



Austin City Council MINUTES

COUNCIL MEETING
JUNE 5, 1997

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

1. Approval of Minutes for Regular Meetings of May 15, May 21 & May 22, 1997
Approved on, Mayor Pro Tem Garcia's motion, Councilmember Goodman's second, 6-0 vote, Councilmember Mitchell off the dais.

CITIZENS COMMUNICATION: GENERAL

2. Mr. Jim McGee, to discuss a National Day of Prayer and to present Bibles to each Councilmember.
Will not speak
3. Mr. Gus Pena, to discuss city and budget issues.
4. Mr. Richard Troxell, to discuss homelessness, and repeal of the "No Camping" Homeless Ordinance.
5. Mr. Robert Thomas, to discuss the Rosewood Recreation Center.
6. Mr. John H. Hughes, to discuss discipline.
Absent
7. Mr. John McMillan, to propose that the number of covered municipal bus stops throughout Austin be tripled by December 31, 1997.
8. Ms. Katherine Grau, to discuss homelessness/No Camping Ordinance.
9. Ms. Leslie Currens, to discuss the circus.
10. Mr. D.W. Brown, to discuss protecting McKinney Falls.

ITEMS CONTINUED FROM PREVIOUS MEETINGS

11. Approve an ordinance authorizing the Fourth Amendment to Agreement Concerning Creation and Operation of Northtown Municipal Utility District (MUD) by amending the Land Plan to change the use of 15.6 acres in Dessau Industrial Park from retail to industrial use and

modifying the street layout within the tract. Was recommended with conditions. 6-0 (No fiscal impact.) [Recommended by Planning Commission] (To be reviewed by Environmental Board June 4, 1997) [Related to Item 12]
Ordinance No. 970605-A approved

12. Approve a resolution authorizing Out-of-District Water and Wastewater Service by Northtown Municipal Utility District (MUD) to approximately 19.88 acres owned by the Harken Partnership in an amount not to exceed 65 Living Unit Equivalents. (The City will receive approximately \$10,000-\$83,000 in additional wholesale water and wastewater revenues each year from Northtown Municipal Utility District depending on the buildout and usage within the subject tract. Was recommended with conditions. 6-0 (The estimated revenue was not included in the 1996-97 budget.) [Recommended by Water and Wastewater Commission and Planning Commission] (To be reviewed by Environmental Board June 4, 1997) [Related to Item 11]
Approved with a provision that was recommended by the Environmental Board, that any land development agreement requesting a variance from an environmental requirement be reviewed by the Environmental Board before it comes to Council.

Finance and Administrative Services

13. Approve a resolution authorizing execution of a twelve month supply agreement with GENIE CAR WASHES OF TEXAS, INC., Salado, Texas, for vehicle washing services for various City vehicles, in an amount not to exceed \$119,781.66 with two twelve month extension options in an amount not to exceed \$119,781.66 per extension, for a total contract amount not to exceed \$359,344.98. (Funding in the amount of \$39,927 was included in the 1996-97 operating budget of various City departments. Funding for the remainder of the contract and the extension options is contingent upon available funding in future budgets.) Low bid of two. No M/WBE Subcontracting opportunities were identified.
Approved
14. Approve a resolution authorizing execution of a twelve month supply agreement with ALL AMERICAN POLY CORPORATION, Duenellen, New Jersey, for the purchase of plastic disposable liners for trash collection and disposal at several City departments, in an amount not to exceed \$115,690.59 with two twelve month extension options in an amount not to exceed \$115,690.59 per extension, for a total contract amount not to exceed \$347,071.77. (Funding in the amount of \$38,563.56 was included in the 1996-97 operating budgets of the various departments. Funding for the remainder of the contract and the extension options is contingent upon available funding in future budgets.) Low bid of four. No M/WBE Subcontracting opportunities were identified.
Approved
15. Approve a resolution authorizing execution of a twelve month supply agreement with TEXANA MACHINERY CORPORATION, Manor, Texas, for the purchase of captive repair parts for Case brand heavy equipment in the City's fleet, in an amount not to exceed \$190,000 with two twelve month extension options in an amount not to exceed \$190,000 per extension, for a total amount not to exceed \$570,000. (Funding in the amount of \$63,333 was included in the 1996-97 approved budget of various departments. Funding for the remainder of the contract

and the extension options is contingent upon available funding in future budgets.) Single bid. No M/WBE Subcontracting opportunities were identified.

