



Austin City Council MINUTES

SEPTEMBER 12, 1996

Mayor Todd called the meeting to order, Mayor Pro Tem Garcia and Councilmembers Griffith and Mitchell off the dais.

1. Approval of Minutes for Special Called Meeting of August 21, 1996; Regular Meeting of August 22, 1996; Special Called Meeting of September 4, 1996 and Regular Meeting of September 5th, 1996.
Approved on, Mayor Pro Tem Garcia's motion, Councilmember Goodman's second, 7-0 vote.

CITIZEN COMMUNICATIONS: GENERAL

2. Mr. Edward Sledge, to request repeal of the Camping Ordinance.
3. Mr. Gus Pena, to discuss the budget and city staff issues.
4. Mr. James Perry, to request that 18 wheelers traveling through Austin between the hours of 4:00 p.m. to 7:00 a.m. be required to stay in the right lane of traffic.
5. Mr. Robert Thomas, to discuss the Rosewood Recreation Center.
6. Mr. Gavino Fernandez, to discuss the Latino vote U.S.A. - Austin/Travis County Campaign.
Absent
7. Mr. Roger Baker, to discuss matters arising.
8. Mr. Leonard Lyons, to discuss privatization: a rape of community assets or a new start and "Back to Basics."
Absent

ACTION ON CONSENT AGENDA

1:30 P.M. - BOND SALE

9. Approve the defeasance of certain outstanding Combined Utility Systems Revenue Bonds and execution of an Escrow Agreement with Texas Commerce Bank, N.A. and all related documents. (Funding in the amount of \$22,500,000 is available from the Water and Wastewater Utility.)
Ordinance No. 960912-A approved on, Mayor Pro Tem Garcia's motion, Councilmember Reynolds' second, 7-0 vote.

TEMS CONTINUED FROM PREVIOUS MEETINGS

10. Approve a Neighborhood Commercial Management Program (NCMP) loan to Word of Mouth Catering for acquisition of a building located at 1804 Chicon Street for business expansion, in an amount not to exceed \$183,000. [Funding is available in the 1995-96 Special Revenue Fund of the Neighborhood Housing and Conservation Office 21st Year Community Development Block Grant (CDBG)].
Approved on, Councilmember Goodman's motion, Councilmember Griffith's second, 4-1-2 vote, Councilmember Reynolds voting "NO", Councilmember Slusher and Mitchell "ABSTAINING".

ORDINANCES

11. Approve third reading of an ordinance amending Chapter 13-2 of the Austin City Code rezoning property locally known as Southwest Parkway and Wier Hills Road, Case No. C14-94-0144, from "P", Public District and "I-RR", Interim Rural Residence to "SF-2", Single Family Residence (standard lot) and "RR", Rural Residence for area within the 100 year flood plain; FM PROPERTIES OPERATING CO. (Charles Holmes), by Strasburger & Price (David Armbrust). First reading on September 14, 1995; Vote 4-1, Goodman Voting "No", Todd and Shea absent. Second reading on October 5, 1995; Vote 4-3, Goodman, Nofziger and Shea voting "No".
Motion to approve RR on, Councilmember Slusher's motion, Councilmember Griffith's second, 3-3 vote, Mayor Todd, Councilmembers Mitchell and Reynolds voting "NO", Councilmember Goodman off the dais.

Substitute motion by Councilmember Mitchell to approve item as is, Councilmember Reynolds' second, 3-3 vote, Mayor Pro Tem Garcia, Councilmembers Griffith and Slusher voting "NO".

Substitute motion to grant SF-2 with 25% SOS impervious cover on, Councilmember Mitchell's motion, Councilmember Reynolds' second, 3-1-2 vote, Mayor Pro Tem Garcia voting "NO", Councilmembers Griffith and Slusher "ABSTAINING", Councilmember Goodman off the dais.

Motion to postpone item to October 3, 1996 on, Councilmember Reynolds' motion, Councilmember Mitchell's second, 6-0 vote, Mayor Todd off the dais.

12. Approve third reading of an ordinance amending Chapter 13-2 of the Austin City Code rezoning property locally known as E. Parmer Lane and Harris Ridge Blvd., Case No. C14-95-0183, from "I-RR", Interim Rural Residence to "GR", Community Commercial zoning for Tracts 1, 3, and 4; "MF-2", Multifamily Residence (low density) zoning for Tract 2 as amended; "SF-2", Single Family Residence (standard lot) zoning for Tract 5; and "RR", Rural Residence zoning for Tract 6 with the following provisions of a conditional overlay: 1) A north/south collector stub-out at the McAdams/Mueke property line; in the event that the staff recommended collector is not permitted by either the Texas Department of Transportation or the City of Austin, a local street stub-out will be provided at the McAdams/Mueke property line. (These conditions represent the minimal acceptable property connections between the subject property and the adjacent property to the north. The applicant is encouraged to work with the property owners to create a denser network). Note: these last statements in parenthesis would not be part of the conditional overlay. 2) An additional street stub-out be provided at a point midway between that property line and the proposed alignment of Heatherwilde Boulevard with the exact alignment to be subject to City of Austin approval; 3) The

conditional overlay applies to single family development only (applicable to conditions 1 and 2); and all tracts will be subject to the recommendations included in the Transportation Impact Analysis (TIA) Memorandum dated March 19, 1996; RIDGE INVESTORS, LTD. (Darren B. Casey), by Paul M. Juarez and Kenneth W. Brown, AICP. First reading on May 16, 1996; Vote 4-0, Goodman, Mitchell and Nofziger off the dais. Second reading on August 15, 1996; Vote 7-0. Conditions met as follows: Conditional overlay incorporates conditions imposed by Council.

