



Austin City Council MINUTES

OCTOBER 10, 1996

1. Approval of Minutes for Special Called Meetings of September 9 and 10, 1996, October 2, 1996, and Regular Meeting of October 3, 1996.
Approved minutes for Special Called Meeting for September 9, 1996, Special Called meeting September 10, 1996 and Regular Meeting of October 3, 1996 approved on, Councilmember Goodman's motion, Councilmember Mitchell's second 6-0 vote, Mayor Todd absent. Minutes for Special Called Meeting of October 3 postponed to October 24, 1996.

CITIZEN COMMUNICATIONS: GENERAL

2. Mr. Richard Troxell, to discuss homeless issues.
3. Mr. Michael Bonds, to discuss bicycles, Austin PD, City Council.
4. Mr. Gus Pena, to discuss city issues, youth and senior citizen issues.
5. Ms. Karen Hadden, to discuss city issues.
6. Mr. Dale Johnson, to discuss airport issues.
7. Mr. Roger Baker, to discuss matters arising.
8. J, to discuss council procedures.
9. Mr. Dave Schroeder, to discuss need for action to prevent NRCC from causing millions of used tires, and further comments.
Absent
10. Erin Foster, to discuss concerns about increased traffic due to development along RR 1826.
11. Mr. Phillip Underwood, to propose consideration of a resolution to support a complete investigation of the San Jose Mercury News allegations regarding CIA, U.S. Justice Department, and other U.S. agencies in the "Contra" drugs for guns operation.

ITEMS CONTINUED FROM PREVIOUS MEETINGS

12. Set a public hearing on a report from staff on design of the Lamar Bridge Project, future of Lamar and a downtown access study. (Suggested date and time: October 24, 1996 at 6:30 p.m.)
(Councilmembers Jackie Goodman and Daryl Slusher)
Approved

ORDINANCES

13. Approve second/third readings of an ordinance amending Chapter 13-2 of the Austin City Code rezoning property locally known as E. Slaughter Ln. & S. IH-35 Service Rd., Case No. C14-96-0086, from "DR", Development Reserve to "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; AUSTIN IH-35 JOINT VENTURE (Kenny Dryden), by The Faust Group (William B. Faust). First reading on September 12, 1996; Vote 7-0. Conditions met as follows: Restrictive covenant incorporates conditions imposed by Council.
Ordinance No. 961010-A approved
14. Amend Ordinance 920604-A to include ordinances enacted by the City Council since January 31, 1996 to the Code of the City of Austin, 1992, to make it current through September 25, 1996. (Funding in the amount of \$5,000 is available in the 1996-97 operating budget of the Law Department.)
Ordinance No. 961010-B approved
15. Amend the Austin City Code by modifying the Basic Traffic Ordinance, Section 16-4-5 (C) to establish a speed zone on Lakeline Boulevard at 45 mph, from West Rivera Circle to Lake Creek Parkway. (Funding in the amount of \$1,000 for new traffic signs is available in the 1996-97 operating budget of the Public Works and Transportation Department.)
Ordinance 961010-C approved

RESOLUTIONS

16. Approve execution of a construction contract with MANLEY CONSTRUCTION, Pflugerville, Texas, for accessibility and safety improvements (rubber safety surface, wheelchair transfer stations, and an accessible water fountain) at Northwest District Park Playground as compliance of the Americans with Disabilities Act, in the amount of \$80,700. (Funding was included in the 1996-97 Capital budget of the Parks and Recreation Department.) Low bid of five. 7.1% MBE, 9% WBE Subcontractor participation.
Approved
 17. Authorize negotiation and execution of two contracts with the MISSOURI PACIFIC RAILROAD COMPANY, Omaha, Nebraska, for improvements to railroad crossing surfaces on South First Street, between St. Elmo and Ben White Boulevard, and on Woodward Street, between Freidrich Lane and Ben White Boulevard, in the amount of \$95,223. (Funding was included in the 1993-94 Capital budget of the Public Works and Transportation Department.)
Approved
- Items 12 through 17 approved on, Councilmember Griffith's motion, Mayor Pro Tem Garcia's second, 6-0 vote, Mayor Todd absent.**
18. Approve execution of a construction contract with J.C. EVANS CONSTRUCTION COMPANY, INC., Austin, Texas, for the construction of Stassney Lane, from Nuckols Crossing to Burluson Road, in the amount of \$3,844,492.25 with a \$192,224.62 contingency fund for change orders, for a total contract amount not to exceed \$4,036,716.87. (Funding in the amount of \$3,462,864.41

was included in the 1992-93 Capital budget of the Public Works and Transportation Department; \$506,495.85 was included in the 1995-96 Capital budget of the Water and Wastewater Utility; \$67,356.61 was included in the 1995-96 Capital budget of the Electric Utility Department.) Low bid of six. 10.94% MBE, 1.52% WBE Subcontractor participation. (Recommended by Water and Wastewater Commission)

Approved on, Councilmember Reynolds' motion, Councilmember Goodman's second, 6-0 vote, Mayor Todd absent.

