



Austin City Council MINUTES

SEPTEMBER 3, 1992 - 1:00 P.M.

MEETING CALLED TO ORDER - 1:00 P.M.

Councilmember Nofziger called to order the meeting of the Council, noting that Mayor Todd would arrive shortly, as well as Councilmember Reynolds and Mayor Pro Tem Urdy.

MINUTES APPROVED

1. Approval of Minutes for regular meetings of August 13 and 20, 1992 and Special meetings of August 10, 13, 18, 19 (two meetings) and 20, 1992.

On Councilmember Larson's motion, Councilmember Garcia's second, 4-0 Vote, Mayor Todd, Mayor Pro Tem Urdy and Councilmember Reynolds absent.

CITIZEN COMMUNICATIONS: GENERAL

2. Mr. Victor L. Aquino, to discuss flooding.
3. Mr. Henry Ratliff, to discuss "Opening Doors."
4. Mr. Luthor Carpenter, to present another in a series of speeches on management, budget, and Council concerns.
5. Mr. Richard Trachtenberg, to discuss "Hey-hey, ho-ho, P.I.O. has got to go."
6. Mr. Nicholas Weeks, to answer Gus' Question.
7. Mr. Robert Brandes, to discuss facts and issues concerning the Habitat Plan.
8. Mr. Richard William Dabeyko, to discuss Police harassment.
9. Mr. Leonard Lyons, to discuss bureaucracy first feeds itself.

10. Mr. Perry Davidson, to request funds for development of Northeast District Park and seek aid for safety concerns.
11. Mr. Brian Alaimo, to discuss vehicular access to property.

BOARD AND COMMISSION REPORTS

HIV COMMISSION - Eugene Sepulvedo, Chair discussed increased funding for the HIV Commission.

1:30 P.M. - REVENUE REFUNDING BONDS

12. Approve an ordinance authorizing the issuance of City of Austin, Texas Combined Utility Systems Revenue Refunding Bonds, Series 1992B, including approval and authorization of a Purchase Contract and Special Escrow Agreement and the Official Statement pertaining thereto.

Postponed to September 10, 1992.

13. Approve a resolution authorizing the execution of a Paying/Agent Registrar contract with Ameritrust Texas, N.A. in relation to such bonds.

Postponed to September 10, 1992.

14. Approve a resolution authorizing the redemption of certain outstanding bonds of the City of Austin.

Postponed to September 10, 1992.

ITEMS CONTINUED FROM PREVIOUS MEETINGS

15. Approve SECOND AND THIRD READINGS of codification of the SOS Ordinance and amend the City Code to effectuate the SOS Ordinance.

On Councilmember garcia's motion, Councilmember Nofziger's second, 7-0 Vote.

ORDINANCES

16. Approve second/third readings of an ordinance amending Chapter 13-2 of the Austin City Code rezoning property locally known as 712 East Ben White Boulevard, Case No. C14-70-001 (part), from "I-SF-3", Interim Family Residence to "LI", Limited Industrial Services, TWIN OAKS ASSOCIATES, by CWR, Inc. First reading on March 5, 1970; vote 7-0. Conditions met as follows: Field notes for the property have been provided and no additional right-of-way is required. Pulled off agenda.

17. Approve second/third readings of an ordinance amending Chapter 13-2 of the Austin City Code rezoning property locally known as 10213-10233 IH-35 North and 10212-102332 Middle Fiskville Road, Case No. C14-92-0037, from "GR", Community Commercial to "CS-CO", Commercial Services-Conditional Overlay, CROCKETT PROPERTIES, by Rizzo Construction. First reading on October 17, 1991; Vote 6-0, Mayor Pro Tem Urdy was out of the room. Conditions met as follows: Conditional Overlay incorporates conditions imposed by Council.

On Councilmember Larson's motion, Mayor Todd's second, 6-0 Vote, Councilmember Reynolds out of the room.

18. Approve an amendment to the Circle C Municipal Utility District (MUD) No. 3 Consent Agreement deleting the requirement for collection of a special water and wastewater rate before annexation (pre-annexation surcharge); and replacing it with other revenues of the district such as property tax and utility system revenues. (No fiscal impact). [Recommended by Water and Wastewater Commission.]

On Councilmember Garcia's motion, Councilmember Reynolds' second, 7-0 Vote.

