



Austin City Council MINUTES

APRIL 6, 1995 - 1:00 P.M.

Mayor Pro Tem Nofziger called to order the meeting of the Council, noting the temporary absence of Mayor Todd and Councilmember Mitchell.

MINUTES APPROVED

1. Approval of Minutes for Regular Meeting of March 30, 1995 and Special Meetings of March 29 and 30, 1995
Approved on Councilmember Garcia's motion, Councilmember Shea's second, 5-0 vote, Mayor Todd and Councilmember Mitchell temporarily absent.

CITIZEN COMMUNICATIONS: GENERAL

2. Mr. Robert L. Thomas, to discuss Rosewood Park.
Not present
3. Dr. Marion Tangum, to report on the February 4, 1995 symposium titled "Civic Responsibility and Higher Education" that was sponsored by Southwest Texas State University and Texas Committee for the Humanities.
4. Mr. Gus Pena, to request The City of Austin HRD make hiring an older veteran a priority. Request City Manager look into more funding for summer youth job programs.
5. Mr. Richard R. Troxell, to ask Council to create a comprehensive drug and alcohol detoxification/treatment job training/job placement program to specifically assist the homeless of Austin.
6. Mr. Wilbert Ceasar, to discuss the 11th street crime and drug problem.
7. Mr. Richard Moore, to discuss zoning laws and health and safety codes regarding conversions of commercial property to residential use(s).
Will not appear
8. Mr. Charles Farrell, to ask Council to create a workable cost effective dollar saving program to deal with Austin's homeless population.

ITEMS CONTINUED FROM PREVIOUS MEETINGS

9. Approve a resolution instructing the Department of Planning and Development to initiate a zoning case regarding certain tracts of land within the Harris Ridge Subdivision. (Councilmember Eric Mitchell)
Postponed to April 20, 1995
10. Direct the City Manager to conduct a feasibility study on converting the Palmer Auditorium into a performing arts center. (Funding for this feasibility study to be identified in the operating budget of the Austin Convention Center Department.) [Mayor Pro Tem Michael "Max" Nofziger and Councilmember Jackie Goodman]
Approved on Councilmember Garcia's motion, Councilmember Goodman's second, 5-0 vote, Mayor Todd and Councilmember Mitchell temporarily absent.
11. Amend Chapter 8-3, Alcohol Consumption, by adding the designated area of the Barton Springs/Lamar retail area (along Barton Springs Road from Zilker Park to Congress Avenue and north to Town Lake), and the area between South Fifth and Lamar from Town Lake to West Oltorf Street as an area in which alcohol consumption is prohibited. (Councilmembers Eric Mitchell and Jackie Goodman)
Postponed to April 20, 1995
12. Amend Ordinance No. 940912-D, the 1994-95 operating budget, by transferring \$2,969,920 from the Brackenridge Hospital Disproportionate Share Fund to the Health and Human Services Disproportionate Share Fund and increasing appropriations by \$500,000 in the Health and Human Services Disproportionate Share Fund for contracted pharmacy services. **(Related to Items 13 & 14)**
Ordinance No. 950406-A approved
13. Authorize execution of an amendment to increase the contract with QUALIPHARM, INC., Fort Worth, Texas, for the management of private pharmacy services for the Health and Human Services Department, in the amount of \$435,000, for a total contract amount not to exceed \$2,035,000 for the period October 1, 1994 through June 30, 1995. (Funding in the amount of \$305,000 is available in the 1994-95 operating budget of the Health and Human Services Department; \$130,000 is budgeted as a reimbursement from the Travis County Human Services Department, Rural Medical Assistance Program.) 8.1% MBE, 0% WBE Subcontractor participation. **(Related to Items 12 & 14)**
Approved
14. Approve negotiation and execution of a contract with DIVERSIFIED PHARMACEUTICALS, Bloomington, MN, to provide the management of and payment for private pharmacy services for the Health and Human Services Department Medical Assistance Program, in an amount not to exceed \$2,900,000 with two (2) twelve (12) month extension options in an amount not to exceed \$2,900,000 for the first extension and \$3,016,000 for the second extension option, for a total

