



Austin City Council MINUTES

AUGUST 4, 1994 - 1:00 P.M.

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

MINUTES APPROVED

1. Approval of Minutes for Regular Meeting of June 23 and July 21, 1994 and Special Meetings of June 21, 23, July 19, 20 and 21, 1994

Approved with the following corrections to the regular meeting of July 21, 1994:
a) item 13 should show the amendment to include that this particular contract will include studies for Cesar Chavez Street, 6th Street, 7th Street, 11th Street and 12th Street
b) item 15 should include the word "and" between 11:00 p.m. and 12:00 a.m. and then between 11:30 p.m. and 12:30 a.m.
on Councilmember Garcia's motion, Mayor Pro Tem Nofziger's second, 7-0 vote.

CITIZEN COMMUNICATIONS: GENERAL

2. Mr. Brent White, to express opposition to Mayor Todd's rent control policy.
3. Mr. Wilbert Ceasar, to discuss AMD - affordable housing contract bid.
4. Ms. Christy Engle and friends of Connections, to thank the City Council for all of their support during the past year.
5. Ms. Melissa Amici and friends of Connections, to thank the City Council for their support of the Resource Center.
6. Mr. Albert Stowell, to discuss the AMD affordable housing proposal.
Not present
7. Ms. Susana Almanza, to discuss health impacts from Holly Street Power Plant and other city issues.

ITEMS CONTINUED FROM PREVIOUS MEETINGS

8. Establish a goal of reducing operations at the Holly Power Plant and direct the City Manager to expedite the acquisition of replacement energy resources, transmission improvements and demand-side management programs necessary to accomplish this goal. (Councilmembers Gus Garcia and Eric Mitchell)

Approved on Councilmember Garcia's motion, Councilmember Mitchell's second, 7-0 vote.

9. Approve execution of a twelve (12) month contract with TOWERS PERRIN, Austin, Texas, to provide actuarial and consulting services for the Employee Benefits Program and Fund, in an amount not to exceed \$288,600, with two (2) twelve (12) month extension options, in an amount not to exceed \$288,600 per extension, for a total amount not to exceed \$865,800. (Funding in the amount of \$48,100 is available in the 1993-94 Employee Benefits Fund. Funding for the remaining ten (10) months of the original contract period (\$240,500) and extension options are contingent upon future budgets.) Best proposal of five (5). 1% MBE, 11% WBE Subcontractor participation.

Councilmember Mitchell moved that the Council direct staff to rebid the contract to afford more opportunities to other bidders, rather than combine all of the services in one contract. The motion, seconded by Councilmember Reynolds, carried by a 7-0 vote.

10. Approve a resolution to encourage and support economic development strategies in the immediate central business district of East Austin. (Recommended by Planning Commission) [Mayor Bruce Todd and Councilmembers Brigid Shea and Jackie Goodman]

Councilmember Garcia moved approval of the resolution, Councilmember Shea seconded the motion. Councilmember Mitchell offered the following friendly amendment:

"I would just like to add something: maybe as a friendly amendment, that we discuss, develop, implement, and carry out any initiatives to address these areas with a true bottoms up, grass roots approach, by having real inclusion by the people that are in the area; that we have dialogue with them and that they be involved in every step of the way."

Councilmember Garcia and Councilmember Shea accepted the friendly amendment. The motion, with amendment, carried by a 7-0 vote.

11. Direct the City Manager to aggressively pursue all prudent means of reducing the proposed increases in electric rates. (Councilmembers Brigid Shea and Jackie Goodman)

Mayor Pro Tem Nofziger offered the following friendly amendment to the resolution that was before the Council:

"Nothing in this Resolution should be construed as encouraging increased operation to Holly Street Power Plant to achieve the spot market sales."

Councilmember Shea moved passage of the resolution with the friendly amendment. Councilmember Goodman seconded the motion.

FRIENDLY AMENDMENT - ACCEPTED

Councilmember Reynolds offered the following friendly amendment:
Would state that at the end of "all system and spot market sales", to state "while recognizing both long and short term needs of the electric system".

Councilmember Shea and Councilmember Goodman accepted the friendly amendment. The motion, with amendments, carried by 6-0 vote, Councilmember Mitchell out of the room.

12. Approve a construction contract to MCGINNES BROS. INC., Houston, Texas, for construction of the Walnut Creek Wastewater Treatment Plant (WWTP) Corrosion Repairs, in the amount of \$1,638,080, with \$327,616 as a contingency fund to be used for change orders, for a total amount not to exceed \$1,965,696. (Funding was included in the 1991-92 Capital Budget of the Water and Wastewater Utility.) Low bid of two (2). 13.53% MBE, 2.09% Subcontractor participation. (Recommended by Water and Wastewater Commission)

Approved on Mayor Pro Tem Nofziger's motion, Councilmember Garcia's second, 7-0 vote.

