



Austin City Council MINUTES

May 25, 1995 - 1:00

Mayor Todd called the meeting to order, Councilmember Reynolds temporarily absent, Councilmember Mitchell absent.

1. Approval of Minutes for Regular Meeting of May 18, 1995 and Special Meetings of May 17, 1995 and May 18, 1995 (Executive Session, 10:00 A.M.)
Approved on Councilmember Goodman's motion, Mayor Pro Tem Nofziger's second, 5-0 vote, Councilmember Reynolds temporarily absent, Councilmember Mitchell absent.

CITIZEN COMMUNICATIONS: GENERAL

2. Mr. Gus Pena, to discuss public safety, youth issues, and senior citizen issues.
3. Mr. Richard Troxell, to encourage City Council to adopt a comprehensive/cost effective drug and alcohol detoxification/treatment/job training/job placement program to assist adult homeless individuals leave the streets of Austin to re-enter the job force.
4. Mr. John McMillian, to recommend that Austin City Council approve an ordinance requiring each restaurant, cafe, coffeehouse, or alcoholic bar of Austin to establish a designated "community table" where any patron who otherwise would have sat alone can join other members of the general public for conversation.
5. Mr. James M. Calderon, to discuss city employment issues.
6. Dr. Jon Hughes, to discuss rape.
Not present
7. Mr. Gerald Dougherty, to discuss Capital Metro's proposed tax increase.

ORDINANCES

8. Approve second reading of an ordinance to renew the taxicab franchise of Harlem Cab Company dba Austin Cab. (Taxicab Permit Fees of \$400 per year, per permit. Expected annual revenue of \$24,000. (Revenue is included in the 1994-95 operating budget of the Public Works and Transportation Department.)
Approve second reading only, on Councilmember Garcia's motion, Councilmember Reynolds' second 5-0 vote, Councilmember Shea out of room, Councilmember Mitchell absent.
9. 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 for three weeks until June 22, on Mayor Pro Tem Nofziger's motion, Councilmember Shea's second, 5-0-1 vote, Councilmember Reynolds abstaining, Councilmember Mitchell absent.

10. Approve second/third readings of an ordinance amending Chapter 13-2 of the Austin City Code rezoning property locally known as Lakeline Boulevard and N. U.S. Hwy. 183, Case No. C14-94-0132, from "CH", Commercial Highway to "GR-CO", Community Commercial-Conditional Overlay, HUNT PROPERTIES, INC. (Dave Berndt), by Bury & Pittman (Greg Strmiska). First reading on February 9, 1995; Vote 6-0, Councilmember Mitchell off the dais. Conditions met as follows: conditional overlay incorporates conditions imposed by Council.

Deleted from agenda

11. Approve second/third readings of an ordinance amending Chapter 13-2 of the Austin City Code rezoning property locally known as Lakeline Drive and N. U.S. Hwy. 183, Case No. C14-94-0134, from "CH", Commercial Highway; "LR", Neighborhood Commercial; "GO", General Office; "GR", Community Commercial; & "IP" Industrial Park to "GR-CO", Community Commercial-Conditional Overlay, HUNT PROPERTIES, INC. (Dave Berndt), by Bury & Pittman (Greg Strmiska). First reading on February 9, 1995; Vote 6-0, Councilmember Mitchell off the dais. Conditions met as follows: conditional overlay incorporates conditions imposed by Council.

Deleted from agenda

12. Approve second/third readings of an ordinance amending Chapter 13-2 of the Austin City Code rezoning property locally known as 4717 to 4801 Spicewood Springs Road, Case No. C14-94-0154, from "SF-3", Family Residence to "LO", Limited Office, JOHN E. JOSEPH, by Graves, Dougherty, Hearon & Moody (David Herndon). First reading on January 26, 1995; Vote 6-0, Mayor Todd absent. Conditions met as follows: Right-of-way is no longer required.

Ordinance No. 950525-H approved on Councilmember Goodman's motion, Mayor Pro Tem Nofziger's second, 6-0 vote, Councilmember Mitchell absent.

13. Approve changing the street name of CODORNIZ COVE to TEXAS STAR LANE, from the intersection of WALSH TARLTON LANE and CODORNIZ COVE westerly to the end of the right-of-way, approximately 400'. (No fiscal impact. Processing and street sign fees will be paid by applicant.)