19. Approve issuance by Northwest Austin Municipal Utility District (MUD) No. 1 of its Unlimited Tax Bonds, Series 1992 in an amount not to exceed \$2,700,000.00; approving the terms and condition of the Bond Resolution, Notice of Sale and Bidding Instructions, Form of bid and Preliminary Official Statement; approving Assignment of Rights and Obligations under the Consent Agreement to Team Bank and Canyon Creek Land, Ltd. (No fiscal impact). [Recommended by Water and Wastewater Commission]

On Councilmember Garcia's motion, Mayor Pro Tem Urdy's second, 6-0 Vote, Councilmember Reynolds out of the room.

20. Authorize execution of the Second Amendment to the Agreement Concerning Creation of Northwest Austin Municipal Utility District (MUD) No. 1 and First Amendment to the Agreement concerning creation of Northwest Austin MUD No. 2; amending requirements for dedication of park land and fire station site and cash contributions for park and fire station improvements. (Developer to fund at least \$359,000 in improvements for City facilities to be built inside District). [Recommended by Water and Wastewater Commission]

On Mayor Pro Tem Urdy's motion, Councilmember Reynolds second, 7-0 Vote.

21. Authorize acceptance of \$214,278 in grant funds from the Office of Justice Programs of the U.S. Department of Justice for the Strategic Intervention for High Risk Youth (SIHRY) demonstration program;

amend Ordinance 910912-A, the 1991-92 operating budget, amending the Special Revenue Fund budget for the Health and Human Services Department by appropriating \$214,278, increasing revenues and expenditures, with the option of renewing the grant for up to two (2) additional years, add two (2) grant funded full-time employees for program delivery and contract management. (No City match required.) [Related to Item 23]

22. Authorize acceptance of \$142,852 in grant funds from the Center on Addiction and Substance Abuse, Inc., (CASA) for the Strategic Intervention for High Risk Youth (SIHRY) demonstration program; amend Ordinance 910912-A, the 1991-92 operating budget, amending the Special Revenue Fund budget for the Health and Human Services Department by appropriating \$142,852, increasing revenues and expenditures, with the option of renewing the grant for up to two (2) additional years. (No City match required.) [Related to Item 23]

RESOLUTIONS

23. Approve the negotiation and execution of four (4) twelve (12) month contracts totaling \$249,338 for the provision of comprehensive youth services for the Strategic Intervention for High Risk Youth (SIHRY) demonstration grant program with Youth Advocacy, Inc., in the amount of \$157,762; Austin Child Guidance Center, in the amount of \$28,960; Big Brothers/Big Sisters, in the amount of \$30,000; and Travis County Juvenile Court, in the amount of \$32,616. (Funding in the amount of \$106,486 from the Office of Justice Program of the U.S. Department of Justice, and \$142,852 from the Center on Addition and Substance Abuse, INC. (CASA) at Columbia University.) [Related to Items 21-22]
24. Approve execution of a contract award with WESTINGHOUSE ELECTRIC CORPORATION, San Antonio, Texas, for the purchase of two (2) 300 horsepower electric motors for the Jollyville Water Pump Station, in an amount not to exceed \$65,040, including delivery, installation, testing, and training. (Funding included in the 1991-92 operating budget of the Water and Wastewater Utility.) Low bid of six (6). The prime did not identify any subcontracting opportunities. Reference No. IFB-920682-1SH (To be reviewed by Water and Wastewater Commission on September 2, 1992). Recommended by Water and Wastewater Commission, 5-0-2 Vote.
- #21-24 on Councilmember Garcia's motion, Councilmember Reynolds' second, 7-0 Vote.
25. Approve negotiation and execution of a contract with ACCESS HEALTH MARKETING, INC., Citrus Heights, California, to provide cancer information and referral services by telephone to Brackenridge Hospital, in an amount not to exceed \$125,000 for the first year of

service, with an option to extend up to four (4) additional twelve month periods in an amount not to exceed \$125,000 for each extension, for a total amount not to exceed \$625,000. (Funding in the amount of \$125,000 is available in the proposed 1992-93 operating budget for Brackenridge Hospital; the remaining \$500,000 will be contingent upon available funding in future budgets). Sole Source. The prime did not identify any subcontracting opportunities. Reference File No. BC2-337

On Councilmember Garcia's motion, Mayor Pro Tem Urdy's second, 7-0 Vote.

