were identified.

Approved

Items 26 through 37 approved on, Mayor Pro Tem Garcia's motion, Councilmember Goodman's second, 7-0 vote.

38. Approve a construction contract award to MCLEAN CONSTRUCTION, INC., Killeen, Texas, for the construction of the Jollyville Transmission Main, Phase III project, in the amount of \$2,147,763.50. (Funding was included in the 1995-96 Capital budget of the Water and Wastewater Utility.) Low bid of five. 29.10% MBE, 8.61% WBE Subcontracting opportunities were identified. (Recommended by Water and Wastewater Commission)63.

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

39. Authorize negotiation and execution of Amendment #3 to the professional services agreement with RMT/JONES AND NEUSE, INC., Austin, Texas, for additional Phase III construction services for Cat Mountain Water System Improvements and Shepherd Mountain Water System Improvements, in the amount of \$153,486.44. (Funding was included in the 1995-96 Capital budget of the Water and Wastewater Utility.) 19.22% MBE, 1.65% WBE Subconsultant participation. (Recommended by Water and Wastewater Commission)

Approved

40. Approve a construction contract award to CROUCH ELECTRIC, INC., Austin, Texas, for the Pilot Lift Station Telemetry project to allow for the remote monitoring of lift station activity, in the amount of \$590,998. (Funding was included in the 1991-92 Capital budget of the Water and Wastewater Utility.) Low bid of three. 25.32% MBE, 9.70% WBE Subcontractor participation. (Recommended by Water and Wastewater Commission)

Approved

41. Approve a construction contract award to GUERRA CONSTRUCTION COMPANY, INC.,

(MBE/MH), Austin, Texas, for the construction of wastewater lines to provide wastewater service to the East St. Elmo area in the amount of \$637,359.75 (Funding was included in the 1995-96 Capital budget of the Water and Wastewater Utility.) Low bid of eight. 76.19% Prime participation. 0% MBE, 9.42% WBE Subcontractor participation. (Recommended by Water and Wastewater Commission)

Approved

Items 39 through 41 approved on, Mayor Pro Tem Garcia's motion, Councilmember Goodman's second, 7-0 vote.

42. Approve a construction contract award to BRH GARVER, INC., Austin, Texas, for rehabilitation of the existing wastewater system and water system replacement in the Hyde Park area, in the amount of \$2,167,153.40. (Funding was included in the 1995-96 Capital budget of the Water and Wastewater Utility.) Low bid of four. 24.26% MBE, 8.50% WBE Subcontractor participation. (Recommended by Water and Wastewater Commission)

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

43. Approve ratification of a construction contract to GARNEY COMPANIES, INC., Kansas City, Missouri, for the 24" Pipe Repair project at the Green Water Treatment Plant, in the amount of \$135,748.50. (Funding was included in the 1991-92 Capital budget of the Water and Wastewater Utility.) Low bid of four. 10.09% MBE, 0.74% WBE Subcontractor participation. (Recommended by Water and Wastewater Commission)

Approved

44. Approve negotiation and execution of a professional services agreement with S.A. GARZA ENGINEERS, INC., (MBE/MH), Austin, Texas, for Phase I (preliminary engineering) services for the Central Water Reuse System from the Walnut Creek Wastewater Treatment Plant to Morris Williams Golf Course, in the estimated amount of \$80,000. (Funding was included in the 1995-96 Capital budget of the Water and Wastewater Utility.) 63% Prime participation. 0% MBE, 17% WBE Subcontractor participation. (Recommended by Water and Wastewater Commission)

Approved

Items 43 and 44 approved on, Mayor Pro Tem Garcia's motion, Councilmember Goodman's second, 7-0 vote.

