



Austin City Council MINUTES

APRIL 20, 1995 - 1:00 P.M.

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

MINUTES APPROVED

1. Approval of Minutes for Regular Meeting of April 6, 1995 and Special Meetings of April 5, and 6, 1995
Approved on Councilmember's Goodman's motion, Councilmember Reynolds' second, 4-0 vote, Councilmember Mitchell out of the room, Mayor Todd and Mayor Pro Tem Nofziger absent.

CITIZEN COMMUNICATIONS: GENERAL

2. Mr. Roger Baker, to discuss matters arising.
3. Mrs. Sharon Kohout, to demonstrate need for local collaboration to address problem of tobacco and youth.
4. Mr. S.M. Chappell, to discuss youth against smoking.
5. Mr. Steven R. Tobias, to identify the successful attempts by youths in Austin to purchase cigarettes over-the-counter and through vending machines.
6. Mr. Shaun Stenshol, to discuss matters arising.
7. Mr. Richard R. Troxell, discuss the need for a drug and alcohol detoxification/treatment job training/job placement program that is both cost effective and comprehensive.
8. Mr. Ricky Bird, to discuss property rights.
9. Ms. Caroleen Castillo, to discuss widening Harvard Street and build a retaining wall to stop erosion from right-of-way onto the street.
10. Mr. Robert Donley, to discuss support the "submarine route" along the lake to protect our people from EMFs.
11. Mr. Gavino Fernandez, to discuss widening Harvard Street and building a retaining wall to stop

erosion from right-of-way onto the street in order to cure a safety hazard; and to support "submarine lines" route in the lake.

ITEMS CONTINUED FROM PREVIOUS MEETINGS

12. Amend Chapter 8-3, Alcohol Consumption, and Section 10-1-19 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 Oltoft Street as an area in which alcohol consumption and glass containers are prohibited. (Councilmembers Eric Mitchell and Jackie Goodman)
Ordinance No. 950420-D approved with amended boundary to edge of right of way on Councilmember Mitchell's motion, Councilmember Goodman's second, 5-0 vote, Mayor Todd and Mayor Pro Tem Nofziger absent.
13. 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.)
Approved on Councilmember Goodman's motion, Councilmember Shea's second, 4-1 vote, Councilmember Mitchell voting "NO", Mayor Todd and Mayor Pro Tem Nofziger absent.

ORDINANCES

14. Approve second/third readings of an ordinance amending Chapter 13-2 of the Austin City Code rezoning property locally known as 11203 Anderson Mill Road, Case No. C14-94-0124, from "DR", Development Reserve to "SF-2-CO", Single Family Residence (standard lot)-Conditional Overlay, JOSEPHINE KRENEK, by REG Enterprises, Inc. (Bob Gilfillan). First reading on December 1, 1994; Vote 5-0, Councilmembers Goodman & Shea out of the room. Conditions met as follows: conditional overlay incorporates conditions imposed by Council with exception of street dedication which will be accomplished through the subdivision process currently under review.
Ordinance No. 950425-A approved on Councilmember Goodman's motion, Councilmember Garcia's second, 5-0 vote, Mayor Todd and Mayor Pro Tem Nofziger absent.
15. 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 April 6, 1995, Vote 5-0, Councilmember Mitchell out of the room, Mayor Todd absent. Conditions met as follows: conditional overlay incorporates conditions imposed by Council.
City retained the option to require on-site detention pond on Councilman Goodman's motion. No

second. Postponed to April 27, 1995 on Councilmember Shea's motion, Councilmember Goodman's second, 4-0 vote, Councilmember Mitchell temporarily absent, Mayor Todd and Mayor Pro Tem Nofziger absent.

16. Approve second reading of an ordinance granting a franchise agreement between the City of Austin and MCI Metro Access Transmission Services, Inc. (Unanticipated revenue for 1994-95 is \$20,000.) (Recommended by Telecommunications Commission)

Approved

17. Approve second reading of an ordinance granting a franchise to American Communications Services of Austin, Inc., to provide telecommunications services. (Unanticipated revenue 1994-95 is \$10,000.) (Recommended by the Committee for Telecommunications Infrastructure)

Approved

18. Amend the Austin City Code by modifying the Basic Traffic Ordinance, Section 16-4-4, (G) Speed Limits, for the installation of a 30 mph school zone on Manchaca Road (FM 2304) for students attending Strickland School at 7415 Manchaca Road. (No fiscal impact. Funding provided by Texas Department of Transportation.)