Postponed to September 26, 1996

13. Amend the Austin City Code by modifying the Basic Traffic Ordinance, Section 16-4-5 (A), (B), Speed Limits, to adjust the existing speed zone on Convict Hill Road to 35 mph from Brodie Lane to Saffron Street, 40 mph from Saffron Street to Brush Country Road, 30 mph from Brush Country Road to Flaming Oak Place, and 40 mph from Flaming Oak Place to Escarpment Boulevard. (Funding in the amount of \$900 for the replacement and installation of speed limit signs is available in the 1995-96 General Fund for the Public Works and Transportation Department.)
Ordinance No. 960912-B approved
14. Amend the Austin City Code by modifying the Basic Traffic Ordinance, Section 16-4-4 (D), Speed Limits, by reducing the school zone speed limit on Convict Hill Road from 30 mph to 20 mph, for the protection of students attending Covington Junior High School. (Funding in the amount of \$200 for sign replacement is available in the 1995-96 Child Safety Fund for the Public Works and Transportation Department.)
Ordinance No. 960912-C approved
15. Approve full purpose annexation of Bilbrook Place. (No fiscal impact.)
Ordinance No. 960912-D approved
16. Authorize acceptance of an additional \$26,040 in grant funds from the Mental Health Association in Texas for the AmeriCorps Parenting Education Program, amend Ordinance 950911-A, the 1995-96 operating budget, amending the Special Revenue Fund by appropriating \$26,040 in additional grant funds for the Health and Human Services Department Special Revenue fund, for a total grant amount of \$35,260. (City's match of \$10,239 is available in the proposed 1996-97 operating budget of the Health and Human Services Department.)
Ordinance No. 960912-E approved
17. Authorize acceptance of \$45,000 in grant funds from the State of Texas, Governor's Office Criminal Justice Division, Texas Narcotics Control Program for the purchase of report writing software to assist the Police Department in analyzing crime data; amend Ordinance 950911-A, the 1995-96 operating budget, appropriating \$45,000 in grant funds for the Police Department Special Revenue Fund. (City's match of \$15,000 is available in the 1995-96 operating budget of the Information Systems Department.) **[Related to Item 18]**
Ordinance No. 960912-F approved

RESOLUTIONS

18. Approve execution of a contract with SAS INSTITUTE, INCORPORATED, Cary, North Carolina, for

the purchase of statistical reporting software and training for the Police Department, in an amount not to exceed \$60,000 with four twelve month extension options for software maintenance, in an amount not to exceed \$15,246.00, \$16,770, \$18,448, and \$20,292 respectively, for a total amount not to exceed \$130,756. (Funding in the amount of \$15,000 is available in the 1995-96 operating budget of the Information Systems Department. Funding in the amount of \$45,000 is available in the Special Revenue Fund of the Police Department Narcotics Control Program. Funding for the extension options is contingent upon available funding in future budgets.) Best proposal of two. No M/WBE Subcontracting opportunities were identified. **(Related to Item 17)**

Approved

Items 13 through 18 approved on, Mayor Pro Tem Garcia's motion, Councilmember Reynolds' second, 7-0 vote.

19. Approve execution of a contract with the STATE OF TEXAS DEPARTMENT OF INFORMATION RESOURCES for the purchase and warranty of twenty-four laptop and thirty-three desktop computers for the Police department, in the amount of \$115,933.11. (Funding is available in the 1995-96 Special Revenue Fund of the Police Department.)

Approved on, Mayor Pro Tem Garcia's motion, Councilmember Slusher's second 5-0 vote, Mayor Pro Tem Garcia and Councilmember Mitchell off the dais.

20. Authorize the application for \$714,535 in grant funds from the U.S. Department of Justice, Office of Justice Programs, Grants to Encourage Arrest Policies--Violence Against Women Program, for the Austin Police Department and Travis County to create an Austin/Travis County Family Protection Team, develop an inter-agency management information system, and train police officers, prosecutors and judges regarding the handling of domestic violence cases. (A City match is not required.)

Approved

21. Approve execution of a contract with ORANGE FORD-LINCOLN-MERCURY, Orange, Texas, for the purchase of one hundred police pursuit sedans, in an amount not to exceed \$2,010,300. (Funding is available in the 1996-97 Acquisition Fund.) Low bid of four (4). No M/WBE Subcontracting opportunities were identified.

Approved

22. Approve an amendment to the Brackenridge Project Urban Renewal Plan for property located at 500 and 502 East 11th Street in the City's Brackenridge Project Urban Renewal Area by changing the designation of the property from District R to District B-3. (No fiscal impact.) [Recommended by Urban Renewal Agency and Planning Commission]

Approved

23. Approve negotiation and execution of a contract with ARTSMARKET, Marion, Massachusetts, for a cost analysis of the operation and maintenance needs for the downtown art museum, in the amount of \$72,440. (Funding was included in the 1991-92 Capital Budget for the Parks and Recreation Department.) Best proposal of three (3). No M/WBE Subcontracting opportunities were identified.

Approved

Items 20 through 23 approved on, Mayor Pro Tem Garcia's motion, Councilmember Reynolds'

second, 7-0 vote.

24. Approve the 1996-97 contracts for Cultural Arts Services. (Funding in the amount of \$2,026,753 was included in the 1996-97 proposed budget for the Cultural Arts Fund.)

Pulled from the agenda

25. Approve joining a group of Texas cities in challenging the constitutionality of a provision of the Telecommunications Act of 1996. (No fiscal impact.)

Pulled from the agenda

26. Approve execution of a contract with UNITED PUMP SUPPLY, INC., Austin, Texas, for the purchase of three concrete vaulted aboveground fuel storage systems used by the Fleet Automotive and Equipment Service Centers, in the amount of \$39,800.25. (Funding was included in the 1995-96 Capital budget of the Fleet Services Division.) Low bid of four meeting specifications. No M/WBE Subcontracting opportunities were identified.

Approved

27. Approve execution of a twelve month service agreement through the STATE OF TEXAS COOPERATIVE PURCHASING SYSTEM WITH AIRBORNE EXPRESS, Austin, Texas, for express mail delivery services, in an amount not to exceed \$75,000 with the option to extend for two twelve month periods in an amount not to exceed \$75,000 per extension, for a total amount of \$225,000. (Funding is available in the proposed 1996-97 operating budgets of the user departments. Funding for the extension option is contingent upon available funding in future budgets.) [Recommended by Water and Wastewater Commission]

Approved

Items 26 and 27 approved on, Mayor Pro Tem Garcia's motion, Councilmember Reynolds' second, 7-0 vote.

