



Austin City Council MINUTES

REGULAR MEETING
THURSDAY, MAY 7, 1998

Mayor Pro Tem Garcia called the meeting to order noting the temporary absence of Council Member Lewis and the absence of Mayor Watson.

1. Approval of Minutes for Regular Meetings of March 25, 1998, April 15 & 16 and April 29 & 30, 1998, and Special Called Meeting of April 22, 1998.

Motion to approve minutes for Worksession of March 25, 1998; April 15, 1998; April 29, 1998; and Regular Meeting of April 16, 1998. Minutes for Regular Meeting of April 30, 1998 and Special Called Meeting postponed on Councilmember Spelman's motion, Councilmember Slusher's second, 6-0 vote, Mayor Watson absent.

CITIZEN COMMUNICATIONS: GENERAL

2. Robert L. Thomas, to ask Council for a termination of current site manager at the Rosewood Recreation Center and to discuss budget.
3. Leonard Lyons, to discuss City policy.
Did not speak
4. James Perry, to discuss improvements on Fiesta Gardens picnic benches.
Absent
5. Gus Pena, to discuss City and community issues; and City's responsibility to its taxpayers.
Absent
6. Kirk Becker, to discuss homeless issues.
7. Jim Rowley, request Council to instruct the Director of Planning to allow appeal of the Director's interpretations of the LDC that an adult bookstore can be located next to a playground.
8. Jennifer L Gale, recall 98.
9. Danette Muhammad, to discuss condition of roads on 12th Street and treatment of the African American community.
Absent

READING OF CONSENT AGENDA

READING OF DISCUSSION AGENDA

CITIZEN COMMUNICATIONS: CONSENT AGENDA

ACTION ON CONSENT AGENDA

ITEMS CONTINUED FROM PREVIOUS MEETINGS

10. Approve an ordinance that establishes specific criteria, procedures, and regulations to be applied in an area annexed into the City of Austin in December, 1997, to authorize administrative approval of a development project where the developer may assert a vested right to complete construction; and superseding disputed development regulations including without limitation the "SOS" Save Our Springs Watershed Protection Ordinance.

Ordinance No. 980507-A approved

PARKS AND RECREATIONS

11. Approve a resolution authorizing negotiation and execution of professional services contract with the following landscape architectural firms: LARSON/BURNS, INC., Austin, Texas; WINTEROWD ASSOCIATES, INC., (WBE/FR), Austin, Texas; THE BROUSSARD GROUP, Austin, Texas; and RUSS BRAGG, ASLA, Austin, Texas, for a Landscape Architectural Services Rotation List to provide consultant, landscape architectural services for a period of two years or until available funding is expended, in an amount not to exceed \$240,000 per firm, with total contract amounts not to exceed \$240,000. (Funding in the amount of \$45,000 was included in the 1990-91 Amended Capital budget; \$20,000 was included in the 1994-95 Amended Capital budget; \$20,000 is included in the 1995-96 Amended Capital budget; \$155,000 is included in the 1997-98 Amended Capital budget of the Parks and Recreation Department.) Best qualification statements of eight. No M/WBE Subcontracting opportunities can be identified until the actual scope of work is determined.

Resolution No. 980507-11 approved

12. Approve a resolution authorizing execution of a contract award with SOUTHWEST CONSTRUCTORS, Austin, Texas, for restoration of a portion of the Mayfield-Gutsch House located at 3505 West 35th Street, in an amount not to exceed \$67,680. (Funding is included in the 1997-98 Amended Capital budget of the Parks and Recreation Department.) Low bid of two. 1.5% MBE, 3.7% WBE Subcontractor participation.

Resolution No. 980507-12 approved

13. Approve an amendment to an agreement with Austin Independent School District (AISD) to make improvements benefiting Pan-Am Park and Zavala Elementary School (No fiscal impact ? AISD will fund all improvements.)

