



Austin City Council MINUTES

MARCH 2, 1995 - 1:00 P.M.

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

MINUTES APPROVED

1. Approval of Minutes for Regular Meetings of February 16 and 23, 1995 and Special Meetings of February 22 and 23, 1995

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

CITIZEN COMMUNICATIONS: GENERAL

2. Ms. Susan Lee, to discuss STNP Revolt, renewable energy and City Electric Department due process; order city electric to allow volt revolters a hearing; meet as a body with the activity coalition to strategize shutting down STNP and replacing fossil and nuclear power.
3. Mr. Shaun Stenshol, to discuss the STNP Volt Revolt and how the volt revolt has nothing to do with the design and reasonableness of the rate structure, and everything to do with how the South Texas Nuclear Plant is killing people and polluting the environment.
4. Mrs. Dorothy Jackson, to discuss improvements to Bartholomew Park.
5. Mr. Dick Kallerman, to discuss current regional growth issues.
6. Mr. Roger Baker, to discuss matters arising.
7. Mr. Gus Pena, to discuss juvenile crime increase; make hiring a veteran priority; recognize our elderly population.
8. Mr. John Boswell, to gain approval for singing on public streets (walkways) through issuance of a permit or written endorsement.
Not Present
9. Ms. Carol Guthrie, to discuss treatment of workers at Brackenridge.
10. Mr. Peter Scheuer, to discuss Austin Housing Authority's responsibility for the shooting at Walnut Manor.
11. Mr. Henry Ratliff, to discuss "continue into the new year."
Not Present

ITEMS CONTINUED FROM PREVIOUS MEETINGS

12. Approve second reading of an ordinance amending Chapter 13-2 of the Austin City Code rezoning property locally known as 4100-4898 South MoPac Expressway, Case No. C814-94-0001, from "I-RR", Interim Rural Residence to "PUD," Planned Unit

Development, INEZ & TAYLOR GAINES (Jimmy Gaines), by Walter Vacker Development (Ron Reue). First reading on October 20, 1994; Vote 6-0, Mayor Pro Tem Nofziger absent. Conditions: Applicant wishes to increase impervious cover and staff wishes to clarify revised notes related to watershed status of the project.

Approved with amendment for any land within the PUD dedicated to the City of Austin may continue to be counted as gross and net site area for site development purposes as specified in general note #24 thus allowing the applicant to donate the entire 79 acres of open space land for parkland, allowing an increase in impervious cover to 17% on net site area for the multi-family site, 17% on net site area for the single family site and 19% of net site area for the commercial site, and that the notes on the site plan which specifically reference SOS be revised or deleted as per page 2 of the "Second Reading Summary Sheet" on Councilmember Garcia's motion, Mayor Pro Tem Nofziger's second, 4-0-3 vote, Councilmembers Goodman, Mitchell, and Shea abstaining.

13. Direct the City Manager to initiate an ordinance amendment to allow single family housing in the Central Business District. (Councilmembers Ronney Reynolds and Jackie Goodman)

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

ORDINANCES

14. Approve first reading of an ordinance granting a franchise agreement between the City of Austin and MCI Metro Access Transmission Services, Inc. ("ATS"). [Unanticipated revenue for 1994-95 is \$20,000.] (Recommended by Telecommunications Commission)
Postponed to March 9, 1995
15. Authorize acceptance of a \$5,000 grant from the Wray Trust to help defray costs associated with the Fourth Annual Green Building Conference to be held May 5-7, 1995; amend Ordinance No. 940912-D, the 1994-95 operating budget, by increasing budget revenue and expenditures by \$5,000 in the Special Revenue Fund of the Environmental and Conservation Services Department. (Funding is available from the Wray Trust. No match is required.) [Recommended by the Resource Management Commission]
Ordinance No. 950302-A approved
16. Amend Ordinance No. 940912-D, the 1994-95 operating budget, by authorizing 2.0 additional Full-Time Equivalent (FTE) grant funded positions for the Child Care Management Services (CCMS) program in the Special Revenue Fund of the Health and Human Services Department. (Funding is available in the 1994-95 Special Revenue Fund of the Health and Human Services Department.)
Ordinance No. 950302-B approved
17. Approve issuance by Village at Western Oaks Municipal Utility District of District Unlimited Tax and Revenue Bonds Series 1995, in an amount not to exceed \$2,485,000; approving the terms, conditions, and covenants of the Bond Order, Notice of Sale, Bid Instructions, Form of Bid and Preliminary Official Statement;

and approve the assignment of rights and obligations of the developer under the consent agreement to Lumberman's Investment Corporation. (The City is not responsible for payment on District bonds until annexation and dissolution of the District.) [Recommended by Water and Wastewater Commission]
Ordinance No. 950302-C approved