45. Authorize the execution of an Interlocal Agreement with the Capital Metropolitan Transit Authority (CMTA) for the development of an Urban Renewal Plan/ Master Plan to include the transit needs of the East 11th and 12th Street redevelopment area. (Funding in the amount of \$50,000 in revenue from Capital Metro is available in the Neighborhood Housing and Conservation Office 1995-96 operating budget.) (Related to item 25, 46, 47)

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

46. Approve an amendment to the City's Consolidated Plan and the 1995-96 Community

Development Program by reprogramming Community Development Block Grant (CDBG) funds for operating expenses to revitalize the East 11th Street corridor, in the amount of \$275,000. (Funding is available from the Community Development Block Grant (CDBG) 21st year allocation.) **(Related to item 25,45,47)**

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

47. Authorize the execution of a contract with the Austin Revitalization Authority (ARA) for \$375,000 for the operating costs and preparation of a Master Plan for the East 11th and 12th Street Redevelopment Program four one year extension options. (Funding in the amount of \$275,000 is available from the reprogrammed Community Development Block Grant (CDBG) 21st year allocation. Funding in the amount of \$50,000 is available in the 1995-96 Operating budget of the Neighborhood Housing and Conservation Office. Funding in the amount of \$50,000 is available from Capitol Metro) Funding for the four extension options is contingent upon availability of funding in future CDBG budgets. **(Related to Item 45, 46, 25)**

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

48. Approve an amendment to the City's Consolidated Plan and the 1995-96 Community Development Program and increase the 1995-96 budget for the Neighborhood and Youth Support Program, in the amount of \$75,000. (Funding is available from the Community Development Block Grant (CDBG) 20th year allocation previously allocated to the Neighborhood Commercial Management Program.)

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

49. Approve an amendment to the City's Consolidated Plan and the 1995-96 Community Development Program and increase the 1995-96 budget for Child Care services, in the amount of \$50,000. (Funding is available from the Community Development Block Grant (CDBG) 20th year allocation previously allocated to the Neighborhood Commercial Management Program.)

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

50. Approve an amendment to the City' Consolidated Plan and the 1995-96 Community Development Program and create a new program category for Public Facilities and Improvements, in the amount of \$1,490,000. (Funding is available from the Community Development Block Grant (CDBG) 15th, 16th, 17th, 18th, 19th and 20th Years.)

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

51. Approve an amendment to the City's Consolidated Plan and the 1995-96 Community Development Program by increasing the budget for the Housing Implementation Program, in the amount of \$1,582,650. (Funding is available from the Community Development Block Grant (CDBG) 16th, 17th, 19th, and 20th Years.)

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

AVIATION (Items 52-53)

52. Approve supplemental Amendment No. 3 with GREINER, INC, Tampa, Florida for Environmental Impact Statement (EIS) Cultural Resources Investigations at Austin-Bergstrom International Airport, in an amount not to exceed \$58,345 for a total agreement amount not to exceed \$1,521,696. (Funding is included in the 1995-96 Capital budget for Aviation.) DBE participation for this amendment is 100%; WBE.

Approved

53. Authorize negotiation and execution of an amendment to the Professional Services Agreement with BAER ENGINEERING (WBE), Austin, Texas for additional environmental testing required for the appraisal of the Del Valle Schools, for the Austin Bergstrom International Airport in the amount of \$25,520, for a total amount of \$46,420. (Funding was included in the 1995-96 Capital budget for Aviation.)

Approved

Items 52 and 53 approved on, Mayor Pro Tem Garcia's motion, Councilmember Goodman's second, 7-0 vote.

54. Approve a twelve month service agreement with TEXAS INDUSTRIES FOR THE BLIND AND HANDICAPPED (TIBH), Austin, Texas for median and triangle mowing in the amount of \$74,115.60 with the option to extend for 2 additional 12 month periods in the amount of \$74,115.60 each for a total contract amount not to exceed \$222,346.80. (Funding in the amount of \$37,057.80 is available in the 1995-96 Operating budget of the Parks and Recreation Department. Funding for the remaining 6 months and the extension options are contingent on available funding in future budget). No subcontracting opportunities identified.

Postponed to March 28, 1996

55. Approve execution of 2 twelve month service agreements with RED AND WHITE GREENERY, Georgetown, Texas in the amount of \$168,140.35 and PREMIUM CUTS LAWN SERVICE AND MAINTENANCE, INC (MBE/MH), Austin, Texas, in the amount of \$43,974.52 for parkland mowing with contract extension each in the same amounts for total contracts of \$504,421.05 and \$131,923.56 respectively. (Funding in the amount of \$106,057.35 is available in the 1995-96 operating budget of the Parks and Recreation department. Funding for the remaining 6 months and the extension options is contingent upon available funding). Low bids of eight. No subcontracting opportunities identified.

