



Austin City Council MINUTES

AUGUST 1, 1996

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

1. Approval of Minutes for Special Called Meeting of July 24, 1996 and Regular Meeting of July 25, 1996.
Approved on, Mayor Pro Tem Garcia's motion, Councilmember Goodman's second, 4-0 vote, Councilmembers Griffith, Mitchell and Slusher temporarily absent.

CITIZEN COMMUNICATIONS: GENERAL

2. Ms. Karen Hadden, to discuss health and safety issues in regard to transportation of radioactive materials to the proposed Sierra Blanca nuclear dump.
3. Mr. Leonard Lyons, to discuss coordinators: job security.
Absent
4. Mr. Gus Pena, to discuss the City of Austin budget and city issues.
5. Mr. Mike Librik, to discuss the helmet law.
6. Mr. Robert Donley, to discuss Capital Metro (neighborhood).
7. Mr. Gavino Fernandez, Jr., to discuss East Cesar Chavez St. - street maintenance overdue.
8. Mr. Paul Hernandez, to discuss the October 15, 1996 Latino march to Washington. D.C.
9. Ms. Amy Babich, to discuss opposition to the helmet law.
10. Mr. Dale Johnson, to thank Council.

ITEMS CONTINUED FROM PREVIOUS MEETINGS

11. Approve negotiation and execution of an Interlocal Agreement with Lower Colorado River Authority (LCRA) setting out terms and conditions for procurement of professional engineering services to study the feasibility of constructing a subregional wastewater treatment plan to serve customers of Austin and LRCA in the Gilleland/Wilbarger Creek Drainage Basin, in the estimated amount of \$15,000. (Funding was included in the 1991-92 Capital Budget of the Water and Wastewater Utility.) (Reviewed by Water and Wastewater Commission)
Substitute motion by Councilmember Reynolds to approve as posted; if no agreement with LCRA, City approve report on, Councilmember Reynolds' motion, Mayor Todd's second, 3-4 vote, Mayor Pro Tem Garcia, Councilmembers Goodman, Griffith and Slusher voting "NO".

Motion fails

Motion to approve Water & Wastewater Commission recommendation on, Mayor Pro Tem Garcia's motion, Councilmember Griffith's second, 4-3 vote, Mayor Todd, Councilmembers Mitchell and Reynolds voting "NO".