RESOLUTIONS

18. Authorize a Community Development Block Grant (CDBG) Housing Implementation Program (HIP) Grant for \$75,000 to Eden Park Redevelopment, Ltd. to complete the rehabilitation of ten (10) housing units for elderly households located at 3129 and 3131 East 12th Street. [Funding is available in the Special Revenue Fund of the Planning and Development Department for the Housing Implementation Program (HIP) 19th Year (CDBG) Fund.] (Reviewed by Housing Subcommittee)
Approved
19. Approve execution of a twelve (12) month supply agreement with G T DISTRIBUTORS, INC., Austin, Texas, for the purchase of parts used to repair the light bars and sirens on emergency services vehicles, in an estimated amount not to exceed \$40,000 with two (2) twelve (12) month extension options in an estimated amount of \$40,000 per extension, for an estimated total amount of \$120,000. (Funding is available in the 1994-95 operating budget of the Fleet and Radio Maintenance Fund. Funding for the remaining five (5) months of the contract and the extension options is contingent upon funding in future budgets.) Highest discount of three (3). No M/WBE Subcontracting opportunities were identified.
Approved
20. Approve execution of a contract with MAACO OF AUSTIN, Austin, Texas, to repair and paint seventy-five (75) surplus City vehicles for the City's annual auction, in an amount not to exceed \$37,275. (Funding is available in the 1994-95 operating budget of the Fleet and Radio Maintenance Fund.) Low bid of four (4). No M/WBE Subcontracting opportunities were identified.
Approved

Brackenridge Hospital (Items 21-23)

21. Approve execution of a twelve (12) month supply agreement with ABBOTT LABORATORIES, Abbott Park, Illinois, for Isoflurane, an anesthetic agent used to anesthetize patients during medical procedures, in an amount not to exceed \$69,757.80 to include an option to extend for up to two (2) twelve (12) month periods in amounts not to exceed \$69,757.80 for each extension, for a total amount not to exceed \$209,273.40. (Funding in the amount of \$34,878.90 is available in the 1994-95 operating budget of Brackenridge Hospital. 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

22. Approve execution of a twelve (12) month service agreement with NATIONAL HEALTH LABORATORIES, Austin, Texas, for the provision of referral laboratory testing for Immuno Phenotyping by flow cytometry, the determination of how many cells have bound to antibodies, in an amount not to exceed \$56,138.80 to include an option to extend for up to two (2) additional twelve (12) month periods in amounts not to exceed \$56,138.80 for each extension, for a total amount not to exceed \$168,416.40. [Funding in the amount of \$32,747.63 is available in the 1994-95 operating budget of Brackenridge Hospital. Funding for the final five (5) months of the contract and the extension options is contingent upon available funding in future budgets.] Low bid of six (6) meeting specifications. No M/WBE Subcontracting opportunities were identified.

Approved

23. Approve execution of a twelve (12) month service agreement with CENTRAL TEXAS GENETICS CENTER, Austin, Texas, for the provision of referral laboratory services for chromosome/genetic tests, in an amount not to exceed \$105,400 to include an option to extend for up to two (2) additional twelve (12) month periods in an amount not to exceed \$105,400 for each extension, for a total amount not to exceed \$316,200. [Funding in the amount of \$61,483.33 is available in the 1994-95 operating budget of Brackenridge Hospital. Funding for the final five (5) months of the contract period and the extension options is contingent upon available funding in future budgets.] Low bid of seven (7) meeting specifications. No M/WBE Subcontracting opportunities were identified.

Approved

Items 15-23 approved on Councilmember Garcia's motion, Mayor Pro Tem Nofziger's second, 7-0 vote.

24. Authorize an amendment to the Hill Country Water Supply Corporation (WSC) wholesale water contract to allow expansion of their service area to include approximately 232 acres of land, adjacent to the existing service area. [The Utility will receive Capital Recovery Fees (CRF) as they are collected by the WSC (estimated to be \$177,000) plus approximately \$32,000 annually additional water sale revenues to the WSC. This revenue was not included in the 1994-95 budget.] (Water and Wastewater Commission Recommendation: Motions to deny and approve the amendment failed due to lack of a quorum vote.)

Approved on Councilmember Garcia's motion, Councilmember Goodman's second, 6-0 vote, Mayor Pro Tem Nofziger out of the room.

25. Authorize application for and acceptance of \$100,882 in grant funds from the Office of the Governor, Criminal Justice Division, for the "Neighborhood Conference Committee" program. Initial grant period is November 1, 1995 through September 30, 1996. (No fiscal impact.)

