



Austin City Council MINUTES

DECEMBER 19, 1996

Mayor Todd called the meeting to order, noting the presence of all Councilmembers.

1. Approval of Minutes for Special Called Meeting of November 20, 1996, Regular meeting of November 21, 1996, Special Called meeting of December 5, 1996, Special Called Meeting of December 11, 1996, and Regular Meeting of December 12, 1996.
Approved on, Mayor Pro Tem Garcia's motion, Councilmember Griffith's second, 7-0 vote.

CITIZEN COMMUNICATIONS: GENERAL

2. Mr. Ray Ramirez, to discuss funding policies.
Absent
3. Mr. Joe Quintero, to discuss relocation of Balcones Recycling Facility.
4. Mr. Doug Fowler, to discuss firefighter issues.
Absent
5. Ms. Jennifer Gale, to discuss City Council rules.
Absent
6. Mr. John Dolley, to discuss dioxins produced by Texas Cement Industry and the adoption of a City resolution that promotes toxic hazardous waste-free cement.
Absent
7. Mr. Gus Pena, to discuss city, senior citizen, youth, and APD issues.
8. Ms. Cassandra Watkins, to discuss issues regarding the Woods of Westlake.
Absent

ITEMS CONTINUED FROM PREVIOUS MEETINGS

9. Approve negotiation and execution of a supply agreement with DUNCAN INDUSTRIES, Harrison, Arkansas, to purchase up to 3,309 electronic parking meters with a five year warranty, and ancillary equipment including meter housings, coin vault door locks and cash keys, in an amount not to exceed \$544,251, with an option to purchase up to 1,691 additional electronic parking meters and ancillary equipment, in an amount not to exceed \$216,712.65 during the next fiscal year for a total contract amount not to exceed \$760,963.65. (Funding is included in the 1996-97 General Fund Operating Budget of the Department of Public Works and Transportation; funding for the extension option will be contingent upon available funding)

in future budgets.) Best proposal of three. No M/WBE Subcontracting opportunities were identified.

Approved on, Mayor Pro Tem Garcia's motion, Councilmember Reynolds' second, 6-1 vote, Councilmember Griffith voting "NO".

10. Amend Chapter 17-2 of the City Code to add Austin-Bergstrom International Airport to the airport system, revise and update security terminology and procedures, adopt procedures for picketing, distribution of literature and solicitation of funds at the airport and to revise the composition and duties of the Helicopter Operations and Facilities Committee. (No fiscal impact.) [Reviewed by Airport Advisory Board]

Motion to approve on, Mayor Pro Tem Garcia's motion, Councilmember Reynolds' second, 3-2-2 vote, Councilmembers Mitchell and Slusher voting "NO", Councilmembers Goodman and Griffith "ABSTAINING".

Motion fails

11. Approve second/third readings of an amendment to Title XIII (Land Development Code) of Austin City Code of 1992 by: (1) amending Section 13-1-491 to allow administrative approval of final plats with four or fewer lots from a preliminary plan; (2) amending Section 13-1-41 to allow administrative approval of amending plats with five or more lots; (3) amending Section 13-2-402.1 to expand the subdivision platting exception to existing tracts of land served a utility service; and (4) amending Section 13-1-481 to clarify the notice requirement when a portion of a tract is being subdivided.

Approve with amendments recommended by Planning Commission on, Councilmember Slusher's motion, Councilmember Griffith's second, 7-0 vote.

Ordinance No. 961219-G approved on, Councilmember Slusher's motion, Councilmember Griffith's second, 7-0 vote.

12. Approve third reading of an ordinance renewing the term of the current local exchange telephone service franchises with SOUTHWESTERN BELL TELEPHONE CO., and TIME WARNER COMMUNICATIONS, L.P., for a 103-day period and with GST LIGHTWAVE AND CSW COMMUNICATIONS, INC., for a period of approximately 6 1/2 years. (\$2,400,000 in Franchise Fee Revenue is included in the 1996-97 budget of the Financial Services Department.) [Recommended by Telecommunications Commission]

Ordinance No. 961219-A approved on, Mayor Pro Tem Garcia's motion, Councilmember Reynolds' second, 7-0 vote.

13. Repeal Ordinance 940916-A, Electric Rate Ordinance, and approve new and amended electric utility rates and tariffs. (This will decrease annual sales revenue by \$4.2 million. The impact on 1996-97 sales revenue is approximately \$3.2 million.)