28. Approve negotiation and execution of a twelve month contract with PCS HEALTH SYSTEMS, INC., Scottsdale, Arizona, to provide managed prescription drug and pharmacy services (under the City of Austin Medical Plan), in an amount not to exceed \$55,000 with two twelve month extension options in an amount not to exceed \$55,000 per extension, for a total contract amount not to exceed \$165,000. (Funding in the amount of \$41,250 is available in the proposed 1996-97 operating budget of the Employee Benefits Fund. Funding for the remaining \$13,750 and the extension options is contingent upon available funding in future budgets.) Best proposal of eight. No M/WBE Subcontracting opportunities were identified.

Approved on, Mayor Pro Tem Garcia's motion, Councilmember Reynolds' second, 6-0-1 vote, Councilmember Mitchell "ABSTAINING".

29. Approve negotiation and execution of a contract with WESTECH INFORMATION SYSTEMS, INC., Vancouver, British Columbia, for the purchase of seventeen hand-held pen based computers with software, training and installation to comprise an EMS Patient Medical Information System, in an amount not to exceed \$214,000 with an option to purchase an additional 10 hand-held pen based computers within six months, for an amount not to exceed \$67,000, for a total amount not to exceed \$281,000. (Funding is available in the 1995-96 operating budget of the Emergency Medical Services Department. Funding for the extension option is contingent upon approval of the 1996-97

operating budget.) Best proposal of two. No M/WBE Subcontracting opportunities were identified.

Approved

30. Approve execution of a contract with MUNIZ CONCRETE & CONTRACTING COMPANY, (MBE/MH), Austin, Texas, for accessibility improvements at Sanchez School Playground and Dottie Jordan Park, as per the Americans with Disabilities Act (ADA), in the amount of \$52,465. (Funding in the amount of \$11,250 was included in the 1995-96 Amended Capital budget and \$41,215 was included in the 1991-92 Amended Capital budget of the Parks and Recreation Department.) Low bid of five. 90.5% MBE Prime participation, 9.5% WBE Subcontractor participation.

Approved

Items 29 and 30 approved on, Mayor Pro Tem Garcia's motion, Councilmember Reynolds' second, 7-0 vote.

31. Approve ratification of an emergency purchase with GREENSCAPE PUMP SERVICES, INC., Carrollton, Texas, for the replacement and repair of the Roy Kizer Golf Course pump station, in the amount of \$70,824.29. (Funding is available in the 1995-96 operating budget of the Golf Enterprise Fund of the Parks and Recreation Department.) No M/WBE Subcontracting opportunities were identified.

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

32. Approve execution of a twelve month supply agreement with BROWNING-FERRIS, INC., Del Valle, Texas, to provide chemical toilet services at City parks during special events, in an amount not to exceed \$66,255 with the option to extend for two twelve month periods in an amount not to exceed \$66,255 per extension, for a total amount of \$198,765. (Funding in the amount of \$5,521.25 is available in the 1995-96 operating budget of the Parks and Recreation Department. Funding for the remaining \$60,733.75 and the extension options is contingent upon available funding in future budgets.) Low bid of three. No M/WBE Subcontracting opportunities were identified.

Approved

33. Approve execution of an Interlocal Agreement with the STATE OF TEXAS DEPARTMENT OF INFORMATION RESOURCES, Austin, Texas, for hardware maintenance for two Xerox mainframe printers located at Waller Creek Plaza, in an amount not to exceed \$134,880 with three one year extension options in an amount not to exceed \$148,368 in the second year, \$163,204.80 in the third year, and \$179,525.28 in the fourth year, for a total contract amount not to exceed \$625,978.08. (Funding is available in the 1995-96 operating budget of the Information Systems Department. Funding for the extension options is contingent upon available funding in future budgets.) Sole source.

Approved

34. Approve execution of a construction contract with MUNIZ CONCRETE AND CONTRACTING COMPANY, (MBE/MH), Austin, Texas, for miscellaneous repairs to the Leachate/Slope Remediation at the F.M. 812 Landfill, in the amount of \$45,246.75. (Funding was included in the 1995-96 Capital budget of the Solid Waste Services Department.) Low bid of four. 91.16% MBE Prime participation, 8.84% WBE Subcontractor participation.

Approved

Items 32 through 34 approved on, Mayor Pro Tem Garcia's motion, Councilmember Reynolds' second, 7-0 vote.

35. Approve execution of a contract with INTERSECTION DEVELOPMENT CORPORATION INDICATOR CONTROLS, Fullerton, California, for the purchase of fifteen traffic controllers for the Public Works and Transportation Department, in an amount not to exceed \$69,705. (Funding is available in the 1995-96 operating budget of the Public Works and Transportation Department.) Low bid of five. No M/WBE Subcontracting opportunities were identified.
Pulled due to a bid protest.
36. Approve an agreement with the TEXAS DEPARTMENT OF TRANSPORTATION to furnish and install emergency pre-emption traffic signal control equipment in the central business district (between Lamar, I.H. 35, Cesar Chavez and Martin Luther King). [The estimated total cost for the project, including the State's 2% administrative cost is \$306,000. The State, through the Austin Transportation Study, will secure the federal share of funding required for the project in an amount not to exceed \$240,000 or eighty-percent of the cost, whichever is less. The City will be responsible for the State's two percent administrative cost (\$6,000) associated with the plan, plus an amount not less than twenty-percent of the total cost (\$60,000). \$49,274.28 was included in the 1991-92 Capital budget and \$16,725.72 was included in the 1995-96 Capital budget of the Public Works and Transportation Department.]
Approved
37. Authorize payment to the STATE OF TEXAS for participation in the real property acquisition for the U.S. 183 Project, in the amount of \$919,250. (Funding was included in the 1991-92 Capital budget of the Public Works and Transportation Department.)
Approved
38. Approve execution of a construction contract with NBS CONSTRUCTION, INC., Manor, Texas, for new sidewalk construction along Rogge Lane and Johnny Morris Road, in the amount of \$116,247.50. (Funding is available in the 1995-96 operating budget of the Child Safety Fund.) Low responsive bid of seven. 6.20% MBE, 5.94% WBE Subcontractor participation.
Approved
39. Approve execution of a maintenance service agreement with TRAVIS PAVING COMPANY, (MBE/MH), Austin, Texas, to provide for the periodic and on-call repair, rehabilitation and maintenance of existing detention, sedimentation and filtration ponds in the northwest and southwest areas of Austin, in the amount of \$523,400. (Funding in the amount of \$350,000 is available in the 1995-96 operating budget of the Drainage Utility. Funding for the remaining \$173,400 is contingent upon available funding in future budgets.) Low bid of six. 96.43% MBE Prime participation. 0.61% MBE, 3% WBE Subcontractor participation.
Approved
40. Approve execution of a construction contract with RYAN-O EXCAVATING, INC., Dripping Springs, Texas, for the construction of storm sewer improvements located along HillCrest Drive, Cameron Road and Glencrest Drive, in the amount of \$636,769.49 (Funding in the amount of \$535,476.83 was included in the 1992-93 Capital budget and \$55,377.26 was included in the 1995-96 Capital

