



Austin City Council MINUTES

June 22, 1995 - 1:00 P.M.

Mayor Todd called the meeting to order, noting the absence of Councilmember Shea.

1. Approval of Minutes for Work Session of May 31, 1995, Executive Session of June 1, 1995, Regular Meeting of June 1, 1995, Worksession of June 7, 1995, Executive Meeting of June 8, 1995 and Regular Meeting of June 8, 1995
Approved with corrections, on Mayor Pro Tem Garcia's motion, Councilmember Nofziger's second, 6-0 vote, Councilmember Shea absent.

CITIZEN COMMUNICATIONS: GENERAL

2. Mr. Don Harris, to request rate consideration for the Austin Convention Center.
3. Mrs. Charlene Shillman, to discuss existing space in the Downtown area can serve adequately for museum exhibition space, such as 823 Congress and 804 Congress, save money support the Museum of Fine Arts, Austin!
4. Mrs. Cecilia M. Wood, to encourage City Council to create a comprehensive cost effective drug and alcohol detoxification job training, job placement homeless adult recovery program for those citizens of Austin living on our streets.
Not present
5. Mr. Gus Pena, to request a comprehensive study and plan to revitalize the economy in East Austin. To discuss housing for the people in need of affordable housing in all of Austin. More summer youth job programs funding.
6. Mr. James Perry, to speak on the money that is going to be spent on the Downtown Project, Business, Restaurants, Shops, living apartments.
7. Mr. Richard Moore, to discuss housing and zoning problems and consequences of some real and current issues/concerns.
Not present

ITEMS CONTINUED FROM PREVIOUS MEETINGS

8. Approve the route of an electric transmission line connecting the Holly Street and Seaholm Power Plants through portions of Waller Beach Park, Festival Beach Park, Holly Beach Park and Fiesta Gardens Park. (No fiscal impact.)
Approve 1B-2 with friendly amendment by Councilmember Goodman: "Direct the city Utility staff to

begin pursuing knowledge of state of the art technology that would allow us to devise a policy to begin implementation whenever possible of underground lines. The amendment was accepted on Mayor Pro Tem Garcia's motion, Councilmember Reynolds' second, 4-1 vote, Mayor Todd voting "NO", Councilmember Mitchell off the dais, Councilmember Shea absent.

9. Approve execution of a contract with WHITE WAY SIGN, Chicago, Illinois, for the purchase, delivery, installation and five (5) year warranty and full service for an electronic, double-faced marquee system for Palmer Auditorium, in an amount not to exceed \$131,915. (Funding was included in the 1994-95 Capital budget of the Austin Convention Center Department.) Low bid of three (3). 0% MBE, 2.8% WBE Subcontractor participation.
Postponed to June 29, 1995

ORDINANCES

10. Approve third reading of an ordinance to renew the taxicab franchise of Harlem Cab Company d.b.a. Austin Cab.
Ordinance No. 950622-A, on Mayor Pro Tem Garcia's motion, Councilmember Goodman's second, 6-0 vote, Councilmember Shea absent.
11. Approve third reading of an ordinance amending Chapter 13-2 of the Austin City Code rezoning property locally known as 336 E. Ben White Blvd., Case No. C14-94-0136, from "LI", Limited Industrial Services to "CS-1-CO", Commercial Liquor Sales-Conditional Overlay, SOUTHLAND EQUITIES, INC., (John C. Kuhn), by Kuhn, Doyle & Kuhn, P.C. (John C. Kuhn). First reading on February 23, 1995; Vote 7-0. Second reading on April 6, 1995; Vote 5-0 Mayor Todd absent and Councilmember Mitchell out of the room. Conditions met as follows: conditional overlay incorporates conditions imposed by Council. There is a valid petition in opposition to the Adult Oriented Business uses filed by the applicant; six (6) Council votes will be required to prohibit Adult Oriented Business uses.
Postponed to June 29, 1995
12. Approve second/third readings of an ordinance amending Chapter 13-2 of the Austin City Code rezoning property locally known as 8400 East U.S. Hwy. 290, Case No. C14-95-0009, from "DR", Development Reserve to "GR-CO", Community Commercial-Conditional Overlay, FIRST STATE BANK (Roger W. Weiland), by Dunagan, Weichert & Assoc. (Glenn Weichert). First reading on March 30, 1995; Vote 6-0, Councilmember Shea absent. Conditions met as follows: Conditional overlay incorporates conditions imposed by Council. A restrictive covenant incorporating conditions imposed by Council has been executed. (There is a valid petition of 86.02% opposing this rezoning request, therefore six votes of Council will be required to grant the applicant's request.)
Ordinance No. 950622-B approved, on Mayor Pro Tem Garcia's motion, Councilmember Goodman's second, 6-0 vote, Councilmember Shea absent.
13. Approve second reading of an ordinance amending Chapter 13-2 of the Austin City Code rezoning property locally known as Rialto Boulevard, Case No. C14-94-0113, from "CS", Commercial Services to "MF-2", Multifamily Residence (low density) and "RR", Rural Residence for the 100-year floodplain along the south property line, F.M. PROPERTIES OPERATING CO. (Ernest E. Howard), by Strasburger & Price, L.L.P. (David Armbrust). First reading on November 17, 1994; Vote 4-1, Councilmember Goodman voting "No", Mayor Todd absent, and Councilmember Mitchell out of the

room. Conditions met as follows: The applicant is opposing a condition imposed by Council on first reading relating to the S.O.S. Ordinance.

