



Austin City Council MINUTES

JULY 27, 1995
1:00 P.M.

Mayor Todd called the meeting to order, Councilmembers Mitchell and Shea temporarily absent.

1. Approval of Minutes for Regular Meeting of July 20, 1995 and Worksession of July 19, 1995 and Executive Session of July 20, 1995
Approved on Mayor Pro Tem Garcia's motion, Mayor Todd second, 7-0 vote.

CITIZEN COMMUNICATIONS: GENERAL

2. Mr. Gus Pena, to discuss public safety issues, concerns in East Austin, revitalize economy in East Austin, increase parks' police officers.
3. Mrs. Julia Mendez, to discuss removal of soup kitchen from East Austin, increase parks' police officers, more funding for summer youth job programs in Park's department.
Absent
4. Mr. Joe Quintero, to discuss removal of soup kitchen from East Austin. To discuss East Austin concerns.
5. Ms. Carmen Quintero, to discuss removal of the soup kitchen from East Austin. To discuss public safety concern of women and children in soup kitchen area.
6. Mr. J. T. Vasquez, to discuss removal of soup kitchen from East Austin. To address youth concerns.
Absent
7. Mr. Paul Martinez, to discuss removal of soup kitchen from East Austin. To discuss youth concerns in East Austin.
Absent
8. Mrs. Charlene Shillman, The Museum of Fine Arts, Austin, strives at helping Austin Artists. We are currently exhibiting works by 35 local painters and sculptors, which many tourists have had the opportunity to see. Many good comments have been made. A New Head of the Arts Commission would also help Austin!
Absent
9. Mr. Rodney Doerscher, to discuss Encampment Ordinance No. 95.
Absent
10. Mr. James Perry, to speak on changing zone planning open up East Austin for business.
Absent

11. Mr. Richard Troxell, to encourage City Council to promote and fund a comprehensive/cost effective drug and alcohol detoxification job training/job placement program to assist the homeless adults off of the streets of Austin.

ITEMS CONTINUED FROM PREVIOUS MEETINGS

12. Approve a construction contract award to OSCAR RENDA CONTRACTING, INC., Roanoke, Texas, for installation of approximately 5,930 feet of gravity wastewater service southeast of Nucklos Crossing and Stassney Lane for the Mopac-Williamson Creek Lift Station Relief Main, Phase One Project, in the amount of \$2,244,125. (Funding in the amount of \$2,189,325 was included in the 1991-92 Capital budget of the Water and Wastewater Utility; \$54,800 was included in the 1992-93 Capital budget of the Golf Enterprise Fund of the Parks and Recreation Department.) Low bid of four (4). 17.05% MBE, 5.12% WBE Subcontractor participation. (Recommended by Water and Wastewater Commission and Parks Board)

Approved, on Mayor Pro Tem Garcia's motion, Councilmember Reynolds' second, 6-0 vote, Councilmember Mitchell off the dais.

13. Approve third reading of an ordinance amending the City Code to add Chapter 18-7, establishing and regulating the use by third parties of City-owned Utility Infrastructure, and establishing a penalty for violation of this ordinance.

Postponed to August 9, 1995

14. Amend Ordinance No. 940912-E, the 1994-95 Capital Budget of the Department of Public Works and Transportation by: (1) increasing transfers to the Capital Budget by \$410,421.51; (2) creating a Forsythia/Bluegrass and Simmons Community Facilities account; and (3) appropriating \$410,421.51 to the new account (\$397,329.66 in letter of credit proceeds and \$13,091.85 in accrued interest) which is located in the Fiscal Surety accounts in the Planning and Development Department. **(Related to Item 15)**

Ordinance No. 950727-F approved, on Councilmember Mitchell's motion, Councilmember Reynolds' second, 7-0 vote.

15. Authorize the negotiation and execution of a Community Facilities Contract with AUSTIN 360 ASSOCIATES, SPICEWOOD SPRINGS JOINT VENTURE, AND SPICEWOOD SPRINGS ASSOCIATES, to effect the construction of a section of Forsythia Drive, Bluegrass Drive and Simmons Road, with the City's cost participation not to exceed \$410,421.51. (Funding was included in the 1994-95 Amended Capital Budget of the Public Works and Transportation Department.) **[Related to Item 14]**

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

Mayor Todd offered a friendly amendment that the CFA require competitive bidding for construction and that the City incur no future costs for improvements.