Approved

16. Approve a resolution authorizing execution of a twelve month supply agreement with TRAVIS TRACTOR AND LAWN EQUIPMENT, INC., Austin, Texas, for the purchase of lawn equipment (weed eaters, chain saws, trimmers, blowers and maintenance supplies) to be used by several City departments, in an amount not to exceed \$69,186.25 with two twelve month extension options in an amount not to exceed \$69,186.25 per extension, for a total contract amount not to exceed \$207,558.75. (Funding in the amount of \$23,062.08 was included in the 1996-97 operating budgets of various departments. Funding for the remainder of the contract and the extension options is contingent upon available funding in future budgets.) Low bid of five. No M/WBE Subcontracting opportunities were identified.

Approved

Items 11 through 16 approved on, Mayor Pro Tem Garcia's motion, Councilmember Goodman's second, 7-0 vote.

Neighborhood Housing and Community Development

17. Approve a resolution authorizing negotiation and execution of a twelve month contract with ENCOTECH ENGINEERING CONSULTANTS, INC., (MBE/MA), to provide quality control inspection services for the Neighborhood Housing and Community Development Department, in an amount not to exceed \$66,400 with two twelve month extension options in an amount not to exceed \$66,400 per extension, for a total contract amount not to exceed \$199,200. (Funding was included in the 1996-97 operating budget Special Revenue Fund of the Neighborhood Housing and Community Development Department, 22nd Year CDBG-Home Maintenance Program. Funding for the extension options is contingent upon available funding in future budgets.) Best proposal of four. 100% Prime MBE participation. No M/WBE Subcontracting opportunities were identified.

Pulled in order to re-evaluate the proposals.

Infrastructure Support Services

18. Approve an Ordinance authorizing changing the street name for a portion of Post Road Drive to Lessin Lane. (Portion to be renamed extends from the intersection of South Congress Avenue to the end of the right-of-way approximately 830'). (No fiscal impact. The processing fees are waived due to City/E911 initiation.)

Ordinance No. 970605-B approved

Planning and Environmental Conservation Services

19. Approve a resolution authorizing negotiation and execution of a contract with HAGLER BAILLY CONSULTING, INC., Boulder, Colorado, to conduct a price elasticity study of water demand based on the City's block rate structure, in an amount not to exceed \$110,000. (Funding in the amount of \$80,000 was included in the 1996-97 Special Revenue Fund of the Planning and Environmental and Conservation Services Department through a grant from the

Texas Water Development Board. City's match is \$10,000. Funding in the amount of \$10,000 is available in the 1996-97 operating budget of the Water and Wastewater Utility; \$20,000 is available in the 1996-97 operating budget of the Planning, Environmental and Conservation Services Department and will be reimbursed by the cities of Corpus Christi and San Antonio.) Best proposal of ten. No M/WBE Subcontracting opportunities were identified. (Recommended by Water and Wastewater Commission)

Approved

Items 18 and 19 approved on, Mayor Pro Tem Garcia's motion, Councilmember Goodman's second, 7-0 vote.

20. Approve an ordinance annexing the Boggy Creek Annexation Area (Regency Village) for full purposes. (No fiscal impact.)
Approved first reading; ~~directed staff~~ applicant to initiate a zoning case to zone the property and staff to bring it back with second & third readings of annexation ordinance. The agent (PAUL BURY, PE) states regency village development permit site plan is withdrawn. City Council recognizes site development permit may be re-submitted and will pay resubmittal fee on, Mayor Pro Tem Garcia's motion, Councilmember Goodman's second, 6-0 vote, Councilmember Mitchell off the dais.