Approved

NEIGHBORHOOD HOUSING AND COMMUNITY DEVELOPMENT

14. Approve a resolution authorizing negotiation and execution of a contract under the Community Housing Development Organization (CHDO) HOME Investment Partnership Program with the Guadalupe Neighborhood Development Corporation, in an amount not to exceed \$46,250 for the development of affordable housing for low and moderate income households at 701 Waller Street. (Funding is available in the 1997-98 Operating Budget Special Revenue Fund of the Neighborhood Housing and Community Development Office, HOME Investment Partnership Program, HOME Year 5.)

Resolution No. 980507-14 approved

PUBLIC WORKS AND TRANSPORTATION

15. Approve an ordinance for the issuance of a permit to the Lance Armstrong Foundation for Cancer for an event which will extend beyond 8:00 p.m. and for closure of the following streets: E. 6th Street (from Brazos to Red River) on May 22, 1998, and Nueces Street (from 2nd to 4th) and West 3rd Street (from San Antonio to Nueces) on May 23, 1998, under the provisions of Section 15-11-3 (B) and (C) of the City Code.

Ordinance No. 980507-B approved

16. Approve a resolution authorizing negotiation and execution of a professional services agreement with J. L. PATTERSON & ASSOCIATES, INC., Orange, California, for engineering and inspection services for railroad signal upgrades, in an amount not to exceed \$230,000. (Funding is available in the 1997-98 Amended Capital budget of the Public Works and Transportation Department. Costs to be reimbursed by CMTA via Interlocal Agreement.) Single qualification statement. No M/WBE Subconsulting opportunities were identified.

Resolution No. 980507-16 approved

17. Approve a resolution authorizing execution of a construction contract with EARL CAMPBELL CONSTRUCTION COMPANY, INC., Houston, Texas, for the construction of railroad crossings improvements at Rosewood Avenue, East 12th Street, Martin Luther King, Jr. Boulevard, Manor Road and Loyola Lane, in the amount of \$614,970. (Funding is available in the 1997-98 Amended Capital budget of the Public Works and Transportation Department.) Low responsive bid of four. 26.80% MBE, 7.32% WBE Subcontractor participation.

Resolution No. 980507-17 approved

18. Approve a resolution authorizing execution of a contract with CREATIVE PIPE, INC., Hermosa Beach, California, for the purchase of Class III Bicycle Racks to be installed in the central business district as part of the City's Bicycle and Pedestrian Program, in the amount of \$45,250. (Funding was included in the 1996-97 Amended Capital budget of the Public Works and Transportation Department.) Low bid of fifteen. No M/WBE Subcontracting opportunities were identified.

Resolution No. 980507-18 approved

FINANCE AND ADMINISTRATIVE SERVICE

19. Approve a resolution authorizing execution of a contract with HANSEN EQUIPMENT COMPANY, Lockhart, Texas, for the purchase of three Skid Steer Tractor Loaders and ancillary equipment (hydraulic systems, hydraulic backhoe attachments, pickup sweeper attachments, and hydraulic wheel saw attachments) to be used by the Water and Wastewater Utility and Parks and Recreation Department, in an amount not to exceed \$86,903. (Funding in the amount of \$29,276.52 was included in the 1997-98 Capital budget of the Water and Wastewater Utility; \$25,127.52 is available in the Vehicle Acquisition Fund of the Parks and Recreation Department; \$32,498.12 is available in the 1997-98 operating budget of the Water and Wastewater Utility.) Low bid of six. No M/WBE Subcontracting opportunities were identified.

Resolution No. 980507-19 approved

20. Approve a resolution authorizing execution of a contract with HOUSTON-GALVESTON AREA COUNCIL OF GOVERNMENTS Cooperative Purchasing Program (H-GAC), Houston, Texas, for the purchase of twenty-six various types of light duty trucks, sedans, vans and utility vehicles for use by the Fire, Police, Financial Services, Health, Parks and Recreation, and Water and Wastewater Departments, in the amount of \$507,679.77. (Funding in the amount of \$230,572.67 was included in the 1997-98 Vehicle Acquisition Fund; \$195,121.57 was included in the 1997-98 operating budgets of various City departments; \$64,347.34 is available in the Local Law Enforcement Block Grant; and \$17,638.19 was included in the 1997-98 Capital budget of the Water and Wastewater Utility.)