Ordinance No. 950525-A approved

14. Approve changing the street name of GAINES RANCH ROAD (back) to COPPERWOOD

DRIVE, from the intersection of TRAVIS COUNTRY CIRCLE and GAINES RANCH ROAD to the end of the right-of-way, approximately 200'. (Street sign fee in the amount of \$70 is available in the 1994-95 operating budget of the Public Works and Transportation Department.)

Ordinance No. 950525-B approved

15. Approve changing the street name of CAPPARK COVE to LAND CREEK COVE, from the intersection of LIBERTY PARK DRIVE and CAPPARK COVE to the end of the right-of-way, approximately 300'. (Street sign fee in the amount of \$70 is available in the 1994-95 operating budget of the Public Works and Transportation Department.)

Ordinance No. 950525-C approved

16. Approve issuance by North Austin Municipal Utility District #1 of Unlimited Tax Revenue Bonds Series 1995, in an amount not to exceed \$4,250,000; approving the Bond Resolution, Notice of Sale, Bid Instructions, Form of Bid, and the Preliminary Official Statement. (No fiscal impact. The City is not obligated for payment on District bonds until annexation and dissolution of the District.) (Recommended by Water and Wastewater Commission)

Ordinance No. 950525-D approved

17. Amend Ordinance No. 940912-D, the 1994-95 operating budget, by appropriating an additional \$61,925 in grant funds from the Texas Department of Human Services, to the Child Care Management System (CCMS) Project in the Health and Human Services Department Special Revenue Fund, for a total grant amount of \$9,444,063. (Funding in the amount of \$42,125 is available from the Austin Independent School District. Funding in the amount of \$19,800 if available from the San Marcos Independent School District.)
[Related to Item 21]

Ordinance No. 950525-E approved

Items 13 through 17 approved on Councilmember Garcia's motion, Councilmember Reynolds' second, 5-0 vote, Councilmember Shea temporarily absent, Councilmember Mitchell absent.

Brackenridge/Seton Lease (Items 18-20)

18. Authorize the negotiation, execution and delivery of a lease of health care facilities known as Brackenridge Hospital to Daughters of Charity Health Services of Austin (dba Seton Medical Center), including the sale of certain related personal property; amend Ordinance No. 940912-D, the 1994-95 operating budget, to increase appropriations for the Brackenridge Hospital operating budget (1) by \$700,000 to fund payments due Seton under Section 11.4.6(a)(2) of the Proposed Lease; (2) by \$5,000,000 to fund the independent escrow account as described in Section 6.16 of the Proposed Lease; and (3) by \$5,000,000 to fund the Reserve Fund as described in Section 6.16(b) of the Proposed Lease.

Ordinance No. 950525-G approved with amendments (see attached Amendments) also changing wording on Page 1, in the fifth Whereas paragraph, delete the word "important" and substitute the word "essential", and on Page 64, in Section 8.13.3(b), change the word

"business" to "economic", on Councilmember Reynolds' motion, Councilmember Garcia's second, 6-0 vote, Councilmember Mitchell absent.

RESOLUTIONS

19. Approve execution of an amendment to a contract with FULBRIGHT & JAWORSKI, Austin, Texas, for legal services relating to the lease of Brackenridge Hospital, in an amount not to exceed \$70,000, for a total contract amount of \$170,000. (Funding is available in the 1994-95 operating budget of Brackenridge Hospital.)

Approved

20. Approve execution of an amendment to a contract with JENKINS & GILCHRIST, Austin, Texas, for legal services relating to the health care contract and joint venture issues at Brackenridge Hospital, in an amount not to exceed \$30,000, for a total contract amount of \$117,000. (Funding is available in the 1994-95 operating budget of Brackenridge Hospital.)

Approved

21. Approve an Interlocal Agreement with the Austin Independent School District and the San Marcos Independent School District for the provision of child care management services to prekindergarten children eligible for Title IV-A At Risk child care, and authorize the City Manager to enter into annual renewals through October 1999. (Funding is included in the Special Revenue Fund for the Health and Human Services Department, Child Care Management Services grant program.) **(Related to Item 17)**

Approved

22. Approve execution of a twelve (12) month supply agreement with K-PRO CORPORATION, Abilene, Texas, for the purchase of minor repair parts (nuts, bolts, screws, springs, pins) for the Fleet Service Center to be used in the maintenance and repair of vehicles and equipment, in an amount not to exceed \$50,000 with two (2) twelve (12) month extension options in an amount not to exceed \$50,000 per extension, for a total contract amount not to exceed \$150,000. (Funding in the amount of \$16,667 is available in the 1994-95 operating budget of the Fleet Fund. 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 available.