Ordinance No. 950420-B approved

19. Amend the Austin City Code by modifying the Basic Traffic Ordinance, Section 16-4-4, (D) Speed Limits, for the installation of a 20 mph school zone on Cedar Avenue and Stafford Street for students attending Campbell Elementary School. (Funding in the amount of \$6,500 is available in the 1994-95 Child Safety Fund of the Public Works and Transportation Department.)

Ordinance No. 950420-C approved

Items 16-19 approved on Councilmember Goodman's motion, Councilmember Garcia's second, 5-0 vote, Mayor Todd and Mayor Pro Tem Nofziger absent.

RESOLUTIONS

Aviation (Items 20-23)

20. Approve a construction contract award to AUSTIN BRIDGE AND ROAD, Austin, Texas, for pavement rehabilitation of the East Terminal Apron, Remaining Overnight Pad, Taxiway R, and the International Arrivals Apron at Robert Mueller Municipal Airport, in the amount of \$505,174.25 (Funding was included in the 1994-95 Capital budget of the Aviation Department.) Low bid of two (2). 30.02% DBE Subcontractor participation: 24.66% MBE, 5.36% WBE. (Reviewed by the Airport Advisory Board)

Postponed to April 27, 1995

21. Approve the selection of LAW ENGINEERING, INC., Austin, Texas, and authorize negotiation and

execution of a contract for investigation of buildings for materials requiring remediation, and the preparation of remediation and demolition contracts in the area of the future east runway at Austin-Bergstrom International Airport, in an amount not to exceed \$600,000. (Funding was included in the 1994-95 Approved Capital budget of the Aviation Department.) Best qualification statement of ten (10). 35% DBE participation: 25% MBE, 10% WBE. (Reviewed by Airport Advisory Board)

Approved on Councilmember Goodman's motion, Councilmember Garcia's second, 5-0 vote, Mayor Todd and Mayor Pro Tem Nofziger absent.

22. Approve the continuation of the Professional Services Agreement with PAGE SOUTHERLAND PAGE, Austin, Texas, for the completion of plans and specifications, bid phase and construction phase services for the Passenger Terminal Facility for Austin-Bergstrom International Airport, in an amount not to exceed \$4,000,000, for a total contract amount of \$9,500,000. (Funding was included in the 1994-95 Approved Capital budget of the Aviation Department.) 25.87% DBE participation: 25.19% MBE, 0.68% WBE. (Reviewed by Airport Advisory Board)
Postponed to April 27, 1995

23. Ratify implementation of new parking fees at Robert Mueller Municipal Airport. (Estimated revenue for the period of April 1, 1995 through September 30, 1995; estimated revenues for 1995-96 is \$702,000).

Approved on Councilmember Goodman's motion, Councilmember Garcia's second, 4-1 vote, Councilmember Shea voting "NO", Mayor Todd and Mayor Pro Tem Nofziger absent

24. Approve execution of a twelve (12) month supply agreement with ABBEY HOME HEALTHCARE, Austin, Texas, for the purchase, rental or rental with an option to purchase durable medical equipment for the Health and Human Services Department, in an amount not to exceed \$122,813.85 with two (2) twelve (12) month extension options in an amount not to exceed \$122,813.85 for each extension option, for a total amount not to exceed \$368,441.55. (Funding in the amount of \$61,407 is available in the 1994-95 operating budget of the Health and Human Services Department. Funding for the remaining six 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 on Councilmember Goodman's motion, Councilmember Garcia's second, 5-0 vote, Mayor Todd and Mayor Pro Tem Nofziger absent.

25. Approve execution of a contract with MOTOROLA COMMUNICATIONS AND ELECTRONICS, INC., Austin, Texas, for the purchase of twenty-four (24) Mobile Data Terminals (MDT) for installation in police vehicles, in an amount not to exceed \$133,375. (Funding is available in the 1994-95 operating budget of the Police Department.) Sole Source. No M/WBE Subcontracting opportunities were identified.

Approved on Councilmember Goodman's motion, Councilmember Garcia's second, 4-0-1 vote, Councilmember Reynolds abstaining, Mayor Todd and Mayor Pro Tem Nofziger absent.

26. Approve execution of a contract with MCMORRIS FORD, INC., Austin, Texas, for the purchase of three (3) mid-size utility trucks used to provide transportation for personnel assigned to patrol and maintain Balcones Canyonlands Conservation Preserve, in an amount of \$66,593. (Funding was included in the 1994-95 Capital budget of the Environmental Conservation Services Department.) Low bid of two (2). No M/WBE Subcontracting opportunities were identified.