Resolution No. 980507-20 approved

21. Approve a resolution authorizing execution of a contract with AUSTIN FORD TRACTOR, Pflugerville, Texas, for the purchase of five tractor/loader/backhoes for use by the Water and Wastewater Department and Parks Department, in the amount of \$232,870. (Funding in the amount of \$78,982 was included in the 1997-98 Vehicle Acquisition Fund; \$153,888 was included in the 1997-98 Capital Budget of the Water and Wastewater Utility.) Low bid of five. No M/WBE Subcontracting opportunities were identified. (Recommended by Water and Wastewater Commission)

Resolution No. 980507-21 approved

EMERGENCY MEDICAL SERVICES

22. Approve second reading of an ordinance granting a non-emergency medical transport franchise for Guardian Services, Inc. (No fiscal impact.) [Recommended by Emergency Medical Services Quality Assurance Team and Urban Transportation Commission]

Approved second reading only

23. Approve a resolution authorizing ratification of a contract with TAYLOR MADE AMBULANCES, Newport, Arkansas, for the purchase of repair services, including a twelve month workmanship warranty, for an ambulance involved in an collision, in an amount not to exceed \$60,000. (Funding is available in the 1997-98 Operating Budget of Fleet Services.) Sole Source. No M/WBE Subcontracting opportunities were identified.

Resolution No. 980507-23 approved

INFORMATION SYSTEMS

24. Approve a resolution authorizing Amendment #1 to the contract with THE GREENTREE GROUP, Dallas, Texas, to complete the conversion and testing of the software changes to the City's utility billing system to be fully Year 2000 compliant, in an amount not to exceed \$120,948, for a total contract amount not to exceed \$616,902. (Funding was included in the 1997-98 operating budget of the Electric Utility.) No M/WBE Subcontracting opportunities were identified.

Resolution No. 980507-24 approved

25. Approve a resolution authorizing execution of a twelve month service agreement with COMPLETE COMMUNICATION SERVICES, INC., dba CO COM CABLING SYSTEMS, (WBE/FR), Pflugerville, Texas, to provide repair and emergency restoration of the City's fiber optic cabling, in an amount not to exceed \$100,000 with four twelve month extension options in an amount not to exceed \$100,000 per extension, for a total amount not to exceed \$500,000. (Funding in the amount of \$5,000 is available in the 1997-98 operating budget of the Information Systems Office. Funding for the remaining eleven months and the extension options is contingent upon available funding in future budgets.) Single bid. No M/WBE Subcontracting opportunities were identified.

Resolution No. 980507-25 approved

HEALTH AND HUMAN SERVICES

26. Approve a resolution authorizing execution of a construction contract with SOUTHWEST CONSTRUCTORS, Austin, Texas, for renovations to the Rebekah Baines Johnson Health Center Annex Dental Clinic located at 15 Waller Street, in the amount of \$301,111. (Funding in the amount of \$296,311 is included in the 1994-95 Amended Capital budget of the Health and Human Services Department; \$4,800 is included in the 1997-98 Amended Capital budget of the Public Works and Transportation Department.) Low bid of four. 17.26% MBE, 6.87% WBE Subcontractor participation.

Resolution No. 980507-26 approved

LIBRARY

27. Approve a resolution authorizing fee simple acquisition of 1.487 acres of land for the Pleasant Hill Library Parking Expansion located at 6701 Circle S Road, Austin, Travis County, Texas, owned by Diana Southwood Kennedy, in the amount of \$97,161. (Funding was included in the 1997-98 Capital budget of the Library Department.)

Resolution No. 980507-27 approved

POLICE

28. Approve a resolution authorizing application for and acceptance of \$521,211 in fifth year grant funding from the Texas Department of Transportation, Texas Automobile Theft Prevention Authority to continue the Auto Theft Interdiction Project in the Police Department. (A City match is not required. Funding for the continued operation of the program is contingent upon available funding in future budgets.)