Condition made by Councilmember Shea to direct staff to obtain a written document from State that the City will not be obligated for modifications to the bridge or roadway.

ORDINANCES

16. 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-CO", Multifamily Residence (low density)-Conditional Overlay 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: A conditional overlay incorporates a condition imposed at first reading which requires compliance with the S.O.S. Ordinance. The applicant's agent has filed a written objection to the conditional overlay item triggering a valid petition, which requires six (6) Council votes in order to impose the Conditional Overlay. (continued from 6/29/95)
Approved second reading for Planning Commission recommendation without the conditional overlay and a friendly amendment from Mayor Pro Tem Garcia to allow speakers on third reading, on Councilmember Reynolds' motion, Mayor Pro Tem Garcia's second, 4-3 vote, Councilmembers Goodman, Shea and Nofziger voting "NO".
17. Authorize acceptance of an Intermodal Surface Transportation Efficiency Act (ISTEA) grant in the amount of \$2,738,037 from the Texas Department of Transportation for renovation of hike and bike trails (Town Lake, Waller Creek, Shoal Creek, Colorado River Park, and Zilker Park) in the park system; Amend Ordinance 940912-E, the 1994-95 Capital budget of the Parks and Recreation Department, transferring \$642,164 from the Waller Creek Hike and Bike Trail project, \$92,440 from the Barton Creek Bridge Underpass project, \$351,634 from the Town Lake Bikeway project to a new ISTEA project account; and appropriating the \$2,738,037 in ISTEA grant funds, for a total appropriation of \$3,824,275. (Recommended by Planning Commission)
Ordinance No 950727-A approved
18. Amend Ordinance 940912-D, the 1994-95 Operating Budget of the Parks and Recreation Department Recreation Programs Enterprise Fund, by increasing budgeted revenue by \$169,823 and expenditures by \$169,823, with no change to the ending balance (\$169,823 is from increased programs registration revenue).
Ordinance No. 950727-B approved
19. Amend Ordinance 940912-D, 1994-95 the operating budget, by adding three (3) civilian full-time equivalent (FTE) positions to the Special Revenue Fund of the Police department to complete the Community Oriented Policing Grant objectives. (Funding in the amount of \$96,000 was provided by the Community Oriented Policing Grant and is available in the 1994-95 Special Revenue Fund of the Police Department.)
Ordinance No. 950727-C approved
20. Approve issuance by Riverplace Municipal Utility District of Unlimited Tax and Revenue Bonds, Series 1995, in an amount not to exceed \$4,000,000; approving the terms, conditions and covenants of 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.)
Ordinance No. 950727-D approved

RESOLUTIONS

21. Approve execution of an Interlocal Agreement with the HOUSTON-GALVESTON AREA COUNCIL OF GOVERNMENTS COOPERATIVE PURCHASING PROGRAM, Houston, Texas, to participate in the purchase of automobiles, trucks and heavy equipment offered on contracts available to the City of Austin. (Procurement under this Interlocal Agreement will not be made unless funds are available in appropriate departmental budgets.)

Approved

22. Approve execution of a twelve (12) month service agreement with MATVEST INC. dba BERMEX, INC., Southfield, Michigan, to provide meter reading services for the Utility Customer Service Office (UCSO), in an amount not to exceed \$333,600. [Funding in the amount of \$55,600 is available in the 1994-95 operating budget of the Utility Customer Service Office. Funding for the remaining ten (10) months is contingent upon available funding in future budgets.] Low bid of three (3) meeting specifications. 0% MBE, 1.19% WBE Subcontractor participation.

Approved

Items 17 through 22 approved on Mayor Pro Tem Garcia's motion, Councilmember Shea's second, 7-0 vote.

23. Approve a modification to an existing contract with THE PROJECT GROUP, INC., Santa Clara, California, for the procurement of IDMS Mainframe Database Consultant Services for the Police Department, by increasing the term twelve (12) months and the amount by \$63,000, for a total twenty-one (21) month contract in an amount not to exceed \$95,400. [Funding in the amount of \$5,250 is available in the 1994-95 operating budget of the Austin Police Department. Funding for the final eleven (11) months is contingent upon available funding in future budgets.] No M/WBE Subcontracting opportunities were identified.

Pulled off agenda

24. Approve execution of a twelve (12) month contract with LEGENT CORPORATION, Boston, Massachusetts, for the purchase of Prevail/XP Software, including license and maintenance, for installation on the City's mainframe, in an amount not to exceed \$71,500. (Funding is available in the 1994-95 operating budget of the Utility Customer Service Office.) Sole Source. No M/WBE Subcontracting opportunities were identified.