Postponed until June 29, on Councilmember Goodman's motion, Mayor Pro Tem Garcia's second, 6-0 vote, Councilmember Shea absent.

14. Approve a request from Travis County Water Control and Improvement District, Number 10 (WCID #10) for permission to annex a 12.14 acre tract at 1300-1306 Red Bud Trail into the District. (The Water and Wastewater Utility will receive a small revenue increase from additional water sales to WCID #10 for the tract.) [Recommended by Water and Wastewater Commission and Planning Commission]

Ordinance No. 950622-C approved

15. Amend the Austin City Code by modifying the Basic Traffic Ordinance, Section 16-4-5 to establish a 35 mph speed zone on Great Hills Trail mph from U.S. 183 to Stonelake Boulevard. (\$200 for traffic signs is available in the 1994-95 operating budget of the Public Works and Transportation Department.)

Ordinance No. 950622-D approved

16. Amend Ordinance No. 940912-D, the 1994-95 operating budget for the Recreation Softball Enterprise Fund by increasing budgeted revenue by \$26,580, increasing expenditures by \$11,689, and increasing the ending balance by \$14,891 to fund increased expenses for softball leagues as a result of increased team registration revenue.

Ordinance No. 950622-E approved

17. Authorize acceptance of \$22,981 in additional grant funding from the Capital Area Planning Council; amend Ordinance 940912-D, the 1994-95 operating budget, amending the Special Revenue Fund by appropriating an additional \$22,981, for a total grant amount of \$450,463 in grant funds for the Parks and Recreation Department Special Revenue Fund for the Senior Nutrition Program.

Ordinance No. 950622-F approved

18. Amend Ordinance 940912-D, the 1994-95 operating budget, by appropriating \$160,000 to fund various one-time projects for the Health and Human Services Department Disproportionate Share Fund. (Funding is available in the 1994-95 Disproportionate Share Fund operating budget of the Health and Human Services Department.)

Ordinance No. 950622-G approved

19. Authorize acceptance of \$8,513 in additional grant funds from the U.S. Department of Health and Human Services Youth Gang Prevention Grant Program; amend Ordinance 940912-D, the 1994-95 operating budget, amending the Special Revenue Fund by appropriating an additional \$8,513 in grant funds for the Health and Human Services Department Special Revenue Fund, for a total grant amount of \$187,058 for the Paths to Prevention Program.

Ordinance No. 950622-H approved

20. Amend Ordinance 940912-D, the 1994-95 operating budget, amending the Special Revenue Fund by appropriating \$91,954 in grant funds from the Texas Department of Human Services State Legalization Impact Assistance Grant (SLAIG), for the Health and Human Services Department Special Revenue Fund.

Ordinance No. 950622-I approved

21. Amend Ordinance 940912-D, the 1994-95 operating budget, by increasing the number of City Full Time Equivalent (FTE) positions reimbursed by Travis County from to 90.15; amending the Health and Human Services Department operating budget for the Federally Qualified Health Center (FQHC) Fund by \$38,126 and expense refunds by the same amount.

Ordinance No. 950622-J approved

22. Amend Ordinance 940912-D, the 1994-95 operating budget, by reducing the appropriation for the Federally Qualified Health Center (FQHC) Purchased Services by \$363,000 and by increasing the appropriation for the Health and Human Services Department by \$363,000 to provide medical services through alternate provider networks. **[Related to Item 26]**

Ordinance No. 950622-K approved

Items 14 through 22 approved, on Mayor Pro Tem Garcia's motion, Councilmember Goodman's second, 6-0 vote, Councilmember Shea absent.

Central City Entertainment Center (Items 23-25)

23. Approve the creation of the Central City Entertainment Center Advisory Board. (No fiscal impact.)
Ordinance No. 950622-L approved with friendly amendment by Mayor Todd to approve the creation of the Center, Central City Entertainment Center Advisory Board and request that the board consider a component of human development within the program, on Councilmember Mitchell's motion, Councilmember Reynolds' second, 5-0-1 vote, Councilmember Nofziger abstaining, Councilmember Shea absent.
24. Amend Ordinance 940912-E, the 1994-95 Capital budget of the Parks and Recreation Department, by appropriating \$8,785,000 for the Central City Entertainment Center. (Funding is available from a loan under the Section 108 U.S. Housing and Urban Development loan guarantee assistance program.) Recommended by Planning Commission, 8-0 vote.
Ordinance No. 950622-T approved

RESOLUTIONS

25. Authorize the execution of the Funding Approval/Agreement for a loan under the U.S. Department of Housing and Urban Development (HUD) Section 108 Loan Guarantee Assistance Program in an amount not to exceed \$8,785,000; authorize negotiations with HUD concerning final interim and permanent loan documents to finance the construction of the Central City Entertainment Center (CCEC) and take the necessary steps to facilitate financing under the Texas Local Government Code. (Under the Section 108 Loan Program, the City will issue a series of promissory notes equal to \$8,785,000 which will be sold to investors and guaranteed by HUD. The City will not pledge its full faith and credit against such notes. Estimated debt service of \$881,805 is based on an average interest rate of 8% over 20 years for a total cost of \$17,470,612. The annual debt service is proposed to be funded from Community Development Block Grant (CDBG) entitlement (\$440,902) so long as such funds are available, and other available revenue (\$440,903) and secured by a portion of the City's future CDBG entitlement grant, revenues from the Center and pledge of the Center property. (Recommended by Housing Subcommittee; to be recommended by Planning

Commission, 8-0 vote)

Approved

Items 24 and 25 approved, on Councilmember Mitchell's motion, Councilmember Reynolds' second, 5-0-1 vote, Councilmember Nofziger abstaining, Councilmember Shea absent.