ORDINANCES

13. Consider rescinding action on Case No. C14-92-0150 for property locally known as 12103-12299 IH-35 North, Case No. C14-92-0150, from "SF-2", Single Family Residence (standard lot) to "MF-3-CO", Multifamily Residence (medium density)-Conditional Overlay, TEXAS COMMERCE BANK-AUSTIN, N.A. (Doug Snyder), by Holford Group (David Holt). First reading on May 6, 1993: Vote 5-0-1, Councilmember Garcia abstained and Nofziger was absent. Second reading on June 10, 1993: Vote 5-0-1, Councilmember Garcia abstained and Mayor Todd was absent. Third reading on July 28, 1994, subject to applicant executing a restrictive covenant requiring payment/fiscal of a pro rata share for improvements to Yager Lane/I.H. 35, Vote 6-0-1, Councilmember Garcia abstained.
Deleted
14. Repeal Subpart (5) of Section 13-4-5(d), Austin City Code of 1992, prohibiting Municipal Utility District (MUD) utility rates that are less than rates for comparable customers within the City; repeal Subpart (c) of Section 13-4-8(c), Austin City Code of 1992, requiring that MUDs collect a special water and sewer rate before annexation (annexation surcharge); and authorize the City Manager or his designee to execute consent amendments to delete said requirements from MUD Consent Agreements upon written request from the District. (No fiscal impact.) [Recommended by the Water and Wastewater Commission]
Ordinance No. 940804-A approved
15. Approve issuance by Brushy Creek MUD of Combination Tax and Revenue Refunding Bonds Series 1994 in a principal amount not to exceed \$7,580,000; approving the terms, conditions and covenants of the Bond Order and Preliminary Official Statement. (Present Value Savings is projected to be \$346,134 or 4.57% of the principal amount of the refunded bonds. No direct fiscal impact. The City is not responsible for payment of debt service on district bonds until annexation and dissolution of the District.) [Recommended by Water and Wastewater Commission] (Related to Item 16)
Ordinance No. 940804-B approved

RESOLUTIONS

16. Approve amendments to Consent Resolution of Brushy Creek Municipal Utility District to amend and clarify the requirements for issuance of refunding bonds by the District. (No fiscal impact. The City is not responsible for payment on District bonds until annexation and dissolution of the District.) [Recommended by Water and Wastewater Commission.] (Related to Item 15)
Approved

Items 14-16 approved on Mayor Pro Tem Nofziger's motion, Councilmember Garcia's second, 7-0 vote.

17. Approve negotiation and execution of a six (6) month contract with MCBEE ASSOCIATES, INC., Columbia, Maryland, for the provision of an interim Controller for Brackenridge Hospital, in an amount not to exceed \$120,000, including an option to extend thereafter for one (1) additional six (6) month period in an amount not to exceed \$120,000, for a total amount not to exceed \$240,000. [Funding in the amount of \$40,000 is available in the 1993-94 operating budget of Brackenridge Hospital; funding for the final four (4) months of the original contract period and the extension option is contingent upon available funding in future budgets.] Best proposal of five (5). No M/WBE Subcontracting opportunities were identified.

Approved on Councilmember Reynolds' motion, Councilmember Garcia's second, 6-0 vote, Councilmember Shea out of the room.

18. Approve execution of a twelve (12) month supply agreement with BAKER SURGICAL, INC., The Woodlands, Texas, for various neurological catheters used by Brackenridge Hospital, in an amount not to exceed \$53,550, including an option to extend thereafter for up to two (2) additional twelve (12) month periods in an amount not to exceed \$53,550 per extension, for a total amount not to exceed \$160,000. [Funding in the amount of \$8,925 is available in the 1993-94 operating budget of Brackenridge Hospital. Funding for the final ten (10) months of the original contract period and the extension option is contingent upon available funding in future budgets.] Low bid of two (2) meeting specifications. No M/WBE Subcontracting opportunities were identified.
Approved

19. Approve execution of a twelve (12) month supply agreement with 3M INFUSION THERAPY, St. Paul, Minnesota, for administration sets (an intravascular device used to administer fluids from a container to a patient's vascular system), in an amount not to exceed \$75,888, including an option to extend thereafter for up to three (3) additional twelve (12) month periods in an amount not to exceed \$75,888 per extension, for a total amount not to exceed \$303,552. [Funding in the amount of \$12,648 is available in the 1993-94 operating budget of Brackenridge Hospital. Funding for the final ten (10) months of the original contract period and the extension options is contingent upon available funding in future budgets.] Sole Source. No M/WBE Subcontracting opportunities were identified.
Approved

20. Approve execution of a contract with CALIPER CORPORATION, Newton, Massachusetts, for the purchase of an automated routing system for the Solid Waste Services Division of the Environmental and Conservation Services Department, in an amount not to exceed \$90,115.02. (Funding is available in the 1993-94 operating budget of the Solid Waste Services Division of the Environmental and Conservation Services Department.) Best proposal of three (3). 13% MBE, 8% WBE Subcontractor participation.
Approved
21. Approve the filing of eminent domain proceedings to acquire fee simple title to a parcel of land containing 20,601 square feet of land legally known as Lot 50, Block A of The Bluffs of University Hills Section 3, a subdivision in Austin, Travis County, Texas, owned by Estelle Brooks, William McKinley Brooks, Jr., Jason Brooks, and Denice Brooks for the Little Walnut Creek Drainage Project, Phase III. (Appraised value is \$74,000).
Approved
22. Establish Drug Free Zones around schools, playgrounds, youth centers, public swimming pools or video facilities in support of the Strategic Intervention for High Risk Youth (SIHRY) program. (No fiscal impact.)
Approved

Items 18-22 approved on Mayor Pro Tem Nofziger's motion, Councilmember Garcia's second, 7-0 vote.