Approved

25. Approve contract modification #1 with CHAMPION RECYCLING CORPORATION, Houston, Texas, for the sale of recyclable newspapers and magazines, for an additional revenue to the City in the estimated amount of \$775,000. (Revenues are \$775,000 higher than expected in 1994-95. Revenues will be credited to the Solid Waste Services Fund.)

Approved

26. Approve a construction contract to JKL, INC., Austin, Texas, for street reconstruction on Hancock Drive from Mopac Boulevard to Bull Creek Boulevard, in the amount of \$415,750. (Funding in the amount of \$388,150.55 was included in the 1994-95 Capital budget of the Public Works and Transportation Department; \$27,599.45 was included in the 1993-94 Capital budget of the Water and Wastewater Utility.) Low bid of five (5). 22.20% MBE, 3.46% WBE Subcontractor participation. (Recommended by

Water and Wastewater Commission)

Approved

27. Approve a construction contract to CHEROKEE CONSTRUCTION, INC., (MBE/MN), Austin, Texas, for street reconstruction and water, wastewater, and storm sewer line replacement on Martin Luther King, Jr. Blvd., from Guadalupe Street to San Jacinto Street, in the amount of \$2,055,863.50 with an additional \$124,500 as a contingency fund to be used for change orders for street reconstruction, for a total contract amount of \$2,180,363.50. (Funding in the amount of \$1,244,828 was included in the 1994-95 Capital budget of the Public Works and Transportation Department; \$195,412 was included in the 1994-95 operating budget of the Drainage Utility; \$551,691.50 was included in the 1991-92 Capital budget of the Water and Wastewater Utility; and \$63,932 was included in the 1991-92 Capital budget of the Water and Wastewater Utility. \$124,500 contingency fund was included in the 1994-95 Capital budget of the Public Works and Transportation Department.) Low bid of two (2). 21.41% MBE, 2.68% WBE Subcontractor participation. (Recommended by Water and Wastewater Commission)

Approved

28. Approve a construction contract to AUSTIN FILTER SYSTEMS, INC., Austin, Texas, for the construction of Tannehill Branch Phase 2B, Greenwood Avenue Drainage Channel and Culvert Improvements, in the amount of \$309,681.36. (Funding in the amount of \$303,365.16 was included in the 1991-92 Approved Capital budget of the Public Works and Transportation Department; \$5,884.20 was included in the 1993-94 Capital budget of the Water and Wastewater Utility; \$432 was included in the 1991-92 Capital budget of the Water and Wastewater Utility.) Low bid of five (5). 11.54% MBE, 3.59% WBE Subcontractor participation. (Recommended by Water and Wastewater Commission)

Approved

29. Authorize negotiation and execution of a License Agreement with SOUTHWESTERN BELL TELEPHONE COMPANY to locate, construct, maintain, and operate an underground fiber optic cable across the Giddings-to-Llano Railroad Right-of-Way near Liberty Hill, Texas. (All costs to be paid by Southwestern Bell.)

Approved

30. Authorize negotiation and execution of a License Agreement with SOUTHWESTERN BELL TELEPHONE COMPANY to locate, construct, maintain, and operate an underground fiber optic cable across the Giddings-to-Llano Railroad Right-of-Way near Leander, Texas. (All costs to be paid by Southwestern Bell.)

Approved

31. Approve payment to the LOWER COLORADO RIVER AUTHORITY (LCRA), Austin, Texas, for relocation of electric transmission lines on US 183 between Loop 1 and Balcones Woods Drive, as part of the Texas Department of Transportation roadway widening project, in the amount of \$79,590.72. (Funding was included in the 1991-92 Capital budget of the Public Works and Transportation Department.)