26. Approve negotiation and execution of a fifteen (15) month contract with PCA HEALTH PLANS OF TEXAS, INC. (PCA) and a twelve (12) month contract with the Wellness Plan of Texas, in an amount not to exceed \$850,500 each to provide medical services for the Health and Human Services Department Medical Assistance Program (MAP) clients, with two (2) twelve (12) month extension options in an amount not to exceed \$746,100 each for the first extension and \$908,600 each for the second extension, for total amounts not to exceed \$2,505,200 each, for a total amount of \$5,010,400. (Funding in the amount of \$550,000 is available in the 1994-95 operating budget of the Health and Human Services Department. Funding for the remainder of the contract period and the extension options is contingent upon available funding in future budgets.) Best proposal of two (2). No M/WBE Subcontracting opportunities were identified. **(Related to Item 22)**

Approved

Aviation (Items 27-29)

27. Approve Amendment #1 to extend the term of the Agreement originally entered into on June 30, 1990, between the Aviation Department and the nine (9) car rental agencies currently providing rental car concession services at Robert Mueller Municipal Airport. [Estimated additional revenue for the Aviation Department is projected at \$463,320 over the three (3) year term of the lease extension. Approximately \$38,670 is estimated to be realized in the current fiscal year.]

Approved

Items 26 and 27 approved on Mayor Pro Tem Garcia's motion, Councilmember Goodman's second, 6-0 vote, Councilmember Shea absent.

28. Approve execution of a construction contract to BRH GARVER, INC., Austin, Texas, for construction of new and relocation of existing utility systems in the northern portion of the Austin-Bergstrom International Airport, in the amount of \$2,029,952.75 plus a contingency fund of \$202,995 for change orders. (Funding was included in the 1994-95 Capital budget of the Aviation Department.) Low bid of three (3). DBE Subcontractor participation: 29.89% MBE, 1.24% WBE. (Reviewed by the Airport Advisory Board)

Approved on Mayor Pro Tem Garcia's motion, Councilmember Goodman's second, 5-1 vote, Councilmember Mitchell voting "NO", Councilmember Shea absent.

29. Approve Change Order #1 to NATIONAL SERVICE CLEANING CORPORATION, Dallas, Texas, for the removal/disposal of asbestos containing material and disposal of uncontaminated building material as a part of the Remediation Package #2-B/C for the Austin-Bergstrom International Airport, in the amount of \$364,000, for a total contract amount of \$1,962,421.51. (Funding was included in the 1994-95 Capital of the Aviation Department.) 24.23% MBE, 0% WBE Subcontractor participation. (Reviewed by the Airport Advisory Board)

Approved, on Mayor Pro Tem Garcia's motion, Councilmember Goodman's second, 6-0 vote, Councilmember Shea absent.

30. Approve execution of a twelve (12) month contract with PSI TECHNOLOGIES CORPORATION, Austin, Texas, for the purchase of a financial report storage and retrieval system to replace the existing system, and related services, in an amount not to exceed \$160,000 with two (2) twelve (12) month extension options in an amount not to exceed \$115,000 per extension, for a total amount not to exceed \$390,000. (Funding in the amount of \$45,000 is available in the 1994-95 operating budget of the Financial Department; funding for the remaining contract period and the extension options is contingent upon available funding in future budgets.) Best proposal of two (2). No M/WBE Subcontracting opportunities were identified.

Postponed to June 29, 1995

31. Approve execution of a twelve (12) month supply agreement with ICI/SOUTHWEST LIBRARY BINDERY, INC., Muskogee, Oklahoma, for the hardbinding of paperback books for the Austin Public Library, in an amount not to exceed \$90,000 with two (2) twelve (12) month extension options in an amount not to exceed \$90,000 per extension option, for a total amount not to exceed \$270,000. (Funding in the amount of \$7,369.26 is available in the 1994-95 operating budget of the Library Department; \$38,938.40 was included in the 1994-95 Capital budget of the Library Department for the Oak Hill and Millwood Branch Libraries; funding for the remainder of the contract period and the extension options is contingent upon available funding in future budgets.) Low bid of two (2). No M/WBE Subcontracting opportunities were identified.

Approved

32. Approve execution of a twelve (12) month supply agreement with FERRARA FIREFIGHTING EQUIPMENT, New Braunsfels, Texas, for the purchase of fire retardant uniform trousers and blue shirts for Fire Department personnel, in an amount not to exceed \$175,075 with two (2) twelve (12) month extension option in an amount not to exceed \$175,075 per extension, for a total amount not to exceed \$525,226. [Funding in the amount of \$29,179 is available in the 1994-95 operating budget of the Fire Department. Funding for the remaining ten (10) months and the extension options is contingent upon available funding in future budgets.] Low bid of four (4). No M/WBE Subcontracting opportunities were identified.