26. Approve a construction contract award to BURRIS CONSTRUCTION, Georgetown, Texas, for a Transportation Systems Management project for roadway improvements at the intersection of Manchaca Road and William Cannon Drive, in the amount of \$391,175. (Funding in the amount of \$376,875 included in CIP 825-607-2026; funding in the amount of \$14,300 included in CIP 388-227-0996. Low bid of three (3). 34.60% MBE, 21.73% WBE Subcontractor participation. (To be reviewed by Water and Wastewater Commission on September 2, 1992) (Recommended by Water and Wastewater Commission, 5-0-2 Vote)
27. Approve execution of a construction contract with PELZEL & ASSOCIATES, INC. (M/WBE), Austin, Texas, for construction of a vehicle maintenance facility at the St. Elmo Service Center, in the amount of \$1,615,278. (Funding included in CIP 887-787-0250). Low bid of seven (7). 6% MBE, 1% WBE Subcontractor participation.
28. Approve execution of a contract with CENTRAL TEXAS EQUIPMENT COMPANY, Austin, Texas, for the purchase of two (2) truck-mounted hydraulic cranes and steel platforms in the an amount not to exceed \$125,000. (Funding in the amount of \$62,431 available in the 1991-92 Vehicle Acquisition Fund; \$62,569 is available in the 1991-92 operating budget of the Water and Wastewater Utility). Low bid of five (5). The Prime did not identify any Subcontracting opportunities. Reference No. 920928-1RF. (Recommended by Water and Wastewater Commission)
29. Approve negotiation and execution of an amendment to the drainage facility license agreement with the Missouri Pacific (MOPAC) Railroad company for the Burleson Road Project. (Funding in the amount of \$14,364 for the License fee is included in CIP 825-607-2036 - Burleson Road Project)
30. Approve a request to name a 10.22 acre Park located within the former North Central Austin Growth Corridor Municipal Utility District (MUD) #1 to "Gracywoods Park." (New park signage will cost approximately \$600. The neighborhood association has offered

\$150 to pay for signs; the remaining \$450 is available in the 1991-92 operating budget of the Parks and Recreation Department.)
[Recommended by Parks and Recreation Board]

¶26-30 on Councilmember Garcia's motion, Councilmember Reynolds' second, 7-0 Vote.

31. Approve the second extension of the Interlocal Cooperation Agreement with Travis County to provide pharmacy services and medical supplies to eligible County Rural Medical Assistance Program (RMAP) clients, from October 1, 1992 to September 30, 1993, with the option to extend for two (2) twelve (12) month periods. (No fiscal impact; Travis County will reimburse the City for the cost of providing this service. County expenditures for RMAP clients during 1990-91 were \$351,880 and \$214,085 through June, 1992).

Pulled off agenda.

32. Authorize a \$90,000 loan from City of Austin 16th Year Housing Implementation Program (HIP) Community Development Block Grant (CDBG) funds to the Austin Housing Finance Corporation (AHFC) for demolition and asbestos abatement of the Interregional Apartments located at 1320 and 1322 East 12th Street, and for future demolition projects. (Funding provided by 16th Year Community Development Block Grant (CDBG) funds.) [Recommended by Housing Subcommittee]
33. Approve a 17th Year Housing Implementation Program (HIP) CDBG loan to the Austin Housing Finance Corporation (AHFC) in the amount of \$92,496 to award a contract for architectural services and project management for the development of 1320 and 1322 East 12th Street. (Funding provided by 17th Year Community Development block Grant (CDBG) Funds.) [Recommended by Housing Subcommittee]
34. Approve a request by TRST Congress, Inc., of proposed repair and renovation to the First City Centre Office Building, located at 816 Congress Avenue. (No fiscal impact.)

¶32-34 on Councilmember Garcia's motion, Councilmember Reynolds' second, 7-0 Vote.

35. Set a public hearing and adopt a schedule for approval of the Balcones Canyonlands Habitat Conservation Plan.

September 10, 15, 17, 21 and 22, on Councilmember Nofziger's motion, Councilmember Reynolds' second, 7-0 Vote.

36. Set a public hearing to amend Title XIII (Land Development Code: 13-2-303, 13-2-305, 13-2-608) Austin City Code of 1992 to allow dwelling units accessory to commercial and industrial warehouses and

permitted exceptions to maximum height requirements for electronic receiving and transmitting antennas. Date and time: September 17, 1992 at 4:30 p.m.

