



# Austin City Council MINUTES

NOVEMBER 7, 1996

Mayor Todd called the meeting to order, Councilmembers Mitchell and Goodman off the dais.

1. Approval of Minutes for Special Called Meeting of October 30, 1996 and Regular Meeting of October 31, 1996.  
Approved on, Mayor Pro Tem Garcia's motion, Councilmember Goodman's second, 7-0 vote.

## CITIZEN COMMUNICATIONS: GENERAL

2. Mr. Dave Schroeder, to discuss mass tire incineration as "recycling" solution by State of Texas, the toxicity thereof, and the need for City of Austin to purchase clean cement without residues of toxics and the incineration mixed into it.
3. Mrs. Ruth Robinson, to discuss a proposal for the indigent and homeless.
4. Mr. Gus Pena, to discuss city issues and public safety.
5. Mr. Howard Ragland, to discuss the indigent.  
**Absent**
6. Mr. Larry Jackson, to propose renaming East 12th St. after Jimmy Snell.

## ITEMS CONTINUED FROM PREVIOUS MEETINGS

7. Approve an ordinance granting Capital Area Food Bank a waiver of certain development and related fees associated with their planned new distribution center in South Austin. (Councilmember Eric Mitchell)  
**Ordinance No. 961107-A approved on, Mayor Pro Tem Garcia's motion, Councilmember Goodman's second, 5-0-2 vote, Mayor Todd and Mayor Pro Tem Garcia "ABSTAINING".**

## ORDINANCES

8. Approve third reading of an ordinance amending Chapter 13-2 of the Austin City Code rezoning property locally known as East Stassney Lane and Wasson Road, Case No. C14-95-0118, from "RR", Rural Residence, "MF-2", Multi-Family Residence (low density), "SF-3", Family Residence, "SF-6", Townhouse and Condominium Residence (low density) to "LO", Limited Office for the first 125 feet from Wasson Road and "W/LO-CO", Warehouse/Limited Office-Conditional Overlay for the remainder of the tract. The conditional overlay will achieve the following: (1) Limit land uses and intensities to that which generates less than 1,200 vehicle trips per day; (2) Prohibit the following uses on the "W/LO" tract: Lodginghouse Residential, Exterminating Services, Local Utility Services, Telecommunications Tower, Equipment Repair Services, and Limited Warehousing and Distribution, as well as above ground or below ground fuel storage tanks; (3) On the "W/LO," prohibit use or storage of hazardous materials in excess of exempt amounts; (4)

Limit development in the Water Quality Transition Zone (WQTZ) to: a) No development except for utilities, stormwater management and water quality structures in the 75 feet closest to the creek; and b) Development in the remainder WQTZ will be restricted to no more than thirty percent (30%) impervious cover and height of 20 feet. Additional conditions have been incorporated into a restrictive covenant. Note: The applicant withdrew their request for rezoning on Tract #2 prior to Planning Commission public hearing. T. DAVID YOUNG, by Paul M. Juarez and Kenneth W. Brown, AICP. First reading on September 5, 1996. Vote 4-3; Goodman, Slusher and Griffith voting "No" (The applicant withdrew all the floodplain and Critical Water Quality Zone as noted above prior to the last Planning Commission Public Hearing). Second reading on October 24, 1996; Vote 5-2, Slusher & Garcia voting "No". Conditions met as follows: A restrictive covenant includes additional conditions agreed to be the applicant and the adjacent property owners. **Ordinance No. 961107-B approved on, Councilmember Mitchell's motion, Councilmember Reynolds' second, 5-0-2 vote, Mayor Pro Tem Garcia and Councilmember Slusher 'ABSTAINING'.**

**Substitute motion by Councilmember Slusher to grant LO, Councilmember Griffith's second, 3-3-1 vote, Mayor Todd, Councilmembers Mitchell and Reynolds voting "NO", Councilmember Goodman 'ABSTAINING'.**