19. Authorize negotiation and execution of a Utility Easement to Texas Utility Electric Company (TUElectric) for the Brushy Creek Regional Wastewater Treatment Plant Expansion Project. (The City of Round Rock will pay \$400 for the easement.) [Recommended by Water and Wastewater Commission]

Approved on, Councilmember Griffith's motion, Mayor Pro Tem Garcia's second, 5-0-1 vote, Councilmember Slusher "ABSTAINING", Mayor Todd absent.

20. Approve modifications to the Lower Colorado River Authority's Water Management Plan. (No fiscal impact.) [Recommended by Water and Wastewater Commission]

Approved on, Councilmember Slusher's motion, Councilmember Goodman's second, 6-0 vote, Mayor Todd absent.

21. Approve execution of a twelve month supply agreement with PATHMARK TRAFFIC PRODUCTS, San Marcos, Texas, for the purchase of traffic marking paint, in an amount not to exceed \$123,070 with the option to extend for two twelve month extensions in an amount not to exceed \$123,070 per extension, for a total contract amount not to exceed \$369,210. (Funding is available in the 1996-97 operating budget of the Public Works and Transportation Department. 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.

Approved on, Councilmember Griffith's motion, Mayor Pro Tem Garcia's second, 6-0 vote, Mayor Todd absent.

22. Authorize negotiation and execution of Amendment #1 to the Professional Services Agreement with five engineering firms: RAYMOND CHAN AND ASSOCIATES, INC., (MBE/MA), Austin, Texas; RESOURCE MANAGEMENT, INC., Austin, Texas; ESPEY HUSTON AND ASSOCIATES, INC., Austin, Texas; CAMP DRESSER AND MCKEE, INC., Austin, Texas; LOOMIS AND ASSOCIATES, INC., Austin, Texas, for additional drainage, water quality and erosion control master planning and design professional engineering services, increasing the contract in the amount of \$1,500,000, for a total contract amount not to exceed \$2,500,000. (Funding in the amount of \$1,500,000 was included in the Drainage Utility operating and capital accounts. Other accounts will be used depending upon location of project or study. Proration of maximum amount to each firm will be dependent on project needs and availability of firms.) Raymond Chan and Associates, Inc.: 80% MBE Prime participation. 10% MBE, 5% WBE Subconsultant participation; Resource Management, Inc.: 15% MBE, 10% WBE Subconsultant participation; Espey Huston and Associates, Inc.: 10% MBE, 5% WBE Subconsultant participation; Camp, Dresser and McKee: 10% MBE, 5% WBE Subconsultant participation; Loomis and Associates, Inc.: 10% MBE, 5% WBE Subconsultant participation.

Approved on, Councilmember Goodman's motion Councilmember Griffith's second, 5-0 vote, Councilmember Mitchell off the dais, Mayor Todd absent.

23. Approve execution of a twelve month supply agreement with ACTICARB, Dunnellon, Florida, for the purchase of approximately 383 tons of powdered activated carbon used in the water treatment process by the Water and Wastewater Utility, in an amount not to exceed \$319,831.81 with two twelve month extension options in an amount not to exceed \$319,831.81 per extension, for a total contract amount not to exceed \$959,495.43. (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 two. No M/WBE Subcontracting opportunities were identified. (Recommended by Water and Wastewater Commission)

Approved

24. Approve execution of a construction contract with KEYSTONE CONSTRUCTION INC., Austin, Texas, for construction of a 12-inch wastewater line to eliminate chronic wastewater overflows along Nuckols Crossing Road, from Stassney Lane to Pleasant Valley Road, in the amount of \$208,835. (Funding was included in the 1995-96 Capital budget of the Water and Wastewater Utility.) Low bid of three. 24.4% MBE, 11.5% WBE Subcontractor participation. (Recommended by Water and Wastewater Commission)

Approved

25. Authorize negotiation and execution of an Interlocal Agreement with the TEXAS DEPARTMENT OF TRANSPORTATION (TxDOT) for the relocation of existing water and wastewater utilities as part of the Manchaca Road (F.M. 2304) Water and Wastewater Relocations Phase II Project, from Shiloh Drive to Slaughter Creek, in the amount of \$1,457,587.56. (Funding in the amount of \$1,177,972.56 was included in the 1996-97 Capital budget of the Water and Wastewater Utility; \$279,615 was included in the 1991-92 Capital budget of the Water and Wastewater Utility.) [Recommended by Water and Wastewater Commission]

Approved

26. Approve the adoption of an Official Declaration of Intent to Reimburse acquisition and construction costs of the fiscal year 1996-97 Capital Improvements Projects for the City of Austin Water and Wastewater Utility. (No fiscal impact.)