Approved

26. Authorize application for and acceptance of \$98,324 in grant funds from the Office of the Governor, Criminal Justice Division, for the "Gang Intervention - Urban Youth Corps" program. Initial grant period is November 1, 1995 through September 30, 1996. (No fiscal impact.)

Approved

27. Approve execution of a contract with ICM, INC., San Antonio, Texas, for the purchase of nine (9) trailer-mounted arrow boards, in an amount not to exceed \$43,360.02. (Funding is available in the 1994-95 operating budget of the Water and Wastewater Utility.) Low bid of six (6) meeting specifications. No M/WBE Subcontracting opportunities were identified. (Recommended by Water and Wastewater Commission)
Approved
28. Approve execution of a contract with AQUA CHLORINE SERVICES, San Antonio, Texas, for the purchase and installation of chlorinators and chlorine briquettes for fifteen (15) City swimming pools, in an amount not to exceed \$154,500. (Funding in the amount of \$12,000 was included in the 1994-95 Capital Budget of the Parks and Recreation Department; the remaining \$142,500 is available in the 1994-95 operating budget of the Parks and Recreation Department.) Single bid. No M/WBE Subcontracting opportunities were identified.
Approved
- Items 25-28 approved on Councilmember Garcia's motion, Mayor Pro Tem Nofziger's second, 7-0 vote.
29. Set a public hearing to gather citizen input on an ordinance amending the Land Development Code to correct golf course water quality control requirements. (Suggested date and time: March 23, 1995 at 5:00 p.m.)
Pulled Off

ITEMS FROM COUNCIL

30. Approve a resolution directing the City Manager to dedicate sufficient existing resources to effectively participate in the Austin-Travis County Food Policy Council. (Councilmembers Gus Garcia and Brigid Shea)
Approved
31. Approve a resolution supporting community led efforts to seek federal funds for a juvenile detoxification center. (Councilmember Jackie Goodman)
Approved

Items 30-31 approved on Councilmember Garcia's motion, Mayor Pro Tem Nofziger's second, 7-0 vote.

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

32. C14-94-0150 - FEDERAL DEPOSIT INS. CORP. (Paxton Sandige), by Hill Partners, Inc. (Ben Greider), 2121 Gracy Farms Lane. From MF-3 to LI. Planning Commission Recommendation: To grant IP-CO, Industrial Park-Conditional Overlay zoning with the following provisions of the overlay: (1) prohibit basic industry use; (2) limit height to a maximum of 35'; (3) a 75' building setback; and (4) limit

development to an intensity that will generate less than 2,000 vehicle trips-per-day.

Close public hearing on Mayor Pro Tem Nofziger's motion, Councilmember Reynolds' second, 7-0 vote.

Motion to grant Planning Commission recommendation with additional 25 foot vegetative set back, additional berm and fence to total 12 feet located 12 feet from property line by Councilmember Reynolds, failed for lack of second.

Motion to deny zoning by Councilmember Goodman, Councilmember Shea's second, 3-3-1 vote, Mayor Todd and Councilmembers Garcia and Reynolds voting NO, Councilmember Mitchell abstaining.

Motion by Councilmember Garcia to approve Planning Commission recommendation on 1st reading only with additional 25 foot set back along with friendly amendment offered by Councilmember Goodman for a berm, Councilmember Reynolds' second, 4-2-1 vote, Mayor Pro Tem and Councilmember Shea voting NO, Councilmember Mitchell abstaining.

33. C14-94-0170 - RIVERSIDE GROUP (Delbert A. Trautman), by Minter, Joseph & Thornhill (Paul Juarez), 2300 to 2840 E. Riverside Drive. From GR to W/L0. Planning Commission Recommendation: To grant W/L0, Warehouse Limited Office zoning subject to (1) 25' vegetative buffer along the eastern property line, and (2) prohibit custom manufacturing and limited warehousing uses.

Close public hearing on Councilmember Garcia's motion, Councilmember Mitchell's second, 6-0 vote, Councilmember Reynolds out of the room.

Ordinance No. 950302-G approved granting Planning Commission recommendation on Mayor Pro Tem Nofziger's motion, Councilmember Mitchell's second, 7-0 vote.

34. C14r-85-146(DE)2 - GATEWAY III, by Z and K Real Estate, Ltd. (Greg Strmiska), Stonelake Parkway. Deletion of a portion of a PRA Site Plan, Conditional Overlay and Restrictive Covenant Amendment. Planning Commission Recommendation: To Approve as recommended by staff.

Ordinance No. 950302-D approved on Councilmember Goodman's motion, Councilmember Garcia's second, 5-0 vote, Councilmembers Mitchell and Shea out of the room.

