



Austin City Council MINUTES

REGULAR MEETING
THURSDAY, JULY 31, 1997

1. Approval of Minutes for July 23 & 24, 1997.
Postponed to August 7, 1997

CITIZEN COMMUNICATIONS: GENERAL

2. Mr. Paul Robbins, to discuss city issues.
3. Mr. Gus Pena, to discuss the city budget and city issues.
4. Mr. John McMillan, to discuss approving a significant expansion of the fringe benefits and services provided to City Council members.
Absent
5. Mr. David Blakely, to discuss lean beef.

READING OF CONSENT AGENDA

READING OF DISCUSSION AGENDA

CITIZEN COMMUNICATIONS: CONSENT AGENDA

ACTION ON CONSENT AGENDA

ITEMS CONTINUED FROM PREVIOUS MEETINGS

6. Approve second/third readings of an ordinance to amend Chapters 16-1 and 16-2, and repeal and replace Chapter 16-6 of the Austin City Code to provide for the implementation of the downtown parking plan. (No fiscal impact.) [Recommended by Downtown Commission and Downtown Subcommittee]
Postponed to August 14, 1997 on, Councilmember Lewis' motion, Councilmember Spelman's second, 7-0 vote.

7. Approve a resolution authorizing negotiation and execution of a five-year contract with the Texas Health and Human Services Commission under which the City of Austin will serve as the funding entity for a 12-county region for an expanded Medicaid population; the Medicaid eligible population will be expanded under the Medicaid 1115 Waiver Program. (No Fiscal impact.) [Related to Item 8]

Approved

8. Approve a resolution authorizing negotiation and execution of a five-year contract with The Daughters of Charity Health Services of Austin (Seton) providing for Seton to assume responsibility for the City's obligations under the Medicaid 1115 Waiver Program (No fiscal impact.) [Related to Item 7]

Approved with changes to the resolution by Councilmember Slusher to: 1) A "reopener" clause allowing the City to renegotiate the terms of the contract once the rules for implementing the 1115 waiver program are actually established by the State; 2) A termination provision that mirrors the termination language in the current State Medicaid HMO contract; 3) A provision requiring Seton to copy the City on all reports provided to the State; 4) A commitment by Seton to give City FQHC's preferred provider status and to reimburse our FQHC's at a favorable rate that is at a minimum at least as high as the highest rate paid to any other providers; 5) Look at financial incentives to improve utilization and care.

Items 7 and 8 approved on, Councilmember Slusher's motion, Councilmember Griffith's second, 6-0 vote, Mayor Pro Tem Garcia off the dais.

Financial and Administrative Services

9. Approve a resolution authorizing execution of a contract with MCCOMBS FLEET SERVICES, Austin, Texas, for the purchase of four light duty truck cab and chassis with mounted dump bodies or service bodies to be used in maintenance and repair activities for the Building Services Division and Parks Department, in an amount not to exceed \$126,022. (Funding was included in the 1996-97 Vehicle Acquisition Fund.) Single bid. No M/WBE Subcontracting opportunities were identified.

Approved

10. Approve a resolution to amend authorization of the Interlocal Agreement with the Houston-Galveston Area Council of Governments Cooperative Purchasing Program, to add the purchase of additional goods and services. (Procurements under this interlocal agreement will not be made unless funds are available in the appropriate departmental budgets.)

Approved

Utility Customer Service

11. Approve a resolution authorizing negotiation and execution of a contract with THE GREENTREE GROUP, Dallas, Texas, to assess the impact of the Year 2000 on the City's Land Information System, in an amount not to exceed \$187,906 and an option to convert and test the software code to accommodate the Year 2000 in an amount not to exceed \$308,049, for a total contract amount not to exceed \$495,954. (Funding was included in the 1995-96 Capital budget of the Financial and Administrative Services Department, Utility Customer Service Office.) Best proposal of nine. No

M/WBE Subcontracting opportunities were identified.

Approved

Public Works and Transportation

12. Approve a resolution authorizing the purchase of emergency pre-emption traffic signal control equipment through the Interlocal Agreement with the Houston-Galveston Area Council of Governments Cooperative Purchasing Program, in an amount not to exceed \$264,152. (Funding in the amount of \$240,000 was included in the 1996-97 amended Capital budget of the Public Works and Transportation Department; \$24,152 is available in the 1996-97 operating budget of the Public Works and Transportation Department.)