Resolution No. 980507-28 approved

Items 10 through 28 approved on Council Member Goodman's motion, Council Member Griffith's second, 6-0 vote, Mayor Watson absent.

WATER AND WASTEWATER UTILITY

29. Approve a resolution authorizing negotiation and execution of an agreement with Triangle Retail One, L.C., for the construction of an 18-inch wastewater main and appurtenances to provide permanent wastewater service within and near the proposed Triangle Square tract with City cost reimbursement, in an amount not to exceed \$725,000. (Funding will be available for payment from the Water and Wastewater Utility's Capital Improvement Project Funds in March, 2001.) [To be reviewed by Water and Wastewater Commission May 6, 1998] (Related to Item 33)

Postponed one week to May 14, 1998

LAW DEPARTMENT

30. Approve settlement of Pelzel & Assoc. Inc., v. City of Austin; Cause No. 93-14549, in the 261st Judicial District court of Travis County, Texas.

Approved in an amount not to exceed \$490,000 on Council Member Goodman's motion, Council Member Griffith's second, 6-0 vote, Mayor Watson absent.

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

31. C14-97-0132 - Public hearing to amend Chapter 13-2 of the Austin City Code by zoning property locally known as 4501 Guadalupe Street from "GO", General Office, "MF-4", Multi-Family Residence (moderate-high density), and "CS", General Commercial Services to "GR-CO", General Office-Conditional Overlay. Planning Commission Recommendation: To Grant "GR-CO", General Office-Conditional Overlay District zoning with conditions. Applicant: Argama, Inc. (Joe Lucas); Agent: Locke Purnell Rain Harrell (Henry Gilmore). City Staff: Don Perryman, 499-2786.

Approved GR-CO as recommended by Planning Commission, first reading only on Council Member Lewis' motion, Council Member Griffith's second, 6-0 vote, Mayor Watson absent.

32. C14-97-0134 - Public hearing to amend Chapter 13-2 of the Austin City Code by zoning property locally known as Monterey Oaks Blvd. at Brush Country Road from "RR", Rural Residence District to "MF-1", Multi-Family Residence (limited density). Planning Commission Recommendation: To Grant "MF-1-CO", Multi-Family Residence (limited density)-Conditional Overlay District zoning with conditions. Applicant: Williamson Creek Farms, Ltd. (Rick Coleman); Agent: Conley Engineering, Inc. (Carl Conley). City Staff: Joe Arriaga, 499-2308.

Motion to close the public hearing on Council Member Slusher's motion, Council Member Spelman's second, 6-0 vote, Mayor Watson absent.

Motion to approve MF-1-CO as recommended by Planning Commission on Council Member Spelman's motion, Councilmember Lewis' second, 4-2 vote, Council Members Griffith and Slusher voting "NO", Mayor Watson absent.

33. C14-97-0146- Public hearing to amend Chapter 13-2 of the Austin City Code by zoning property locally known as the "Triangle," between North Lamar Boulevard, Guadalupe Street, and 45th Street, from "UNZ" Unzoned to "GR-MU," Community Commercial-Mixed Use zoning; waiving notice and board and commission review for vacation of a portion of right-of-way along Guadalupe Street, and approving a Development Plan. Planning Commission Recommendation: To Deny "GR-MU," Community Commercial-Mixed Use District zoning. Applicant: General Land Office of State of Texas (Bob Hewgley). City Staff: Don Perryman, 499-2786. (Related to Item 29)
Postponed to May 14, 1998 on Councilmember Lewis' motion, Councilmember Griffith's second, 5-0 vote, Councilmember Goodman off the dais, Mayor Watson absent.