Parks and Recreation

21. Approve a resolution authorizing negotiation and execution of a Parkland Improvement Agreement to allow Austin Natural Science Association (ANSA) to construct an overlook at the Zilker Nature Preserve was recommended by the Parks Board. 7-0. (No fiscal impact. Projected estimate is \$60,000 to be paid in full by Austin Natural Science Association.) [To be reviewed by Parks Board on June 3, 1997]
Approved
22. Approve a resolution authorizing execution of Change Order #2 to the construction contract between the Austin Rosewood Community Development Corporation and SOUTHWEST CONSTRUCTORS, INC., Austin, Texas, for additional site and building demolition work as part of the Site/Demolition contract related to the Central City Entertainment Center, in the amount of \$30,619, for a total contract amount of \$928,153.52. (Funding was included in the 1994-95 Capital budget of the Parks and Recreation Department. Council authorization is required because the amount will exceed the administrative authorization level.) 19.6% MBE, 0% WBE Subcontractor participation.) **[Related to Items 23-24]**
Approved
23. Approve a resolution authorizing the assignment of a Professional Services Agreement between ROSENGARTEN, SMITH AND ASSOCIATES and the City of Austin to the AUSTIN ROSEWOOD COMMUNITY DEVELOPMENT CORPORATION and authorize Austin Rosewood Community Development Corporation to amend the agreement for environmental

site assessment services relating to the Central City Entertainment Center, in an amount not to exceed \$33,501, for a total amount not to exceed \$69,062. (Funding was included in the 1994-95 Capital budget of the Parks and Recreation Department.) 0% MBE, 15.5% WBE Subconsultant participation. **[Related to Items 22 & 24]**

Approved

24. Approve a resolution authorizing the assignment of a Professional Services Agreement between CLOVIS HEIMSATH ARCHITECTS, Austin, Texas, and the City of Austin to the AUSTIN ROSEWOOD COMMUNITY DEVELOPMENT CORPORATION, and authorize Austin Rosewood Community Development Corporation to amend the agreement for additional Phase III services relating to redesign, repackaging of construction documents and construction administration services for the Central City Entertainment Center, in an amount not to exceed \$281,000, for a total amount of \$1,078,665.43. (Funding was included in the 1994-95 Capital budget of the Parks and Recreation Department.) 12.0% MBE, 49.0% WBE Subconsultant participation. **(Related to Items 23 & 24)**

Approved

Fire

25. Approve a resolution authorizing an Interlocal Agreement with Travis County Emergency Services District Number Nine for the provision of First Responder Fire and EMS Services to the Woods of Westlake, Woods of Westlake/Renaissance Heights and West Rim annexation areas for an initial term of two years and a renewal term of one additional one year period, in the amount of \$17,721.22. (Funding was included in the 1996-97 operating budget of the Fire Department. Funding for the extension option is contingent upon available funding in future budgets.)

Approved

Human Resources

26. Approve a resolution authorizing the modification of a contract with BLUE CROSS BLUE SHIELD OF TEXAS, Austin, Texas, to cover increased 1997 medical coverage payments for City retirees as a result of greater than projected enrollment, in the amount of \$325,000, for a total amount of \$540,000, with the option to extend the contract for two one-year options, in the amount of \$325,000 per year, for a total of \$540,000 per option year, for a total amended contract amount of \$1,620,000. (Funding in the amount of \$190,000 is available in the 1996-97 Employee Benefits Fund. Funding for the remainder of the contract and the extension options is contingent upon available funding in future budgets.) No M/WBE Subcontracting opportunities were identified.

Approved

Health and Human Services

27. Approve a resolution authorizing negotiation and execution of an eight month contract with AUSTIN COMMUNITY COLLEGE, CHILD DEVELOPMENT DEPARTMENT, Austin, Texas, to administer a Child Care Quality Improvement Program to ensure quality child care to low income families, in an amount not to exceed \$67,200 with one twelve month extension option

in an amount not to exceed \$67,200, for a total contract amount not to exceed \$134,400. [Funding is available in the 22nd Year, 1996-97, United States Department of Housing and Urban Development, Community Development Block Grant (CDBG) Special Revenue fund. Funding for the extension option is contingent upon available funding in future budgets.] (Best proposal of two. No M/WBE Subcontracting opportunities were identified.

Approved

Public Works and Transportation

28. Approve a resolution authorizing execution of a contract with LINEAR DYNAMICS, INC., Parsippany, New Jersey, for the purchase of one truck-mounted pavement marker used to apply roadway striping, in the amount of \$249,265. (Funding is available in the 1996-97 operating budget of the Public Works and Transportation Department.) Low bid of three. No M/WBE Subcontracting opportunities were identified.