Approved

33. Approve execution of a twelve (12) month supply agreement with BILL'S TRANSMISSION SERVICE, INC., Irving, Texas, for the purchase of rebuilt Allison transmissions for the City's fleet of heavy trucks used by the Solid Waste Services Department, in an amount not to exceed \$75,000 with two (2) twelve (12) month extension options in an amount not to exceed \$75,000 per each extension, for a total amount not to exceed \$225,000. [Funding in the amount of \$18,750 is available in the 1994-95 operating budget of the Fleet and Radio Maintenance Fund. Funding for the remaining nine (9) months and the extension options is contingent upon available funding in future budgets.] Low bid of three (3). No M/WBE Subcontracting opportunities were identified.

Approved

Items 31 through 33 approved on Mayor Pro Tem Garcia's motion, Councilmember Goodman's second, 6-0 vote, Councilmember Shea absent.

34. Approve execution of a twelve (12) month service agreement with UNITOG RENTAL SERVICES, INC., Dallas, Texas, for floor mat rental and cleaning services for various City department buildings,

in an amount not to exceed \$47,088.60 with two (2) twelve (12) month extension options in an amount not to exceed \$47,088.60 per extension options, for a total amount not to exceed \$141,265.80. [Funding in the amount of \$3,924.05 is available in the 1994-95 operating budgets of the user departments. Funding for the final eleven (11) months of the original contract period and the extension options is contingent upon available funding in future budgets.] Low bid of two (2). No MWBE Subcontracting opportunities were identified.) [Recommended by Water and Wastewater Commission]

Approved, on Mayor Pro Tem Garcia's motion, Councilmember Goodman's second, 5-1 vote, Councilmember Mitchell voting "NO", Councilmember Shea absent.

35. Approve Amendment #4 to the contract with FINE HOST CORPORATION, Austin, Texas, to include catering and concession services for Palmer Auditorium and the City Coliseum complex under the existing management fee structure. (The City will receive an additional estimated net revenue of \$200,000 over the contract period.)

Approved

36. Authorize negotiation and execution of an Interlocal Agreement with the City of San Marcos to receive real estate acquisition services from the Real Estate Services Division, Public Works Department. (The City of San Marcos will pay the City of Austin \$66,000 for services rendered.)

Approved

37. Approve execution of a twelve (12) month supply agreement with BOC GASES, Houston, Texas, for the purchase of approximately 2,640 tons of liquid carbon dioxide for use by the Water and Wastewater Department in the treatment of the City's drinking water, in an amount not to exceed \$168,960 with two (2) twelve (12) month extension options in an amount not to exceed \$168,960 per extension, for a total amount not to exceed \$506,880. [Funding in the amount of \$42,240 is available in the 1994-95 operating budget of the Water and Wastewater Utility. Funding for the remaining nine (9) months of the original contract period and the extension options is contingent upon available funding in future budgets.] Low bid of two (2). No MWBE Subcontracting opportunities were identified. (Recommended by Water and Wastewater Commission)

Approved

Items 35 through 37 approved on Mayor Pro Tem Garcia's motion, Councilmember Goodman's second, 6-0 vote, Councilmember Shea absent.

38. Approve execution of a twelve (12) month supply agreement with FLEX-O-LITE, St. Louis, Missouri, for traffic cones to be used by the Water and Wastewater Department for traffic control, in an amount not to exceed \$42,720 with two (2) (12) month extension options in an amount not to exceed \$42,720 per extension, for a total amount not to exceed \$128,160. [Funding in the amount of \$7,120 is available in the 1994-95 operating budget of the Water and Wastewater Department. Funding for the remaining ten (10) months and the extension options is contingent upon available funding in future budgets.] Low bid of fifteen (15). No MWBE Subcontracting opportunities were identified.

Approved, on Mayor Pro Tem Garcia's motion, Councilmember Goodman's second, 5-1 vote, Councilmember Mitchell voting "NO", Councilmember Shea absent.

39. Approve execution of a contract with UNDERGROUND, INC., Pearland, Texas, for the purchase of eight (8) truck-mounted jetting sewer cleaners to be used by the Water and Wastewater Utility to

clean drainage lines, in an amount not to exceed \$595,200. (Funding is available in the 1994-95 Capital budget of the Water and Wastewater Utility.) Low bid of five (5). No M/WBE Subcontracting opportunities were identified. (Recommended by Water and Wastewater Commission)

Approved

40. Approve execution of a contract with FRUEHAUF TRAILER OPERATIONS, San Antonio, Texas, for the purchase of two (2) aluminum hydraulic trailers to be used by the Water and Wastewater Utility to haul water treatment sludge, in an amount not to exceed \$124,290. (Funding was included in the 1994-95 Capital budget of the Water and Wastewater Utility.) Low bid of two (2) meeting specifications. No M/WBE Subcontracting opportunities were identified. (Recommended by Water and Wastewater Commission)