amount not to exceed \$8,816,000. (Funding in the amount of \$120,000 is available in the 1994-95 operating budget of the Health and Human Services Department; funding in the amount of \$280,000 is available as a reimbursement from the Travis County Rural Medical Assistance Program; funding in the amount of \$500,000 is available in the 1994-95 amended Health and Human Services Disproportionate Share Fund; funding for the balance of the initial contract period and the renewal options is contingent upon approval of future budgets by the City and County.) Best proposal of six (6). 2% MBE, 0% WBE Subcontractor participation. **(Related to Items 12 & 13)**

Approved

15. Approve an amendment to the Personnel Policies on Retirement and Probationary Period to become effective April 16, 1995. (No fiscal impact in FY 1994-95; Estimated savings of \$270,000 in FY 1995-96).

Approved

Austin-Bergstrom International Airport (Item 16)

16. Approve the award of a construction contract to S. S. C.. OMEGA, Boerne, Texas, for the Fuel Tanks Moving for Salvage Project at Austin-Bergstrom International Airport, in the amount of \$274,220. (Funding was included in the 1994-95 Capital budget of the Aviation Department.) Low bid of two (2). DBE Subcontractor participation: 32% (31.7 MBE, 1.1% WBE)

Approved

ORDINANCES

17. Approve second/third readings 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. Conditions met as follows: conditional overlay incorporates conditions imposed by Council.

Approved second reading only

Items 12-17 approved on Councilmember Garcia's motion, Councilmember Goodman's second, 5-0 vote, Mayor Todd and Councilmember Mitchell temporarily absent.

18. Approve third reading of an ordinance amending Chapter 13-2 of the Austin City Code rezoning property locally known as 2121 Gracy Farms Lane, Case No. C14-94-0150, from "MF-3", Multifamily Residence (medium density) to "IP-CO", Industrial Park-Conditional Overlay, FEDERAL DEPOSIT INSURANCE CORPORATION (Paxton Sandige), by Hill Partners, Inc. (Terry L. Irion). First reading on March 2, 1995; Vote 4-2-1, Mayor Pro Tem Nofziger and Councilmember Shea voting "No"; Councilmember Mitchell abstained. Second reading on March 30, 1995; Vote: 4-1-1, Mayor Pro Tem Nofziger voting "No"; Councilmember Goodman abstaining and Councilmember Shea absent. Conditions met as follows: conditional overlay incorporates conditions imposed by

Council.

Ordinance No. 950406-D approved on Councilmember Reynolds' motion, Councilmember Garcia's second, 4-2-1 vote, Mayor Pro Tem Nofziger and Councilmember Shea voting "NO", Councilmember Goodman abstaining.

19. Amend Ordinance No. 940912-D, the 1994-95 operating budget, by: increasing the budgeted beginning balance in the Child Safety Fund by \$116,019; increasing budgeted revenue for the Child Safety Fund by \$48,960; increasing appropriations in the Child Safety Fund by \$261,354; and decreasing the budgeted ending balance in the Child Safety Fund by \$95,788 to \$77,202 for construction of sidewalks on various school routes. (The 1994-95 Child Safety Fund beginning balance is \$116,019 more than budget. The 1994-95 Child Safety Fund estimated revenues are projected to be \$48,960 more than budget. The remaining \$95,788 is available in the Child Safety Fund's 1995 budgeted ending balance. The remaining ending balance ensures a 30 day working reserve for the fund.)

Ordinance No. 950406-B approved

20. Amend Ordinance No. 940912-D, the 1994-95 operating budget by decreasing the Contingency Reserve Fund by \$35,000; increasing the General Fund Transfer out to the Support Services Fund by \$35,000; increasing the Support Services Fund by \$35,000; and appropriating \$35,000 to the Law Department to fund a professional service agreement with Colette Holt & Associates. (Related to Item 21)

Ordinance No. 950406-C approved

RESOLUTIONS

21. Authorize a First Amendment to the existing Professional Services Agreement with Colette Holt & Associates, for legal services in connection with proposed amendments to Chapter 5-7 of the Austin City Code, in an amount not to exceed \$35,000, for a total contract amount of \$70,000. (Funding is available in the 1994-95 operating budget of the Law Department.) (Related to Item 20)

Approved

Items 19-21 approved on Councilmember Garcia's motion, Councilmember Goodman's second, 5-0 vote, Mayor Todd and Councilmember Mitchell temporarily absent.