Approved

Aviation

29. Approve a resolution accepting a Public Benefit Transfer conveyance of four tracts of land and associate easements at Austin-Bergstrom International Airport from the Air Force Base Conversion Agency. (No fiscal impact.)

Approved

Development Review and Inspection

30. Approve second reading of an ordinance amending Chapter 13-2 of the Austin City Code by rezoning property locally known as Josh Ridge Boulevard and Harrisglenn Drive, Case No. C14-94-0168, from "I-RR", Interim Rural Residence to "MF-2-CO", Multifamily Residence (low density)-Conditional Overlay District zoning for Tract 2B, and "SF-2", Single Family Residence (standard lot) District zoning for Tract 2A, with conditions. First reading on July 11, 1996; Vote 7-0. City Staff: Don Perryman, 499-2786. (continued from 5-8-97, 5-15-97 & 5-22-97)
Approved Planning Commission recommendation of SF-2 on tract 2A and MF-2-CO (limited to a maximum of 320 units) on tract 2B second reading only, third reading scheduled on June 12, 1997.

Items 21 through 30 approved on, Mayor Pro Tem Garcia's motion, Councilmember Goodman's second, 7-0 vote.

31. Approve second/third readings of an ordinance amending Chapter 13-2 of the Austin City Code by rezoning property locally known as 5101 to 5201 E. Oltorf Street, Case No. C14-95-0007, from "I-SF-2", Interim Single Family Residence (standard lot) to "GR-CO", Community Commercial-Conditional Overlay, zoning with conditions. First reading on March 21, 1996; Vote 6-0, Nofziger off the dais. Conditions met as follows: Conditional overlay incorporates conditions imposed by Council at first reading. City Staff: Greg Guernsey, 499-2387.

Postpone three weeks to June 26, 1997

32. Approve second/third readings of an ordinance amending Chapter 13-2 of the Austin City Code by rezoning property locally known as 5000 to 5400 E. Oltorf Street, Case No. C14-95-0008, from "I-SF-2", Interim Single Family Residence (standard lot) to "RR-CO", Rural Residence-Conditional Overlay and "GO-CO", General Office-Conditional Overlay, zoning with conditions. First reading on March 21, 1996; Vote 6-0, Nofziger off the dais. Conditions met as follows: Conditional overlay incorporates conditions imposed by Council at first reading. City Staff: Greg Guernsey, 499-2387.
Postponed three weeks to June 26, 1997
33. Approve second/third reading of an ordinance amending Chapter 13-2 of the Austin City Code by rezoning property locally known as 1427-1701 Pleasant Valley Road, 4401-4501 Elmont Drive, and 1400-1709 Wickersham Lane, Case No. C14-97-0010, from "GR", Community Commercial to "MF-3-CO", Multifamily Residence (medium density)-Conditional Overlay zoning with conditions. First reading on May 15, 1997; Vote 6-0-1, Reynolds abstained. Conditions met as follows: Condition overlay incorporates conditions imposed by Council at first reading. City Staff: Antonio Gonzalez, 499-2243. **Related to Item 46.**
Postponed one week to June 12, 1997, applicant's request on, Mayor Pro Tem Garcia's motion, Councilmember Griffith's second, 6-0-1 vote, Councilmember Reynolds "ABSTAINING".

Law

34. Approve a resolution authorizing negotiation and execution of an amendment to an agreement with J. Michael English for legal and consulting services to complete the Traditional Neighborhood District Ordinance and to develop an infill ordinance, in an amount not to exceed \$25,000, for a total contract amount of \$59,500. (Funding is available in the 1996-97 operating budget of the Development, Review and Inspection Department.)
Approved on, Mayor Pro Tem Garcia's motion, Councilmember Goodman's second, 7-0 vote.