budget of the Drainage Utility; \$15,915.40 was included in the 1991-92 Capital budget of the Water and Wastewater Utility.) Low bid of three. 24.00% MBE, 8.50% WBE Subcontractor participation. (Recommended by Water and Wastewater Commission)

Approved

41. Approve execution of a construction contract with D. CARLSON & CO., INC., Austin, Texas, for the A.R. Davis Water Treatment Plant Pump Station Improvements, in the amount of \$847,240. (Funding is included in the 1995-96 Capital Budget of the Water and Wastewater Utility.) Low bid of four (4). 5.92% MBE, 0% WBE Subcontractor participation. (Recommended by Water and Wastewater Commission)

Approved

42. Approve execution of a construction contract with CHASCO CONTRACTING, INC., Austin, Texas, for construction of the Yett Creek Regional Stormwater Detention Pond, in the amount of \$343,646.50. (Funding was included in the 1994-95 Capital budget of the Drainage Utility Department.) Low bid of seven. 24.86% MBE, 8.79% WBE Subcontractor participation.

Approved

43. Approve execution of a contract with VERMEER EQUIPMENT OF TEXAS, INC., Austin, Texas, for the purchase of one truck-mounted hydraulic crane and steel platform to be used in the construction and maintenance of wastewater lines, in the amount of \$58,145. (Funding is available in the 1995-96 operating budget of the Water and Wastewater Utility.) Low bid of four. No M/WBE Subcontracting opportunities were identified. (Recommended by Water and Wastewater Commission)

Approved

44. Approve execution of a twelve month supply agreement with BOS SAND COMPANY, Frankfort, Illinois, for the purchase of anthracite filter material used in the water treatment process by the Water and Wastewater Utility, in an amount not to exceed \$73,785 with two twelve month extension options in an amount not to exceed \$73,785 per extension, for a total contract amount not to exceed \$221,355. (Funding is available in the 1996-97 operating budget of the Water and Wastewater Utility. Funding for the extension options is contingent upon available funding in future budgets.) Low bid of six meeting specifications. No M/WBE Subcontracting opportunities were identified. (Recommended by Water and Wastewater Commission)

Approved

45. Authorize negotiation and execution of Amendment #8 to the professional services agreement with TURNER COLLIE AND BRADEN, INC., Austin, Texas, for additional Phase II design and Phase III construction management engineering services for the Green Water Treatment Plant General Improvements Project, in an amount not to exceed \$327,600, for a total amount of \$1,149,312. (Funding was included in the 1991-92 Capital budget of the Water and Wastewater Utility.) [Recommended by Water and Wastewater Commission]

Approved

46. Ratify a maintenance contract with DATA RESEARCH ASSOCIATES, St. Louis, Missouri, for maintenance support for the Austin Public Library's automated library system in the amount of \$91,223 with two twelve month extension options in an amount not to exceed \$94,961 for the first

option and \$104,457 for the second option, for a total contract amount not to exceed \$290,641. (Funding in the amount of \$91,223 is available in the 1995-96 operating budget of the Austin Public Library. Funding in the amount of \$94,961 is included in the proposed 1996-97 operating budget of the Austin Public Library. Funding for the remaining extension option is contingent upon available funding in future budgets.)

Approved

Items 36 through 46 approved on, Mayor Pro Tem Garcia's motion, Councilmember Reynolds' second, 7-0 vote.

47. Approve execution of a construction contract with JORDAN-WHITFIELD, INC., Austin, Texas, for renovation of the Cesar Chavez Building located at 1111 East Cesar Chavez Street, for the Health and Human Services Department, in the amount of \$1,013,100. (Funding in the amount of \$994,310.00 was included in the 1994-95 Capital budget of the Austin Travis County Health and Human Services Department Disproportionate Share Fund; and \$18,790 is available in the 1994-95 Capital budget of the Planning, Environmental and Conservation Services Department.) Low bid of two. 13.19% MBE, 0.3% WBE Subcontractor participation.

Postponed to October 3, 1996

48. Approve a supplemental amendment to a service agreement with LEIGH FISHER ASSOCIATES, airport advisory services San Francisco, California, extending the agreement for one twelve month period in an amount not to exceed \$200,000 with two twelve month extension options in an amount not to exceed \$200,000 per extension, for a total amount of \$600,000. (Funding was included in the 1995-96 Capital budget of the Aviation Department.) 0% MBE, 5% WBE Subcontractor participation.