ORDINANCES

23. Approve cancellation of the August 25, 1994 regular Council meeting.

Ordinance No. 940804-C approved on Councilmember Garcia's motion, Mayor Pro Tem Nofziger's second, 5-0 vote, Mayor Todd and Councilmember Shea out of the room.

ITEMS FROM COUNCIL

24. Approve a resolution directing the City Manager to investigate the feasibility of a district cooling and heating system in the downtown area. (Councilmember Jackie Goodman)

Approved on Councilmember Goodman's motion, Councilmember Mitchell's second, 7-0 vote.

25. Approve an ordinance amending the Land Development Code to extend deadlines for updates to applications. (Councilmembers Ronney Reynolds and Eric Mitchell)

Approve 1st reading on Councilmember Reynold's motion, Councilmember Mitchell's second, 7-0 vote.

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

26. C14H-93-0016 - CITY OF AUSTIN (B.J. SMITH HOUSE), by Planning and Development Department, 700 West 6th Street. From CBD to CBD-H. Planning Commission

Recommendation: To grant CBD-H, Central Business District-Historic, zoning based on designation criteria items (1), (2), (3), (6), (8), (9), (11), (12) and (13).

Motion to withdraw application for historical zoning by Councilmember Reynolds, Mayor Pro Tem Nofziger's second, 3-2-2 vote, Councilmembers Garcia and Goodman voting NO, Councilmember Mitchell and Shea abstaining.

Motion for staff to work with owners on restrictive covenant by Councilmember Shea, Mayor Todd's second, no vote taken.

Motion to withdraw historical zoning application by Councilmember Mitchell, Councilmember Reynolds' second, 4-3 vote, Councilmembers Garcia, Goodman and Shea voting NO.

27. C14-97-0067 - ESTATE OF VICTORIA AUDISH (Dorothy Yentzen), by LZT Architects (Herman Thun), 801 to 811 W. Stassney Lane. From LO to MF-3. Planning Commission Recommendation: To grant MF-1-CO, multi-family residence (limited density) - conditional overlay zoning, subject to a maximum of 9 multi-family units, a 25' landscaped buffer on the southern portion of the property line, and a private restrictive covenant with enforceability to apply to those owners within 200 feet as volunteered by the applicant.

Close public hearing on Mayor Pro Tem Nofziger's motion, Councilmember Reynolds' second, 6-0 vote, Councilmember Mitchell out of the room.

Ordinance No. 940804-D approved on Councilmember Garcia's motion, Mayor Pro Tem Nofziger's second, 5-1 vote, Councilmember Goodman voting NO, Councilmember Mitchell out of the room.

28. C14R-85-394 & C14R-84-237 - RIVER PLACE CENTER, By Minter, Joseph & Thornhill (Ken Brown), 10909 FM 2222. Request for restrictive covenant amendment.
Deleted

PUBLIC HEARING AND APPROVAL OF ORDINANCES/RESOLUTIONS

29. 5:00 P.M. - Public Hearing on City of Austin's participation in Advanced Micro Devices' (AMD) proposal for construction of affordable housing.

Close public hearing on Councilmember Garcia's motion, Councilmember Shea's second, 5-0 vote, Mayor Pro Tem Nofziger and Councilmember Mitchell out of the room.

EXECUTIVE SESSION (No Public Discussion on These Items)

Executive Session held from 5:45 p.m. until 5:58 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 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 the agenda.

Pending/Contemplated Litigation - Section 551.071

30. Discuss settlement of claim from Anthony Crane Rental; Claim No. 94070500.
31. Discuss settlement of Medicare claims before the Health Care Financing Administration.

ACTION ON THE FOLLOWING

32. Approve settlement of claim from Anthony Crane Rental; Claim No. 94070500.

Approved settlement of \$78,469.83 on Councilmember Garcia's motion, Mayor Pro Tem Nofziger's second, 5-0 vote, Councilmembers Mitchell and Shea out of the room.

33. Authorize settlement of Medicare claims before the Health Care Financing Administration, Washington, D.C.

Approved on Councilmember Garcia's motion, Mayor Pro Tem Nofziger's second, 6-0 vote, Councilmember Mitchell out of the room.

34. APPOINTMENTS

DISPARITY STUDY WORK GROUP - 15
PLANNING COMMITTEE - 18

Postponed until August 18, 1994

ADJOURN at 10:00 p.m. on Councilmember Reynolds' motion, Councilmember Shea's second, 5-0 vote, Mayor Pro Tem Nofziger and Councilmember Mitchell out of the room.

Approved this the 18th day of August, 1994 on Councilmember Garcia's motion, Mayor Pro Tem Nofziger's second, 6-0 vote, Councilmember Mitchell out of the room.

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