Approved

ITEMS FROM COUNCIL

56. Approve a resolution directing the City Manager to initiate an oak wilt suppression program on city property, and return for Council action within 30 days. (Recommended by the Environmental Board) (Councilmember Max Nofziger, Mayor Bruce Todd, Councilmember Brigid Shea).

Approved

Items 55 through 56 approved on, Mayor Pro Tem Garcia's motion, Councilmember Goodman's second, 7-0 vote.

57. Approve a resolution directing the City Manager to conduct a study of the effects of growth in Austin metropolitan area and report the findings to Council within 30 days. (Councilmember Max Nofziger and Councilmember Jackie Goodman)

Friendly amendment by Councilmember Nofziger to specify on item three of the resolution in the "BE IT RESOLVED" section the effect of growth in the Austin area, including, but not limited to the effect of growth of traffic, air quality, water resources, tax rates. etc. Also adding a few more things, median family income, the poverty rate, Travis County budget, City of Austin Budget, AISD budget, ACC and Capitol Metro Budget. To also look at objective numbers between 1975 and 1995, approved on, Mayor Pro Tem Garcia's motion, Councilmember Goodman's second 7-0 vote.

58. Consider establishing a "Blue Ribbon Committee" to provide a central focal point for review of strategies to ensure the competitive operation and governance of the Electric Utility Department by the City of Austin. (Councilmember Ronney Reynolds and Councilmember Jackie Goodman)

No action taken

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

59. C14-95-0007 - NEW FIRST CITY TEXAS (Mari Epperson), by Strasburger & Price, L.L.P. (Richard T. Suttle), 5101 to 5201 E. Oltorf Street. From I-SF-2 to LI. Planning Commission Recommendation: To Grant GR-CO, Community Commercial-Conditional Overlay, with the provision of the overlay to limit development to a density that generate less than 2,000 vehicle trips-per-day. (cont'd. from 02/01/96 & 02/15/96)

Approve first reading only

60. C14-95-0008 - NEW FIRST CITY TEXAS (Mari Epperson), by Strasburger & Price, L.L.P. (Richard T. Suttle), 5000 to 5400 E. Oltorf Street. From I-SF-2 to LI. Planning Commission Recommendation: To Grant RR-CO, Rural Residence-Conditional Overlay for Tract 3 and the portion of Tract 1 immediately west of Tract 3 (minimum of 100' wide) and north of a line continuing west of the southern boundary of Tract 3, subject to prohibit access to East Riverside Farms Drive; GO-CO, General Office-Conditional Overlay for the remainder of Tract 1 and all of Tract 2, subject to height limit of 35' and impervious cover limit of 50%; all 3 tracts will be further subject to transportation recommendations contained in the overall zoning staff recommendation. (cont'd. from 02/01/96 & 02/15/96)

Approve first reading only

Approved Planning Commission recommendations, first reading only for items 59 and 60,

subject to new conditions as follows: 1) after any construction is complete, there will be a buffer of dense vegetation on the entire perimeter of the property that does not front on Oltorf; 2) following uses prohibited: residential lodginghouse, automotive rentals, automotive repair service, automotive sales, automotive washing, commercial off-street parking, consumer convenience services, consumer repair services, drop-off recycling collection facility, food sales, funeral services, general retail sales (convenience), general retail sales (general), hotel/motel, indoor entertainment, indoor sports and recreation, outdoor entertainment, outdoor sports and recreation, pawn shop services, pet services, restaurant (drive-in, fast food), restaurant (limited), restaurant (general) service station, theater, community recreation (private) and community recreation (public)

61. C14-95-0161 - SHEPHERD OF THE HILLS CHRISTIAN CHURCH (Thomas T. Smith), by LZT Architects (John Merritt), 6909 West Courtyard Drive. From PUD to MF-1. Planning Commission Recommendation: To Grant MF-1, Multifamily Residence (limited density), subject to: (1) prohibit Condominium, Townhome, Lodging House & Duplex use; and (2) a maximum of one residential unit per acre.

Approve first reading only with Planning Commission recommendations and subject to prohibiting multi-family use.

Items 59 through 61 approved on, Mayor Pro Tem Garcia's motion, Councilmember Shea's second, 6-0 vote, Councilmember Nofziger off the dais.