35. C14-75-128 - TEXAS INSTRUMENTS, by Jerry L. Harris, 12440 to 12499 Research Boulevard. Restrictive Covenant Amendment. Planning Commission Recommendation: To Approve amendment to the restrictive covenant.
Staff request indefinite postponement
36. C14-94-0137 - C.O.A.-PLANNING AND DEVELOPMENT, 12400 to 12499 Research Boulevard. From LI, SF-3 & IP to SF-6. Planning Commission Recommendation: To Grant SF-6-C0, Townhouse and Condominium Residence-Conditional Overlay, zoning subject to the

following conditions: (1) limited to a maximum of 400 units; (2) prohibit access to Bell Avenue, Conrad Road, Jessica Lane and Branding Chase; (3) a minimum 50 foot undisturbed vegetative buffer adjacent to the Angus Valley Numbers Four and Eight, Summit Oaks, and Angus Valley Trail Section One-A subdivisions; (4) a 55 foot building setback line adjacent to the Angus Valley Numbers Four and Eight, Summit Oaks, and Angus Valley Trail Section One-A subdivisions; and (5) prohibit bicycle and pedestrian access to the Angus Valley Numbers Four and Eight, Summit Oaks and Angus Valley Trail Section One-A subdivisions. Further subject to: (1) a 75 foot undisturbed vegetative buffer from the SF-1 properties; (2) a 50 foot vegetative buffer from the SF-2 properties; (3) limit the building height to 15 feet; and (4) allow two bicycle/pedestrian access points to be located on the eastern and southern portions of the site.

Close public hearing on Councilmember Garcia's motion, Councilmember Shea's second, 7-0 vote.

Approve zoning with staff recommendations plus additional 25 foot vegetative buffer on Mayor Pro Tem Nofziger's motion, Councilmember Shea's second, 4-3 vote, Mayor Todd and Councilmembers Mitchell and Reynolds voting NO. Due to having two (2) valid petitions which require six (6) favorable votes this zoning failed.

37. C14-95-0004 - BRUNO & JUDITH YBARRA, by Graeber, Simmons & Cowan, A.I.A. (Alan Felder), 1000 East 32nd Street. From MF-4 to G0. Planning Commission Recommendation: To grant G0, General Office, zoning as requested. Vote: 7-0.

Ordinance No. 950302-E approved on Councilmember Goodman's motion, Councilmember Garcia's second, 5-0 vote, Councilmembers Mitchell and Shea out of the room.

38. C14-95-0016 - CHARLES BRUCE DEGRESS (Forrest B.Scott), by Jenkins & Gilchrist, P.C. (J. Bradley Greenblum), 11510 Jollyville Road. From MF-2-C0 to L0. Planning Commission Recommendation: To grant L0-C0, Limited Office-Conditional Overlay, zoning limited to less than 2,000 vehicle trips per day. Vote: 7-0.

Ordinance No. 950302-F approved on Councilmember Goodman's motion, Councilmember Garcia's second, 5-0 vote, Councilmembers Mitchell and Shea out of the room.

PUBLIC HEARING AND APPROVAL OF ORDINANCES/RESOLUTIONS

39. 5:30 P.M. - Public hearing and approval of Graffiti Ordinance.
(Councilmembers Gus Garcia and Eric Mitchell).

Speaker cards on file in the City Clerk's Office

Continue public hearing to next week and approve on 1st reading only on Councilmember Garcia's motion, Councilmember Mitchell's second, 6-0 vote, Mayor Pro Tem Nofziger out of the room.

EXECUTIVE SESSION (No Public Discussion on These Items)

Executive Session was 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 the meeting agenda. Council would take any subsequent action in the open meeting as listed on the 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 - Section 551.072

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

Real Estate Acquisition - Section 551.072

41. Discuss real property acquisitions for the Balcones Canyonland Conservation Plan ("BCCP").

Pending/Contemplated Litigation - Section 551.071

42. Discuss possible litigation against Time Warner Entertainment Co.

RECESSED at 3:03 p.m. until 4:00 p.m. on Councilmember motion, Councilmember second, 6-0 vote, Mayor Pro Tem Nofziger out of the room.

RECESSED at 5:50 p.m. for thirty minutes on Councilmember Reynolds' motion, Councilmember Mitchell's second, 7-0 vote.

ADJOURN at 9:20 p.m. on Councilmember Garcia's motion, Councilmember Reynolds' second, 6-0 vote, Mayor Pro Tem Nofziger out of the room.

Approved this the 9th day of March, 1995, on Councilmember Garcia's motion, Councilmember Shea's second, 5-0 vote, Mayor Todd and Councilmember Goodman temporarily absent.