9. Authorize acceptance of \$26,718 in additional grant funds from the Texas Department of Health for audits of immunization levels of child care and school facilities, amend Ordinance 960910-G, the 1996-97 operating budget, amending the Health and Human Services Special Revenue Fund by appropriating an additional \$26,718 for the grant period September 1, 1996 through August 31, 1997, for a total current year grant appropriation of \$287,900. (A City Match is not required.)  
**Ordinance No. 961107-C approved**
10. Authorize acceptance of \$200,000 in supplemental grant funds from the U.S. Department of Justice, Office of Community Oriented Policing Services, for the Police Department to continue development of a community policing model; amend Ordinance 960910-G, the 1996-97 operating budget, by appropriating \$200,000 in grant funds for the Austin Police Department Special Revenue Fund; and authorize three full-time equivalent (FTE) grant funded positions. (A City match is not required.)  
**Ordinance No. 961107-D approved**

## RESOLUTIONS

11. Approve the execution of a construction contract to RESOURCE ENGINEERING AND MANAGEMENT, INC., San Antonio, Texas, for remediation and demolition of buildings and other infrastructure at Austin-Bergstrom International Airport (ABIA), in the amount of \$814,200, plus a contingency fund of \$81,400, for a total amount of \$895,600. (Funding was included in the 1995-96 Capital budget of the Aviation Department.) Low bid of eleven. 45% DBE participation: 45% MBE, 0% WBE Subcontractor participation. (Recommended by Airport Advisory Board)  
**Approved**  
**Items 9 through 11 approved on, Mayor Pro Tem Garcia's motion, Councilmember Goodman's second, 7-0 vote.**
12. Authorize negotiation and execution of a professional services agreement with BARTON-ASCHMAN ASSOCIATES, INC., of the PARSONS TRANSPORTATION GROUP COMPANY, Dallas, Texas, for Phase I (preliminary engineering) services for the Traffic Signal System Improvements Project, in an amount not to exceed \$300,000. (Funding was included in the 1996-97 Capital budget of the Public Works and Transportation Department.) Best qualification statement of four. 15% MBE, 5% WBE Subconsultant participation.  
**Postponed two weeks to November 21, 1996, and a presentation on November 20, 1996.**

13. Authorize negotiation and execution of a temporary license agreement with TRAVIS COUNTY, TEXAS for temporary construction access use of railroad right-of-way to repair two bridges east of Manor, Texas. (An application fee of \$550 for each application has been paid by Travis County to the Capital Metropolitan Transportation Authority.)

**Approved**

14. Approve execution of a construction contract with GARCIA GENERAL CONTRACTORS COMPANY, INC., (MBE/MH), Austin, Texas, for construction of a portable office building at the East Austin Police Substation, located at 812 Springdale Road, in the amount of \$69,600. (Funding is available in the 1996-97 Police Federal Assets Forfeiture Fund.) Low bid of five meeting specifications. 100% MBE Prime participation. No M/WBE Subcontracting opportunities were identified.

**Approved**

15. Approve negotiation and execution of a secured grant agreement with EL BUEN PASTOR EARLY CHILDHOOD DEVELOPMENT CENTER, Austin, Texas, for construction of a new child care facility to replace the existing building at 1200 Willow Street, in an amount not to exceed \$1,001,271. [Funding is available in the 1996-97 Special Revenue Fund for Neighborhood Housing Conservation through the Reprogrammed, United States Department of Housing and Urban Development, Community Development Block Grant (CDBG)]. Best proposal of two. No M/WBE Subcontracting opportunities were identified. (Recommended by Community Development Commission and Childcare Commission)