22. Initiate steps to implement the recommendations of the Keyser Marston downtown report including: 1) determine the location of a city hall; 2) consider separating the city hall from other downtown initiatives; 3) undertake the necessary planning steps and community meetings required for the adoption of a downtown redevelopment project area (reinvestment zone) in order to establish a broad area for potential public/private projects and/or financing purposes; and 4) institute the steps required for the formation of a non-profit development corporation for the implementation of downtown development activities; approve the recommendation of the Downtown Subcommittee to designate the City owned property located in the southwest quadrant of downtown as the location

for the proposed City Hall; authorize negotiation of a Phase II scope of work with Keyser Marston for the contract for downtown consulting services, in an amount not to exceed \$100,000. (Funding is available in the 1994-95 operating budget of the Planning and Development Department.) [Recommended by Downtown Commission]

Postpone to April 27, 1995 on Councilmember Shea's motion, Councilmember Goodman's second,

Substitute motion to have public hearing at 5:30 pm. on April 27, 1995 on item 1 with friendly amendment from Mayor Todd to direct the City Manager to bring back the approximate cost of building on east side of IH 35 by Councilmember Mitchell, Councilmember Reynolds' second, 6-0 vote, Mayor Pro Tem Nofziger temporarily absent.

23. Approve a construction contract award to C.C. CARLTON CONSTRUCTION OF AUSTIN, INC., Austin, Texas, for the construction of the Shepherd Mountain Water System Improvements project, in the amount of \$770,000. (Funding was included in the 1994-95 Capital budget of the Water and Wastewater Utility.) Low bid of five (5). 10.95% MBE, 7.03% WBE Subcontractor participation. (Recommended by Water & Wastewater Commission)

Approved

24. Approve negotiation and execution of an Interlocal Agreement with the University of Texas at Austin, School of Architecture and Planning to help the City with research, planning, implementation, and documentation to successfully complete a live two-way audio-video teleconference with representatives of the City of Portland, Oregon, in the amount of \$14,392. (Funding is available in the 1994-95 Special Revenue Fund of the Environmental and Conservation Services Department.) [Recommended by Resource Management Commission]

Approved

25. Authorize negotiation and execution of an Interlocal Agreement for one year with the Lower Colorado River Authority (LCRA) for laboratory analysis services in the amount of \$60,000 with the option to extend for two (2) one (1) year periods in the amount of \$30,000 each, for a total amount not to exceed \$120,000. (Funding is available in the 1994-95 operating budget of the Environmental and Conservation Services Department. Funding for the extension options is contingent upon available funding in future budgets.)

Approved

26. Approve an Interlocal Agreement with Travis County and the Texas Forest Service for aerial infrared photography of the area of Austin and Travis County west of IH 35 to identify areas of oak wilt. (Funding in the amount of \$4,675 is available from Travis County; \$4,675 from Texas Forest Service; and \$4,675 is available in the 1994-95 operating budget of the Parks and Recreation Department.) [Recommended Travis County Commissioners' Court and Parks and Recreation Board]

Approved

27. Approve Amendment #2 to the contract with CAPITAL CITY CHAMBER OF COMMERCE, Austin, Texas, for tourism and convention sales to African American markets, incorporation of the 1994-95 Marketing Plan, and to increase the contract by \$40,000, for a total contract amount not to exceed

\$210,471. (Funding is available in the 1994-95 operating budget of the Austin Convention and Visitors Bureau.) 12.3% MBE, 2.4% WBE Subcontractor participation.