Electric Utility

35. Approve a resolution authorizing execution of an amendment to the agreement with W. Scott McCollough, that provides for legal counsel and representation as Consumer Advocate for the Electric Utility Department, in the amount of \$14,000, for a total amount not to exceed \$76,500. (Funding is available in the 1996-97 Operating Budget of the Electric Utility.)
Postponed one week to June 12, 1997

ITEMS FROM COUNCIL

36. Set a public hearing to exempt the Momos & Popos Day Care, located at 4616 Cesar Chavez, from the East Austin Moratorium. (Suggested date and time: July 10, 1997 at 6:00 p.m.)
[Councilmember Eric Mitchell]
Approved on, Mayor Pro Tem Garcia's motion, Councilmember Goodman's second, 7-0 vote.
37. Approve a resolution expressing the City Council's support for the Texas-Louisiana Professional Baseball League Proposal to bring a professional baseball team to Austin. (No

fiscal impact.) [Mayor Pro Tem Gus Garcia]

Pulled off agenda

38. Amend Section 2-4-1 of the City Code to waive the residency requirements for appointees to the Child Care Council. (Councilmembers Ronney Reynolds and Jackie Goodman)
Ordinance No. 970605-C approved
39. Set a public hearing to exempt the Austin Nada Used Car Sales, located at 1124 Airport Blvd., from the East Austin Moratorium, Ordinance No. 961212-P. (Suggested date and time: July 10, 1997 at 6:30 p.m.) [Mayor Pro Tem Gus Garcia]
Approved
40. Direct the City Manager to ensure that the CDBG Budget for 1997-98 includes funding for English as a second language. (Councilmember Eric Mitchell)
Approved

Items 38 through 40 approved on, Mayor Pro Tem Garcia's motion, Councilmember Goodman's second, 7-0 vote.

41. Approve a resolution concerning conservation and human impacts related to the Electric Utility Department. ((Mayor Pro Tem Gus Garcia and Councilmember Jackie Goodman)
Pulled off agenda
42. Approve a resolution directing the City Manager to facilitate the street closure of 6th Street for the annual H.O.G. Rally to be held June 13, 1997. (Mayor Pro Tem Gus Garcia)
Approved with the closure of Sixth Street from the west side of Red River to the east side of Brazos on, Mayor Pro Tem Garcia's motion, Councilmember Goodman's second, 5-0-1 vote, Councilmember Reynolds "ABSTAINING", Councilmember Mitchell off the dais.
43. Set a public hearing concerning declaration of E. 11th & E. 12th Streets as a slum area, a blighted area, or both, and the designation of the area as an Urban Renewal Project. (Suggested date and time: June 12, 1997 at 6:30 p.m.) [Councilmember Eric Mitchell]
Substitute motion by Councilmember Slusher to postpone to July 10, 1997 at 7:30 p.m. on, Councilmember Slusher's motion, Councilmember Griffith's second, 5-0-2 vote, Councilmembers Mitchell and Reynolds "ABSTAINING".

4:30 P.M. - ZONING HEARINGS AND APPROVAL OF ORDINANCES

44. C14-97-0006 - Public hearing to amend Chapter 13-2 of the Austin City Code by zoning property locally known as 11412 FM 2222 from "SF-2", Single Family Residence (standard lot) to "GR", Community Commercial zoning. Planning Commission Recommendation: To Grant "GR-CO", Community Commercial-Conditional Overlay zoning with conditions. City Staff: David Wahlgren, 499-6455. (continued from 5/22/97)
Motion to close public hearing and approve Planning Commission recommendation of GR-CO zoning, deleting requirement to reserve additional right-of-way along FM 2222, first reading only on, Mayor Pro Tem Garcia's motion, Councilmember Reynolds' second, 5-2 vote, Councilmembers Goodman and Slusher voting "NO".

45. C14-97-0027 - Public hearing to amend Chapter 13-2 of the Austin City Code by zoning property locally known as 620 West Slaughter Lane, from "GR-CO", Community Commercial-Conditional Overlay to "CS", General Commercial Services zoning. Planning Commission Recommendation: To Grant "CS-CO", Commercial Services-Conditional Overlay zoning with conditions. City Staff: Joe Arriaga, 499-2308. (continued from 5/22/97)

Motion to close public hearing on, Mayor Pro Tem Garcia's motion, Councilmember Slusher's second, 6-0 vote, Councilmember Reynolds off the dais.

Ordinance No. 970605-E approved emergency passage subject to a 60 percent impervious cover limit. Staff directed to initiate an amendment to the LDC and bring it back to City Council within six months to allow the type of use proposed (Urban Agriculture) within the "GR" zoning district on, Mayor Pro Tem Garcia's motion, Councilmember Griffith's second, 6-1 vote, Councilmember Goodman voting "NO".