Postponed to April 27, 1995

27. Approve execution of a contract with GOLDWAITE'S OF TEXAS, San Antonio, Texas, for a twelve (12) month supply agreement for Toro irrigation repair parts used to maintain and repair the City's irrigation systems, in an amount not to exceed \$60,000 with two (2) twelve (12) month extension options in an amount not to exceed \$60,000 per extension period, for a total amount not to exceed \$180,000. [Funding for the first five (5) months is available in the 1994 operating budget, \$12,500 is available in the Golf operating fund and \$12,500 is available in the operating budget of the Parks and Recreation Department. Funding in the amount of \$35,000 for the remaining seven (7) months and the extension options is contingent upon available funding in future budgets.] Single bid. No M/WBE Subcontracting opportunities were identified.

Approved

28. Approve a construction contract award to CROUCH ELECTRIC, INC., Austin, Texas, to install a process control system at the South Austin Regional Wastewater Treatment Plant, in the amount of \$3,070,820 with \$300,000 as a contingency fund to be used for change orders, for a total amount not to exceed \$3,370,820. (Funding in the amount to \$1,500,000 was included in the 1994-95 Capital budget of the Water and Wastewater Utility. Funding in the amount of \$1,870,820 was included in the 1991-92 Capital budget of the Water and Wastewater Utility.) Single bid. 17.17% MBE, 7.52% WBE Subcontractor participation. (Recommended by Water and Wastewater Commission)

Approved

29. Approve the selection of CH2M HILL, INC., Austin, Texas, for Phase I of a four phase professional services agreement for engineering and associated services for the Safe Drinking Water Act Phase II and Associated Water System Improvements, in the estimated amount of \$750,000. (Funding was included in the 1994-95 Capital budget of the Water and Wastewater Utility.) Best qualification statement of five (5). 10.0% MBE, 5.5% WBE Subcontractor participation. (Recommended by Water and Wastewater Commission)

Approved

30. Approve Change Order #3 to CHEROKEE CONSTRUCTION COMPANY (MBE/MN), Austin, Texas, to install a check valve assembly, vault, and related piping appurtenances along Morrow Street for better water system operation between two pressure zones, in the amount of \$34,394, for a total contract amount of \$559,788. (Funding was included in the 1994-95 Capital budget of the Water and Wastewater Utility.) 100% MBE, 0% WBE Subcontractor participation. (Recommended by Water and Wastewater Commission)

Approved

31. Approve Change Order #2 to J.C. EVANS CONSTRUCTION COMPANY, INC., Austin, Texas, for installation of additional quantities of materials as part of the US 183 Water and Wastewater Relocations on IH 35 East to Blessing Avenue, in the amount of \$17,579, for a total contract amount of \$294,688. (Funding in the amount of \$17,331 was included in the 1993-94 Capital budget of the Water and Wastewater Utility, \$248 was included in the 1991-92 Capital budget of the Water and Wastewater Utility.) No M/WBE Subcontracting opportunities were identified. (Recommended by Water and Wastewater Commission)

Approved

32. Authorize negotiation and execution of Amendment #5 to the Professional Services Agreement with S.A. GARZA ENGINEERS, INC., (MBE/MH), Austin, Texas, for additional Phase II engineering design services for the Anderson Mill Transmission Main Project, in the amount of \$28,693, for a total agreement amount of \$352,360. (Funding in the amount of \$28,693 was included in the 1991-92 Capital budget of the Water and Wastewater Utility.) 4.97% MBE, 12.41% WBE Subconsultant participation. (Recommended by Water and Wastewater Commission)

Approved

Items 27-32 approved on Councilmember Goodman's motion, Councilmember Garcia's second, 5-0 vote, Mayor Todd and Mayor Pro Tem Nofziger absent.

33. Authorize negotiation and execution of an Interlocal Agreement of the City of Round Rock setting forth terms and conditions for Interim Water Service not to exceed 5.5 million gallons per day (MGD) over a ten (10) year period. [Water sales to Round Rock under this agreement will increase wholesale water revenues by up to approximately \$5.95 million over the first three (3) years. Future sales will be determined based on updated service area growth and available capacity. This revenue was not included in the 1994-95 Water and Wastewater operating budget.]

Approved on Councilmember Reynolds' motion, Councilmember Goodman's second, 4-0-1 vote, Councilmember Shea abstaining, Mayor Todd and Mayor Pro Tem Nofziger absent.

