



Austin City Council MINUTES

FEBRUARY 16, 1995 - 1:00 P.M.

Mayor Todd called to order the meeting of the Council, noting the absence of Mayor Pro Tem Nofziger.

MINUTES APPROVED

1. Approval of Minutes for Regular Meeting of February 9, 1995 and Special Meetings of February 7, 8 and 9, 1995

Approved on Councilmember Garcia's motion, Councilmember Mitchell's second, 5-0 vote, Councilmember Shea out of the room, Mayor Pro Tem Nofziger absent.

CITIZEN COMMUNICATIONS: GENERAL

2. Mr. Mike Workman, to commemorate the 149th anniversary this week (February 19) of the beginning of government for the State of Texas at the location of the current City Hall, (northeast corner of 8th & Colorado).
3. Mr. Roger Baker, to discuss matters arising.
4. Mr. Gus Pena, to discuss juvenile detox center, juvenile crime increase, increase of gang membership.
Not Present
5. Mr. Henry Ratliff, address "Prospects for '95".
6. Ms. Elizabeth Sumter, to discuss EMS Contract.
7. Mr. Dick Kallerman, to discuss giving highest priority to the implementation of the Citizen's Planning Committee Report of January 19, 1995.
8. Mr. Shaun Barrington, to discuss proposed construction of Windcrest Crossing - Slaughter Lane and Manchaca Road.
9. Mr. Jack Bradsher, to speak against the building of the Windcrest Project in South Austin.
10. Mr. Bob Whitaker, to discuss concerns about the Windcrest Crossing development.
11. Mr. Dennis Scroggins, to discuss the Windcrest Crossing development.

1:30 P.M. PUBLIC IMPROVEMENT REFUNDING BONDS

12. Authorize the approval and execution of a forward purchase contract for the City of Austin, Texas, Public Improvement Refunding Bonds, Series 1985A, Escrow. The forward purchase contract will allow the City to generate revenue through an upfront cash payment. (This will generate an estimated \$250,000 in additional unbudgeted revenue in the General Obligation Debt Service Fund.)

Approved on Councilmember Reynolds' motion, Councilmember Mitchell's second, 6-0 vote, Mayor Pro Tem Nofziger absent.

ITEMS CONTINUED FROM PREVIOUS MEETINGS

13. Approve an ordinance revising the City of Austin Financial Policies to authorize use of commercial paper by the Electric and Water/Wastewater Utilities for routine capital improvements, and to authorize conversion to refunding bonds under certain terms and conditions.

Approved Ordinance No. 950216-F on Councilmember Garcia's motion, Councilmember Shea's second, 5-0-1 vote, Councilmember Goodman abstaining, Mayor Pro Tem Nofziger absent.

14. Approve second reading of an ordinance amending Chapter 13-2 of the Austin City Code rezoning property locally known as 4100-4898 South Mopac Expressway, Case No. C814-94-0001, from "I-RR", Interim Rural Residence to "PUD", Planned Unit Development, INEZ & TAYLOR GAINES (Jimmy Gaines), by Walter Vacker Development (Ron Reue). First reading on October 20, 1994; Vote 6-0, Mayor Pro Tem Nofziger absent. Conditions: Applicant wishes to amend conditions imposed by Council at 1st reading in order to allow increase in impervious cover and staff wishes to clarify revised notes related to watershed status of project. (Related to Item 39)

Motion to approve with amendment of parkland dedication by Councilmember Reynolds', Councilmember Mitchell's second, 3-0-2 vote, Councilmembers Goodman and Shea abstaining, Councilmember Garcia out of the room, Mayor Pro Tem Nofziger absent.

Motion to approve second reading by Councilmember Garcia, Councilmember Reynolds' second, 3-0-2 vote, Councilmembers Mitchell and Reynolds abstaining, Councilmember Garcia out of the room, Mayor Pro Tem Nofziger absent.

ORDINANCES

15. Approve second/third readings of an ordinance amending Chapter 13-2 of the Austin City Code rezoning property locally known as 1400 West 6th Street, Case No. C14-94-0121, from "SP-3", Family Residence to "LO-CO", Limited Office-Conditional Overlay, GRETCHEN W. M. ALLEY, by Rod Arend. First reading on October 20, 1994; Vote 6-0, Mayor Pro Tem Nofziger absent. Conditions met as follows: conditional overlay incorporates conditions imposed by Council.

Ordinance No. 950216-A approved

16. Amend Ordinance No. 940912-D, the 1994-95 operating budget, by amending the Special Revenue Fund of the Planning and Development Department to accept and appropriate a \$35,389 grant for the administration of the U.S. Department of Housing and Urban Development Section 8 Substantial Rehabilitation Housing Assistance Payments Program. (Funding is available from the U.S. Department of Housing and Urban Development.) [Recommended by the Housing Subcommittee]

Ordinance No. 950216-B approved

17. Authorize acceptance of \$4,000 in grant funds from the National Trust for Historic Preservation for Phase I of the historic restoration of the Elisabet Ney Museum landscape and site; amend Ordinance No. 940912-D, the 1994-95 operating budget Special Revenue Fund for Parks and Recreation Department, by increasing appropriations by \$4,000. (Funding is available in the National Trust for Historic Preservation. The City's one-to-one match in the amount of \$4,000 was included in the Parks and Recreation Department's Special Revenue Fund for Elisabet Ney Museum.)