Approved

23. Approve execution of a twelve (12) month supply agreement with BAXTER DIAGNOSTIC, INC., Grand Prairie, Texas, for the purchase of laboratory chemicals and solutions for use by all of Water and Wastewater Department's laboratories in performing tests, in an amount not to exceed \$48,015.45 with two (2) twelve (12) month extension options in an amount not to exceed \$48,015.45 per extension, for a total amount not to exceed \$144,046.35. (Funding in the amount of \$16,005.15 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 six (6) meeting specifications. No M/WBE Subcontracting opportunities were identified. (Recommended by Water and Wastewater Commission)

Approved

24. Approve Change Order #4 to KEYSTONE CONSTRUCTION, INC., Austin, Texas, for installation of additional equipment and material, replacement/modifications to existing equipment and related work as part of the Chlorination/Dechlorination Improvements at Walnut Creek Wastewater Treatment Plant, in the amount of \$37,784, for a total contract amount of \$2,574,020.13. (Funding was included in the 1991-92 Capital budget of the Water and Wastewater Utility.) 0% MBE, 23.23% WBE Subcontractor participation. (Recommended by Water and Wastewater Commission)

Approved

25. Approve a construction contract award to BAY MAINTENANCE COMPANY, INC., Horseshoe Bay, Texas, for the Vargas Road and Parker Lane reconstruction, overlay and utility project, in the amount of \$1,899,957.25. (Funding in the amount of \$539,884.45 was included in the 1993-94 Capital budget of the Public Works and Transportation Department; \$635,447.70 was included in the 1993-94 Capital budget of the Public Works and Transportation Department; \$621,772.50 was included in the 1993-94 Capital budget of the Water and Wastewater Utility; \$102,852.60 was included in the 1991-92 Capital budget of the Water and Wastewater Utility.) Low bid of three (3). 24.65% DBE Subcontractor participation: 22.07% MBE, 2.58% WBE. (Recommended by Water and Wastewater Commission)

Approved

26. Authorize negotiation and execution of Amendment #3 to the Professional Service Agreement with KIW, INC. (WBE/FB) Austin, Texas, for additional design phase engineering services for the Creek Bend Flood Control Project, in the amount of \$224,012.02, for a total agreement amount of \$554,246.18. (Funding was included in the 1994-95 Capital budget of the Drainage Utility.) 10% MBE, 5% WBE Subconsultant participation.

Approved

27. Approve execution of a contract with DAVIS TRAILER AND TRUCK, Little Rock, Arkansas, for the purchase of eight (8) service truck bodies for use by the Public Works and Transportation Department, Street and Bridge Division, Stormwater Management, Parks and Recreation Department, and Water and Wastewater Utility, in an amount not to exceed \$67,987 and HENDRIX GMC TRUCKS, Austin, Texas, for the purchase of twenty (20) service trucks bodies, in an amount not to exceed \$219,711. (Funding in the amount of \$37,794 is available in the 1994-95 operating budget of the Transportation Fund; \$15,486 is available in the 1994-95 operating budget of the Drainage Fund; \$5,117 is available in the 1994-95 Vehicle Acquisition Fund; \$16,912 is available in the 1994-95 Water and Wastewater operating budget. Funding in the amount of \$212,389 was included 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

Austin-Bergstrom International Airport (Item 28)