Approved

Items 9 through 12 approved on, Councilmember Lewis' motion, Councilmember Spelman's second, 7-0 vote.

13. Approve a resolution authorizing execution of a twelve month service agreement with AUSTIN TRAFFIC SIGNAL CONSTRUCTION COMPANY, (MBE/MA), Round Rock, Texas, for traffic signal construction services of existing and new traffic signal systems, in an amount not to exceed \$601,636.57 with two twelve month extension options in an amount not to exceed \$601,636.57 per extension, for a total contract amount not to exceed \$1,804,909.71. (Funding was included in the 1996-97 Approved Capital budget of the Public Works and Transportation Department.) Low bid of two. 91.60% MBE Prime participation. 0% MBE, 8.40% WBE Subcontractor participation.

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

14. Approve a resolution authorizing negotiation and execution of a five year lease, with one five year option to extend, with COVENANT LIQUID MORTGAGE FUND OR ASSIGNS, for 3,785 square feet of office space in Suite 17 of Cherry Creek Plaza, located at Stassney Lane and Manchaca Blvd., for the South Austin Municipal Court Customer Service Center, in the amount of \$45,420. (Funding is included in the 1997-98 proposed General Fund Expenditure Budget of Municipal Court.)

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

Police

15. Approve a resolution authorizing ratification of a contract extension with MOTOROLA COMMUNICATIONS & ELECTRONICS, INC., Austin, Texas, for services rendered for the period November 1, 1996 to July 31, 1997 for the maintenance and support for the Motorola Radio Communications System including Mobile Data Terminals installed in Police and other emergency vehicles and authorize further extension of the contract until November 30, 1997 pending negotiation of new contract terms in an amount not to exceed \$136,825. (Funding was included in the 1996-97 operating budget of the Austin Police Department.)

Approved

16. Approve an ordinance authorizing acceptance of \$2,745 in additional grant funds from the State of

Texas, Governor's Office, Criminal Justice Division, Victims of Crime Act Fund, for the eighth year of funding of the "Enhancing Existing Victim Assistance Program", amend Ordinance 960910-G, the Austin Police Department Special Revenue Fund, by increasing grant funding and grant expenditures by \$2,745, for a total grant award of \$57,745. [The City's in-kind match of \$370,330 (which represents existing salaries of victim counselors) was shown in the grant application for the total grant award of \$57,745.]

Ordinance 970731-A approved

17. Approve a resolution authorizing execution of an Interlocal Agreement between the City of Austin, Travis County, and the Capital Area Planning Council to establish an upgraded and integrated regional Geographic Information System, in an amount not to exceed \$5,074,813. (Total projected cost of the system will be shared by Capital Area Planning Council in the amount of \$2,200,905, Travis County in the amount of \$1,185,708, and the City in the amount of \$1,688,200. Funding for the City's cash portion in the amount of \$296,000 is included in the 1996-97 Telecommunications Capital budget. The City's in kind portion in the amount of \$1,392,200 consists of \$1,337,200, the value of existing mapping features and peripherals and personnel services attributable to E9-1-1, and \$55,000 in additional personnel services required over the next two years; \$27,500 will be included in each of the 1998 & 1999 Proposed Operating Budgets of the Infrastructure and Support Services department.) [To be reviewed by Telecommunications Subcommittee on July 29, 1997]

Approved

18. Approve a resolution approving negotiation and execution of a contract with Bettye Springer to provide legal representation and professional services in labor negotiations with the Austin Police Association, in an amount not to exceed \$80,000. (Funding is available in the 1996-97 Operating Budget of the Police Department). No M/WBE Subcontracting opportunities were identified.

Approved

Health and Human Services

19. Approve a resolution authorizing application for the grant renewal from the Office of the Governor, Criminal Justice Division, for the Juvenile Offender Employment Project for the fourth year of a five year program, in the amount of \$25,364. (A City match in the amount of \$23,800 is required and included in the proposed 1997-98 operating budget of the Health and Human Services Department.)