Ordinance No. 950216-C approved

18. Amend Ordinance No. 940912-D, the 1994-95 operating budget, by reducing the General Fund Contingency Reserve by \$25,861 and increasing the appropriation to the Fire Department by \$25,861 for First Responder costs associated with 1994 annexations which became effective December 6, 1994. (Funding is available in the General Fund Contingency Reserve.)

Ordinance No. 950216-D approved

RESOLUTIONS

19. Authorize two (2) Interlocal Agreements with Travis County Rural Fire Prevention District No. 1, and Travis County, for the provision of First Responder Fire and EMS Services to: (1) Woods of Westlake, Woods of Westlake/Renaissance Heights and West Rim annexations areas; and (2) areas along the south shoreline of Lake Austin adjacent to the District's service area, for an initial term of two (2) years and a renewal term of one (1) additional two (2) year period. (Funding in the amount of \$5,632 is available in the 1994-95 operating budget of the Fire Department. Funding for the remainder of this agreement and the extension options is contingent upon available funding in future budgets.)
Approved

20. Authorize an Interlocal Agreement with Travis County Emergency Services District No. 2 and Travis County for the provision of First Responder Fire and EMS Services to the Harris Ridge/McAdams annexation area, for an initial term of two (2) years and a renewal term of one (1) additional two (2) year period. (Funding in the amount of \$16,781 is available in the 1994-95 operating budget of the Fire Department. Funding for the remainder of this agreement and for extension options is contingent upon available funding in future budgets.)
Approved

Austin-Bergstrom International Airport (Items 21-22)

21. Approve the award of a construction contract to BRAUN & BUTLER CONSTRUCTION, INC., Austin, Texas, for the Airport Rescue and Fire Fighting Station Construction for Austin-Bergstrom International Airport, in the amount of \$2,354,000 plus a contingency fund of \$235,000 for any necessary change orders. (Funding in the amount of \$2,589,000 was included in the 1994-95 Capital budget of the Aviation

Department.) Low bid of seven (7). 37.66% DBE Subcontractor participation: 33.84% MBE, 3.82% WBE. (Reviewed by the Airport Advisory Board.)
Approved

22. Authorize relocation benefits associated with the fee simple acquisition of real property located at 4756 #1 Johnson Road, Austin, Texas, for the Austin-Bergstrom International Airport Project, in the amount of \$99,104. (Funding was included in the 1994-95 Capital Budget of the Aviation Department.)
Approved

23. Approve execution of a twelve (12) month supply agreement with CYTEC INDUSTRIES, West Patterson, New Jersey, for the purchase of 230,800 pounds of liquid emulsion cationic polymer, for treatment of wastewater sludge at the Hornsby Bend Sludge Treatment Plant, in an amount not to exceed \$219,260 with options to extend for two (2) additional twelve (12) month periods in an amount not to exceed \$219,260 per option period, for a total amount not to exceed \$657,780. [Funding in the amount of \$146,173.34 for the first eight (8) months is available in the 1994-95 operating budget of the Water and Wastewater Utility. Funding in the amount of \$73,086.66 for the remainder of the contract period and the extension options will be contingent upon available funding in future budgets.] Low bid of six (6). No M/WBE Subcontracting opportunities were identified. (Recommended by the Water and Wastewater Commission.)
Approved

24. Approve a twelve (12) month Service Agreement award to CULLUM PIPE SYSTEMS, INC., Dallas, Texas, for the rehabilitation of wastewater lines and manholes through a trenchless process, in the amount of \$1,316,850, with the option to extend the agreement for up to two (2) twelve (12) month periods in an amount not to exceed \$1,382,692.50 for the first extension and \$1,451,827.13 for the second extension, for a total contract amount of \$4,151,369.63. (Funding was included in the 1993-94 Capital budget of the Water and Wastewater Utility.) Low bid of three (3). 12.74% MBE, 4.18% WBE Subcontractor participation. (Recommended by the Water and Wastewater Commission.)
Approved

25. Approve execution of a contract with IRWIN SEATING COMPANY, Grand Rapids, Michigan, for the purchase, delivery, and extended maintenance for eight (8) sections of portable telescoping seating platforms for the Austin Convention Center, in the amount of \$155,476. (Funding is available in the 1994-95 operating budget of the Convention Center.) Low bid of two (2). No M/WBE Subcontracting opportunities were identified.
Approved

26. Approve the filing of eminent domain proceedings to acquire fee simple interest to a parcel of land containing 12,865 square feet of land out of Lot Seventeen (17), Block "B", Creek Bend, Section Two (2), a subdivision situated in Travis County, Texas, owned by Richard L. Schott for the Creek Bend Flood Control Project. (Appraised value is \$70,000.)
Approved

27. Approve amendment of a contract with PCA HEALTH PLANS OF TEXAS, INC., for the Health and Human Services Department's excess medical claims for Medical Assistance Program (MAP) clients and related administrative duties, in the amount of \$70,000, for a total estimated contract amount of \$791,000. (Funding is available in the 1994-95 operating budget of the Health and Human Services Department, Medical Assistance Program.)
Approved

ITEMS FROM COUNCIL

28. Approve second/third readings to amend the Campaign Finance Ordinance to allow expenditure of funds for cellular phone expenses related to business use. (Mayor Bruce Todd and Councilmember Brigid Shea)
Ordinance No. 950216-E approved

Items 15-28 approved on Councilmember Garcia's motion, Councilmember Goodman's second, 6-0 vote, Mayor Pro Tem Nofziger absent.