Approved

28. Approve Amendment #2 to the contract with HISPANIC CHAMBER OF COMMERCE, Austin, Texas, for tourism and convention sales to Hispanic markets, incorporation of the 1994-95 Marketing Plan, and to increase the contract by \$40,000, for a total contract amount not to exceed \$210,471. (Funding is available in the 1994-95 operating budget of the Austin Convention and Visitors Bureau.)

Approved

29. Approve execution of a contract with HENDRIX GMC TRUCKS, Austin, Texas, for the purchase of two (2) full-size extended cab pickup trucks and eight (8) truck cabs and chassis, in an amount not to exceed \$260,765. (Funding in the amount of \$24,915 is available in the 1994-95 operating budget of the Fleet Maintenance Fund, \$24,271 is available in the 1994-95 operating budget of the Transportation Fund, \$25,303 is available in the 1994-95 operating budget of the Drainage Fund. Funding in the amount of \$28,032 was included in the 1994-95 Capital budget of the Environmental Conservation and Services Department, \$158,244 was included in the 1994-95 Capital budget of the Water and Wastewater Utility.) Low bid of two (2). No M/WBE Subcontracting opportunities were identified.

Approved

30. Approve a construction contract award to BRH-GARVER, INC., for the construction of a 16" water line on Oceanaire Boulevard from Hunters Chase to Balcones Club Drive, in the amount of \$197,219.15. (Funding was included in the 1993-94 Capital budget of the Water and Wastewater Utility.) Low bid of six (6). 10.87% MBE, 3.99% WBE Subcontractor participation. (Recommended by Water and Wastewater Commission)

Approved

31. Approve execution of a twelve (12) month supply agreement with AUSTIN SCREEN PRINTING, Austin, Texas, for the purchase and screen printing of shirts and caps for the Parks and Recreation Department, in an amount not to exceed \$113,954 with two (2) twelve (12) month extension options in an amount not to exceed \$113,954 per extension option, for a total amount not to exceed \$341,862. (Funding in the amount of \$56,977 is available in the 1994-95 operating budget of the Parks and Recreation Department. Funding for the final six (6) months 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

Aviation (Items 32-34)

32. Approve a construction contract award to MISCOE CONSTRUCTION, INC., Austin, Texas, for construction of a Federal Inspections Services Facility at Robert Mueller Municipal Airport Flight Services Building, in the amount of \$418,054. (Funding was included in the 1994-95 Capital

budget of the Aviation Department.) (Reviewed by the Aviation Advisory Board) Low bid of four (4). 29.95% DBE Subcontractor participation: 29.95% MBE, 0% WBE.

Approved

Items 23-32 approved on Councilmember Garcia's motion, Councilmember Goodman's second, 5-0 vote, Mayor Todd and Councilmember Mitchell temporarily absent.

33. Approve negotiation and execution of a five (5) year contract with the ST. PAUL FIRE AND MARINE INSURANCE COMPANY, Arlington, Texas, for workers compensation and commercial general liability insurance and associated services for the Owner Controlled Insurance Program (OCIP) for construction of the Austin-Bergstrom International Airport (ABIA), in an amount not to exceed \$11,575,000. (Funding was included in the 1994-95 Capital Budget for Aviation). Best proposal of seven (7). No M/WBE Subcontracting opportunities were identified.

Approved

34. Approve negotiation and execution of a five (5) year contract with the CIGNA SPECIAL RISK FACILITIES, Irving, Texas, for builders' risk insurance and associated services for the Owner Controlled Insurance Program (OCIP) for construction of the Austin-Bergstrom International Airport (ABIA), in an amount not to exceed \$443,801. (Funding was included in the 1994-95 Capital Budget for Aviation.) Best proposal of three (3). No M/WBE Subcontracting opportunities were identified.

Approved

Items 33-34 approved on Councilmember Garcia's motion, Councilmember Goodman's second, 5-0-1 vote, Councilmember Mitchell abstaining, Mayor Todd temporarily absent.