Approved

Development Review and Inspection

20. C14-97-0023 - Approve second/third readings of an ordinance amending Chapter 13-2 of the Austin City Code by rezoning property locally known as 2002 West Koenig Lane, from "SF-3", Family Residence to "GO-CO", General Office-Conditional Overlay zoning with conditions. First reading on July 10, 1997; Vote 6-0, Spelman off the dais. Conditions met as follows: Conditional overlay incorporates conditions imposed by Council at first reading. Applicant: Philip & Dorothy Vescovo; Agent: Law Office of David J. Shaw. City Staff: Susan Villarreal, 499-6319.

Ordinance No. 970731-B approved

Items 15 through 20 approved on, Councilmember Lewis' motion, Councilmember Spelman's

second, 7-0 vote.

21. C14-97-0030 - Approve second reading of an ordinance amending Chapter 13-2 of the Austin City Code by rezoning property locally known as 5000 to 15016 North FM 620 Road, from "DR" Development Reserve to "CS-CO", Commercial Services-Conditional Overlay zoning with conditions. First reading on June 26, 1997; Vote 6-1, Goodman voting "No." Conditions met as follows: conditional overlay incorporates conditions imposed by Council at first reading. Applicant: GDC Interests (Henry Dekerstry); Agent: IRM Architects (Hugo Bazan). City Staff: David Wahlgren, 499-6455. (continued from 07/17/97)
Approved second reading only on, Councilmember Lewis' motion, Councilmember Spelman's second, 6-1 vote, Councilmember Goodman voting "NO".

ITEMS FROM COUNCIL

22. Approve a resolution to appoint four City Council representatives and three alternates to the Austin Transportation Study Policy Advisory Committee. (Mayor Kirk Watson and Mayor Pro-Tem Gus Garcia)
Approved on, Councilmember Lewis' motion, Councilmember Spelman's second, 7-0 vote.
23. Approve an ordinance renaming Hillside Theater in Zilker Park to the Beverly S. Sheffield Zilker Hillside Theater. (Fiscal impact for signage is \$600.) [Recommended by Parks Board] (Councilmembers Beverly Griffith, Jackie Goodman and Mayor Pro Tem Gus Garcia)
Postponed
24. Approve an ordinance renaming Clarksville Park as Mary Baylor Clarksville Park. [Fiscal impact for signage is \$600] (Recommended by Parks Board) [Councilmembers Daryl Slusher, Jackie Goodman, & Beverly Griffith]
Ordinance No. 970731-D approved on, Councilmember Lewis' motion, Councilmember Spelman's second, 7-0 vote.
25. Approve an ordinance to dedicate city property located at E. 14th and Waller Street as Swede Hill Park. [Annual fiscal impact is \$2,500.] (Recommended by Parks Board) [Councilmembers Daryl Slusher, Jackie Goodman, & Beverly Griffith]
Ordinance No. 970731-E approved on, Councilmember Slusher's motion, Councilmember Goodman's second, 7-0 vote.

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

26. C14-96-0150 - Public hearing to amend Chapter 13-2 of the Austin City Code by zoning property locally known as 2416 East 6th Street from "LI", Limited Industrial Services to "LI", Limited Industrial Services zoning. Planning Commission Recommendation: To Grant "LI-CO", Limited Industrial Services-Conditional Overlay zoning with conditions. Applicant: City of Austin-Development Review and Inspection Department; Owner: Balcones Recycling, Incorporated. City Staff: Susan Villarreal, 499-6319. (continued from 5/22/97 & 7/10/97) *Note a valid petition has been filed in opposition to this case.
Motion to close public hearing on, Councilmember Lewis' motion, Mayor Pro Tem Garcia's second, 7-0 vote.

Motion to approve Planning Commission recommendation on, Mayor Pro Tem Garcia's motion, Councilmember Goodman's second,

Motion withdrawn

Motion to refer back to Planning Commission with instruction to look at MF zoning (Make sure notice for Planning Commission provides clear options from LI to MF and MU) on, Mayor Pro Tem Garcia's motion, Councilmember Goodman's second, 7-0 vote.

