



## Austin City Council MINUTES

JANUARY 5, 1995

Mayor Todd called to order the meeting of the Council, noting the temporary absence of Councilmembers Mitchell and Reynolds.

1. Approval of Minutes for Special Meetings of December 14 and 15, 1994

Approved on Councilmember Garcia's motion, Councilmember Goodman's second, 5-0 vote, Councilmembers Mitchell and Reynolds temporarily absent.

CITIZEN COMMUNICATIONS: GENERAL

2. Mr. Dennis Paddie, to speak to the needs of the traditional Austinite with regard to the environment, politics and the temper of the times.
3. Mr. Shaun Stenshol, to discuss the South Texas Nuclear Plant and the need to incorporate renewable energy technologies into the Austin electric grid.  
Not present
4. Mr. Art Brown, to discuss APD mismanagement - there are ways to save tax dollars.
5. Mr. Leonard Lyons, to promote a new game better than Monopoly called "City Hall Power Spending;" who ends up in control? Who ends up Bankrupt?  
Not present
6. Ms. Martha, Maverick, to discuss water.
7. Mr. Henry Ratliff, to discuss "Prospects for 95."
8. Mr. Gus Pena, to address juvenile crime issues, soup kitchen, gang violence, increase of substance and inhalant abuse in East Austin, and the need for a juvenile detox center.
9. Mr. Joe Quintero, to discuss crime in East Austin, gang violence, and increase of inhalant abuse by juveniles in East Austin.  
Not present
10. Ms. A. Hazlewood, to discuss parking tickets on space that should belong to the citizens.

## ITEMS CONTINUED FROM PREVIOUS MEETINGS

11. Approve second/third readings of an ordinance amending Section 2-2-9 of the Open Government Act to make the provisions on filing of ordinances and amendments with the City Clerk mandatory unless waived. (Mayor Bruce Todd and Councilmember Ronney Reynolds)

Motion made by Councilmember Reynolds, seconded by Councilmember Mitchell.

Councilmember Shea offered a substitute motion, seconded by Councilmember Garcia to change the 72 hour posting period to a 24 hour posting period. After discussion, Councilmember Garcia withdrew his second, and Councilmember Shea withdrew her substitute motion.

Failed on 3-3-1 vote, Mayor Pro Tem Nofziger and Councilmembers Garcia and Goodman voting No, Councilmember Shea abstaining.

ORDINANCES AND RESOLUTIONS - All of the following items may be acted upon by one motion. No separate discussion or action on any of the items is necessary unless desired by a Councilmember.

### ORDINANCES

12. Approve regulating the withdrawal of water from fire hydrants connected to the City of Austin water distribution system; amend Ordinance No. 940912-C to authorize the Water and Wastewater Utility to collect a fire hydrant meter installation fee, a fire hydrant meter initiation fee, and a refundable fire hydrant equipment deposit. (Fees authorized by this ordinance are currently being collected by Utility Customer Service Office, therefore no new revenue will be produced by this ordinance). [Recommended by Water and Wastewater Commission] Ordinance 950105-A approved
13. Authorize acceptance of \$1,531 in additional grant funds from the U.S. Environmental Protection Agency to produce a guide related to the Austin Nature Center's "Birds, Bats, Butterflies and More" exhibit; amend Ordinance No. 940912-D, the 1994-95 operating budget Special Revenue Fund for the Parks and Recreation Department by increasing appropriations to \$831, for a total grant amount of \$3,831. (City match is not required.) Ordinance 950105-B approved
14. Authorize acceptance of \$900 in grant funds from the Texas Historical Commission for the reproduction of Elisabet Ney's gown for the Elisabet Ney Museum; amend Ordinance No. 940912-D, the 1994-95 operating budget Special Revenue Fund for the Parks and Recreation Department by increasing appropriations to \$900. (City match is not required.) Ordinance 950105-C approved

15. Authorize acceptance of \$600 in grant funds from the Wellesley College Center for Research on Women to build play structures for the Austin Nature Center's Nature's Way after-school and preschool program; amend Ordinance No. 940912-D, the 1994-95 operating budget Special Revenue Fund for the Parks and Recreation Department by increasing appropriations to \$600. (City match is not required.)  
Ordinance 950105-D approved
16. Amend Section 2-4-134 of the Austin City Code, as amended, to include the Child Care Management System (CCMS) Child Care Advisory Council activities required by the Texas Department of Human Services. (No fiscal impact).  
Ordinance 950105-E approved
17. Authorize acceptance of a \$24,543 increase in grant funds from the Texas Department of Housing and Community Affairs' Community Services Block Grant (CSBG) program, for the operation of City and County Neighborhood Centers; amend Ordinance No. 940912-D, the 1994-95 operating budget, amending the Special Revenue Fund by appropriating an additional \$24,543 for the Health and Human Services Department Special Revenue Fund, for a total grant amount of \$480,238. (A City match is not required.) [Related to Item 22]  
Ordinance 950105-F approved