Approved

41. Approve execution of a twelve (12) month supply agreement with CAPITOL AGGREGATES, INC., Austin, Texas, for the purchase of approximately 26,100 tons of gem sand, used during the repair of water and wastewater pipelines, in an amount not to exceed \$204,450 with two (2) twelve (12) month extension options in an amount not to exceed \$204,450 per extension, for a total amount not to exceed \$613,350. (Funding in the amount of \$51,112.50 is available in the 1994-95 operating budget of the Water and Wastewater Utility. Funding for the remaining nine (9) months and the extension options is contingent upon available funding in future budgets.) Single bid. No M/WBE Subcontracting opportunities were identified. (Recommended by Water and Wastewater Commission)

Approved

42. Approve execution of a twelve (12) month supply agreement with UNITED STATES PIPE AND FOUNDRY COMPANY, Austin, Texas, for the purchase of approximately 32,226 feet of ductile iron pipe for maintenance and repair of water mains in the City's water distribution system, in an amount not to exceed \$261,860.02 with two (2) twelve (12) month extension options in an amount not to exceed \$261,860.02 per extension, for a total amount not to exceed \$785,580.06. [Funding for an estimated \$87,286.67 is available in the 1994-95 operating budget of the Water and Wastewater Utility. Funding for the remaining eight (8) months and the extension options is contingent upon available funding in future budgets.] Low bid of three (3). No M/WBE Subcontracting opportunities were identified. (Recommended by Water and Wastewater Commission)

Approved

43. Approve execution of a twelve (12) month supply agreement with SOUTHWESTERN UNDERGROUND, Austin, Texas, for the purchase of full circle coupling clamps used for maintenance and repairs of water mains in the City's water distribution system, in an amount not to exceed \$111,788.50 with two (2) twelve (12) month extension options in an amount not to exceed \$111,788.50 per extension, for a total amount not to exceed \$335,365.50. [Funding for an estimated \$37,262.83 is available in the 1994-95 operating budget of the Water and Wastewater Utility. Funding for the remaining eight (8) months and the extension options is contingent upon available funding in future budgets.] Low bid of four (4). No M/WBE Subcontracting opportunities were identified. (Recommended by Water and Wastewater Commission)

Approved

44. Approve execution of a twelve (12) month supply agreement with THE ROHAN COMPANY, Austin,

Texas, for the purchase of approximately 28,300 feet of polyethylene vinyl chloride sewer pipe used by the Water and Wastewater Utility for repairs and construction of minor extensions to the wastewater collection system, in an amount not to exceed \$61,960 with two (2) twelve (12) month extension options in an amount not to exceed \$61,960 per extension, for a total amount not to exceed \$185,880. [Funding in the amount of \$20,653 is available in the 1994-95 operating budget of the Water and Wastewater Utility. Funding for the remaining eight (8) months and the extension options is contingent upon available funding in future budgets.] Low bid of four (4). No M/WBE Subcontracting opportunities were identified. (Recommended by Water and Wastewater Commission)

Approved

45. Approve a construction contract award to KEYSTONE CONSTRUCTION COMPANY, INC., Austin, Texas, for construction of the Cat Mountain Water System Improvements project, in the amount of \$573,500. (Funding was included in the 1994-95 Capital budget of the Water and Wastewater Utility.) Low bid of six (6). 9.52% MBE, 0.37% WBE Subcontractor participation. (Recommended by Water and Wastewater Commission)

Approved

46. Authorize negotiation and execution of Amendment #1 to the professional services agreement with CH2M-HILL, INC., Austin, Texas, for additional Phase I preliminary engineering, Phase II design and Phase III construction management engineering services for the Hornsby Bend Sludge Management Facility Improvements, in an amount not to exceed \$1,600,000, for a total amount not to exceed \$1,967,000. (Funding was included in the 1993-94 Capital budget of the Water and Wastewater Utility.) 12.8% MBE, 7.3% WBE Subconsultant participation. (Recommended by Water and Wastewater Commission)

Approved

47. Approve Change Order #2 to CON-REAL, INC., (MBE/MB), Grand Prairie, Texas, for air conditioning replacement and water service improvements to the Water and Wastewater Utility's South Industrial Drive Service Center, in the amount of \$52,844, for a total contract amount of \$1,450,639. (Funding was included in the 1994-95 Capital budget of the Water and Wastewater Utility.) 78.20% MBE, 0% WBE Subcontractor participation. (Recommended by Water and Wastewater Commission)

Approved

48. Approve a construction contract award to AUSTIN FILTER SYSTEMS, INC., Austin, Texas, to repair a creekbank gabion structure along Shoal Creek, in the amount of \$346,870.99. (Funding in the amount of \$330,000 was included in the 1994-95 Capital budget of the Drainage Utility; \$16,870.99 was included in the 1992-93 Capital budget of the Drainage Utility.) Low bid of five (5). 4.84% MBE, 4.59% WBE Subcontractor participation.

Approved

49. Approve Change Order #3 to GARCIA GENERAL CONTRACTORS, INC., (MBE/MH), Austin, Texas, for the installation of an additional 31 curb ramps and 751 square feet of associated sidewalk improvements, within an area bounded by Mopac and North Lamar Boulevard, and U.S. Highway 183 to West 38th Street, to comply with the Americans With Disabilities Act (ADA), in the amount of \$35,503, for a total contract amount of \$347,497.56. (Funding was included in the 1994-95 Capital budget of the Public Works and Transportation Department.) No M/WBE Subcontracting

opportunities were identified.