27. C14-97-0035 - Public hearing to amend Chapter 13-2 of the Austin City Code by zoning property locally known as Monterey Oaks Boulevard and Brush Country Road from "RR", Rural Residence to "MF-2", Multifamily Residence (moderate density). Planning Commission Recommendation: To Grant "MF-2-CO", Multifamily Residence (moderate density)-Conditional Overlay zoning with conditions. Applicant: Williamson Creek Farm, LTD. (Jack Condon). Agent: Conley Engineering, Inc. (Carl Conley). City Staff: Susan Villarreal, 499-6319. (continued from 07/17/97)

Withdrawn by applicant

28. C14-97-0017 - Public hearing to amend Chapter 13-2 of the Austin City Code by zoning property locally known as 11400 to 11800 North Mopac NB Expressway from "MF-2", Multifamily Residence (low density) and "MI", Major Industrial to "MI-PDA", Major Industrial-Planned Development Area. Planning Commission Recommendation: To Grant "MI-PDA", Major Industrial-Planned Development Area District zoning. Applicant: National Instruments (David Hugley); Agent: Haynes & Boone, LLP (Rick Reed). City Staff: David Wahlgren, 499-6455. *Note: The applicant has requested a postponement to 8/14 (1st request).

Postponed two weeks to August 14, 1997, applicant's first request on, Mayor Pro Tem Garcia's motion, Councilmember Lewis' second, 7-0 vote.

29. C14-97-0022 - Public hearing to amend Chapter 13-2 of the Austin City Code by zoning property locally known as 2001 La Casa Drive from "NO", Neighborhood Office to "GR", Community Commercial. Planning Commission Recommendation: To Deny "GR", Community Commercial District zoning. Applicant: Imports 2001 (Robert L. Dickhout); Agent: Minter, Joseph & Thornhill (Nikelle S. Meade). City Staff: Joe Arriaga, 499-2308. *Note a valid petition has been filed in opposition to this case.

Withdrawn by the applicant

30. C14-97-0028 - Public hearing to amend Chapter 13-2 of the Austin City Code by zoning property locally known as 5412 Montview Street from "SF-2", Single Family Residence (standard lot) to "SF-3", Family Residence. Planning Commission Recommendation: This request is forwarded to Council without a zoning recommendation. Applicant: Janet Margaret Creelman; Agent: Alana & Bill Moore. City Staff: Craig Alter, 499-2769. *Note a valid petition has been filed in opposition to this case.

Motion to close public hearing on, Councilmember Lewis, Councilmember Goodman's second, 5-0 vote, Mayor Pro Tem Garcia and Councilmember Slusher off the dais.

Motion to approve first reading only and staff recommendation to zone to SF-3 on, Councilmember

Spelman's motion, Councilmember Griffith's second, 6-1 vote, Councilmember Goodman voting "NO".

31. C14-97-0029 - Public hearing to amend Chapter 13-2 of the Austin City Code by zoning property locally known as 1803 Chicon Street from "CS", Commercial Services to "CS-MU", Commercial Services-Mixed Use Combining District. Planning Commission Recommendation: To Grant "CS-MU", Commercial Services-Mixed Use Combining District zoning. Applicant: Dagmar Greider. City Staff: Susan Villarreal, 499-6319.

Approved CS-MU zoning, first reading only on, Mayor Pro Tem Garcia's motion, Councilmember Lewis' second, 7-0 vote.

32. C14-97-0046 - Public hearing to amend Chapter 13-2 of the Austin City Code by zoning property locally known as 8319 Research Boulevard from "CS", Commercial Services to "CS-1", Commercial Liquor Sales. Planning Commission Recommendation: This request is forwarded to Council without a zoning recommendation. Applicant: Hur Enterprises, Inc. (John Hur). City Staff: Craig Alter, 499-2769.

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

Approved CS-1 zoning, first reading only on, Councilmember Slusher's motion, Councilmember Spelman's second, 6-0 vote, Mayor Pro Tem Garcia off the dais.

33. C14-97-0048 - Public hearing to amend Chapter 13-2 of the Austin City Code by zoning property locally known as 4326 James Casey Street from "LO", Limited Office to "LR", Neighborhood Commercial. Planning Commission Recommendation: To Deny "LR", Neighborhood Commercial District zoning. Applicant: Eileen Dodds (Robert Dodds); Agent: Land Answers (Jim Wittliff). City Staff: Joe Arriaga, 499-2308.

Postponed two weeks to August 14, 1997 on, Councilmember Goodman's motion, Councilmember Slusher's second, 7-0 vote.