**Approved**

**Items 13 through 15 approved on, Mayor Pro Tem Garcia's motion, Councilmember Goodman's second, 7-0 vote.**

16. Approve negotiation and execution of a ten (10) month contract with COLORADO RIVER WATCH FOUNDATION, INC., Austin, Texas, to conduct a water quality monitoring and training program for area high school students, in an amount not to exceed \$79,500, with two twelve month options in an amount not to exceed \$82,700 per option for a total contract amount of \$244,900. (Funding in the amount of \$28,000 is available in the 1996-97 operating budget of the Water and Wastewater Utility, and \$51,500 is available in the 1996-97 operating budget of the Drainage Utility.) Sole proposal. 1.8% MBE, 1.7% WBE Subcontractor participation. (To be reviewed by Water and Wastewater Commission on November 6, 1996)

**Approved on, Mayor Pro Tem Garcia's motion, Councilmember Goodman's second, 6-0-1 vote, Councilmember Goodman "ABSTAINING".**

17. Approve an amendment to the School District Land Development Standards Agreement of September 22, 1994 with the Austin Independent School District regarding the development standards to be applied to school district facilities.(The amendment applies landscaping standards to all sites within City limits, provides for an erosion and sedimentation control agreement in lieu of fiscal surety, includes specific impervious cover standards, and includes specific impervious cover limits for Boone Elementary School.) (No fiscal impact.)

**Motion to approve on Councilmember Reynolds' motion, Councilmember Mitchell's second**

**Substitute motion by Councilmember Goodman to postpone to December 5, 1996, Councilmember Griffith's second, 4-3 vote, Mayor Todd, Councilmember Mitchell and Reynolds voting "NO".**

18. Authorize negotiation and execution of a License Agreement with the City of Burnet for extended use of railroad property in the City of Burnet. (No fiscal impact.)

**Approved**

19. Authorize negotiation and execution of a license agreement with Frank I. Pickett and Limited Partners on the Square, Ltd., for extended use of railroad property in the City of Burnet. (Applicant will pay \$750 for the first five years and 10% of appraised value thereafter is paid to the Capital metropolitan Transportation Authority's Railroad Betterment Fund.)

**Approved**

**Items 18 and 19 approved on, Mayor Pro Tem Garcia's motion, Councilmember Goodman's second, 7-0 vote.**

20. Approve execution of Change Order #6 to the construction contract with OSCAR RENDA CONTRACTING, INC., Roanoke, Texas, for completion of the wastewater relief interceptor to manhole #13.1 as part of the West Bouldin Creek Wastewater Interceptor, Phase A project, increasing the contract in the amount of \$183,000, for a total contract amount not to exceed \$3,345,832.82. (Funding was included in the 1993-94 Capital Budget of the Water and Wastewater Utility.) No MWBE Subcontracting opportunities were identified. (Recommended by Water and Wastewater Commission)

**Approved on, Mayor Pro Tem Garcia's motion, Councilmember Reynolds' second, 5-0 vote, Councilmembers Goodman and Mitchell off the dais.**

21. Approve the Austin Police Association as the sole and exclusive bargaining agent for the purposes of Subchapter I of Chapter 143 of the Texas Government Code for all civil service employees of the Austin Police Department other than the Police Chief and the Assistant Police Chiefs. (No fiscal impact.)

**Approved**

22. Approve the recommendation of the Austin Convention and Visitors Bureau for two places, sponsoring organizations and terms, for the Board of Directors of that organization. (No fiscal impact.)

**Approved**

#### ITEMS FROM COUNCIL

23. Provide direction to the City Manager concerning the development and implementation of a plan to empty and environmentally remediate Seaholm Power Plant by the year 2000. (Councilmembers Beverly Griffith and Jackie Goodman, and Mayor Pro Tem Gus Garcia)

**Approved**

**Items 21 through 23 approved on, Mayor Pro Tem Garcia's motion, Councilmember Goodman's second 7-0 vote.**

24. Approve a resolution designating the area of Town Lake Park at the southwest intersection of Cesar Chavez and Congress Avenue for use and improvement as part of the proposed Cancer Survivors Project. (Councilmember Jackie Goodman and Mayor Bruce Todd)

**See correction at end of agenda.**

#### PUBLIC HEARINGS

25. 4:30 P.M. - Public hearing on an appeal of the Planning Commission's approval of a Hill Country Roadway site plan for a 256 unit condominium project known as Bluffstone, located at 8701 Bluffstone Cove.