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

49. Authorize negotiation and execution of a professional services agreement with BARNES ARCHITECTS, Austin, Texas, for Phase I architectural design services and construction phase services for the North Austin Service Center, located at 10414 McKalla Place, in the amount of \$225,000. (Funding was included in the 1995-96 Capital budget of the Solid Waste Services.) Best qualification statement of twelve. 20.0% MBE, 20.0% WBE Subconsultant participation. (Recommended by Water and Wastewater Commission)

Postponed to September 26, 1996

50. Approve negotiaton and execution of a five year contract award with AUSTIN CONVENTION AND VISITORS BUREAU, INC., for tourism and convention sales, in an estimated amount not to exceed \$3,300,877. (Funding is included in the 1996-97 operating budget of the Tourism and Promotion Fund; funding for the final four years of the contract period is contingent upon available funding in future budgets.)

Postponed to September 26, 1996

51. Ratify a contract with Houston-Galveston Area Council of Governments Cooperative Purchasing Program (H-GAC) for the purchase of one aerial fire apparatus, in the amount of \$522,447, and approve execution of a contract for three fire pumpers in the amount of \$832,409.43 and one aerial fire apparatus, in the amount of \$522,447, for a total amount of \$1,354,856.43. (Funding is available in the 1996-97 Vehicle Acquisition Fund.)

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

52. Approve negotiation and execution of an entertainment facility management contract with LEISURE MANAGEMENT INTERNATIONAL (LMI), INC., Houston, Texas, for the management of the Central City Entertainment Center (CCEC), for the first phase (approximately 16 month start-up period), in an amount not to exceed \$458,991, and for a second phase (five years) with a minimum \$100,000 annual management fee (\$500,000 for 5 years) and an incentive allowance of up to \$25,000 per year (\$125,000 for five years) for a total amount not to exceed \$1,083,991 with three five year extension options, in an amount not to exceed \$625,000 per option. (Funding in the amount of \$156,769 is included in the 1996-97 operating budget of the Parks and Recreation Department. This amount covers the first twelve months of the contract. The remaining balance of \$302,222 for Phase I is contingent upon funding appropriation in the 1997-98 operating budget; funding for Phase II and subsequent extension options is contingent upon future available budgets.) Best proposal of two. No M/WBE Subcontracting opportunities were identified.

Approved on, Mayor Pro Tem Garcia motion, Councilmember Reynolds' second, 5-0-2 vote, Councilmembers Griffith and Slusher "ABSTAINING".

53. Set public hearings for the full purpose annexation of the following areas: Lamplight Village/Tomanet Estates; North Park Estates; North Oaks Park; Wong Tract; Arnold Tract; Estates of Brentwood; Great Hills; Engling/Park West; Loop 360 ROW; Airport Acquisition area. (Suggested dates and times: September 26 and October 3, 1996 at 6:30 p.m. An additional on-site public hearing in the Lamplight Village/Tomanet Estates area will be held on October 1, 1996 at 6:30 p.m. and an on-site public hearing in the North Park Estates area will be held on October 2, 1996 at 6:30 p.m.)

Approved

Electric Utility (Items 54-75)

54. Approve execution of a construction contract with RESOURCE ENGINEERING AND MANAGEMENT, INC., San Antonio, Texas, for site PCB decontamination and remediation services for the Seaholm Substation Remediation project, in the amount of \$334,405. (Funding is available in the 1995-96 operating budget of the Electric Utility Department.) Low bid of five. No M/WBE Subcontracting opportunities were identified. (Recommended by Electric Utility Commission)

Approved

55. Approve negotiation and execution of a twelve month service agreement with ON-LINE RESOURCES, INC., Longwood, Florida, for computer software programming services for the engineering software systems, in an amount not to exceed \$350,000 with the option to extend for two additional twelve month periods in an amount not to exceed \$325,000 per extension, for a total contract amount not to exceed \$1,000,000. (Funding is available in the 1995-96 operating budget of the Electric Utility Department. Funding for the extension option is contingent upon available funding in future budgets.) Best proposal of thirteen. 15% MBE, 15% WBE Subcontractor participation. (Recommended by Electric Utility Commission)

Approved

56. Approve execution of a twelve month service agreement with SHERMCO INDUSTRIES, Dallas, Texas, to overhaul air magnetic circuit breakers, in an amount not to exceed \$50,000 with the option

to extend for two additional twelve month periods in an amount not to exceed \$50,000 per extension, for a total contract amount not to exceed \$150,000. (Funding in the amount of \$4,166.67 is available in the 1995-96 operating budget of the Electric Utility Department. Funding for the remainder of the contract and the extension options is contingent upon available funding in future budgets.) Low bid of nine meeting specifications. No M/WBE Subcontracting opportunities were identified. (Recommended by Electric Utility Commission)

Approved

57. Approve execution of a twelve month service agreement with THIELSCH ENGINEERING, INC., Cranston, Rhode Island, for maintenance of electric utility generation equipment for Holly Street, Decker Creek and Seaholm power plants, in the amount of \$1,473,745 with the option to extend for up to four twelve month periods in an amount not to exceed \$1,473,745 per extension, for a total contract amount of \$7,368,725. (Funding in the amount of \$122,812 is available in the 1995-96 operating budget of the Electric Utility Department. Funding for the remainder of the contract and the extension options is contingent upon available funding in future budgets.) Low bid of nine. 14.1% MBE, 15% WBE Subcontractor participation. (Recommended by Electric Utility Commission)

Approved

58. Approve execution of a contract with SIEMENS ENERGY AND AUTOMATION, INC., Grand Prairie, Texas, for the purchase of seven metal-clad switchgear, in the amount of \$1,005,994. (Funding was included in the 1995-96 Capital budget of the Electric Utility.) Low bid of nine meeting specifications. No M/WBE Subcontracting opportunities were identified. (Recommended by Electric Utility Commission)

Approved

59. Approve execution of a contract with WESTERN WASTE INDUSTRIES, A USA WASTE SERVICES, INC., COMPANY, Pasadena, Texas, for the transportation and disposal of polychlorinated biphenyls (PCBs) and petroleum hydrocarbons, in the total amount of \$508,875. (Funding is available in the 1995-96 operating budget of the Electric Utility Department.) Low bid of six. No M/WBE Subcontracting opportunities were identified. (Recommended by Electric Utility Commission)