34. C14-97-0052 - Public hearing to amend Chapter 13-2 of the Austin City Code by zoning property locally known as 8430 Spicewood Springs Road from "SF-2", Single Family Residence to "LO-MU", Limited Office-Mixed Use Combining District. Planning Commission Recommendation: To Grant "LO-MU-CO", Limited Office-Mixed Use Combining District-Conditional Overlay zoning with conditions. Applicant: Dr. Jeff Zapalac; Agent: Minter, Joseph & Thornhill (Nikelle S. Meade). City Staff: Craig Alter, 499-2769.

Ordinance No. 970731-F approved LO-MU-CO zoning on, Mayor Pro Tem Garcia's motion, Councilmember Lewis' second, 7-0 vote.

PUBLIC HEARINGS

35. **6:30 P.M.** - Public hearing to amend the Fee Ordinance (Ordinance 960910-B) to establish variable rates for Pay-as-You-Throw garbage collection.

Motion to close public hearing on, Councilmember Slusher's motion, Mayor Pro Tem Garcia's second, 5-0 vote, Councilmembers Lewis and Spelman off the dais.

36. **7:00 P.M.** - Public hearing to discuss repealing the Encampment Ordinance and other homeless

issues. (Mayor Pro Tem Gus Garcia and Councilmember Jackie Goodman)
Public hearing left open to August 14, 1997

ACTION ON PUBLIC HEARINGS

Pay as You Throw (Items 37-40)

37. Amend Ordinance 960910-G, the operating budget of the Solid Waste Services Department, by increasing the budgeted revenue by \$257,240 to reflect the adoption of variable rates for the Pay-As-You-Throw garbage collection program to be effective September 1, 1997; increasing the ending balance by \$257,240 for a budgeted ending balance of \$2,288,660; Amend Ordinance 960910-B, the 1996-97 Fee Ordinance of the Solid Waste Services Department, to include variable rates as part of the Pay-As-You-Throw garbage collection program. Recommended by Solid Waste Advisory Commission)
Ordinance No. 970731-G approved

38. Amend Ordinance 960910-A, the Capital budget of the Solid Waste Services Department, by increasing appropriations by \$1,747,000 to provide for the purchase of additional garbage carts, which will be needed as variable rates for the Pay-As-You-Throw garbage collection program are implemented. (Contractual obligations to be sold in 1997-98 as an authorized reimbursement.) [Recommended by Planning Commission]
Ordinance No. 970731-H approved

39. Approve a resolution declaring official intent to reimburse \$1,747,000 in expenditures made to purchase garbage carts for implementation of variable rates for the Pay-As-You-Throw garbage collection program prior to the issuance of tax-exempt obligations and add \$1,747,000 in contractual obligations to the 1996-97 two-year proposed General Obligation Debt Sales to reimburse the purchase. (Recommended by Solid Waste Advisory Commission)
Approved

40. Approve a resolution authorizing execution of a contract with the HOUSTON-GALVESTON AREA COUNCIL of Governments, Houston, Texas, for the purchase of garbage carts, in an amount not to exceed \$1,747,000. (Funding is available in the 1996-97 Capital budget of the Solid Waste Services Department.)
Approved

Items 37 through 40 approved with a 60 day grace period and a friendly amendment by Councilmember Slusher to delete the charge in down sizing of container, friendly amendment accepted by maker and seconder, on, Mayor Pro Tem Garcia's motion, Councilmember Griffith's second, 6-0 vote, Councilmember Lewis off the dais.

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.

Private Consultation with Attorney - Section 551.071

41. Discuss legal issues and requirements relating to Sections 481.141 through 481.143 of the Texas Government Code (S.B. 1704).

42. APPOINTMENTS

FLOOD PLAIN TASK FORCE - HUGH MAYFIELD, MARK MEDLEY.

PARKS & RECREATION BOARD - JEFF FRANCEL.

URBAN FORESTRY BOARD - KEVIN CASEY.

Approved on, Councilmember Lewis' motion, Councilmember Spelman's second, 7-0 vote.

ADJOURNED at 10:45.

Approved on this the 7th day of August, 1997 the minutes of July 23, 1997, July 30, 1997 and July 31, 1997 on, Councilmember Lewis' motion, Councilmember Griffith's second, 7-0 vote.

Also approved on this the 7th day of August, 1997 the minutes for July 24, 1997 on, Councilmember Lewis' motion, Councilmember Spelman's second, 6-0 vote, Mayor Pro Tem Garcia off the dais.