**Motion to close public hearing on, Councilmember Mitchell's motion, Councilmember Griffith's second, 6-0 vote, Mayor Todd off the dais.**

**Motion to reopen public hearing on, Councilmember Mitchell's motion, Councilmember Slusher's second,**

6-0 vote, Mayor Todd off the dais.

Motion to reclose public hearing on, Councilmember Mitchell's motion, Councilmember Slusher's second, 6-0 vote, Mayor Todd off the dais.

26. 5:00 P.M. - Public hearing for the full purpose annexation of Maple Run at Austin Municipal Utility District.  
**Motion to close public hearing on, Mayor Pro Tem Garcia's motion, Councilmember Goodman's second, 6-0 vote, Councilmember Reynolds off the dais.**
27. 5:30 P.M. - Public hearing on an appeal of the Planning Commission's denial of a request for compatibility standards waivers for the Rollins Martin Apartments, located at 1172 Webberville Road.  
**Motion to close public hearing on, Mayor Pro Tem Garcia's motion, Councilmember Goodman's second, 5-0 vote, Mayor Todd and Councilmember Reynolds off the dais.**

#### ACTION ON PUBLIC HEARINGS

28. Deny or grant an appeal of the Planning Commission's approval of a Hill Country Roadway site plan for a 256 unit condominium project known as Bluffstone, located at 8701 Bluffstone Cove.  
**Motion to deny appeal on, Councilmember Mitchell's motion, Mayor Todd's second**

**Substitute motion by Councilmember Griffith to postpone to November 21, 1996**

Friendly amendment by Councilmember Slusher to have staff address in detail the question of the golf course, addressing the letter from the superintendent of the golf course, Mr. Marshall, that our drainage utility look at that and from the diagram that Mr. Schneider provided about the elevations of these buildings, and the 15th green, where it has flooded before,

Friendly amendment accepted by maker, Councilmember Slusher's second, 5-1 vote, Councilmember Mitchell voting "NO", Councilmember Reynolds off the dais.

29. Deny or grant an appeal of the Planning Commission's denial of a request for compatibility standards waivers for the Rollins Martin Apartments, located at 1172 Webberville Road.  
**Motion to grant an appeal and including the 17 conditions on, Mayor Pro Tem Garcia's motion, Councilmember Mitchell's second, 6-0 vote, Councilmember Reynolds off the dais.**

#### EXECUTIVE SESSION (No Public Discussion on These Items)

Executive session 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.

#### Advice of Counsel - Section 551.072

30. Discuss Gutierrez et al. v. Mobil Oil Corporation, et al., CA No. 92-0489, Travis County District Court.

31. APPOINTMENTS

AIRPORT ADVISORY BOARD - THOMAS A. VAWTER.

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

**ADDENDUM**

November 7, 1996

Item 24 should read as follows:

Authorize the City Manager to negotiate and execute a parkland improvement agreement with the Bloch Cancer Foundation for a plaza in Town Lake Park at the southwest corner of Congress Avenue and Cesar Chavez Street. (No fiscal impact - The Bloch Cancer Foundation will fund all construction and maintenance costs.) [Councilmember Jackie Goodman and Mayor Bruce Todd]

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

Substitute motion by Councilmember Reynolds' to look for a new location, Mayor Pro Tem Garcia's second, 4-2-1 vote, Mayor Todd and Councilmember Mitchell voting "NO", Councilmember Goodman "ABSTAINING".

ADJOURNED at 6:50 p.m.

Approved on this the 21<sup>st</sup> day of November, 1996 on, Councilmember Goodman's motion, Councilmember Griffith's second, 4-0 vote, Councilmember Mitchell and Reynolds off the dais, Mayor Pro Tem Garcia absent.