#### AIDS Services (Items 18-21)

18. Authorize acceptance of \$120,000 in additional grant funds from the United States Department of Health and Human Services, for the Ryan White/Title III grant program; amend Ordinance No. 940912-D, the 1994-95 operating budget, amending the Special Revenue Fund by appropriating an additional \$120,000 in grant funds for the Health and Human Services Department, for a total grant amount of \$488,926.  
Ordinance 950105-G approved
19. Authorize acceptance of \$53,736 in additional grant funds from the Texas Department of Health (TDH) for the Ryan White/Title II grant program; amend Ordinance No. 940912-D, the 1994-95 operating budget, amending the Special Revenue Fund by appropriating an additional \$53,736 in grant funds for the Health and Human Services Department Special Revenue Fund, for a total grant amount of \$1,064,776.  
Ordinance 950105-H approved

#### RESOLUTIONS

20. Approve twelve (12) month contracts for the Clinical Trial Access Project with CTMP HIV STUDY GROUP, in the amount of \$80,000; AUSTIN INFECTIOUS DISEASE CONSULTANTS, in the amount of \$25,000; and ALLGO/INFORME SIDA, in the amount of \$15,000, for a total amount of \$120,000. (Funding is available in the 1994-95 operating budget Special Revenue Fund for the Health and Human Services Department.)  
Approved

21. Authorize negotiation and execution of amendments to four (4) contracts for HIV services under the Texas Department of Health, Ryan White/Title II grant program: AIDS SERVICES OF AUSTIN, in the amount of \$33,190, for a total contract amount of \$263,568; PEDIATRIC AIDS LEAGUE, in the amount of \$9,500, for a total contract amount of \$56,498; WATERLOO COUNSELING CENTER, in the amount of \$3,546, for a total contract amount of \$52,150; and the ATCMHMR CARE UNIT, in the amount of \$7,500, for a total contract amount of \$51,250. (Funding is available in the 1994-95 operating budget, Special Revenue Fund for the Health and Human Services Department.)  
Approved
22. Approve negotiation and execution of a twelve (12) month contract with the Travis County Human Services Department, for Rural Neighborhood Center operations as part of the Community Services Block Grant (CSBG) program, in the amount of \$85,740. [Funding is available in the Health and Human Services Department Special Revenue Fund for the Community Services Block Grant (CSBG) program.] (Related to Item 17)  
Approved
23. Approve the third amendment to the catering/concessions contract with Fine Host Corporation at the Austin Convention Center to clarify accounting and reporting provisions.  
Approved
24. Approve negotiation and execution of an Interlocal Agreement with Wells Branch Municipal Utility District and an agreement with Santa Fe Group, owner of a 22.5 acre tract at 14742 Merrililtown Road to provide terms and conditions for pass-through wastewater service to the tract. [The Utility will receive water and wastewater outside City retail revenue for the 315 LUEs assigned to the tract plus Capital Recovery Fees (CRF) on all customers in an estimated amount of \$167,600 to \$180,000. This revenue was not included in the 1994-95 budget.] (Recommended by Water and Wastewater Commission)  
Approved
25. Approve an agreement with Southland Oaks Municipal Utility District and Milburn Investments, Inc., for pass-through wastewater service to Cherry Creek Sections 14 and 15. [The Utility will receive wastewater Capital Recovery Fees (CRFs) for 198 connections in addition to revenue from actual gallons discharged to Austin based on retail wastewater volumetric rate in the amount of \$155,826. This revenue was not included in the 1994-95 budget.] (Recommended by Water and Wastewater Commission)  
Approved
26. Approve negotiation and execution of an agreement with Springwoods Municipal Utility District and Kenneth and Renee Griffin, owner of a .324 acre residential lot located at 13266 Pond Springs Road to provide terms and conditions for pass-through wastewater service to the lot. [The Utility will receive outside

City retail wastewater sale revenue plus a Capital Recovery Fee (CRF) in the amount of \$787. This revenue was not included in the 1994-95 budget.]