Approved

50. Authorize negotiation of an amendment to the Interlocal Agreement with the TEXAS DEPARTMENT OF TRANSPORTATION for relocation of existing water and wastewater utilities as part of the US 183 Improvements, from the Travis County Line to Hunter's Chase, in the amount of \$300,000, for a total amount of \$2,444,600. (Funding was included in the 1993-94 Approved Capital budget of the Water and Wastewater Utility.) [Recommended by the Water and Wastewater Commission]

Approved

51. Confirm the reappointment of Mr. Gerald F. Henderson to the Civil Service Commission.

Approved

52. Set a public hearing on proposed amendments to the Minority-Owned and Women-Owned Business Enterprise Ordinance. (Suggested date and time: June, 29, 1995 at 5:30 p.m.)

Approved

53. Set a public hearing to approve use of 3.306 acres of land, for a wastewater main through parkland known as Jimmy Clay Golf Course in accordance with the Texas Parks and Wildlife Code. (Recommended by Water and Wastewater Commission and Parks Board). (Suggested date and time: July 27, 1995 at 4:30 p.m.)

Approved

ITEMS FROM COUNCIL

54. Approve extending the hours of operation from 10:00 p.m. to 11:00 p.m. at the following recreation centers: Dittmar, Montopolis, South Austin, Givens, Pan Am, Austin, Hancock and Northwest, and the Doris Miller Auditorium for the remaining 1995 summer season. (Estimated fiscal impact is \$4,686.) (Councilmember Eric Mitchell)

Approved

Items 39 through 54 approved on Mayor Pro Tem Garcia's motion, Councilmember Goodman's second, 6-0 vote, Councilmember Shea absent.

55. Consider withdrawing the appeal of the trial court judgment in F.M. Properties Operating Co. v. City of Austin; Civil No. A-94-CA-647 JN. (Mayor Bruce Todd and Councilmembers Ronney Reynolds and Eric Mitchell)

Postponed to June 29, 1995

56. Set a public hearing on the Encampment Ordinance. (Suggested date and time: July 13, 1995 at 5:00 p.m.) [Mayor Bruce Todd]

Approved on Mayor Pro Tem Garcia's motion, Councilmember Goodman's second, 6-0 vote, Councilmember Shea absent.

3:30 P.M. - BOARD OF DIRECTOR'S MEETING OF AUSTIN HOUSING FINANCE CORPORATION

The Mayor will recess the City Council meeting. A Board meeting of the Austin Housing Finance Corporation (AHFC) will be conducted. Following adjournment of the AHFC Board meeting, the City Council will be recovered. Items 57-58 are AHFC items to be considered by the Austin Housing Finance Corporation's Board of Directors.

57. Approve minutes of the March 23, April 27, and May 18, 1995, meetings.

Postponed

58. Presentation to the Board by Samuel Biscoe, President, Travis County Housing Finance Corporation (TCHFC) on the status of TCHFC's 1994 Single Family Mortgage Revenue Refunding Bonds Series A and B.

Postponed

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

59. C14-95-0003 - A.G. SPANOS CONSTRUCTION CORP. (Barry Ruhl), by Gillingwater Properties (Barry Gillingwater), Spicewood Springs Rd. & Four Iron Dr. From SF-2 to SF-6. Planning Commission Recommendation: To Grant SF-6, Townhouse and Condominium Residence zoning, subject to the dedication of 60 feet of right-of-way from the existing centerline of Spicewood Springs Road. Further subject to: (1) provide a 35 foot building setback along Spicewood Springs Road; (2) provide a 40 foot buffer extending from Spicewood Springs Road to Four Iron Drive.

Postponed until July 20, on Councilmember Reynolds' motion, Mayor Pro Tem Garcia's second, 5-0 vote, Councilmember Mitchell off of the dais, Councilmember Shea absent.

60. C14-95-0015 - MELLON PROPERTIES (Blake Magee), by Graves, Dougherty, Hearon & Moody (Ann E. Vanderburg), Metric Boulevard and W. Parmer Lane. From NO to GR. Planning Commission Recommendation: To Deny GR, Community Commercial, zoning.

Postponed until July 27, on Councilmember Reynolds' motion, Mayor Pro Tem Garcia's second, 5-0 vote, Councilmember Mitchell off the dais, Councilmember Shea absent.

61. C14-95-0043 - AKIN, GUMP, STRUASS, HAUER & FELD (Daniel W. Nelson), by Strasburger & Price (Richard Suttle), 9146 to 9170 N. U.S. Hwy. 183. From SF-3 to CS. Planning Commission Recommendation: To Grant CS-CO, Commercial Services-Conditional Overlay for Tract 1 and 2, subject to: (1) 25 foot buffer from West property line; (2) limit development to generate less than 2,000 vehicle trips per day; (3) limit access to property from U.S. Hwy. 183 only; (4) prohibit following uses - Agricultural Sales and Services, Automotive and Equipment Services, Automotive Rentals, Automotive Sales, Commercial Blood Plasma Center, Construction Sales and Services, Convenience Storage, Exterminating Services, Indoor Entertainment, Indoor Sports and Recreation, Monument Retail Sales, Pawn Shop Services, Restaurant (drive-in, fast food), Theater, Vehicle Storage, Basic Industry, General Warehousing and Distribution, Light Manufacturing, Recycling Center, Resource Extraction, and Stockyards; and (5) limit height to 35 feet for Tract 2 only.