Postponed to January 16, 1997, with instruction to staff to conduct cost of service studies.

ORDINANCES

14. Amend Ordinance No. 960911-A, the 1995-96 Fee Ordinance, by increasing fees charged when officers are requested to provide police presence, traffic enforcement or assistance at road construction sites, parades, special events, and house moves. (Cost reimbursement to the Police Department from the private sector and community organizations is expected at \$15,900 in FY 1996-97.)
Postponed to January 9, 1997
15. Amend Ordinance No. 960910-G, the 1996-97 operating budget, increasing revenue by \$225,913 and appropriating a like amount; increasing expenditures by \$225,913 for the Health and Human Services Department Reimbursed Fund, increasing the number of full-time equivalent (FTE) positions reimbursed by the County from 95.90 to 98.90. (Funding is available from Travis County. The County reimburses the actual cost for these positions per the Interlocal Health Authority Agreement.)
Ordinance No. 961219-B approved
16. Approve the transfer of the medical transfer services franchise held by Gold Cross Ambulance Services, Inc., to American Medical Response of Texas, Inc. (No fiscal impact.)
[Recommended by Quality Assurance Team]
Ordinance No. 961219-C approved
17. Establish a special water and sewer rate after annexation (post-annexation surcharge) in the amount of \$24.70 per water meter per month in addition to the regular water and sewer rate for customers within the former Maple Run at Austin Municipal Utility District (Maple Run MUD). (No funding required. This post-annexation surcharge will recover a portion of the bonded indebtedness assumed by the City upon annexation and dissolution of the Maple Run MUD. The surcharge revenue and debt service payments were included in the 1996-97 approved budget. The estimated revenue for 1996-97 is \$100,000 and was included in the 1996-97 budget for the Water and Wastewater Utility and \$55,000 for the Drainage Utility.)
[Recommended by Water and Wastewater Commission]
Ordinance No. 961219-D approved
- 18a. Authorize acceptance of \$5,000 in grant funds from the Texas Workforce Commission (TWC) for the Work/Family Community Planning Conference program; amend Ordinance 960910-G, the 1996-97 operating budget, amending the Special Revenue Fund by appropriating \$5,000 in grant funds for the Health and Human Services Department special revenue fund. (A City match is not required.) [Recommended by Child Care Council]
Ordinance No. 961219-E approved

Items 15 through 18a approved on, Mayor Pro Tem Garcia's motion, Councilmember Reynolds' second 7-0 vote.

- 18b. Authorize negotiation and execution of a wholesale wastewater service contract between Davenport Municipal Utility District #1 and the City of Austin and approve an amendment to the consent agreement to authorize the wastewater service. (This will be a revenue producing item and at full utilization of the system by all customers, the Utility will receive an estimated \$200,000 to \$450,000 annually in wastewater revenue.) [Recommended by Water and Wastewater Commission]

Postponed

19. Approve cancellation of regularly scheduled Council meetings in 1997, and January 1, 1998.
Ordinance No. 961219-F approved

RESOLUTIONS

20. Authorize negotiation and execution of a contract with PROJECT TRANSITIONS, INC., in an amount not to exceed \$145,000 from October 1, 1996 through December 31, 1997; and a contract with AIDS SERVICES OF AUSTIN, in an amount not to exceed \$459,310 from December 1, 1996 through December 31, 1997; for HIV-related services under the U.S. Department of Housing and Urban Development (HUD) Housing Opportunities for Persons with AIDS (HOPWA) grant program. [Funding in the amount of \$604,310 is available in the 1996-97 Special Revenue Fund for the Health and Human Services Department, Housing Opportunities for Persons with AIDS (HOPWA) HUD grant program.] (Recommended by HIV Planning Council)

Approved

21. Approve negotiation and execution of a contract with COMPUTER ASSOCIATES INTERNATIONAL, INC., Islandia, New York, for the renewal of licensing, software maintenance and support of Datacom/DB for Multiple Virtual Storage (MVS) software products used on the City's mainframe computer located at Waller Creek Plaza, in an amount not to exceed \$47,193.30 and for Ideal MVS in an amount not to exceed \$39,204.90, for a total contract amount not to exceed \$86,398.20 for the Information Systems Department. (Funding is available in the 1996-97 operating budget of the Information Systems Department.) Sole source. No M/WBE Subcontracting opportunities were identified.