28. Approve the award of a demolition contract to CHERRY DEMOLITION, Houston, Texas, for the Demolition Package No. 2A (salvage of bowling alley and theater equipment for the City Parks and Recreation Department, relocation of portable building for badging and contractor/employee orientation for new airport construction projects), for the Austin-Bergstrom International Airport, in the amount of \$387,808, plus a contingency fund of \$38,780 for change orders. (Funding was included in the 1994-95 Capital Budget for Aviation.) Low bid of ten (10). DBE Subcontractor participation: 63% (58% MBE, 5% WBE)
Approved
29. Set a public hearing to approve a 0.084 acre (75 linear feet) permanent land use agreement to allow the construction of a gravity wastewater line through dedicated parkland known as Walnut Metropolitan Park in accordance with Section 26.001 et. seq. of the Texas Park and Wildlife Code. [Recommended by Water and Wastewater Commission and Parks Board] (Suggested date and time: June 22, 1995 at 4:30 p.m.)
Approved
30. Set a 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 Section 26.001 et. seq. of the Texas Parks and Wildlife Code. (No fiscal impact.) [Recommended by Parks and Board and Water and Wastewater Commission] (Suggested date and time: June 22, 1995 at 5:00 p.m.)
Approved
31. Set a 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 Section 26.001 et. seq. of the Texas Parks and Wildlife Code. (No fiscal impact.) [To be reviewed by Parks Board on May 23, 1995.] (Suggested date and time: June 22, 1995 at 5:30 p.m.)
Approved

ITEMS FROM COUNCIL

32. Declare June 3, 1995 as Barton Creek/Barton Springs Day, and approve an ordinance waiving admission fees to Barton Springs Pool for June 3, 1995. (Fiscal impact is \$4,500.) (Mayor Pro Tem Michael "Max" Nofziger and Councilmembers Jackie Goodman and Brigid Shea)
Ordinance No. 950525-F approved
- Items 19 through 32 approved on Councilmember Garcia's motion, Councilmember Reynolds' second 5-0 vote, Councilmember Shea temporarily absent, Councilmember Mitchell absent.**
33. Approve a resolution to invite and encourage Samsung Semiconductor Inc. to locate in the

Austin/Travis County area. (Mayor Bruce Todd, and Councilmembers Gus Garcia and Ronney Reynolds)

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

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

34. C14-95-0033 - S & S INVESTMENTS (Duke Stevens), 13205 Research Boulevard. From SF-2 to GR. Planning Commission Recommendation: To Grant GR-CO, Community Commercial-Conditional Overlay zoning with the provision of the overlay to limit development to an intensity of less than 2,000 vehicle trips per day.
Ordinance No. 950525-I

35. C14-95-0037 - PAUL PROPERTIES, LTD. (Curt Young), by Site Specifics (Bobbie Jo Cornelius), 10210 N. I.H. 35 Service Road SB. From SF-2 to LI. Planning Commission Recommendation: To Grant LI-CO, Limited Industrial-Conditional Overlay, zoning with the provision of the overlay to limit development to generate less than 2,000 vehicle trips per day. Further, subject to a six foot privacy fence to be constructed along the rear property line.
Ordinance No. 950525-J

Items 34 and 35 approved on Mayor Pro Tem Nofziger, Councilmember Goodman second, 5-0 vote, Councilmember Garcia off dais, Councilmember Mitchell absent.

36. C14-95-0038 - CITY OF AUSTIN -PLANNING AND DEVELOPMENT, 5619 Adams Avenue. From SF-3 to SF-2. Planning Commission Recommendation: To Grant SF-2, Single Family Residence (standard lot), zoning as requested.
Postponed for one week on Councilmember Goodman's motion, Councilmember Reynolds' second, 4-0 vote, Mayor Pro Tem Nofziger off the dais, Councilmember Garcia and Councilmember Mitchell absent.

37. C14-95-0042 - CRESCENT REAL ESTATE (Randy Chappel), by Faison Store, Inc. (Will Wynn), 10415 to 10447 Morado Circle and 10830 Jollyville Road. From MF-2-CO to LO. Planning Commission Recommendation: To Grant LO-CO, Limited Office-Conditional Overlay, zoning with the provisions of the overlay as follows: (1) prohibit Medical Offices; (2) limit the development of the tract to 180,000 square feet or 0.34 Floor to Area Ratio; (3) provide for striping improvements for the northbound approach to Morado Circle; and (4) limit impervious cover to 60%.
Approved first reading on Mayor Pro Tem Nofziger, Councilmember Goodman second, 5-0 vote, Councilmember Garcia off dais, Councilmember Mitchell absent.