34. Approve the selection of CAMP DRESSER & MCKEE, INC., Austin, Texas, for Phase I (preliminary engineering) of a three-phase professional services agreement for engineering and associated services for the FM 812 Landfill Leachate Disposal Improvements project, in the estimated amount of \$90,000. (Funding was included in the 1994-95 Capital budget of the Solid Waste Services Department.) Best qualification statement of eleven (11). 10% MBE, 5% WBE Subconsultant participation.

Approved

35. Approve Change Order #2 to AUSTIN FILTER SYSTEM, INC., Austin, Texas, for additional excavation and removal of material, additional embankment, quantity of gabions, and fencing along property lines, as part of Little Walnut Erosion Control Phase IV on Langston Drive, in the amount of \$50,839.45, for a total amount of \$772,085.95 (Funding was included in the 1994-95 Amended

Capital budget of the Drainage Utility.) 30.34% MBE, 0% WBE Subcontractor participation.

Approved

36. Approve execution of a twelve (12) month service agreement with JESSIE LEE COBURN, Austin, Texas, for court reporting services for the Austin Municipal Court, in an amount not to exceed \$52,832 with two (2) twelve (12) month extension options in an amount not to exceed \$52,832 per extension option, for a total amount not to exceed \$158,496. [Funding in the amount of \$22,015.09 is available in the 1994-95 operating budget of the Municipal Court Department. Funding for the remaining seven (7) months and the extension options is contingent upon available funding in future budgets.] Low bid of two (2). 0% MBE, 5% WBE Subcontractor participation.

Approved

37. Approve execution of a twelve (12) month service agreement with TONLINE CORPORATION, DBA ACE RENT-A-CAR, Austin, Texas, to provide car rental services to the Austin Police Department, in an amount not to exceed \$40,260 with two (2) twelve (12) month extension options in an amount not to exceed \$40,260 per extension, for a total not to exceed \$120,780. [Funding in the amount of \$16,775 is available in the 1994-95 operating budget of the Police Department. Funding for the remaining seven (7) 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

38. Approve execution of a twelve (12) month Interlocal Agreement with TRAVIS COUNTY for weatherization services to economically disadvantaged customers of the City's Electric Utility, in the amount of \$140,000 with the option to extend for one (1) twelve (12) month period in the amount of \$140,000, for a total amount of \$280,000. [Funding in the amount of \$46,667 is available in the 1994-95 Conservation Rebates and Incentives Fund. Funding for the remaining eight (8) months and the extension options is contingent upon available funding in future budgets.] (Recommended by Resource Management Commission)

Approved

39. Approve contract modification #2 with AUSTIN COMMUNITY LANDFILL, Austin, Texas, to provide additional capacity for disposal of solid waste, in the amount of \$36,397, or a total contract amount of \$281,250. (Funding is available in the 1994-95 operating budget for the Solid Waste Services Fund.)

Approved

40. Approve execution of a twelve (12) month reciprocal agreement with TEXAS DISPOSAL SYSTEMS, Austin, Texas, to provide additional capacity for disposal of solid waste, in an amount not to exceed \$166,000. (Funding is available in the 1994-95 operating budget for the Solid Waste Services Fund.)

Approved

41. Set a public hearing to amend sections of the Land Development Code addressing development

exemptions and payment of fee in lieu of structural controls in the Urban Watersheds. (Suggested date and time: May 11, 1995 at 4:30 p.m.)

Approved

42. Set a public hearing to amend water quality regulations contained in the Land Development Code. (Suggested date and time: May 11, 1995 at 5:00 p.m.) **Approved**

ITEMS FROM COUNCIL

43. Approve the co-sponsorship of the Capitol Rededication Parade to be held April 22, 1995. (City's cost is \$1,606.) [Mayor Bruce Todd, Mayor Pro Tem Michael "Max" Nofziger and Councilmember Gus Garcia.]
Approved

Items 34-43 approved on Councilmember Goodman's motion, Councilmember Garcia's second, 5-0 vote, Mayor Todd and Mayor Pro Tem Nofziger absent.

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

44. 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.
Ordinance No. 950420-E approved on Councilmember Reynolds' motion, Councilmember Mitchell's second, 5-0 vote, Mayor Todd and Mayor Pro Tem Nofziger absent.

45. SP-94-0414C - BOLM ROAD PROJECT (Paul Mair), by W.B. Howell, 6108 Bolm Road. Request for site plan approval as required by a restrictive covenant attached to zoning case C14-84-092. Planning Commission Recommendation: Approve the site plan as required by the restrictive covenant (6-0).
Approved on Councilmember Goodman's motion, Councilmember Reynolds' second, 4-0 vote, Councilmember Mitchell temporarily absent, Mayor Todd and Mayor Pro Tem Nofziger absent.