Approve first reading only on Planning Commission recommendation to correct and change to condition #1 (reduced buffer from 25 to 10 feet) to be located along west property line of Tract #2, i.e., after the privacy fence, on Mayor Pro Tem Garcia's motion, Goodman's second, 5-0 vote, Councilmember Mitchell off the dais, Councilmember Shea absent.

62. C14-95-0045 - SAGE-WATERFORD, LTD. (Ralph E. Reed), by Jenkins & Gilchrist (Henry Gilmore),

9102 Burnet Road, 9205, 9215 & 9222 Reid Drive; and 9011, 9109, 9111 & 9225 Waterford Centre Boulevard. From LI-PDA to LI. Planning Commission Recommendation: To Grant LI-CO, Limited Industrial Services-Conditional Overlay, zoning subject to: (1) limit development to generate less than 14,127 vehicle trips per day; and (2) retain previous traffic improvement conditions in a Restrictive Covenant to include participation for traffic signals at the following intersections - Waterford Centre Boulevard/Burnet Road, Waterford Centre Boulevard/Reid Drive, and Waterford Centre Boulevard/U.S. Hwy. 183 Frontage Road.

Approved first reading only

63. C14-95-0046 - NFP PARTNERSHIP (Fred Niemann), by Baker-Aicklen & Associates (John Morrey), 8001 to 8061 S. Congress Avenue. From DR & SF-2 to LI. Planning Commission Recommendation: To Grant LI-CO, Limited Industrial Services-Conditional Overlay, zoning subject to: (1) limit development to uses and intensities that will generate less than 2,000 vehicle trips per day; (2) prohibit General Retail Sales (general), General Retail Services (convenience), and Pawn Shop Services; (3) prohibit construction of any structure within 25 feet of the East property line; and (4) development of the property or any portion of the property for Industrial uses as defined in Sec. 13-2-4 of the Land Development Code (LDC) shall conform with the Planned Development Area (PDA) performance standards as established by Sec. 13-2-269 of the LDC.

Ordinance No. 950622-N approved

64. C14-95-0047 - CAPITAL AREA FOOD BANK/NFP PARTNERSHIP (Fred Niemann), by Baker-Aicklen & Associates (John Morrey), 8133 to 8231 S. Congress Avenue. From DR & SF-2 to LI. Planning Commission Recommendation: To Grant LI-CO, Limited Industrial Services-Conditional Overlay, zoning subject to: (1) limit development to uses and intensities that will generate less than 2,000 vehicle trips per day; (2) prohibit General Retail Sales (general), General Retail Services and Pawn Shop Services; (3) prohibit construction of any structure within 25 feet of the East property line; and (4) development of the property or any portion of the property for Industrial uses as defined in Sec. 13-2-4 of the Land Development Code (LDC) shall conform with the Planned Development Area (PDA) performance standards as established by Sec. 13-2-269 of the LDC.

Ordinance No. 950622-O approved

65. C14-95-0048 - NFP PARTNERSHIP (Fred Niemann), by Baker-Aicklen & Associates (John Morrey), 8063 to 8131 S. Congress Avenue. From DR & SF-2 to LI. Planning Commission Recommendation: To Grant LI-CO, Limited Industrial Services-Conditional Overlay, zoning subject to: (1) limit development to uses and intensities that will generate less than 2,000 vehicle trips per day; (2) prohibit General Retail Sales (general), General Retail Services (convenience), and Pawn Shop Services; (3) prohibit construction of any structure within 25 feet of the East property line; and (4) development of the property or any portion of the property for Industrial uses as defined in Sec. 13-2-4 of the Land Development Code (LDC) shall conform with the Planned Development Area (PDA) performance standards as established by Sec. 13-2-269 of the LDC.

Ordinance No. 950622-P approved

66. C14-95-0050 - TERRY & BUZ COOK, by Capital Surveying Co., Inc. (Jerry Fults), Oak Cliff Drive and Yaupon Drive. From DR to SF-2. Planning Commission Recommendation: To Grant SF-2, Single Family Residence (standard lot), zoning as requested.

Ordinance No. 950622-Q approved

67. C14-95-0051 - MRS. A. J. WILLIAMS, by Richard H. Crank, 13706 to 13802 Ida Ridge Drive. From GO to CS. Planning Commission Recommendation: To Grant CS-CO, Commercial Services-Conditional Overlay, zoning subject to: (1) limit development to generate less than 2,000 vehicle trips per day; (2) limit uses to Limited Warehousing and all uses allowed in the GO, General Office, zoning district; and (3) for uses which would receive CS zoning, to apply GO development regulations and limit CS uses to a maximum of 75% impervious cover.

Ordinance No. 950622-R approved

68. C14-95-0052 - W. M. CALLAWAY, by Cox/Croslin & Associates (Lori Himingson), 6305 Cameron Road. From GR to CS-1. Planning Commission Recommendation: To Grant CS-1-CO, Commercial Liquor Sales-Conditional Overlay, zoning subject to: (1) prohibit adult-oriented businesses; and (2) prohibit cocktail lounges. In addition the Planning Commission recommends a rollback of the existing CS-1 zoning to GR. (Staff will initiate a case to rollback the zoning).