Approved

60. Approve execution of a contract with SOUTHERN STATES, INC., c/o ELTEK, INC., Arlington, Texas, for the purchase of twenty-six air switches, in the amount of \$94,900. (Funding was included in the 1995-96 Capital budget of the Electric Utility.) Low bid of five. No M/WBE Subcontracting opportunities were identified. (Recommended by Electric Utility Commission)

Approved

61. Approve execution of a twelve month service agreement with AFS ENVIRONMENTAL, INC., (WBE/FR), Austin, Texas, for the installation, maintenance and removal of silt fencing services, in an amount not to exceed \$44,000 with two twelve month extension options in an amount not to exceed \$44,000 per extension, for a total contract amount of \$132,000. (Funding in the amount of \$3,667 is available in the 1995-96 operating budget of the Electric Utility Department. Funding for the remainder of the contract and the extension options is contingent upon available funding in future budgets.) Low bid of three. 100% WBE Prime participation. No M/WBE Subcontracting opportunities were identified. (Recommended by Electric Utility Commission)

Approved

62. Approve execution of a contract with GE HITACHI HVB, San Antonio, Texas, for the purchase of eighteen outdoor power circuit breakers, in the amount of \$927,000. (Funding was included in the 1995-96 Capital budget of the Electric Utility Department.) Low bid of five. No M/WBE Subcontracting opportunities were identified. (Recommended by Electric Utility Commission)

Approved

63. Approve execution of a contract with POWERSAFE STANDBY BATTERIES c/o GRIFFITH-HERRON MIDDLEBROOK, San Antonio, Texas, for the purchase of six storage batteries for installation at Dessau, Brodie Lane, Burluson and Bergstrom Substations, in the amount of \$68,872. (Funding in the amount of \$44,264 was included in the 1995-96 Capital budget of the Electric Utility. Funding in the amount of \$24,608 is available in the 1995-96 operating budget of the Electric Utility Department.) Low bid of seven. No M/WBE Subcontracting opportunities were identified. (Recommended by Electric Utility Commission)

Approved

64. Approve execution of a twelve month supply agreement with VALMONT/TULSA, Arlington, Texas, for galvanized structural steel for use in the construction and modification of electric substations, in the amount of \$439,648 with the option to extend for up to two twelve months periods in the amount of \$304,914 per period, for a total contract amount of \$1,049,476. (Funding was included in the 1995-96 Capital budget of the Electric Utility.) Low bid of four. No M/WBE Subcontracting opportunities were identified. (Recommended by Electric Utility Commission)

Approved

65. Approve execution of a contract with GENERAL ELECTRIC SUPPLY, Austin, Texas, for the purchase of auxiliary relays used to detect power system conditions, in the amount of \$37,520. (Funding was included in the 1995-96 Capital budget of the Electric Utility.) Low bid of two. No M/WBE Subcontracting opportunities were identified. (Recommended by Electric Utility Commission)

Approved

66. Approve execution of a contract with ABB POWER T&D COMPANY, Greensburg, Pennsylvania, for the purchase of thirteen outdoor circuit switchers, in the amount of \$497,250. (Funding was included in the 1995-96 Capital budget of the Electric Utility Department.) Low bid of four meeting specifications. No M/WBE Subcontracting opportunities were identified. (Recommended by Electric Utility Commission)

Approved

67. Approve execution of a contract with GENERAL ELECTRIC SUPPLY COMPANY, Austin, Texas, for the purchase of fifty-one three-phase, pad mounted distribution transformers, in the amount of \$419,426. Low bid of four. No M/WBE Subcontracting opportunities were identified. (Recommended by Electric Utility Commission)

Approved

68. Approve execution of two twelve month service agreements for the rental/lease of aerial towers with COMMERCIAL BODY CORPORATION, San Antonio, Texas, in the amount of \$396,000 and GMI

RENTAL AND LEASE, INC., Houston, Texas, in an amount not to exceed \$160,740, for a total amount of \$556,740 with the option to extend for two additional twelve month periods in the amounts of \$396,000 and \$160,740 respectively, for a total amount not to exceed \$1,670,220. (Funding for an estimated \$46,395 is available in the 1995-96 operating budget of the Electric Utility. Funding for the remainder of the contract and the extension options is contingent upon available funding in future budgets.) Low bids of three meeting specifications. No M/WBE Subcontracting opportunities were identified. (Recommended by Electric Utility Commission)

Approved

69. Approve a contract with J.W. HARLEY, c/o BUTLER AND LAND, INC., Houston, Texas, for the purchase of twelve transformer oil pumps with measurement systems, in the amount of \$75,255. (Funding was included in the 1995-96 Capital budget of the Electric Utility Department.) Sole Source. No M/WBE Subcontracting opportunities were identified. (Recommended by Electric Utility Commission)

Approved

Items 53 through 69 approved on, Mayor Pro Tem Garcia's motion, Councilmember Reynolds' second, 7-0 vote.

70. Authorize negotiation and execution of a twelve month contract with each of the following three firms: ROY F. WESTON, INC., Austin, Texas; PARSONS ENGINEERING SCIENCE, INC., Austin, Texas; RADIAN INTERNATIONAL, L.L.C., Austin, Texas, for environmental consultation, engineering and project management services for environmental mitigation projects, in an amount not to exceed \$1,245,000 per contract with yearly options to extend for three additional years, for a total amount not to exceed \$4,980,000. (Funding in the amount of \$1,245,000 is available in the 1995-96 operating budget of the Electric Utility Department. Funding for the extension options is contingent upon available funding in future budgets.) Best qualification statement of twelve. Roy F. Weston, Inc.: 10% MBE, 19% WBE; Parsons Engineering Science, Inc.: 10% MBE, 20% WBE; Radian International, L.L.C.: 9% MBE, 19% WBE subconsultant participation. (Recommended by Electric Utility Commission)

Substitute motion by Councilmember Reynolds to change to 1 year and 2 extensions, Councilmember Goodman's second

Substitute motion by Mayor Pro Tem Garcia to 1 year and 1 year extensions, Councilmember Griffith's second, 4-2 vote, Mayor Todd and Councilmember Reynolds voting "NO", Councilmember Mitchell off the dais.