Approved

32. Approve a construction contract award to AUSTIN BRIDGE AND ROAD, INC., Austin, Texas, for street reconstruction and overlay on East 2nd Street (Congress Avenue to Trinity Street) and East 9th Street (Congress Avenue to San Jacinto Street), in the amount of \$656,638.25. (Funding in the amount of

\$563,118.25 was included in the 1992-93 Capital Budget of the Public Works and Transportation Department; \$3,200 is available in the 1994-95 operating budget of the Drainage Utility; \$2,000 was included in the 1994-95 Capital budget of the Public Works and Transportation Department; \$52,800 was included in the 1991-92 Capital budget of the Water and Wastewater Utility; \$35,520 was included in the 1994-95 Capital budget of the Water and Wastewater Utility.) Low bid of three (3). 17.99% MBE, 5.43% WBE Subcontractor participation. (Recommended by Water and Wastewater Commission)

Approved

33. Approve the selection of HARUTUNIAN ENGINEERING, INC., Austin, Texas, for Phase I (preliminary engineering) services for the Water Treatment Plants' Electrical Distribution System Improvements Project, in the estimated amount of \$250,000. (Funding was included in the 1993-94 Capital budget of the Water and Wastewater Utility.) Best qualification statement of five (5). 10% MBE, 5% WBE Subconsultant participation. (Recommended by Water and Wastewater Commission)

Approved

34. Approve Change Order #8 to AUS-TEX PLUMBING-HEATING & AIR CONDITIONING, INC., Pflugerville, Texas, for miscellaneous project work items including: refinishing existing building structure, landscape repair, various architectural, electrical and control changes, upgrading kitchen fire suppression systems, and changes in roof and communications systems scopes of work as part of the Rosewood-Zaragosa Neighborhood Center Renovations project, in the amount of \$5,343.52, for a total contract amount of \$833,269.67. (Funding is available in the 1994-95 operating budget of the Health and Human Services Department.) 24.29% MBE, 0% WBE Subcontractor participation.

Approved

Austin-Bergstrom International Airport (Items 35-38)

35. Approve the selection of BROWN AND ROOT, INC., Houston, Texas, and authorize negotiation and execution of a professional services agreement for engineering services for the development of the Aircraft Fuel Storage Design for the Austin-Bergstrom International Airport, in an amount not to exceed \$527,000. (Funding was included in the 1994-95 Capital budget of the Aviation Department.) Best qualification statement of eight (8). 45% DBE participation: 43% MBE, 2% WBE. (Reviewed by Airport Advisory Board)

Approved

Items 24 through 35 approved on Mayor Pro Tem Garcia's motion, Councilmember Shea's second, 6-0-1 vote, Councilmember Goodman abstaining.

36. Approve the award of a construction contract to H.B. ZACHRY COMPANY, for the construction of the Midfield Cross Taxiway project for the Austin-Bergstrom International Airport, in the amount of \$13,833,000 plus a contingency fund of \$1,383,300 for change orders. (Funding in the amount of \$15,216,300 was included in the 1994-95 Approved Capital budget of the Aviation Department.) Low responsive bid of six (6). 30.02% DBE participation: 16.42% MBE, 13.60% WBE Subcontractor participation. (Recommended by the Airport Advisory Board)

Approved on Mayor Pro Tem Garcia's motion, Councilmember Shea's second, 6-0 vote, Councilmember Mitchell off the dais.

37. Approve Supplemental Amendment #2 with PARSONS BRINCKERHOFF CONSTRUCTION SERVICES, INC., Austin, Texas, for Phase II Design Services and Phase III Construction Management Services to the Program Management Support Services professional services agreement for the redevelopment of Bergstrom as Austin-Bergstrom International Airport, in the amount of \$15,000,000, for a total contract amount of \$25,000,000. (Funding was included in the 1994-95 Approved Capital budget of the Aviation Department.) 20% DBE participation: 15% MBE, 5% WBE. (Recommended by Airport Advisory Board)

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

38. Approve the award of a construction contract to M W BUILDERS, INC., Temple, Texas, for the construction of the Passenger Terminal Preparation project for the Austin-Bergstrom International Airport in the amount of \$5,257,848.73 plus a contingency fund of \$525,784.87 for change orders. (Funding in the amount of \$5,783,633.60 was included in the 1994-95 Approved Capital budget of the Aviation Department.) Low responsive bid of six (6). 36.86% DBE Participation: 16.42% MBE, 1.40% WBE. (Recommended by Airport Advisory Board)

Approved, on Mayor Pro Tem Garcia's motion, Councilmember Goodman's second, 6-0 vote, Councilmember Mitchell off the dais.

39. Ratify an emergency contract to AUSTIN ENGINEERING COMPANY INCORPORATED, Austin, Texas, for additional quantities and work as part of the East Austin Transmission Main 66" CSC Rehabilitation project, in the amount of \$50,130. (Funding was included in the 1993-94 Approved Capital budget of the Water and Wastewater Utility.)