PUBLIC HEARINGS AND APPROVAL OF ORDINANCES/RESOLUTIONS

46. 4:30 P.M. - Public hearing on an appeal filed by Dr. John B. Best and Diane Best of the Building Official's decision which declares 4305 Andalusia Drive in compliance with the Building Code. (Appeal denied by Building and Fire Code Board)

Postponed Indefinitely

47. 5:00 P.M. - Public hearing on an ordinance amending Section 13-8-1 of the Austin City Code to clarify standards for relocated structures. (Recommended by Building and Fire Code Board)

Close public hearing and approve Ordinance No. 950420-F on Councilmember Shea's motion, Councilmember Goodman's second, 5-0 vote, Mayor Todd and Mayor Pro Tem Nofziger absent.

48. 5:30 P.M. - Public hearing on recommendations of the Community Conservation Plan Working Group on the Balcones Canyonlands Conservation Plan (BCCP); consider adopting some or all of the Working Group's recommendations; authorize submittal of BCCP: "Shared Vision" to the United States Fish and Wildlife Service as part of the application process for a regional Section 10(a) permit under the Federal Endangered Species Act; authorize negotiation and execution of interlocal agreements and contracts to implement the Section 10(a) permit.

Public hearing to continue on April 27, 1995 at 4:30 p.m. on Councilmember Shea's motion, Councilmember Garcia's second, 5-0 vote, Mayor Todd and Mayor Pro Tem Nofziger absent.

Speaker cards on file in the City Clerk's Office

EXECUTIVE SESSION (No Public Discussion on These Items)

Executive Session on item 54 from 3:49 p.m. to 4:43 p.m. Executive Session for all other items held on the morning of this 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

49. Discuss F.M. Properties v. City of Austin; Cause No. 94-CA-647-J, in the United States District Court, Western District, Austin, Texas.
50. Discuss settlement options in Cause No. 93-09739, styled ADAPT v. City of Austin.

Pending/Contemplated Litigation - Section 551.071

51. Discuss status of Case No. 93-09739, styled Marie Kershner, et. al. v. City of Austin, in the United States District Court, Western District of Texas, Austin Division.

Real Estate - Section 551.072

52. Discuss fee simple acquisition for the Austin-Bergstrom International Airport.
53. Discuss possible real estate transactions related to Brackenridge Hospital.

Staff Briefing - Section 551.075

54. Staff briefing on Hospital contract issues. (City Council deliberation is not permitted under Section 551.075)

ACTION ON THE FOLLOWING

55. Authorize fee simple acquisition of real property located at 5300 FM Road 973 South, Del Valle, Texas, for the purchase price of \$153,000, and associated relocation costs in the amount of \$102,344 for the Austin-Bergstrom International Airport.
Approved on Councilmember Goodman's motion, Councilmember Garcia's second, 4-1 vote, Councilmember Reynolds voting "NO", Mayor Todd and Mayor Pro Tem Nofziger absent.

56. APPOINTMENTS

AIRPORT ADVISORY BOARD - RHONDA CALDWELL
SOLID WASTE ADVISORY BOARD - RALPH WUELLER
WATER & WASTEWATER COMMISSION - STEPHAN ADAMS

Approved on Councilmember Goodman's motion, Councilmember Garcia's second, 5_0 vote, Mayor Todd and Mayor Pro Tem Nofziger absent.

ADDENDUM

ITEMS FROM COUNCIL (continued)

57. Amend Ordinance 950406-E, the City's Guidelines and Criteria for Tax Abatement, by revising Section 3(h)(1) to require that household income not exceed sixty (60%) of the median income, defining targeted workers as individuals that reside in Austin/Travis County; and by allowing

employers applying for tax abatements to have the option to direct how a portion of tax amounts paid to the City are used, and to have optional ways to obtain additional bonus property tax abatements. (Councilmembers Eric Mitchell and Jackie Goodman)

Postponed Indefinitely

58. Approve a resolution requesting that Travis County Commissioners Court accept the amendments to the Tax Abatement Policy. (Councilmembers Eric Mitchell and Jackie Goodman)

Postponed Indefinitely

ADJOURN at 7:07 p.m. on Councilmember Garcia's motion, Councilmember Mitchell's second, 5-0 vote, Mayor Todd and Mayor Pro Tem Nofziger absent.

Approved on this the 27th 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.