71. Approve the purchase of an easement covering 2.0807 acres of land from T.C. Steiner, located at 1900 Thornberry Road in Travis County, Texas, for the construction of a 138kv transmission line between the Onion Creek and Bergstrom electric substations, in the amount of \$90,636. (Funding was included in the 1995-96 Capital Budget for the Electric Utility Department.) [Recommended by Electric Utility Commission]

Approved

72. Approve the purchase of a .9831 acre tract of land and an easement containing 1.8838 acres from Jeanette Dawson Carrol, Nancy Dawson Dittmar, Martha Dawson Burks and Diana Dawson Dobie, located at 9599 Brodie Lane for the construction of a 138/12.5kv electric substation, in the amount

of \$77,000. (Funding was included in the 1995-96 Capital Budget for the Electric Utility Department.) [Recommended by Electric Utility Commission]

Approved

73. Approve the purchase of an easement covering 6.2047 acres of land from Mary C. Gilbert, located off of FM 973 in Travis County, Texas, for the construction of a 138kv transmission line between the Onion Creek and Bergstrom electric substations, in the amount of \$50,000. (Funding was included in the 1995-96 Capital Budget of the Electric Utility Department.) [Recommended by Electric Utility Commission]

Approved

Items 71 through 73 approved on, Mayor Pro Tem Garcia's motion, Councilmember Reynolds' second, 7-0 vote.

74. Adopt a public hearing process for modifying the current electric rates and tariffs of the City of Austin.

No vote necessary

75. Authorize creation of an 11 member steering committee to assist in informing and educating Austin's community on the changing electric utility industry, the impact of these changes on the future of Austin's Electric Utility, and future options for Austin's Electric Utility.

No vote necessary

ITEMS FROM COUNCIL

76. Approve second/third reading amending the Bicycle Helmet Ordinance. (Councilmembers Jackie Goodman and Daryl Slusher)

Ordinance No. 960912-G approved on, Councilmember Goodman's motion, Councilmember Slusher's second, 6-0 vote, Councilmember Mitchell off the dais.

77. Approve an ordinance waiving water and wastewater connection fees and wastewater Capital Recovery Fees for reconnection of water and wastewater service to two tracts comprising the Oak Hill Youth Sports Association athletic fields at Joe Tanner Road and McCarty Lane, in an amount not to exceed \$18,967. (Councilmembers Eric Mitchell and Ronney Reynolds)

Ordinance No. 960912-M approved on, Councilmember Mitchell's motion, Councilmember Reynolds' second, 7-0 vote.

78. Approve an ordinance granting to River City Youth and Family Builders a waiver of development fees associated with the relocation and repair of a structure that will serve as the Dove Springs Youth & Family Services Center, located at 5209 South Pleasant Valley Road, in the amount of \$6,034. (Mayor Pro Tem Gus Garcia and Councilmember Beverly Griffith)

Ordinance No. 960912-N approved, on Mayor Pro Tem Garcia's motion, Councilmember Reynolds' second, 7-0 vote.

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

79. C14H-85-011 - NICHOLS-GELLMAN BUILDING, by Sarah Crocker, 201 E. 6th St. From CBD to

CBD-H. Planning Commission Recommendation: To Grant CBD-H, Central Business District Historic Overlay zoning based upon the structure meeting criteria numbers 1, 4, 6, 8, 9, 11, 12 and 13.

Ordinance No. 960912-J approved

80. C14-96-0049 - C.O.A.-ELECTRIC UTILITY, 9700 to 9800 Brodie Lane. From DR to P. Planning Commission Recommendation: To Grant P, Public District, zoning as requested.

Ordinance No. 960912-K approved

81. C14-96-0051 - OGDEN FARMS (Richard Jordan), by Amelia Lopez-Phelps Consulting (Amelia Lopez-Phelps), Approximately 5500 Block S. IH-35 Service Road NB. From SF-3 to GR & RR. Planning Commission Recommendation: To Grant GR-CO, Community Commercial-Conditional Overlay for Tract 1, and RR, Rural Residence for Tract 2 (property located within the 100-year flood plain). The conditional overlay will limit development on subject property to generate less than 2,000 vehicle trips per day. The applicant has agreed to provide a 15 foot pedestrian corridor adjacent and parallel to IH-35 frontage road between the GR tract (Tract 1) and the MF-3 tract (site to the south). This corridor will contain no impediments to pedestrian traffic.

Approved first reading only

82. C14-96-0068 - ELLIOT PROPERTIES (Michael B. Elliot), by Jenkins & Gilchrist (Henry H. Gilmore), W. William Cannon Dr. & Westgate Blvd. From SF-3 to LO. Planning Commission Recommendation: To grant LO-CO, Limited Office-Conditional Overlay, subject to the following provisions of the overlay: 1) limit development of subject property to generate less than 2,000 vehicle trips per day, 2) prohibit access to Alford Drive. Note: Prior to third reading, the applicant will execute a private restrictive covenant with the South West Austin Neighborhood Association. (Related case across the street case to be heard by CC on 9-26-96)

Applicant has requested a postponement to October 3, 1996.

83. C14-96-0070 - W. EMERY & GERTIE L. WILLIAMS/HAROLD D. & SUSIE M.DAVIS/DAVIS HOUSTON/PAUL & MARILYN BEAMAN, by Hinman-Halford Architects (Larry Halford), 2510-B, 2510 & 2516 South 1st St. From SF-3 to MF-3. Planning Commission Recommendation: To Grant MF-2-CO, Multifamily Residence (low density)-Conditional Overlay, zoning, for the entire site subject to the following provisions of the overlay: (1) allow a total number of 78 units maximum for the entire site; (2) 40 foot building setback from the property line along Herndon Lane; (3) on the south side of the property within the 25 foot compatibility setback, retain all trees that are 2 inches in diameter or above; (4) provide a masonry/steel or wrought iron fence along the property line with a minimum clearing of 4 feet for landscaping of shrubs to be a visual barrier between the apartment complex and the street; and (5) prohibit access on Herndon Lane and allowed only if required for emergency uses and for the use of pedestrian traffic only. (this case to be reheard by PC on 9-10) Note: A valid petition of 28.27% has been filed in opposition to this rezoning request.