PUBLIC HEARINGS

34. 6:00 P.M. - Public hearing on an ordinance granting a non-emergency medical transport franchise for American Medical Response of Texas, Inc., under Chapter 6-3 of the City Code. [Recommended by Emergency Medical Services Quality Assurance Team and Urban Transportation Commission]
Motion to close public hearing on Council Member Spelman's motion, Council Member Griffith's second, 5-0 vote, Council Member Slusher off the dais, Mayor Watson absent.
35. 6:30 P.M. - Public hearing on the Austin Bicycle Plan, Part 2 -Recommendations for bicycle facilities and an inventory of existing conditions on bicycle routes throughout the city.
Motion to close public hearing on Council Member Griffith's motion, Council Member Spelman's second, 6-0 vote, Mayor Watson absent.
36. 7:00 P.M. - Public hearing on the annexation of the Del Valle area.
Motion to close public hearing on Council Member Lewis' motion, Council Member Slusher's second, 6-0 vote, Mayor Watson absent.
37. 7:30 P.M. - Public hearing on the annexation of the Motorola Lease Consolidation Project site.
Motion to close public hearing on Council Member Slusher's motion, Council Member Lewis' second, 6-0 vote, Mayor Watson absent.

ACTION ON PUBLIC HEARINGS

38. Approve first reading of an ordinance granting a non-emergency medical transport franchise for American Medical Response of Texas, Inc., under Chapter 6-3 of the City Code. (No fiscal impact.) [Recommended by Emergency Medical Services Quality Assurance Team and Urban Transportation Commission]
Motion to approve first reading only on Council Member Spelman's motion, Council Member Griffith's second, 6-0 vote, Mayor Watson absent.
39. Approve an ordinance adopting the Austin Bicycle Plan, Part 2 - Recommendations for bicycle facilities and an inventory of existing conditions on bicycle routes throughout the city. (No fiscal impact ? approval does not authorize expenditure of funds.) [Recommended by Planning Commission, Parks and Recreation Board, Environmental Board, and Urban Transportation Commission]
Ordinance No. 980507-D approved on Council Member Slusher's motion, Council Member Goodman's second, 6-0 vote, Mayor Watson absent.

EXECUTIVE SESSION (No Public Discussion on These Items)

Executive session held at 12:24 p.m. to 1:45 p.m.

Executive session held at 2:55 to 4:35 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 - 551.007

40. Discuss IBC Partners, Ltd. and Foster Family Land, Ltd. vs. The City of Austin, Cause No. 97-05393, Travis County District Court.
41. Discuss legal issues related to state requirements for the regulation of private sewage facilities by the City.
42. Discuss W.W. Deerfield, Ltd. v. City of Austin, Cause No. 96-13413, Travis County District Court, Texas (litigation concerning application of land use and development regulations to a tract of land in the area subject to the SOS Save Our Springs Initiative Ordinance and the Court's ruling construing the Texas Open Meetings Act.
43. Purchase of Travis County Water Control Improvement District #14. Private Consultation with Attorney ? Section 441.071 (continued)
44. Discuss Ira and Charmaine Bedford, et al. v. The City of Austin, et al., Cause No. A-97-CV-094-SS, United States District Court for Western District of Texas. (Plaintiffs allege excessive use of force by APD)

Real Property—Section 551.072

44. Discuss proposed purchase of land in the Drinking Water Protection Zone for water quality conservation purposes.

ADDENDUM

May 7, 1998

CITIZEN COMMUNICATIONS: GENERAL

45. Dave Schroeder, to discuss ozone poisoning days; increasing U.V. radiation and car use.
46. Richard Troxell, to discuss homelessness in Austin and around the world. - **Absent**

ITEMS FROM COUNCIL

47. Approve an ordinance waiving street event fees for Safari 1998. (Councilmember Beverly Griffith)
Ordinance No. 980507-C approved on Council Member Goodman's motion, Council Member Griffith's second, 6-0 vote, Mayor Watson absent.

ADJOURNED at 8:35 p.m.

Approved on this the 14th day of May 1998 on Mayor Pro Tem Garcia's motion, Councilmember Slusher's second, 6-0 vote, Councilmember Goodman off the dais.