Approved

22. Authorize application for and acceptance of seventh year grant funding in the amount of \$80,000 from the State of Texas, Governor's Office, Criminal Justice Division, Victims of Crime Act Fund (VOCA) to continue funding one regular full-time equivalent (FTE) victim counselor and temporary victim counselors. [Grant funding is available from the State of Texas, Governor's Office, Criminal Justice Division, Victims of Crime Act Fund (VOCA) for the grant period July 1, 1997 to June 30, 1998. These funds are federal funds which have been awarded to the State through the Governor's Office. City's match of \$20,000 is included in the 1996-97 operating budget for the Police Department.]

Approved

23. Authorize the filing of eminent domain proceedings to acquire a wastewater easement containing 25,074 square feet of land, a temporary work space easement containing 8,859 square feet of land, a temporary work space easement containing 33,932 square feet of land, a temporary work space easement containing 5,119 square feet of land, a temporary work space easement containing 990 square feet of land, a temporary work space easement containing 1,556 square feet of land, and a temporary work space easement containing 3,421 square feet of land, situated in the Theodore Bissel League Survey No. 18 in Travis County, Texas, owned by Clifford L. Gustafson and wife, Jane E. Gustafson for the Brodie Lane South Wastewater Improvements Project Phase Two. (Appraised value is \$8,658.) [Recommended

by Water and Wastewater Commission]

Approved

24. Authorize the filing of eminent domain proceedings to acquire a wastewater easement containing 10,503 square feet of land, a temporary work space easement containing 6,807 square feet of land, and a temporary work space easement containing 17,958 square feet of land, situated in the Theodore Bissel League Survey No. 18 in Travis County, Texas, owned by Jesco Construction Company, Inc. for the Brodie Lane South Wastewater Improvements Project Phase Two. (Appraised value is \$1,520.) [Recommended by Water and Wastewater Commission]

Approved

Items 19 through 24 approved on, Mayor Pro Tem Garcia's motion, Councilmember Reynolds' second 7-0 vote.

25. Authorize negotiation and execution of an amendment to the Interlocal Agreement with the TEXAS DEPARTMENT OF TRANSPORTATION, for the relocation of existing water facilities as part of the South Congress Improvements from U.S. 290 to north of Williamson Creek, in the amount of \$50,000. (Funding was included in the 1991-92 Capital Budget of the Water and Wastewater Utility.) [Recommended by Water and Wastewater Commission]

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

26. Authorize negotiation and execution of Amendment #8 to the Professional Services Agreement with CAMP DRESSER & McKEE, Austin, Texas, for Phase I, II and III (preliminary engineering, design and construction management) services for the Ullrich Water Treatment Plant Disinfection System and Medium Service Pump Station Improvements and for implementing and configuring the treatment plant instrumentation and control programmable logic controller software in the estimated amount of \$668,600, for a total agreement amount of \$6,213,100. (Funding is available in accumulated balance from various capital projects that have been completed by the Water and Wastewater Utility under the 1976 bond authority.) 3.7% MBE, 1.3% WBE Subconsultant participation. (Recommended by Water and Wastewater Commission)

Postponed to January 9, 1997

27. Approve negotiation and execution of a contract with HATHAWAY INDUSTRIAL AUTOMATION (formerly Tate Integrated Systems), Wings Mills, Maryland, for control system software development at the Ullrich Water Treatment Plant, in the amount of \$370,000. (Funding was included in the 1991-92 Capital Budget of the Water and Wastewater Utility.) Sole Source. No M/WBE Subcontracting opportunities were identified.

Approved

28. Authorize negotiation and execution of an Interlocal Agreement with Travis County for water line adjustments and relocations as part of the Spring Willow Drainage and Sidewalk Improvements Project, in the amount of \$205,350. (Funding is included in the 1991-92 Capital Budget of the Water and Wastewater Utility.) [Recommended by Water and Wastewater Commission]