29. Approve an addition to the City's legislative program favoring an amendment to the Government Code, Subsection 30.330, relating to the manner in which the Clerk of the Municipal Court of Austin is required to file and maintain original complaints and other court papers. (Legislative Subcommittee)
Postponed until February 23, 1995

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

30. C14-94-0149 - TEXAS NATIONAL BANK ASSN. (Richard D. Miller), by Minter, Joseph & Thornhill (Kenneth W. Brown), 9906 N. Capital of Texas Highway. From CH-CO to GR. Planning Commission Recommendation: To Grant GR-CO, Community Commercial-Conditional Overlay, with the provisions of the current overlay to remain in place except as follows: (1) Deletion of the following from the prohibited uses - Automotive Sales, Automotive Rentals, Automotive Washing (automatic or mechanical), and Automotive Washing (self service). Further subject to: (1) limit building height to 45 feet; (2) limit Floor-to-Area Ratio of 0.5 to 1; (3) limit building cover to 85%; and (4) delete vegetative buffer, but protect all ordinance trees except for one Cedar tree which is to be replaced with equal caliper inches of either Live Oak or Oak; 80% of dripline under trees to be pervious, 20% can be perforated.

Ordinance No. 950216-G approved on Councilmember Mitchell's motion, Councilmember Reynolds' second, 5-0 vote, Councilmember Garcia out of the room, Mayor Pro Tem Nofziger absent.

31. C14-94-0133 - HIDDEN VALLEY LTD. (John V. Felter), by David Weiss, 8307 Bagby Drive. From MH to LI. Planning Commission Recommendation: To Grant LI, Limited Industrial Services, subject to: (1) require 150 foot buffer between any residential building (mobile home) and proposed industrial use; and (2) prohibit

hazardous material from being stored on or transferred to the site. Planning Commission Recommendation: To Grant LI

Motion to close public hearing and grant Planning Commission recommendation subject to 150 foot average buffer with a minnum 150 foot set back from any mobil home to any structure on the tract as agreed to by the applicant and prohibiting hazardous material from being stored or transferred on 1st reading only by Councilmember Goodman, Mayor Todd's second, 5-0 vote, Councilmember Garcia out of the room, Mayor Pro Tem Nofziger absent.

32. C14R-85-337 - CANYON CREEK LAND, LTD. (Fred Eppright), by Huffcut & Associates (Gina Diehl), N. F.M. 620. Restrictive Covenant Amendment. Postponed until February 23, 1995

EXECUTIVE SESSION (No Public Discussion on These Items)

Executive Session was held on the morning of this date.

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 the meeting agenda. Council would take any subsequent action in the open meeting as listed on the 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.

Pending/Contemplated Litigation - Section 551.071

33. Discuss Sam Wilson v. City of Austin, et al, Cause No. 215,081.
34. Discuss City of San Antonio, Texas et al v. Westinghouse Electric Corp., Cause No. 90-5-00684-C, in the 23rd District Court of Matagorda County, Texas.
35. Discuss Houston Lighting and Power Company v. City of San Antonio, et al, Cause No. 88-923-E, in the 101st District Court of Dallas County, Texas.
36. Discuss City of Austin v. Houston Lighting and Power Company, Cause No. 94-007946, in the 164th District Court of Harris County, Texas.

Advice of Counsel - Section 551.071

37. Discuss ownership interest in South Texas Nuclear Plant.
38. Discuss lease negotiations for cargo facility at Austin-Bergstrom International Airport.

39. Seek advice of Counsel regarding Zoning Case No. C814-94-0001, rezoning property locally known as 4100 - 4898 South MoPac Expressway from "I-RR" to "PUD", INEZ & TAYLOR GAINES, by Walter Vacker Development. (Related to Item 14)

Real Estate - Section 551.072

40. Discuss possible real estate transactions related to Brackenridge Hospital.

ADJOURN at 4:20 p.m. on Councilmember Mitchell's motion, Councilmember Goodman's second, 5-0 vote, Councilmember Garcia out of the room, Mayor Pro Tem Nofziger absent.

Approved this the 2nd day of March, 1995, on Councilmember Garcia's motion, Mayor Pro Tem Nofziger's second, vote 7-0.

1. The first part of the report is a general
description of the project and its objectives.
2. The second part is a detailed description of the
methodology used in the study.

3. The third part is a description of the results of the study.

4. The fourth part is a discussion of the results and their implications.