Ordinance No. 950622-S approved

Items 62 through 68 approved on Councilmember Reynolds' motion, Mayor Pro Tem Garcia's second, 5-0 vote, Councilmember Mitchell off the dais, Councilmember Shea absent.

69. C14-95-0053 - C14-95-0053 CENTRAL TEXAS REGIONAL BLOOD BANK (Trudell Green), by Ray Wilkerson Companies (Jim Spence), 4309 to 4311 Marathon Boulevard. From SF-3 to GO. Planning Commission Recommendation: To Deny GO, General Office, zoning. There is a valid petition of 29.81% in opposition to this request.

Postponed indefinitely

70. C14-95-0054 - JBI ENTERPRISES, INC. (Dewayne Lanier), 900 E. Braker Lane. From GR to CS-1. Planning Commission Recommendation: To Deny CS-1, Commercial Liquor Sales, zoning.

Motion failed Planning Commission Recommendation to deny CS-1 on Councilmember Goodman's motion, Councilmember Nofziger's second, 2-2-1 vote, Councilmember Reynolds and Mitchell voting "NO", Mayor Pro Tem Garcia abstaining, Mayor Todd temporarily absent and Councilmember Shea absent.

PUBLIC HEARING AND APPROVAL OF ORDINANCES/RESOLUTIONS

71. 4:30 p.m. - Public hearing to approve a 0.16 acre (75 linear feet) permanent land use agreement to allow the construction of a gravity wastewater line through dedicated parkland known as Walnut Creek Metropolitan Park in accordance with the Texas Park and Wildlife Code. (No fiscal impact.) (Recommended by Water and Wastewater Commission and Parks Board.)

Approved on Councilmember Goodman's motion, Mayor Pro Tem Garcia's second, 4-0 vote, Mayor Todd temporarily absent, Councilmember Nofziger off the dais, Councilmember Shea absent.

72. 5:00 p.m. - Public hearing to approve use of 11,661 SF (0.268 acres) permanently, and 11,430 SF (0.262 acre) temporarily, to allow the construction of an effluent outfall to serve the Walnut Creek Wastewater Treatment Plant through dedicated parkland known as the Colorado River Greenbelt in accordance with the Texas Parks and Wildlife Code. (No fiscal impact.) (Recommended by Water and Wastewater Commission

and Parks Board)

Approved on Councilmember Goodman's motion, Councilmember Mitchell's second, 4-0 vote, Mayor Todd temporarily absent, Councilmember Nofziger off the dais, Councilmember Shea absent.

73. 5:30 p.m. - Public hearing to approve use of 13 acres, and approximately 0.47 acres temporarily, for a stormwater detention facility and 0.81 acres, and approximately 1.0 acre temporarily, for a wastewater line rehabilitation through dedicated parkland known as Bartholomew Park in accordance with the Texas Parks and Wildlife Code. (No fiscal impact.) (Recommended by Parks Board)

Approved on Councilmember Goodman's motion, Mayor Todd's second, 5-0 vote, Councilmember Nofziger off the dais, Councilmember Shea absent.

EXECUTIVE SESSION (No Public Discussion on These Items)

Executive session held on the morning of this date on all other items.

Executive session held at 6:13 to 6:20 on item 81.

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.

Advice of Counsel - Section 551.071

74. Discuss zoning case no. C14-94-0136, SOUTHLAND EQUITIES, INC., involving property locally known as 336 East Ben White Blvd.
75. Legal advice on legislation passed during the 74th Legislature.

Staff Briefing - 551.075

76. Staff briefing on new legislation that may affect current ordinances and policies of the City of Austin. (City Council deliberation is not permitted under Section 551.075)

Pending/Contemplated Litigation - Section 551.071

77. Discuss Phillip Gutierrez, et al. v. Mobil Oil Corporation, et al. (Tank Farm Case), Cause No. 92-04889.

Real Estate Acquisition - Section 551.072

78. Discuss fee simple acquisition of real property for the Oltorf at South Congress Avenue Traffic System Management Project.
79. Discuss a Limited Use Easement with an option to purchase on two tracts of land for the Balcones

Canyonland Conservation Plan (BCCP).

ACTION ON THE FOLLOWING

80. Authorize fee simple acquisition of real property located at 2400 Congress Avenue South, Austin, Texas, for the Oltorf at South Congress Avenue Traffic System Management Project. **\$350,000**
Approved on Mayor Pro Tem Garcia's motion, Councilmember Goodman's second, 6-0 vote, Councilmember Shea absent.
81. Authorize the negotiation and execution of a Limited Use Easement with an option to purchase on two tracts of land known as Uplands and Sweetwater Ranch (approximately 3,802 acres) from The Nature Conservancy of Texas, Inc. for the Balcones Canyonland Conservation Plan (BCCP). **\$201,500**
Approved on Councilmember Goodman's motion, Councilmember Nofziger's second, 4-0-1 vote, Councilmember Mitchell abstaining, Mayor Pro Tem Garcia off the dais, Councilmember Shea absent.

ADJOURNED at 6:45 p.m. on Councilmember Mitchell's motion, Councilmember Reynolds' second, 4-0 vote, Mayor Pro Tem Garcia and Councilmember Goodman off the dais, Councilmember Shea absent.

Approved on this the 29th day of June, 1995, on Mayor Pro Tem Garcia's motion, Councilmember Goodman's second, 6-0 vote, Councilmember Shea absent.