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

40. Approve a construction contract award to JAMITCH ENTERPRISES, INC., (MBE/MB), Austin, Texas, for construction of the Oak Hill Branch Library at 5125 Convict Hill Road, in the amount of \$1,052,299. (Funding was included in the 1994-95 Amended Capital budget of the Library Department.) Low bid of six (6). 10.39% MBE, 3.67% WBE Subcontractor participation.

Approved, on Mayor Pro Tem Garcia's motion, Councilmember Shea's second, 6-0-1 vote, Councilmember Mitchell abstaining.

41. Approve the scope of work with KEYSER MARSTON ASSOCIATES, INC., San Diego, California, for Phase II of the contract for downtown consulting services, in the amount of \$100,000. (Funding is available in the 1994-95 operating budget of the Planning and Development Department.)

Approved, on Mayor Pro Tem Garcia's motion, Councilmember Goodman's second, 4-2-1 vote, Councilmembers Nofziger and Shea voting "NO", Councilmember Mitchell abstaining.

42. Authorize application for and acceptance of \$1,050,000 from the U.S. Department of Housing and Urban Development, Housing Opportunities for Persons with AIDS Program (HOPWA), to provide assistance to the homeless and low income persons with AIDS.

Postponed to August 3, 1995

43. Authorize application for and acceptance of \$285,000 from the U.S. Department of Housing and Urban Development, Emergency Shelter Grants (ESG) Program, to provide services for the homeless.

Postponed to August 3, 1995

44. Authorize application for and acceptance of \$2,588,000 from the U.S. Department of Housing and

Urban Development, 588, HOME Year 4 Investment Partnership Program funds, to provide affordable housing through acquisition, rehabilitation, new construction of housing units, and direct assistance to first-time homeowners. (City's match of \$602,250 is included in the proposed 1995-96 operating budget of Neighborhood Housing and Conservation Department.)

Postponed to August 3, 1995

45. Approve the conversion \$1,420,000 in Community Development Block Grant (CDBG) loans receivable from the Austin Housing Finance Corporation (AHFC) to grants. (Funding is available in the Planning and Development Special Revenue Fund; \$90,000 from 16th Year CDBG, \$700,000 from 17th Year CDBG, and \$630,000 from 18th Year CDBG) [Recommended by Housing Subcommittee]

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

46. Authorize submission of an application for \$9,000,693 in fiscal year 1995-96 (21st year) funds under the Community Development Block Grant (CDBG) Program to the U.S. Department of Housing and Urban Development; authorize acceptance of \$8,563,000 in 21st Year CDBG Entitlement funds; allocate \$8,563,000 in 21st Year CDBG Entitlement funds and \$437,693 of projected loan repayments from prior years' Program income; approve the 1995-96 Community Development Program. (Recommended by Community Development Commission)

Postponed to August 3, 1995

47. Approve an Interlocal Agreement with the Texas Natural Resource Conservation Commission (TNRCC) for a Solid Waste Enforcement grant agreement in an amount not to exceed \$32,100. (Funding is available from the Texas Natural Resource Conservation Commission (TNRCC). A match in the amount of \$16,050 is available in the Solid Waste Services Fund and an additional match of \$16,050 is available from Travis County.)

Approved

ITEMS FROM COUNCIL

48. Approve a resolution co-sponsoring the 14th Annual Minority and Women Business Enterprise Equal Employment Opportunity and Contract Compliance Conference to be held August 27-30, 1995. (Fiscal impact is \$11,550. Funding is available in the 1994-95 operating budgets of various city departments.) (Councilmembers Eric Mitchell, Jackie Goodman and Gus Garcia)

Approved

49. Approve a resolution directing the City Manager to pursue a joint use proposal with Austin Independent School District for a Crime NET office at the old L.L. Campbell Elementary site, 1600 Chicon, and to work with AISD and Travis County to identify funding for the office. (Councilmembers Brigid Shea and Jackie Goodman)

Approved

Items 47 through 49 approved, on Mayor Pro Tem Garcia's motion, Councilmember Shea's motion, 7-0 vote.

50. Approve an ordinance waiving the 24 day filing requirement of Section 15-2-3(A) of the Austin City Code of 1992, as amended, for the closure of Trinity and Neches Streets between East 7th and East 8th Streets for August 6, 1995, from 8:00 a.m. to 5:00 p.m.; waive the processing fees for street closure

applications in the amount of \$100. (Councilmembers Michael "Max" Nofziger, Jackie Goodman and Brigid Shea)

Approved to waive one month of processing fees, on Councilmember Nofziger's motion, Councilmember Goodman's second, 4-2 vote, Mayor Todd and Councilmember Reynolds voting "NO", Councilmember Mitchell off the dais.