(Recommended by Water and Wastewater Commission)

Approved

27. Approve a construction contract award to JORDAN-WHITFIELD, INC., Austin, Texas, for construction of accessibility improvements for Bartholomew Park and Pool and at the Northwest Recreation Center, in the amount of \$119,150. (Funding was included in the 1994-95 Capital Budget for the Parks and Recreation Department.) Low bid of three (3). 2.15% MBE, 1.65% WBE Subcontractor participation.

Approved

28. Approve a schedule for review of proposed revisions to Chapter 5-7 of the Austin City Code (the Disparity Study Ordinance revisions). [No fiscal impact].

Approved

Items 12-28 approved on Councilmember Garcia's motion, Mayor Pro Tem Nofziger's second, 7-0 vote.

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

29. C14-94-0123 - HEM PROPERTIES (Steven C. Moore), 5905 to 5909 Manor Road. From SF-3 to MF-3. Planning Commission Recommendation: To grant MF-3-CO, Multi-Family Residence (medium density)-Conditional Overlay, zoning subject to: (1) height limitation of 30 feet; (2) designate 33% of new construction to house handicapped and/or mobility impaired persons through either a conditional overlay or a restrictive covenant; and (3) require handicapped parking to be in accordance with number of units.

Public Hearing closed on Councilmember Garcia's motion, Mayor Todd's second, 7-0 vote.

1st reading failed, as amended, and deleting stipulations 2 and 3 above as recommended by Planning Commission, on Councilmember Garcia's motion, Councilmember Nofziger's second, 5-1-1 vote, Councilmember Goodman voting No, and Councilmember Shea abstaining. The item failed because there was a valid petition, which required six positive votes.

#### EXECUTIVE SESSION (No Public Discussion on These Items)

Executive Session held on the morning of this date.

Executive Session held from 2:45 P.M. until 3:45 P.M. on item 31.

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 listed on this agenda.

Pending Litigation - Section 551.071

30. Discuss South Cross Plaza v. City of Austin; Cause No. 94-06387.
31. Discuss Tim Ramsey and Sue Ramsey, et al v. City of Austin; Cause No. 94-01922.
32. Discuss Jerry Quick v. City of Austin; Cause No. 92-0637.
33. Discuss F.M. Properties Operating Co. v. City of Austin; Civil Action No. A-94-CA-647-JN.

Land Acquisition - Section 551.072

34. Discuss relocation benefits associated with the acquisition of property for the Austin-Bergstrom International Airport.  
Deleted
35. Discuss special provisions of proposed lease agreement with Austin Hospital Authority.

ACTION ON THE FOLLOWING

36. Approve payment to Rudy Robinson, as an expert, in South Cross Plaza v. City of Austin; Cause No. 94-06387.  
No action taken
37. Approve settlement of Tim Ramsey and Sue Ramsey, et v. City of Austin; Cause No. 94-01922.

Approved settlement amount of \$195,000.00 inclusive of court costs on Councilmember Garcia's motion, Mayor Pro Tem Nofziger's second, 6-0 vote, Councilmember Shea temporarily absent.

38. Approve second/third readings to amend Ordinance No. 940912-D, the 1994-95 operating budget of the Drainage Utility Fund, by increasing the budgeted beginning balance by \$502,247, and increasing the appropriation by \$502,247, for a total appropriation of \$18,484,926. (Related to Item 39)

Passed on second reading only on Councilmember Garcia's motion, seconded by Mayor Pro Tem Nofziger, in the amount of \$477,247.00 beginning balance for a total appropriation of \$18,459,926.00, 4-3 vote, Mayor Todd and Councilmembers Mitchell and Reynolds voting No.

39. Authorize an amendment to the professional services agreement with Hilgers & Watkins, L.L.P., in the amount of \$702,246.64, for a total contract amount of \$1,298,494.64, for legal services related to Jerry J. Quick v. City of Austin.  
(Related to Item 38)

No action was taken on this item because Item No. 38 passed only on second reading.

40. Approve relocation benefits associated with the acquisition of property located at 5104 Johnson Road, Del Valle, Texas, for the Austin-Bergstrom International Airport.  
Withdrawn

RECESSED from 2:45 P.M. until 3:45 P.M. for Executive Session on item 31.

ADJOURNED at 6:25 P.M. on Councilmember Garcia's motion, Mayor Pro Tem Nofziger's second, 7-0 vote.

APPROVED this the 18th day of January, 1995, on Councilmember Garcias's motion, Councilmember Goodman's second, 6-0 vote, Councilmember Mitchell temporarily absent.

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