46. C14-72-204 - Public hearing to amend a restrictive covenant for property locally known as South Pleasant Valley Road and Elmont Drive, existing zoning "GR" Community Commercial zoning. Planning Commission Recommendation: To Approve the amendment to the restrictive covenant. City Staff: Antonio Gonzalez, 499-2243. **Related to Item 33.**

Postponed one week to June 12, 1997 applicant's request on, Mayor Pro Tem Garcia's motion, Councilmember Griffith's second, 6-0-1 vote, Councilmember Reynolds "ABSTAINING".

47. C14-97-0026 - Public hearing to amend Chapter 13-2 of the Austin City Code by zoning property locally known as 13764 Research Boulevard, from "LR", Neighborhood Commercial to "GR", Community Commercial zoning. Planning Commission Recommendation: To Grant "GR", Community Commercial, zoning. City Staff: Antonio Gonzalez, 499-2243.

Ordinance No. 970605-D approved Planning Commission recommendation on, Councilmember Slusher's motion, Mayor Pro Tem Garcia's second, 5-0-1 vote, Councilmember Reynolds "ABSTAINING", Councilmember Mitchell off the dais.

PUBLIC HEARINGS

48. 6:00 P.M. - Public hearing to exempt the Ilcor Industrial Laminates Corporation, located at 1806 East 4th Street, from the East Austin Moratorium, Ordinance No. 970410-L. (Mayor Pro Tem Gus Garcia and Mayor Bruce Todd)

Motion to close public hearing on, Mayor Pro Tem Garcia's motion, Councilmember Griffith's second, 6-0 vote, Councilmember Slusher off the dais.

ACTION ON PUBLIC HEARINGS

49. Approve a resolution to exempt the Ilcor Industrial Laminates Corporation, located at 1806 East 4th Street, from the East Austin Moratorium, Ordinance No. 970410-L. (Mayor Pro Tem Gus Garcia and Mayor Bruce Todd)
Postponed resolution action to July 10, 1997

EXECUTIVE SESSION (No Public Discussion on These Items)

Executive session held at 12:15 p.m. to 12:45 p.m.

The City Council will announce it will go into Executive Session, if necessary, pursuant to Chapter 551 of the Texas Government Code, to receive advice from Legal Counsel to discuss matters of land acquisition, litigation, and personnel matters as specifically listed on this agenda. The City Council may also announce it will go into Executive Session, if necessary, to receive advice from Legal Counsel regarding any other item on this agenda.

Private Consultation with Attorney - Section 551.071

50. Discuss Nigel Gusdorf, Martin Thompson and Charles Wood v. City of Austin, Cause No. 95-03722, in the Travis County District Court.
51. Discuss City of Austin v. Southwest Travis County Water District, CA 9613123, Travis County District Court.

Land Acquisition - Section 551.072

52. Discuss acquisition of real property adjacent to the Central City Entertainment Center.

ACTION ON EXECUTIVE SESSION ITEMS

53. Approve amendments to professional service agreements with Hughes & Luce, L.L.P. for legal services in Nigel Gusdorf, Martin Thompson and Charles Wood v. City of Austin, Cause No. 95-03722, in the Travis County District Court.
Approved in an amount of \$75,000, not to exceed \$130,000 on, Mayor Pro Tem Garcia's motion, Councilmember Goodman's second, 7-0 vote.
54. APPOINTMENTS

Arts And Recreation Subcommittee - EDWINA CARRINGTON.

ADDENDUM

JUNE 5, 1997

55. Set a public hearing to consider an ordinance to name the terminal building at Austin-Bergstrom International Airport for Barbara Jordan. (Suggested date and time: June 12, 1997 at 7:00 p.m.) Councilmember Eric Mitchell)
Approved
56. Set a public hearing to consider an ordinance to rename 26th Street for Dean Page Keeton. (Suggested date and time: June 12, 1997 at 7:30 p.m.) (Councilmember Eric Mitchell)
Approved
Items 54 through 56 approved on, Mayor Pro Tem Garcia's motion, Councilmember Goodman's second, 7-0 vote.

ADJOURNED at 6:30 p.m. on, Mayor Pro Tem Garcia's motion, Councilmember Reynolds' second, 7-0 vote.

Approved on this the 26th day of June, 1997, on Mayor Pro Tem Garcia's motion, Councilmember Spelman's second, 7-0 vote.