ORDINANCES

12. Approve third reading of an ordinance granting a franchise to Central South West Communications, Inc., to construct and operate a city-wide broadband telecommunications network. (Unanticipated revenue of \$8,750 for 1995-96. Revenue will be included in the General Fund.)
Ordinance No. 960801-B approved on, Mayor Pro Tem Garcia's motion, Councilmember Goodman's second, 7-0 vote.
13. Approve second/third readings of an ordinance amending Chapter 13-2 of the Austin City Code rezoning property locally known as 2001 to 2105 Avenue N, 1601 to 2005 West Howard, 13114 to 13618 Metric, Case No. C14-95-0182, from "LO", Limited Office; "GO", General Office; and "R&D", Research and Development to "LI-CO", Limited Industrial Services-Conditional Overlay for Tract 1 (Planning Area 4, pt. of 5); "GR", Community Commercial, for Tract 2 (pt. of Planning Area 5); and "SF-6", Townhouse and Condominium Residence, for Tract 3 (Planning Areas 18, 19, pt. of 6 and 7), subject to the conditions listed in the Transportation Review Memorandum dated May 27, 1996. The Conditional Overlay for the LI-CO, Tract 1, imposes the following conditions: 1) Prohibit the following uses: Basic Industry, Exterminating Services, Drop-off Recycling Collection, Equipment Sales/Repair, Kennels, Monument Retail Sales, Recycling Center, Resource Extraction, Railroad Facilities, Scrap and Salvage, and Vehicle Storage; 2) The following additional uses shall be prohibited: a) Above ground fuel storage tanks of Class I (Gasoline) and Class II (Diesel), as defined in the Uniform Fire Code; b) Any activity involving the storage and utilization of materials or products which decompose by detonation, as set forth in Land Development Code, Section 13-2-269(b)(8); c) Food and material processing from animal or vegetable wastes or fats, slaughtering of animals, poultry or fish is prohibited; MELLON PROPERTIES (Blake Magee), by Graves, Dougherty, Hearon & Moody (Ann Vanderburg). First reading on July 11, 1996; Vote 7-0. Conditions met as follows: Conditional overlay incorporates conditions imposed by Council.
Ordinance No. 960801-A approved on, Mayor Pro Tem Garcia's motion, Councilmember Goodman's second, 7-0 vote.
14. Approve second/third readings of an ordinance amending Chapter 13-2 of the Austin City Code rezoning property locally known as 8700 Block of Brodie Lane, Case No. C14-96-0052, from "SF-2", Single Family Residence (standard lot) to "MF-1-CO", Multifamily Residence (limited density)-Conditional Overlay, subject to the following conditions: (1) to limit the density to a maximum of 12.44 units per acre; (2) to provide a "100 foot vegetative buffer" from the westerly boundary of the subject tract that will allow spray irrigation and utility crossings only; (3) to provide a "200 foot buffer" immediately east of the "100 foot vegetative buffer," that will allow water quality facilities, storm water management facilities, public and private utilities, and other drainage structures/improvements; (4) to provide a "150 foot wide setback" immediately east of the "200 foot buffer," that will limit the height of structures within the area to a maximum of 35 feet; (5) to participate in the Integrated Pest Management Program (IPM); (6) site plan to be reviewed by the Barton Springs/Edward's Aquifer Conservation District for environmental features; and (7) two additional acres of reduction in impervious cover; W.W. DEERFIELD C/O WALTERS

SOUTHWEST (Bill Walters), by Bury & Pittman/Land Strategies (James B. Knight/Paul Linehan). First reading on July 18, 1996; Vote: 5-2, Slusher, Garcia voting "No". Conditions met as follows: Conditional overlay incorporates conditions imposed by Council.

Substitute motion by Councilmember Goodman to postpone for one week, Councilmember Griffith's second.

No vote taken

Substitute motion by Councilmember Mitchell to approve second reading only subject to correction of condition #6 to read: at the site plan stage, the Barton Springs/Edwards Aquifer Conservation District will be included in the review process as a consultant regarding environmental features, Mayor Todd's second, 4-3 vote, Mayor Pro Tem Garcia, Councilmember Griffith and Slusher voting "NO".

15. Authorize the City Manager to take the necessary steps for the creation of a non-profit corporation for the purpose of planning and administering a tourism and convention program; approve the bylaws and articles of incorporation for the corporation known as the Austin Convention and Visitors Bureau. (Funding in the amount of \$10,000 is available in the 1995-96 operating budget for the Austin Convention and Visitors Bureau.)

Friendly amendment by Mayor Pro Tem Garcia to approve first reading only without bylaws and to bring back next week August 9, 1996 for second and third reading, Mayor Todd's second.

No vote taken

Substitute motion by Councilmember Goodman to postpone one week to August 8, 1996, Councilmember Griffith's second, 6-0 vote, Councilmember Mitchell off the dais.