Approved

27. Authorize negotiation and execution of a State Use Contract with the TEXAS INDUSTRIES FOR THE BLIND AND HANDICAPPED, Austin, Texas, for vegetation control in creeks and detention/sedimentation ponds, and for hauling of excessive vegetation and debris from work performed, in the amount of \$775,000. (Funding is available in the 1996-97 Drainage Utility operating budget.)

Approved

Items 23 through 27 approved on, Councilmember Griffith's motion, Mayor Pro Tem Garcia's second, 6-0 vote, Mayor Todd absent.

28. Approve negotiation and execution of a twelve month contract with BLUE CROSS BLUE SHIELD OF TEXAS, Austin, Texas, to provide a fully insured medical plan for retirees of the City of Austin, in an amount not to exceed \$215,000 with two twelve month extension options in an amount not to exceed \$215,000 per extension, for a total contract amount not to exceed \$645,000. (Funding in

the amount of \$161,250 is available in the 1996-97 Employee Benefits Fund Budget. Funding for the remaining three months and the extension options is contingent upon available funding in future budgets.) Single proposal. No M/WBE Subcontracting opportunities were identified.

Approved on, Councilmember Griffith's motion, Mayor Pro Tem Garcia's second, 5-0-1 vote, Councilmember Mitchell "ABSTAINING", Mayor Todd absent.

29. Approve execution of a Microwave Incumbent Relocation and License Agreement with PRIMECO PERSONAL COMMUNICATIONS, L.P., Westlake, Texas, regarding microwave and related equipment supporting Police, Fire, and EMS Communication Systems. (No fiscal impact.) [To be reviewed by Telecommunications Subcommittee on October 9, 1996.]

Approved

30. Approve negotiation and execution of a professional services agreement with GEOMATRIX, Austin, Texas, for preparation of Phase II Environmental Assessment for Robert Mueller Municipal Airport (RMMA), in an amount not to exceed \$500,000. (Funding is available in the 1996-97 Mueller Airport Disposition Fund.) Best proposal of eleven. 17% MBE, 18% WBE Subcontractor participation. (Recommended by Airport Advisory Board)

Approved

31. Approve an amendment to the professional services agreement with FORD, YUNGBLUT, WHITE AND SALAZAR to provide legal services for aviation related issues, in the amount of \$50,000, for a total contract amount not to exceed \$87,000. (Funding was included in the 1996-97 Capital budget of the Aviation Department.) No M/WBE Subcontracting opportunities were identified.

Approved

32. Approve execution of a contract with RES/COM DATA TECH, Austin, Texas, to provide voice and data cabling for building 4920 of the Solid Waste Department, in an amount not to exceed \$48,284.25. (Funding is available in the 1996-97 operating budget of Solid Waste Services.) Low bid of five meeting specifications. No M/WBE Subcontracting opportunities were identified.

Approved

33. To set a public hearing on an appeal of Planning Commission's approval of a Hill Country Roadway site plan for a 256 unit residential condominium project known as Bluffstone. (Suggested date and time: October 31, 1996 at 4:30 p.m.)

Approved

ITEMS FROM COUNCIL

34. Approve an ordinance amending the Austin City Code by re-establishing the Downtown Commission and reappointing its members. (Fiscal impact is \$4,500. Funding is available in the 1996-97 operating budget of the Planning, Environmental and Conservation Services Department.) [Councilmembers Daryl Slusher and Jackie Goodman]

Approved with amendments from Councilmember Slusher.

35. Direct the City Manager to develop amendments to Title 8 of the Austin Code providing notice to all property owners within 300 feet of an establishment seeking a waiver from the prohibition against the sale of alcoholic beverages within 300 feet of a church, public school, or public hospital, to

provide for an application process, to develop an amendment to the fee ordinance to provide for an application fee, and to report back to council with recommendations within thirty days.
(Councilmember Eric Mitchell)

Approved

Items 29 through 35 approved on, Councilmember Griffith's motion, Mayor Pro Tem Garcia's second, 6-0 vote, Mayor Todd absent.

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

36. C14-96-0071 - KATHERINE REYNOLDS (William Shepherd), by Dunagan, Weichert, Houston (Glenn K. Weichert), 3003 West 35th Street. From SF-3 to SF-6. Planning Commission Recommendation: To Grant SF-6-CO, Townhouse and Condominium-Conditional Overlay, zoning with the provisions of the conditional overlay as follows, subject to a 10 foot minimum building setback from all adjoining properties. Note: There is a valid petition of 25.13% filed on 10/02/96 in opposition to this request. (Continued from: 8/22/96 - NEIGHBORHOOD, 9/5/96 - APPLICANT, 10/03/96 - COUNCIL).