62. C14-95-0168 - WILLOW/RIVERSIDE (A. Leon Thompson), by Amelia Lopez-Phelps, Consulting, 2427 East Riverside Drive. From SF-3 to MF-3. Planning Commission Recommendation: To Grant MF-3-CO, Multifamily Residence (medium density)-Conditional Overlay, with the provisions of the overlay as follows: (1) limit development to generate less than 2,000 vehicle trips per day; (2) dedication up to 70 feet of right-of-way from the existing centerline of Willow Mill Drive; and (3) limited to 22 units per acre.

Motion to close public hearing on, Mayor Pro Tem Garcia's motion, Councilmember Reynolds' second, 7-0 vote.

Motion to deny on, Councilmember Nofziger's motion, Councilmember Shea's second.

Substitute motion to postpone to April 11, 1996, on, Mayor Pro Tem Garcia's motion, Councilmember Shea's second, 5-0 vote, Councilmembers Shea and Mitchell temporarily absent.

63. C14-95-0188 - MARION SHIPMAN, by Holford Group (Charles Dunn), 12901 to 13005 North FM 620. From I-SF-2 to CS. Planning Commission Recommendation: To Grant CS, Commercial Services, zoning as requested.

Ordinance No. 960321-I approved Planning Commission recommendation, on Mayor Pro Tem Garcia's motion, Councilmember Shea's second, 7-0 vote.

64. C14-80-133 - PHOTRONICS, INC. (Barry K. Rockwell), 2201 Grove Boulevard. RESTRICTIVE COVENANT AMENDMENT. Planning Commission Recommendation: Forward to Council without a recommendation.

Motion to close hearing on items 64 and 65 on, Councilmember Mitchell's motion,

Councilmember Nofziger's second, 6-0 vote, Councilmember Shea off the dais.

Approved amending restrictive covenant by deleting the requirement that a PDA agreement be approved by City Council prior to the issuance of a building permit, and instead requiring compliance with the PDA performance standards 13-2-269 of the LDC for any development of property.

65. C14-95-0199 - PHOTRONICS, INC. (Barry K. Rockwell), 2201 Grove Boulevard. From LI to LI-PDA. Planning Commission Recommendation: Forward to Council without a recommendation.
Ordinance 960321-K approved LI-PDA, limited industrial-planned development area subject to a level of development intensity that will generate less than 2,000 vehicle trips per day, emergency passage.

Items 64 and 65 approved on, Councilmember Mitchell's motion, Councilmember Reynolds' second, 6-0 vote, Councilmember Shea off the dais.

66. C14-96-0001 - BLUE STAR AUSTIN LAND (Stephen Jones), by Riata Development, L.L.X. (Mike Weynand), North U.S. Hwy. 183 & Riata Trace Parkway. From GR-CO to GR-MU. Planning Commission Recommendation:
Ordinance No. 960321-J approved Planning Commission recommendation to grant GR-MU-CO, community commercial-mixed use combining district-conditional overlay zoning subject to the following: 1) a maximum height of 40 feet; 2) prohibit the following uses: automotive rentals, automotive repair, automotive sales, exterminating services, funeral services, hotel-motel, outdoor entertainment (conditional), outdoor sports and recreation, pawn shop services, restaurant (drive-in, fast food); and 3) the recommendations included in the traffic impact analysis memorandum dated July 26, 1994 on, Mayor Pro Tem Garcia's motion, Councilmember Shea's second, 6-0 vote, Councilmember Mitchell off the dais.