38. C14-94-0171 - AUSTIN DIAGNOSTIC CLINIC (Jon P. Sligh), by Bury & Pittman (Gregory S. Strmiska), 12101 to 12127 Park Bend Drive and 2209 to 2317 Cedar Bend Drive. From MF-2 to GR. Planning Commission Recommendation: To Grant RR, Rural Residence, zoning for the area determined to be within the boundaries of the 100-year floodplain and GO-CO, General Office-Conditional Overlay, zoning. The provisions of the overlay will limit development to a density that will generate less than 1,500 vehicle trips per day to the

site; prohibit access to Cedar Bend Drive; subject to a 25' landscape buffer between GO-CO zoning and residential zoning; and development will be restricted to LO development regulations in triangular, northeast corner that is east of the existing drainage easement.

Postponed one week

39. C14-94-0172 - AUSTIN DIAGNOSTIC CLINIC (Jon P. Sligh), by Bury & Pittman (Gregory S. Strmiska), 2218 to 2605 Park Bend Drive. From MF-2 & GO to GR. Planning Commission Recommendation: To Grant GR-CO, Community Commercial-Conditional Overlay; GO-CO, General Office-Conditional Overlay; and LO-CO, Limited Office-Conditional Overlay, subject to the following conditions: (1) limit the impervious cover for the GR and GO tracts to 80%; (2) limit the impervious cover for the LO tract to 70%; (3) limit the total impervious cover for the entirety of the GO tract to 80%; and (4) establish a 100 foot buffer adjacent to the southern property line which abuts the parkland adjacent to Walnut Creek; a maximum of 50% of the area within this buffer zone may be constructed as impervious cover.

Postponed one week

40. C14-94-0173 - AUSTIN DIAGNOSTIC CLINIC (Jon P. Sligh), by Bury & Pittman (Gregory S. Strmiska), 2408 to 2417 Cedar Bend Drive. From LO to GR. Planning Commission Recommendation: To Grant LR-CO, Neighborhood Commercial-Conditional Overlay, zoning with the provisions of the overlay to prohibit access to Tomanet Trail; limit development to a density that will generate less than 870 vehicle trips per day; and subject to a 25' landscape and screening buffer between LR-CO and any residential zoning.

Postponed one week

41. C14-94-0174 - AUSTIN DIAGNOSTIC CLINIC (Jon P. Sligh), by Bury & Pittman (Gregory S. Strmiska), 12201 to 12303 Tomanet Trail. From SF-3 to LO. Planning Commission Recommendation: To Grant RR, Rural Residence, zoning for any land area determined to be within the boundaries of the 100-year floodplain, and LO-CO, Limited Office-Conditional Overlay, with the provisions of the overlay to limit the development to a density that will generate less than 700 vehicle trips per day to the site; prohibit driveway access to Tomanet Trail; and subject to a 25' landscape and screening buffer between LO-CO and any residential zoning.

Postponed one week

Items 38 through 41 postponed one week to June 1, on Councilmember Shea's motion, Mayor Pro Tem Nofziger's second, 4-0 vote, Councilmembers Garcia, Goodman and Mitchell absent.

TO BE HEARD BY PLANNING COMMISSION 05-23-95, RECOMMENDATION TO FOLLOW

42. C14-95-0057 - ROY A. BUTLER, by Bury & Pittman (Greg Strmiska), 707 Henderson Street. From MF-3, MF-4 & LO to CS.
Ordinance No. 950525-L
43. C14-95-0058 - ROY A. BUTLER, by Bury & Pittman (Greg Strmiska), 701 Henderson

Street. From LR to CS.
Ordinance No. 950525-M

Items 42 through 43 approved on Mayor Pro Tem Nofziger's motion, Councilmember Goodman's second, 5-0 vote, Councilmember Garcia off the dais, Councilmember Mitchell absent.

PUBLIC HEARING AND APPROVAL OF ORDINANCES/RESOLUTIONS

44. 4:30 P.M. - Public hearing to gather citizen input on the proposed East 11th and 12th Street Revitalization and the Para Las Familias projects to be funded under the Section 108 loan guarantee program.

No action taken

EXECUTIVE SESSION (No Public Discussion on These Items)

Executive session held at 2:18 P.M. to 2:55 P.M. on items 9 and 12

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.

Pending/Contemplated Litigation - Section 551.071

45. Discuss FM Properties v. City of Austin; Cause No. 94-CA-647-J, in the United States District Court, Western District, Austin, Texas.

Real Estate - Section 551.072

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

ADJOURNED at 7:21 p.m.

Approved on this the 1st day of June, 1995, on Councilmember Goodman's motion, Councilmember Garcia's second, 7-0 vote.