35. Authorize the selection and negotiation of a professional services agreement to with VERNER, LIIPFERT, BERNARD, MCHERSON AND HAND, Washington, D.C., and SPIEGEL & MCDIARMID, Washington, D.C., in a total amount not to exceed \$145,000 for the period until September 30, 1995, with the option to extend the contract for two additional one year periods, in the amount of \$290,000 per extension, for a total contract amount not to exceed \$725,000. (Funding is available in the 1994-95 Capital Budget for Aviation)

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

36. Authorize the City Attorney to amend contracts with the following attorneys and expert witnesses in connection with the suit styled F.M. Properties. Co. v. City of Austin, with the following: George, Donaldson & Ford, L.L.P., in an amount not to exceed \$319,000, for a total contract amount not to exceed \$355,000; Paul Hornsby, Appraiser, in an amount not to exceed \$39,000, for a total contract not to exceed \$75,000; Jim Frederick, Appraiser, in an amount not to exceed \$36,000, for a total contract not to exceed \$70,000; Scott McNabb, Appraiser, in an amount not to exceed \$29,000, for a total contract not to exceed \$65,000; and Jack Holford, Land Planner, in an amount not to exceed \$24,000, for a total contract not to exceed \$60,000. (Funding is available in the 1994-95 Liability Reserve Fund.)

Approved on Councilmember Garcia's motion, Councilmember Goodman's second, 4-2 vote,

Councilmembers Mitchell and Reynolds voting "NO", Mayor Todd temporarily absent.

37. Set a public hearing to receive citizen input on recommendations of the Community Conservation Plan Working Group on the Balcones Canyonlands Conservation Plan. (Suggested date and time: April 20, 1995 at 5:30 p.m.)
Approved on Councilmember Garcia's motion, Councilmember Goodman's second, 5-0 vote, Mayor Todd and Councilmember Mitchell temporarily absent.

ITEMS FROM COUNCIL

38. Direct the City Manager to negotiate an agreement between the Parks Department and Country Optimist Club for the use and maintenance of fifteen (15) acres of the Upper Bull Creek District Park aka St. Edwards tract, for the club's youth activities. (Councilmembers Eric Mitchell and Ronney Reynolds)
Postponed to April 20, 1995
39. Approve a resolution stating that the City of Austin elects to become eligible to participate in tax abatements. (Mayor Bruce Todd and Councilmember Gus Garcia)
Approved
40. Approve an ordinance establishing guidelines and criteria governing tax abatement agreements. (Mayor Bruce Todd and Councilmember Gus Garcia)
Ordinance No. 950406-E approved

Items 39-40 approved on Councilmember Garcia's motion, Mayor Todd's second, 5-0-1 vote, Councilmember Mitchell abstaining, Mayor Pro Tem Nofziger temporarily absent.

Amendment: 1) for ARA Business Linkage Program to be included

2) make available to other industries (500 hundred dollars or better)

3) 60% of medium income

4) target employees hired from City of Austin/Travis County

Motion by Councilmember Mitchell, Councilmember Goodman's second, withdrawn

Amendment to Section 2(b)(7) by adding the following sentence at the end of the section: Tax abatement shall not be granted to companies for projects which have commenced construction, expansion or modernization prior to the execution of a tax abatement agreement on Councilmember Shea's motion, Councilmember Goodman's second, 3-3-1 vote, Mayor Todd and Councilmembers Garcia and Reynolds voting "NO", Councilmember Mitchell abstaining.

Amendment on Councilmember Goodman's motion, Councilmember Shea's second, 2-0-4 vote, Mayor Todd and Councilmembers Garcia, Mitchell and Reynolds abstaining.