67. C14-95-0156 - GOTTESMAN COMPANY, by The Liverman Company (Robert J. Liverman), Duval Road and Amherst Drive. From SF-2 to GR-CO. Planning Commission Recommendation: To Grant NO-CO, Neighborhood Office-Conditional Overlay, with the provisions of the overlay as follows: (1) prohibit access to the abutting section of Dorsett Road; and (2) limit development to generate less than 2,000 vehicle trips per day. A petition of 33.76% has been filed in opposition to this request. (cont'd. from 1/4/96, 2/1/96 & 2/29/96)
Approved first reading with LO-CO zoning subject to CO containing the following restrictions: 1) "NO" site development regulations; 2) Uses allowed would be limited to administrative and business offices, medical offices (other than emergency clinics and similar operations), professional office, software development, and communication services facilities; 3) The structure shall be limited to one story and be residential in character; 4) The primary hours of operation of any use shall be from 8:00 a.m. to 5:00 p.m.; 5) Drainage pipes will be installed in the ditch on the north side of the tract immediately behind the Aspendale Cove property and the ditch shall be filled in; 6) Upon vacation of the Dorsett R-O-W, the property owners shall receive such vacated property as shown on EXHIBIT A; 7) Upon approval by the city, an 8' foot privacy fence shall be placed on the property line between the neighboring single family homes and the office tract. also, the neighbors' side yard fences

will be extended to the new 8' privacy fence by the developer of the property. the neighbors will support the required variances for the permit; 8) A landscaped buffer, including trees, shrubs or other similar plant materials, shall be installed along the above referenced fence and all lighting shall be hooded and designed so that all exterior lighting falls within the office tract and does not shine into the neighboring houses; 9) No driveway onto Aspendale Drive; 10) All expenses for the fence & drainage ditch improvements shall be performed at no cost to the homeowners; and 11) The above referenced improvements shall be made prior to, or simultaneous with the development of the tract on, Mayor Pro Tem Garcia's motion, Councilmember Shea's second, 6-0 vote, Councilmember Mitchell off the dais.

68. C14-78-219 - JOE HAJJAR, North R.M. 620 and Broadmeade. Request for Restrictive Covenant Termination. Planning Commission Recommendation: Approve termination of restrictive covenant. (cont'd. from 2/1/96, 2/8/96 & 2/29/96)
Postponed to March 28, 1996 on, Mayor Pro Tem Garcia's motion, Councilmember Shea's second, 6-0 vote, Councilmember Mitchell off the dais.

PUBLIC HEARING AND APPROVAL OF ORDINANCES/RESOLUTIONS

69. 4:30 P.M. - Public hearing to consider amending the Austin City Code of 1992, by adding a new chapter defining qualified community gardens, adding new section which establish a temporary exemption from the platting requirements and a temporary tap for qualified community gardens and provides an exemption for qualified community gardens from paying water capital recovery fees. (Recommended by Water and Wastewater Commission and Planning Subcommittee)
(Recommended by Planning Commission)
Motion to close public hearing on Councilmember Mitchell's motion, Councilmember Goodman's second, 4-0 vote, Mayor Todd, Councilmembers Nofziger and Shea absent.
70. 5:00 P.M. - Public hearing and approval of the 1995 Bicycle Plan, Part 1.
(Recommended by Planning Commission, Parks Board, Environmental Board, and Urban Transportation Commission)
Motion to close public hearing on, Councilmember Reynolds' motion, Councilmember Goodman's second, 4-0 vote, Mayor Todd, Councilmembers Shea and Mitchell absent.

EXECUTIVE SESSION (No Public Discussion on These Items)

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.

Advice of Counsel - Section 551.071

71. Discuss City of Austin v. Houston Lighting and Power Company, Cause No. 94-007946, in the 11th District Court of Harris County, Texas.

72. Discuss Marie Kershner, et al v. City of Austin, Civil Action No. A-93-CA-381-SS, In the United States District Court, Western District of Texas, Austin Division.
73. Discuss Randall L. Malone v. City of Austin, Cause No. 93-01427; in the 126th District Court of Travis County, Texas.
74. Discuss Shari Elizabeth Holly Blackstone, Individually and as a Representative of the Estate of Michael Lin Holly, Sr., Deceased, and as Next Friend of Sara Elizabeth Holly and Michael Lin Holly, Jr., Minor Children and Claudetta Y. Theiss v. City of Austin, Cause No. 93-10051.