Approved

29. Approve execution of two twelve month supply agreements with CAPITOL AGGREGATES, LTD., Austin, Texas, for approximately 2,800 tons of asphaltic concrete to be picked up by the City, in an amount not to exceed \$70,000 and with COLORADO MATERIALS COMPANY, San Marcos, Texas, for approximately 2,000 tons of asphaltic concrete to be site delivered, in an amount not to exceed \$51,250, with two twelve month extension options, in an amount not to exceed \$70,000 and \$51,250 respectively per extension option, for total contract amounts not to exceed \$210,000 and \$153,750 respectively. (Funding in the amount of \$72,188 is available in the 1996-97 operating budget for Water and Wastewater Utility and \$18,750 is available in the 1996-97 operating budget of the Transportation Fund of the Department of Public Works and Transportation; funding for the final three months of the original contract period and extension options is contingent upon available funding in future budgets.) Low bid of two (2). No M/WBE Subcontracting opportunities were identified. (Recommended by Water and Wastewater Commission)

Approved

30. Authorize negotiation and execution of an Interlocal Cooperation Agreement with the City of West Lake Hills relating to the use of certain roads in West Lake Hills by trucks serving the Ullrich Water Treatment Plant. (No fiscal impact.)

Approved

- 31a. Authorize negotiation and execution of Amendment #1 to the Professional Services Agreement with CFX, INC., (MBE/MH), Austin, Texas, for a load capacity and life cycle analysis of the Emmett Shelton Bridge on Red Bud Trail, in the estimated amount of \$31,000, for a total agreement amount of \$56,450. (Funding was included in the 1990-91 Capital budget of the Public Works and Transportation Department.) 100% MBE Prime participation. No M/WBE Subconsulting opportunities were identified.

Approved

Items 27 through 31a approved on, Mayor Pro Tem Garcia's motion, Councilmember Reynolds' second, 7-0 vote.

3:30 P.M. - BOARD OF DIRECTOR'S MEETING OF THE 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. Items 32-34 are to be considered by the Austin Housing Finance Corporation's Board of Directors.

32. Authorize the filing of an application with the Texas Bond Review Board before January 10, 1997, for allocation of Private Activity Bond Authority, in an amount not to exceed \$23,281,100 which may be used to implement a Mortgage Credit Certificate or Bond Program. (A \$500 Bond allocation application fee is included in the 1996-97 operating budget for the Austin Housing Finance Corporation.)

33. Approve the appointment of Morgan Keegan as Senior Underwriter for the Austin Housing Finance Corporation (AHFC) and authorize the General Manager or his designee to negotiate and execute an agreement for a Mortgage Credit Certificate (MCC) Program administrator on such terms and conditions as may be reasonable and appropriate to adequately facilitate the use of the 1997 private activity bonding capacity to implement an MCC program and/or a single family bond issue. (The cost of underwriter services will be paid from the bond proceeds. Funding for the MCC program administrator is available in the 1996-97 budget of AHFC and revenue generated from the MCC program.)
34. Authorize execution of an escrow contract and deed, before December 31, 1996, to sell and transfer ownership of 41 parcels of land to the Anderson Community Development Corporation (ACDC) for the implementation of the SCIP 2 program, and retain such deed restrictions as may be necessary to successfully implement the SCIP 2 program and protect the interest of the Corporation. (No additional cost to the Corporation; all fees to be paid by the developer.)

ITEMS FROM COUNCIL

35. Amend Ordinance 961031-K creating the Citizens Planning Implementation Committee, by adding one additional member. (Councilmember Jackie Goodman and Daryl Slusher) **Ordinance No. 961219-I approved on, Mayor Pro Tem Garcia's motion, Councilmember Reynolds' second, 7-0 vote.**
36. Amend Chapter 2-2 of the City Code to provide rules for City Council meetings. (Rules Subcommittee)
Motion to postpone and have one more subcommittee meeting, set public hearing on January 9, 1997 for January 16, 1997 on, Councilmember Slusher's motion, Mayor Pro Tem Garcia's second, 4-2 vote, Mayor Todd and Councilmember Reynolds voting "NO", Councilmember Mitchell off the dais.
37. Direct the City Manager to establish continuous water quality monitoring stations on Barton Creek in four locations: (1) upstream of the Barton Creek Properties Water Quality Exemption /Zone; (2) downstream of the Barton Creek Properties Water Quality Exemption Zone; (3) upstream of the Lost Creek Municipal Utility District; downstream of the Lost Creek Municipal Utility District; and to invite the Lower Colorado River Authority and the Barton Springs Edwards Aquifer Conservation District to share in the cost of the project. (Councilmembers Daryl Slusher, Jackie Goodman and Beverly Griffith)
Approved on Councilmember Slusher's motion, Councilmember Goodman's second, 6-0 vote, Councilmember Mitchell off the dais.
38. Direct the City Manager to develop a plan for closing one side of Southwest Parkway. (Councilmembers Daryl Slusher, Jackie Goodman and Beverly Griffith)
Substitute motion by Councilmember Mitchell to postpone and schedule a public hearing at Covington Middle School with instruction to staff to develop a report on differing closure options on, Councilmember Mitchell's motion, Councilmember Reynolds second, 7-0 vote.
39. Direct the City Manager to write a letter to Austin Community College Board of Trustees and