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

41. C14-95-0013 - WILLIAM CANNON & I-35, LTD. (Jack K. Ort), by Bury & Pittman, Inc. (Gregory S. Strmiska), Approximately 6000 to 6332 S. I.H. 35 Service Road SB. From GR-CO & RR to GR. Planning Commission Recommendation: To Grant GR-CO, Community Commercial-Conditional Overlay, and RR, Rural Residence, zoning for land within the boundaries of the 100-year flood-plain; the provisions of the overlay as follows: (1) limit development to a density that will generate less than 2,000 vehicle trips-per-day; and (2) development to comply with LR, Neighborhood Commercial, development regulations.
Postponed to April 20, 1995 per applicant's request on Councilmember Shea's motion, Councilmember Garcia's second, 6-0 vote, Mayor Pro Tem Nofziger's temporarily absent.
42. C14-94-0123 - HEM PROPERTIES (Steven C. Moore), 5905 to 5909 Manor Road. From SF-3 to MF-3. Planning Commission Recommendation: To Grant MF-3-CO, Multifamily Residence (medium density)- Conditional Overlay, zoning subject to: (1) height limitation of 30 feet; (2) designate 33% of new construction to house handicapped/and or mobility impaired persons through either a conditional overlay or a restrictive covenant; and (3) a commensurate amount of handicapped parking in accordance with number of units.
Postponed to April 27, 1995 on Councilmember Reynolds' motion, Councilmember Shea's second,

Approved 1st reading only of MF-3-CO subject to 1) height to limitation of 30 feet, 2) limit number of apartments to 54 units, 3) on , 4) rollback to SF-3 if funding is not attained within 12 months, and 5) on Councilmember Goodman's motion, Councilmember Garcia's second, 6-0 vote, Mayor Pro Tem Nofziger temporarily absent.

EXECUTIVE SESSION (No Public Discussion on These Items)

Executive Session held at 2:30 p.m on Item 44, 45, and 49. Executive Session on other items held during the morning of the same date.

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

43. Discuss F.M. Properties v. City of Austin; Cause No. 94-CA-647-J, in the United States District Court, Western District, Austin, Texas.
44. Discuss Williamson Point Venture, et al v. City of Austin, Cause No. 03-95-0038CV; in the 3rd Court of Appeals.

Advice of Counsel - Section 551.072

45. Seek legal advice regarding the City's options related to the four EMS Additions Projects, C.I.P. Nos. 845-937-0101, 0102, 0103, and 0104.

Real Estate - Section 551.072

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

Real Estate Acquisition - Section 551.072

47. Discuss fee simple acquisition for the construction of the Highway US 183 Improvement Project.

ACTION ON THE FOLLOWING

48. Authorize the acquisition of fee simple right of way located at 13200 Research Blvd. for the purchase amount of \$593,796 for the construction of the Highway US 183 Improvement Project.
Approved on Councilmember Garcia's motion, Councilmember Goodman's second, 5-0 vote, Mayor Todd and Councilmember Mitchell temporarily absent.

ADDENDUM

EXECUTIVE SESSION (No Public Discussion on These Items) [continued]

Real Estate - Section 551.072

49. Discuss real estate matters in connection with proposed new City Hall.

ITEMS CONTINUED FROM PREVIOUS MEETINGS (continued)

50. Approve a Neighborhood Commercial Management Program (NCMP) loan to LUMATEC INDUSTRIES, INC., for the purchase of a building located at 600 Shady Lane, in an amount not to exceed \$175,000. [Funding is available in the 1992-93 Special Revenue Fund of the Planning and Development Department 18th year Community Development Block Grant (CDBG)].
Postponed to April 20, 1995 on Councilmember Mitchell's motion, Councilmember Goodman's second, 6-0 vote, Mayor Todd temporarily absent.

RECESSED from 7:00 p.m. until 7:31 p.m. on Councilmember Shea's motion, Councilmember Reynolds' second, 4-0 vote, Mayor Pro Tem Nofziger and Councilmembers Garcia and Mitchell temporarily absent.

ADJOURN at 8:07 p.m. on Councilmember Shea's motion, Councilmember Mitchell's second, 5-0 vote, Mayor Pro Tem Nofziger and Councilmember Reynolds temporarily absent.

Approved on this the 20th day of April, 1995, on Councilmember Goodman's motion, Councilmember Reynolds' second, 4-0 vote, Councilmember Mitchell out of the room, Mayor Todd and Mayor Pro Tem Nofziger absent.