Real Estate Acquisition - Section 551.072

75. Discuss fee simple acquisition for Hornsby Bend Wastewater Treatment Plant project.

Personnel Matters - Section 551.074

76. Discuss appointment of Relief Judges.

ACTION ON THE FOLLOWING

77. Authorize fee simple acquisition of real property located on Platt Lane for the Expansion/Buffer Area for Hornsby Bend Wastewater Treatment Plant project.
Approved in the amount of \$131,200
78. Resolution authorizing settlement of Marie Kershner, et al v. City of Austin, Civil Action No. A-93-381-SS, In the United States District Court, Western District of Texas, Austin Division.
Approved in the amount of not to exceed \$435,000
79. Resolution authorizing waiver of the City of Austin's attorney-client privilege to permit Diana L. Granger, former City Attorney, to testify on behalf of the City in Randall L. Malone v. City of Austin, Cause No. 93-01427, In the 126th District Court of Travis County, Texas.
Approved in the amount of not to exceed \$333,115.52
80. Approve settlement of claims of Shari Elizabeth Holly Blackstone, Individually and as Representative of the Estate of Michael Lin Holly, Sr., Deceased, and as Next Friend of Sara Elizabeth Holly and Michael Lin Holly, Jr., Minor Children and Claudetta Y. Theiss v. City of Austin, Cause No. 93-10051.
Approved, amount reserved for that case only
81. Approve appointment, benefit and compensation package of Relief Judges.
Pulled off agenda
82. **APPOINTMENTS:**

ANIMAL ADVISORY COMMISSION - **BABETTE ELLIS.**

ARTS COMMISSION - **ALBERT VALLE.**

BUILDING STANDARDS COMMISSION - **DANIELLE LUCAS, RICHARD VOGT.**

CHILD CARE COUNCIL - SYLVIA ACOSTA, DR. TIMY BARANOFF, DR. LILA CARL, GWEN CHANCE, TERESA ELLIOTT, DEBRA KEITH-CLINTON, JILL MCRAE, KAREN PRESTON, CHERYL SAWYER
CITY OF AUSTIN COMMISSION FOR WOMEN - DR. BHAMATHI GOPALAKRISHNAN
COMMUNITY DEVELOPMENT COMMISSION - MICHAEL LOFTON, ELVIA CASTRO, HILBERT MALDONADO, KAREN PAUP.
DESIGN COMMISSION - LAURA HEALD.
DOWNTOWN COMMISSION - GLEN REYNOLDS.
ECONOMIC DEVELOPMENT COMMISSION - NANCY (MARION) SANCHEZ-LOZANO.
EMS QUALITY ASSURANCE TEAM - MARY CAMPBELL.
ENVIRONMENTAL BOARD - KIM JENKINS.
ETHICS REVIEW COMMISSION - MARK PERLMUTTER.
HOMELESS TASK FORCE - KIRK BECKER, LEROY TORRES, BOBBIE CLARK.
LIBRARY COMMISSION - JESUS DE LA TEJA.
MAYOR'S COMMITTEE FOR PEOPLE WITH DISABILITIES - BERT WHALEY.
MBE/WBE ADVISORY COMMITTEE - FRANK LAM, CAMILLE HARMON, ANDREW RAMIREZ, JOYCE SMITH, LEE SOLIS, VELVA PRICE.
MECHANICAL, PLUMBING & SOLAR BOARD - MICHAEL PRATHER.
MUSIC COMMISSION - WAYNE GATHRIGHT, DAVID NORIEGA, CARLYNE MAJEWSKI, DONETTA MCCALL
RENAISSANCE MARKET - REV. YOSHIKUNI KANEDA.
SOLICITATION BOARD - JOHN-PAULMORGANTE, DOUGLASS NICHOLS.
STREET CLOSURE TASK FORCE - JEAN GRABER, RICHARD ALEXANDER.
TELECOMMUNICATION COMMISSION - CYNTHIA GALVAN.
URBAN TRANSPORTATION COMMISSION - JIM O'DONNELL.
Approved on Mayor Pro Tem Garcia's motion, Councilmember Goodman's second, 7-0 vote.

Motion to rescind consent motion due to ineligibility of the Ethics Review Commission appointee, Jo Baylor, on Mayor Pro Tem Garcia's motion, Councilmember Shea's second, 7-0 vote.

Motion to approve appointees with exception of Ethics Review Commission appointee, on Mayor Pro Tem Garcia's motion, Councilmember Shea's second, 7-0 vote.

ADJOURNED at 7:10 p.m.

Approved on this the 28th day of March 1996, on, Councilmember Shea's motion, Councilmember Goodman's second, 6-0 vote, Mayor Todd absent.