Motion reconsidered to leave one lane open and waive two weeks processing fees, on Councilmember Nofziger's motion, Mayor Pro Tem Garcia's second, 6-0 vote, Councilmember Mitchell's off the dais.

51. Amend Ordinance No. 940912-D, the 1994-95 Operating Budget by authorizing acceptance of \$166,375 in Federal Surface Transportation Program (STP) Category 4C grant funds and appropriating \$166,375 to the Department of Public Works and Transportation Special Revenue Fund to complete research for proposed improvements to Koenig Lane. (Recommended by Austin Transportation Policy Advisory Committee) (Councilmembers Jackie Goodman and Michael "Max" Nofziger)
Ordinance No. 950727-E approved, on Mayor Pro Tem Garcia's motion, Councilmember Shea's second, 7-0 vote.

52. Discussion and report on Lost Canyon site plan. (Councilmember Jackie Goodman)
Report given, discussion held.

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

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

Approved first reading with GR-CO zoning; prohibiting: 1) automotive rentals; 2) automotive repair services; 3) automotive sales; 4) automotive washing; 5) business or trade schools; 6) business support services; 7) commercial off-street parking; 8) communications services; 9) drop-off recycling collection facility; 10) exterminating services; 11) funeral services; 12) general retail sales (general); 13) hotel-motel; 14) indoor entertainment; 15) indoor sports & recreation; 16) medical offices; 17) outdoor entertainment; 18) outdoor sports & recreation; 19) pawn shop services; 20) personal improvement services; 21) pet services; 22) research services; 23) restaurant (general); 24) theater; 25) community recreation (private); 26) community recreation (public); 27) congregate living; 28) group home (class II); 29) hospital services (limited); 30) hospital services (general); 31) residential treatment; and, physical construction of a drive-through lane, on Mayor Todd's motion, Councilmember Reynolds' second, 5-0 vote, Councilmembers Mitchell and Nofziger off the dais.

54. C14-69-029 - WILLIAM GOLDBERG, by Frank Prewitt, 5816 South 1st Street. Restrictive Covenant Amendment. Planning Commission Recommendation: To Approve amendment to Restrictive Covenant.

Approved

55. C14-94-0156 - MET CENTER NYCTEX, LTD. (Howard Yancy), 2100 to 2120, 2200 to 2220 & 2300 to 2320 U.S. Hwy. 183, and 2001 to 2009 Hoeke Lane. From DR to LI. Planning Commission

Recommendation: To Grant LI-CO, Limited Industrial Services-Conditional Overlay and RR, Rural Residential for that portion of the tract determined to be within the 100 year floodplain of Carson Creek. The provisions of the overlay are as follows: (1) to require approval by the Fire Department prior to release of a site plan on which there is proposed storage or use of hazardous materials which pose an inordinate risk to the public land; and (2) prohibit access to Hoeke Lane until the roadway is improved to City standards for use as an industrial collector.

Approve first reading only with the deletion of condition one and addition of two: Compliance with TIA recommendations.

56. C14-94-0157 - MET CENTER NYCTEX, LTD. (Howard Yancy), 7717 East Riverside Drive, 7400 to 7700 East Ben White Blvd., and 2101 to 2119, and 2201 to 2219 Hoeke Lane. From DR to LI. Planning Commission Recommendation: To Grant LI-CO, Limited Industrial Services-Conditional Overlay and RR, Rural Residential for that portion of the tract determined to be within the 100 year flood plain of Carson Creek. The provisions of the overlay are as follows: (1) to require approval by the Fire Department prior to release of a site plan on which there is proposed storage or use of hazardous materials which pose an inordinant risk to the public land; and (2) prohibit access to Hoeke Lane, East Riverside Drive, and Palma Verde Drive until these roadways are improved to City standards for use as industrial collectors.

Approve first reading only with the deletion of condition one and addition of two: Compliance with TIA recommendations.

57. C14-95-0027 - BILL YOUNGBLOOD, by The Austin Java Company (Gregory Cooper), 1206 and 1208 Parkway. From MF-3 and LR to GR. Planning Commission Recommendation: To Grant GR-CO, Community Commercial- Conditional Overlay, with the provision of the overlay limiting development to a density that will generate less than 2,000 vehicle trips-per-day, prohibiting access to North Lamar Boulevard and prohibiting Restaurants (drive-in, fast food).