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

Approved first reading only and to bring back in three weeks on, Councilmember Griffith's motion, Councilmember Slusher's second, 4-0 vote, Councilmembers Mitchell and Reynolds off the dais, Mayor Todd absent.

PUBLIC HEARINGS (see correction at bottom of page)

37. Public hearing on impact of the 1996-97 budget on neighborhood/community policing initiatives and programs. (Councilmembers Jackie Goodman and Eric Mitchell)
Motion to close public hearing on, Councilmember Reynolds' motion, Councilmember Slusher's second, 5-0 vote, Councilmember Mitchell off the dais, Mayor Todd absent.

ACTION ON PUBLIC HEARINGS

38. Possible action on impact of the 1996-97 budget on neighborhood/community policing initiatives and programs. (Councilmembers Jackie Goodman and Eric Mitchell)
Substitute motion by Councilmember Goodman to: short term) Direct City Manager to look, with Chief Watson, at any further "redeployment" possibilities which could return even part-time uniformed presence to the "Citizens on Patrol" (C.O.P.S.) Program, and any other program which had previously included a uniformed officer; mid term: To receive, by January 15, 1997, staff response on the possibility of beginning replacement of Officer participation in community policing programs, with departmental entry of the December 1996 graduating class. (as opposed to waiting until October, 1997); long term: 1) to begin identifying public safety imperatives for FY 1997-98 and associated costs; 2) to begin discussion of further incentives programs [to address officers' morale, i.e. possible mitigation of another huge number of retirements], such as the take home-car program, a home-ownership program, an enhanced tuition-reimbursement program etc.; 3) as well as the possibilities for increased cooperative endeavors in conjunction with the Travis County Sheriff's Department, in addition, in response to concerns about the downsizing of the proposed

south(east) substation. A future agenda item is proposed by Councilmember Reynolds for a public hearing to get citizen input on possible improvement options; additional funds to be identified, to allow the original project to be built; (perhaps in conjunction with leased interim space in the soon-to-be-vacated space [Recreation Center] at Stassney & Pleasant Valley); modification of facility design to provide for an addition to the building as funds are available to do so etc. on, Councilmember Goodman's motion, Councilmember Reynolds' second, 3-0-3 vote, Mayor Pro Tem Garcia, Councilmembers Griffith and Slusher "ABSTAINING".

Motion fails.

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

39. Discuss Gutierrez et al. v. Mobil Oil Corporation, et al., CA No. 92-04889, Travis County District Court.
40. Discuss Hidden Oaks Limited vs. City of Austin, CA No. 95-CA-834-SS, in United States District Court of Western District of Texas.

41. APPOINTMENTS

ANIMAL ADVISORY COMMISSION - LORRAYNE ADAMS, TERESA RANSOM-NELSON

ARTS COMMISSION - VINCENT HOLLISTER, M. PAT ORMAN, LESLIE POOL, VALERIE MENARD.

CENTRAL CITY ENTERTAINMENT CENTER - MICHAEL BRYANT, JUAN COTERA, VELMA ROBERTS.

CONSTRUCTION ADVISORY COMMITTEE - GAYLE BORST.

DESIGN COMMISSION - ROBERT MUGERAUER, PERRY LORENZ, JANET SEIBERT.

IMPACT FEE ADVISORY COMMITTEE - JOYCE CONNER, RICHARD KALLERMAN, WILLIAM MOORE.

LOCAL LAW ENFORCEMENT BLOCK GRANT ADVISORY BOARD - MICHAEL MCDONALD, MIKE DENTON, ROSEMARY LEHMBERG, JUDGE JON WISSER, BILL PERRY, MITCH WEYNAND, STEVE ARECHIGA.

MHMR BOARD OF TRUSTEES - ROBERT CHAPA.

MUSIC COMMISSION - DENA REED.

RENAISSANCE MARKET COMMISSION - RICHARD CONDE.

SOLICITATION BOARD - SANDRA SANDERS.

SOLID WASTE ADVISORY BOARD - KATHARINE COLEY, RAJ PADMANABHAN.

Approved on, Councilmember Griffith's motion, Mayor Pro Tem Garcia's second, 6-0 vote.

OCTOBER 10, 1996

AGENDA CORRECTION

October 10, 1996

PUBLIC HEARINGS

37. 7:00 p.m. - Public hearing on impact of the 1996-97 budget on neighborhood/community policing initiatives and programs. (Councilmembers Jackie Goodman and Eric Mitchell)

ADJOURNED at 9:30 p.m. on, Councilmember Reynolds' motion, Councilmember Slusher's second, 6-0 vote, Mayor Todd absent.

Approved on this the 31st day of October, 1996 on, Mayor Pro Tem Garcia's motion, Councilmember Goodman's second, 6-0 vote, Councilmember Reynolds absent.