RESOLUTIONS

16. Approve the execution of a construction contract to BRH-GARVER, INC., Houston, Texas, for construction of the North Access Road Utilities at the Austin-Bergstrom International Airport (ABIA), in the amount of \$3,524,729, plus a contingency fund of \$352,473. (Funding was included in the 1995-96 Capital budget of the Aviation Department.) Low responsive bid of five. No M/WBE Subcontracting opportunities were identified. (Reviewed by Airport Advisory Board)

Approved

17. Approve a contract with TEXAS COMMERCIAL FENCE, INC., Austin, Texas, for the construction of the Security Fencing West project at Austin-Bergstrom International Airport (ABIA), in an amount of \$160,075.75, plus a contingency fund of \$16,007.25 for change orders. (Funding was included in the 1995-96 Capital budget of the Aviation Department.) Low responsive bid of 5. 32.02% DBE participation: 31.14% MBE, .88% WBE subcontractor participation. (Reviewed by Airport Advisory Board)

Approved

18. Approve an amendment to the Interlocal Agreement between Travis County and City of Austin for use of Palmer Auditorium for consolidated jury management. (Travis County will pay the City of Austin \$30,000

per year for use of Palmer Auditorium.)

Approved

Items 16 through 18 approved on, Mayor Pro Tem Garcia's motion, Councilmember Goodman's second, 7-0 vote.

19. Establish a Joint Work Group with Travis County to study issues related to the financing and provision of indigent health care services and prepare a report by November 1, 1996. (No fiscal impact.)

Motion to approve on, Mayor Pro Tem Garcia's motion, Mayor Todd's second.

No vote taken

Postponed to follow public hearing set for August 22nd at 5:30 p.m. on, Councilmember Slusher's motion, Councilmember Goodman's second, 4-1-1 vote, Mayor Todd voting "NO", Councilmember Reynolds abstaining, Councilmember Mitchell off the dais.

20. Approve the 1996-97 Community Development Program as required by Chapter 373, Local Government Code and the Annual Consolidated Plan (ACP) which serves as the application for and acceptance of four entitlement grants from the U.S. Department of Housing and Urban Development (HUD). The grants included in the ACP, the Community Development Block Grant (CDBG), HOME Investment Partnerships Program (HOME), Emergency Shelter Grant (ESG), and Housing Opportunities for Persons with AIDS (HOPWA). This action also reprograms prior years CDBG funds for use in FY 1996-97 programs described in the ACP. (Funding in the amount of \$13,724,893 is provided from the following: \$12,002,000 from four HUD entitlement grants will be included in the 1996-97 Proposed Budget; \$738,524 is anticipated as 1996-97 Program Income; \$650,017 will be included as a local match in the 1996-97 Proposed Budget; and \$334,352 is available in uncommitted CDBG funds appropriated in prior years. The grant begins on 10/1/96 and is a multi-year grant appropriated 1995-96 by Public Laws 93-383, 102-625 and 102-559.) [Recommended by Community Development Commission and HIV Planning Council]

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

21. Set a public hearing to approve and convey easements to allow open drainage ways, and the construction of storm sewers, water and wastewater lines through dedicated parkland known as Slaughter Creek Metropolitan Park in accordance with Section 26.001 et. seq. of the Texas Parks and Wildlife Code. (Suggested date and time: September 5, 1996 at 5:30 p.m.)

Approved

22. Set a public hearing for the full purpose annexation of Bilbrook Place. (Suggested dates and times: August 15, 1996 at 4:30 p.m. and August 22, 1996 at 5:00 p.m.)

Approved

ITEMS FROM COUNCIL

23. Direct the City Manager to investigate the cause(s) of the July 21, 1996 fire at the BFI facility, provide the City Council with a complete report in 60 days, and work with BFI/ACCO to relocate its operation to a site that is out of proximity to neighborhoods. (Mayor Pro-Tem Gus Garcia and Councilmember Daryl Slusher)

Approved

24. Reaffirm a February 8, 1996 resolution to bring housing items to a monthly Council worksession and housing items involving land use to the Planning Commission's East Austin Zoning and Land Use Subcommittee. (Councilmember Jackie Goodman)

Approved

Items 21 through 24 approved on, Mayor Pro Tem Garcia's motion, Councilmember Goodman's second, 7-0 vote.