Approve first reading only Items 54 through 57 approved on Mayor Pro Tem Garcia's motion, Councilmember Reynolds' second, 6-0 vote, Councilmember Goodman off the dais.

58. C14-95-0049 - STATE FIREMAN'S & FIRE MARSHAL (Larry Letscher), by Strasburger & Price (Richard Suttle), 809 Stark Street. From SF-3 to LO. Planning Commission Recommendation: To Grant LO, Limited Office, zoning subject to NO, Neighborhood Office, uses and no additional right-of-way dedication.

Ordinance No. 950727-G approved on Mayor Pro Tem Garcia's motion Councilmember Reynolds' second, 5-1 vote, Councilmember Shea voting "NO", Councilmember Goodman off the dais.

59. C14-95-0064 - C.O.A.-PARD (Stuart Strong), 6001 Manchaca Road. From SF-3 to P. Planning Commission Recommendation: To Grant P, Public, zoning as requested.

Ordinance No. 950727-H approved

60. C14-95-0065 - JAMES H. WATSON, by Bury & Pittman (Greg Strmiska), West Slaughter 5~Lane and South Congress Avenue. From DR & SF-2 to GR. Planning Commission Recommendation: To Grant GR-CO, Community Commercial-Conditional Overlay, zoning subject to limit development to generate

less than 2,000 vehicle trips per day.

Ordinance No. 950727-I approved

61. C14-95-0079 - CHRISTIAN LIFE CHURCH (Rex D. Johnson), by Woodframe Construction (De Von Wood), 4700 West Gate Boulevard. From DR to MF-2. Planning Commission Recommendation: To Grant MF-2-CO, Multifamily Residence (low density)-Conditional Overlay, zoning, for Tract 1 and SF-2, Single Family Residence (standard lot) for Tract 2. The provision of the overlay are as follows: (1) prohibit access to Sunset Trail; (2) limit density for Tract 1 to 12 units per acre; and (3) prohibit multi-family residential.

Ordinance No. 950727-J approved

TO BE HEARD BY THE PLANNING COMMISSION 7/25/95, RECOMMENDATION TO FOLLOW:

62. C14-95-0087 - DAUGHTERS OF CHARITY OF HEALTH (Tom Gallagher), by Bower Downing Partnership (Laura Peeples), 2600 East Martin Luther King Blvd. From MF-3 to GO. Planning Commission recommendation: To grant GO-CO, General Office-Conditional Overlay with the provisions of the overlay as follows: (1) limit development to generate less than 2,000 vehicle trips per day; and (2) prohibit the following uses: off-site parking, Personal Services, Restaurant (limited), guidance Services, Business support Services and Business/Trade School. 7-0 (consent).

Ordinance No. 950727-K approved, GO-CO zoning subject to: 1) limit development to generate less than 2,000 vehicle trips per day; and 2) prohibit the following uses: off-site parking, personal services, restaurant (limited), guidance services, business support services, and business/trade school; ensure that school concerns are addressed at time of site plan review.

Items 59 through 62 approved, on Mayor Pro Tem Garcia's motion, Councilmember Reynolds' second, 6-0 vote, Councilmember Goodman off the dais.

PUBLIC HEARING AND APPROVAL OF ORDINANCES/RESOLUTIONS

63. 4:30 P.M. - Approve the 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)

Approved, on Mayor Pro Tem Garcia's motion, Councilmember Reynolds' second, 6-0 vote, Councilmember Mitchell off the dais.

64. 5:00 P.M. - Public Hearing and approval of Encampment Ordinance. (Mayor Bruce Todd and Councilmember Ronney Reynolds))

Approve first reading only, on Councilmember Reynolds' motion, Mayor Todd second, 4-2 vote, Councilmembers Goodman and Shea voting "NO", Councilmember Mitchell absent.

Substitute motion made by Councilmember Goodman, to direct staff (City Manager) to convene a working group by August 7, 1995, to accomplish two tasks by August 31, 1995:

- (1) Develop a proposal for community action network's (C.A.N.) consideration and implementation that includes the following components for a KOA-type camp facility"

- Appropriate City of Austin property for one or two sites
- Suitable for utility hook-ups (electric/water-wastewater)
- Sanitary bathing/toilet facilities

- Information and services pavillion
- Relocation to the site(s) of Bergstrom duplexes
- Coalition of non-profit advocacy groups to manage site

(2) Study the Encampment Ordinance (and other public behavior ordinances), analyze language and enforcement issues, and recommend amendments to Council for effective and constitutional law.