the Austin Independent School District Board requesting that they locate all new schools outside the Barton springs Zone. (Councilmembers Daryl Slusher, Jackie Goodman, and Beverly Griffith)

Approved on, Councilmember Slusher's motion, Councilmember Griffith's second, 4-2-1 vote, Councilmembers Mitchell and Reynolds voting "NO", Mayor Todd "ABSTAINING".

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

40. C14-96-0124 -JAMES W. & ELIZABETH FOX, by Crocker Consulting (Sarah Crocker), 610 West Lynn. From MF-4-H to GO-MU-H. Planning Commission Recommendation: To Grant NO-MU-H, Neighborhood Office-Mixed Use Combining District-Historic for the site; and GO-MU-H-CO, General Office-Mixed Use Combining District-Historic-Conditional Overlay for the Building footprint only, with the provisions of the overlay as follows: (1) development shall be limited to Medical Office and all other "NO", Neighborhood Office land uses; (2) development (under the "MU" combining district) shall be limited to MF-4, Multifamily Residence (moderate-high density) land uses; and (3) the Historic zoning shall remain intact. Further, site shall be subject to rollback to the existing zoning (MF-4-H) if the building is destroyed.

Postponed to January 9, 1997, applicant's first request

PUBLIC HEARINGS

41. 5:00 P.M. - Public hearing to amend Title XIII (Land Development Code) of the Austin City Code of 1992 by amending Section 13-1-488 to define what constitutes a major revision requiring Planning Commission approval, or minor revision/correction requiring administrative approval, of a change to a previously approved preliminary subdivision plan.

Motion to close public hearing on, Councilmember Mitchell's motion, Mayor Pro Tem Garcia's second, 7-0 vote.

ACTION ON PUBLIC HEARINGS

42. Amend Title XIII (Land Development Code) of the Austin City Code of 1992 by amending Section 13-1-488 to define what constitutes a major revision requiring Planning Commission approval, or minor revision/correction requiring administrative approval, of a change to a previously approved preliminary subdivision plan.

Ordinance No. 961219-H approved on, Councilmember Mitchell's motion, Mayor Pro Tem Garcia's second, 7-0 vote.

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.

Real Estate Acquisition - Section 551.072

43. Discuss fee simple acquisition of real property for the Oak Hill Fire Station.

Pending Litigation - Section 551.071

44. Discuss Gutierrez et al v. Mobil Oil Corporation et al., CA No. 92-0489, Travis County District Court.
45. Discuss John F. Fleming, II v. The City of Austin, et al.; CA No. 95-05478, Travis County District Court.

ACTION ON EXECUTIVE SESSION ITEMS

46. Authorize fee simple acquisition of real property located on Hwy 71 West approximately 3/8 of a mile west of the intersection at Fletcher Lane, for the Oak Hill Fire Station.
Approve in the amount of \$475,000 on, Mayor Pro Tem Garcia's motion, Councilmember Reynolds' second 7-0 vote.
47. Approve settlement of Gutierrez et al v. Mobil Oil Corporation et al., CA No. 92-0489, Travis County District Court.
Off agenda
48. Approve settlement of John F. Fleming, II v. The City of Austin, et al.; CA No. 95-05478, Travis County District Court.
Approved in the amount of \$50,000 on, Councilmember Mitchell's motion, Mayor Pro Tem Garcia's second, 7-0 vote.

49. APPOINTMENTS

ARTS COMMISSION - DR. YOLANDA PADILLA.

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

ADJOURNED at 7:42 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 9th day of January, 1997 on, Mayor Pro Tem Garcia's motion, Councilmember Slusher's second, 4-0 vote, Councilmembers Goodman, Reynolds and Mitchell temporarily absent.