25. Authorize a HOME Year 3 grant in the amount of \$285,000 to the Austin Housing Finance Corporation to expand the Fairway Ridge Program to provide home ownership assistance for up to 190 first time home buyers with annual incomes below 80% of median family income. (Councilmembers Jackie Goodman and Ronney Reynolds, and Mayor Pro Tem Gus Garcia) [Related to Items 26 & 27]

Approved

26. Direct the City Manager to initiate a request to the Water and Wastewater Commission to review the requirements of Chapter 13-3 of the Austin City Code of 1992, as amended, to provide for redirecting of water and wastewater capital recovery fees paid for up to 190 units of single-family residential lots in the Fairway Ridge Subdivision if housing units constructed thereon are sold to qualifying families with gross household incomes below 80% of median family income. (Councilmembers Jackie Goodman and Ronney Reynolds, and Mayor Pro Tem Gus Garcia) [Related to Items 25 & 27]

Approved

Items 25 and 26 approved on, Mayor Pro Tem Garcia's motion, Councilmember Goodman's second, 6-0 vote, Councilmember Mitchell off the dais.

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

The Mayor will recess the City Council meeting. A Board meeting of the Austin Housing Finance Corporation (AHFC) will be conducted. Following adjournment of the AHFC Board meeting, the City Council will be reconvened. Item 27 is the AHFC item to be considered by the Austin Housing Finance Corporation's Board of Directors.

27. Authorize the general manager to accept a grant of HOME Year 4 funds in the amount of \$285,000 to be added to the special revenue fund set up to provide assistance to first time home buyers with incomes below 80% of median family income in the Fairway Ridge Subdivision; and authorize execution of such agreements as may be necessary to participate with the Texas Department of Housing and Community Affairs in assisting up to 190 additional purchasers. (Councilmembers Jackie Goodman and Ronney Reynolds, and Mayor Pro Tem Gus Garcia) [Related to Items 25 & 26]

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

28. C14-96-0042 - SECURITY CAPITAL INDUSTRIAL TRUST (William Robert Wendt), by Jay Hailey; 9011, 9101 & 9201 Wall Street. From LI-CO to LI. Planning Commission Recommendation: To Grant LI, Limited Industrial Services, zoning subject to the recommendations included in the Transportation Memorandum from Mr. George Zapalac dated April 16, 1996.
Ordinance No. 960801-C approved on, Mayor Pro Tem Garcia's motion, Councilmember Goodman's

second, 6-0 vote, Councilmember Mitchell off the dais.

EXECUTIVE SESSION (No Public Discussion on These Items)

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 Litigation - Section 551.071

29. Discuss Medic Computer Systems, Inc., vs. City of Austin, Civil Action No. A-95-CA-720-SS; in the United States District Court for the Western District of Texas, Austin Division.
30. Discuss Summit at West Rim, Ltd. (Weaver), et al. v. The City of Austin, et al., Cause No. 59-606-A.

Real Estate - Section 551.072

31. Discuss the negotiations for the relocation of the Del Valle Schools.

ACTION ON EXECUTIVE SESSION ITEMS

32. Consider any required final action, vote, or decision necessary concerning Medic Computer Systems, Inc., v. City of Austin, in Civil Action No. A-95-CA-720-Ss, in the United States District Court for the Western District of Texas, Austin Division.
Approved in the amount of \$50,000
33. Approve contract extension for Jim Cousar of Thompson & Knight for Cause No. 59-606-A; Summit at West Rim, Ltd. (Weaver), et al. v. The City of Austin, et al.
Approved in the amount of \$25,000

Items 32 and 33 approved on, Mayor Pro Tem Garcia's motion, Councilmember Goodman's second, 7-0 vote.

ADJOURNED at 5:45 p.m. on, Mayor Pro Tem Garcia's motion, Councilmember Slusher's second, 6-0 vote, Councilmember Mitchell off the dais.

Approved on this the 8th day of August, 1996 on, Mayor Pro Tem Garcia's motion, Councilmember Goodman's second, 7-0 vote.