Applicant has withdrawn the zoning application.

84. C14-96-0086 - AUSTIN IH-35 JOINT VENTURE (Kenny Dryden), by The Faust Group (William B. Faust), E. Slaughter Ln. & S. IH-35 Service Rd. From DR to CS. Planning Commission Recommendation: To Grant CS, Commercial Services for Tract 1, and RR, Rural Residence for Tract 2, subject to the recommendations listed in the Transportation Review Memorandum dated August 21, 1996.

Approved first reading only

85. C14-96-0087 - SAGE RESEARCH, LTD. (Pete Lamy), by Fatter & Evans Architects (Mervin Fatter), 9110 Research Blvd. From LI-CO to CS-1. Planning Commission Recommendation: To Grant CS-1, Commercial Liquor Sales, zoning as requested.

Approved first reading only

Items 79 through 85 approved on, Mayor Pro Tem Garcia's motion, Councilmember Slusher's second, 7-0 vote.

86. C14-96-0088 - URSUS INVESTMENTS, INC. (Hank Wessels) 6319 to 6413 South Congress Ave. From SF-3 to LR. Planning Commission Recommendation: To Grant LR-CO, Neighborhood Commercial-Conditional Overlay, with the provision of the overlay to limit development to generate less than 2,000 vehicle trips per day; and prohibit access to Circle S Road and Eberhart Lane.
Ordinance 960212-L approved

Motion to close public hearing and approve on, Councilmember Slusher's motion, Councilmember Goodman's second, 6-0 vote, Mayor Todd off the dais.

PUBLIC HEARINGS

87. 4:30 P.M. - Public hearing on proposed adoption of the 1994 Uniform Fire Code and local amendments.

Motion to close public hearing on, Councilmember Slusher's motion, Councilmember Griffith's second, 5-0 vote, Mayor Todd and Councilmember Mitchell off the dais.

88. 5:00 P.M. - Public hearing on proposed adoption of the 1994 Uniform Building Code and local amendments is for Action only (Item 90). Public hearing was closed on September 5, 1996.

Public hearing closed on September 5, 1996, action only item 90.

ACTION ON PUBLIC HEARINGS

89. Adopt the 1994 Uniform Fire Code and local amendments. (No fiscal impact.) (Recommended by Building and Fire Code Board)

Ordinance No. 960912-H approved on, Councilmember Griffith's motion, Councilmember Goodman's second, 7-0 vote.

90. Adopt the 1994 Uniform Building Code and local amendments. (No fiscal impact.) (Recommended by Building and Fire Code Board and Environmental Board)

Ordinance No. 960912-I approved on, Mayor Pro Tem Garcia's motion, Councilmember Reynolds' second, 7-0 vote.

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

91. Discuss City of Austin v. Power Clearinghouse, Inc., Lloyd Latham, d/b/a Park Place on the Lake Apartments, and Park Place on the Lake Apartments Limited, 250th District Court, Travis County, Cause No. 96-08447 and Complaint of Power Clearinghouse Against the City of Austin Electric Utility Department for Denial of Transmission Service, PUC Docket No. 16147.
92. Discuss Gutierrz et al. v. Mobil Oil Corporation, et al, CA No. 92-04889, Travis County District Court.
93. Discuss contemplated or pending litigation styled Zilker Eagle Inc. v. City of Austin.
94. Discuss Nigel Gusdorf, Martin Thompson and Charles Wood v. City of Austin, CA No. 95-03722, Travis County District Court.
95. Discuss Galloway v. City of Austin, et al., CA, No. 96-03029, Travis County District Court.
96. **APPOINTMENTS**

MAYOR'S COMMITTEE FOR PEOPLE WITH DISABILITIES - AUDLEY BLACKBURN, NANCY CROWTHER.

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

ADDENDUM

September 12, 1996

97. Approve negotiation and execution of a contract with Austin-Rosewood Community Development Corporation to employ an entertainment facility management contractor for the Central City Entertainment Center, for the first phase (approximately 16 month start-up period), in an amount not to exceed \$458,991, and for a second phase (five years) with a minimum \$100,000 annual management fee (\$500,000 for 5 years) and an incentive allowance of up to \$25,000 per year (\$125,000 for five years) for a total amount not to exceed \$1,083,991 with three five year extension options, in an amount not to exceed \$625,000 per option. (Funding in the amount of \$156,769 is included in the 1996-97 operating budget of the Parks and Recreation Department. This amount covers the first twelve months of the contract. The remaining balance of \$302,222 for Phase I is contingent upon funding appropriation in the 1997-98 operating budget; funding for Phase II and subsequent extension options is contingent upon future available budgets.) Best proposal of two. No M/WBE Subcontracting opportunities were identified. (Related to Item 52)
Approved on, Mayor Pro Tem Garcia's motion, Councilmember Reynolds' second, 5-2 vote, Councilmember Griffith and Slusher "ABSTAINING".

CORRECTION

52. Authorize Austin-Rosewood Community Development Corporation to negotiate and enter into an entertainment facility management contract with LEISURE MANAGEMENT INTERNATIONAL (LMI) INC., Houston, Texas, for the management of the Central City Entertainment Center, for the first phase (approximately 16 month start up period), in an amount not to exceed \$458,991, and for a second phase (five years) with a minimum \$100,000 annual management fee (\$500,000 for 5 years) and an incentive allowance of up to \$25,000 per year (\$125,000 for five years) for a total amount not to exceed \$1,083,991, with three five year extension options, in an amount not to exceed \$625,000 per option. (Related to Item 97)

ADJOURNED at 6:15 p.m.

Approved on this the 26th day of September, 1996 on, Councilmember Goodman's motion, Councilmember Griffith's second, 6-0 vote, Mayor Pro Tem Garcia absent.