Suggested representatives include, but are not limited to:

- | | |
|---|--|
| - C.A.N. Member | Churches |
| - City: Legal Dept.
area, Zilker | Business (DMO, University |
| - Austin Police Dept. | ACLU area) |
| - Parks Dept. | Neighborhood |
| - Austin-Travis County Health
& Human Svcs. (Dave Davis) | Sheriff's Dept. |
| - Utility Depts. | MHMR |
| - Real Estate Dept. | Homeless Advocacy Groups |
| Education for homeless
XIII) | (including veteran's groups)
children & youth (Region |

Motion not recognized by Mayor Todd as a substitute motion, but voted on separately as a resolution on Councilmember Goodman's motion, Councilmember Nofziger's second, 6-0 vote, Councilmember Mitchell absent.

EXECUTIVE SESSION (No Public Discussion on These Items)

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

Executive session held at 3:01 p.m. to 3:45 p.m. on items 36 and 38.

Executive sessiion held at 7:43 p.m. to 8:44 on items 67 through 71.

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.

Real Estate Acquisition - Section 551.072

65. Discuss fee simple acquisition of real property and improvements for the Austin-Bergstrom International Airport.

Real Estate - Section 551.072

66. Discuss lease renewal for building located at 1905 East 6th Street.

Staff Briefing - Section 551.075

67. Status report on Austin Police Department's re-engineering proposals. (City Council deliberation is not permitted under Section 551.075).
68. Staff briefing on the proposed Infrastructure Ordinance, including its impact on current and future users of City-owned Utility Infrastructure. (City Council deliberation is not permitted under Section 551.075).
69. Staff briefing on the electric revenue requirements, rate comparisons and competition in the electric utility industry. (City Council deliberation is not permitted under Section 551.075).

Advice of Counsel - Section 441.071

70. Discuss legal issues and potential litigation concerning the proposed Utility Infrastructure Ordinance amending the City Code to add Chapter 18-7.

Pending/Contemplated Litigation - 551.071

71. Discuss proposed settlement of Scott D. Sandahl, et al v. City of Austin; Cause No. 94-13046.

ACTION ON THE FOLLOWING

72. Authorize fee simple acquisition of real property and improvements located at 5810 FM 973 Road South, Del Valle, Texas, for the Austin-Bergstrom International Airport.
Authorize fee simple acquisition of real property and improvements located at 5810 FM 973 South for the Austin-Bergstrom International Airport in the amount of \$185,000 and authorize an estimated \$106,128 in relocation benefits for the owners, on Mayor Pro Tem Garcia's motion, Councilmember Shea's second, 7-0 vote.
73. Authorize a one (1) year extension of the lease agreement with CROW-GOTTESMAN-HILL for a 34,663 square foot building located at 1905 East 6th Street for the Building Services Division of the Public Works and Transportation Department. (Funding in the amount of \$35,875 is available in the 1994-95 operating budget of the Public Works and Transportation Department. Funding for the remaining nine (9) months and the extension period is contingent upon available funding in future budgets.)
74. Approve settlement of Scott D. Sandahl, et al v. City of Austin; Cause No. 94-13046, and authorize representatives of the City of Austin Law Department to execute on behalf of the City of Austin the Compromise Settlement Agreement, and such other motions and orders as will effectuate the settlement and dismissal of that litigation.
Approved, on Councilmember Shea's motion, Councilmember Goodman's second, 5-0 vote, Councilmembers Mitchell and Nofziger absent.

75. APPOINTMENTS

ELECTRICAL UTILITY COMMISSION - MARILYN JONES, TERESA REEL
PLANNING COMMISSION - RITA THOMPSON

RENAISSANCE MARKET - MIKE KLEINMAN, GEORGE TROTTER

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

ADJOURNED at 8:50 p.m., on Mayor Pro Tem Garcia's motion, Councilmember Goodman's second, 5-0 vote, Councilmembers Mitchell and Nofziger absent.

Approved on this the 3rd day of August, 1995, with changes on item 64 to read as follows: Motion not recognized by Mayor Todd as a substitute motion, but voted on separately as a resolution, on Councilmember Goodman's motion, Mayor Pro Tem Garcia's second, 5-0 vote, Councilmember Shea off the dais, Mayor Todd absent.