37. Set a public hearing to amend Chapter 13-8, Article VII, of the Austin City Code of 1992 by repealing the 1988 Edition of the Uniform Fire Code and Local Amendments and adopting by reference the 1991 Uniform Fire Code and Local amendments. Date and time: October 1, 1992 at 4:30 p.m.

#36-37 on Councilmember Garcia's motion, Councilmember Reynolds' second, 7-0 Vote.

ITEMS FROM COUNCIL

38. Adopt a resolution inviting and encouraging the Department of Defense to consider Bergstrom Air Force Base as site for the relocation of Homestead Air Force Base in a joint-use capacity with the City of Austin. (Councilmember Bob Larson)

Motion

Councilmember Larson made a motion, seconded by Councilmember Garcia to approve.

Second to Motion Withdrawn

After discussion, Councilmember Garcia withdrew his second to the motion.

Motion

The Council, on Councilmember Larson's motion, Councilmember Reynolds' second, adopted the resolution, 4-3 Vote, Councilmembers Garcia, Nofziger and Mayor Todd voted No.

39. Discuss and recommend Planning Commission reconsideration of variance request appeal, case number C8-92-0019, by Bury & Pittman, Inc., as agent for Bluebonnet Development Ltd. (Councilmembers Gus Garcia and Ronney Reynolds)

Pulled off agenda.

40. Authorize Travis County Housing Finance Corporation (TCHFC) to originate mortgage loans within the corporate limits of the City of Austin under its proposed 1992 Residential Mortgage Purchase Bond

Programs (Bond Program). [Councilmembers Gus Garcia and Mayor Bruce Todd]

On Councilmember Garcia's motion, Councilmember Reynolds' second, 6-0 Vote, Councilmember Epstein out of the room.

41. Set a public hearing to approve an ordinance waiving the water capital recovery fee in the amount of \$1,308, and a water connection fee in the amount of \$375.00 for property located at 1302 Barbergale Street. (Suggested date and time: September 10, 1992 at 5:00 p.m.) [Councilmember Gus Garcia]

42. Approve a resolution requesting the City Manager to produce annually a City-wide performance report and develop a performance based budgeting system; requiring departments to develop and use performance measurement systems and assigning the City Auditor responsibility for evaluating such reports. (Audit Subcommittee)

The Council directed the City Manager to schedule a work session on this.

#41-42 on Councilmember Garcia's motion, Councilmember Reynolds' second, 7-0 Vote.

43. Approve a resolution encouraging various local state and private organizations to work together to accomplish social service goals. (Mayor Bruce Todd)

On Councilmember Garcia's motion, Mayor Pro Tem Urdy's second, 6-0 Vote, Councilmember Epstein out of the room.

61. Approve a resolution requesting that the Planning Commission review and make recommendations regarding the \$8,000,000 BCCP CIP contingency proposal. (Councilmember Louise Epstein)

On Councilmember Epstein's motion, Councilmember Larson's second, 6-0 Vote, Councilmember Nofziger out of the room.

3:00 P.M. - MEETING OF THE AUSTIN HOUSING FINANCE CORPORATION

The Council, on Councilmember Garcia's motion, Councilmember Reynolds' second, recessed for the meeting of Austin Housing Finance Corporation from 3:17 to 3:23 P.M. 7-0 Vote.

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

44. C14-92-0072 - CITY OF AUSTIN ELECTRIC DEPARTMENT, by Site Specifics, 2526 Kramer Lane. From IP to P. Planning Commission Recommendation: To grant P, Public District zoning.
ORDINANCE

45. C14-92-0051 - FDIC, by Barry Campbell Engineering, 11500 to 11600 Jollyville Road. From I-SF-2 to MF-2. Planning Commission Recommendation: To grant MF-2-CO, Multifamily Residence (low density)- Conditional Overlay zoning limiting the density to 17.3 units-per-acre, and subject to the recommendations of the 7-17-92 Transportation memorandum from the Transportation Review Manager. Delete requirement to extend Salton Drive included in the Collector Street System in the Jollyville Road Area.

ORDINANCE

46. C14-92-0065 - FRIDAY MOUNTAIN JOINT VENTURE, by Bury & Pittman, U.S. Hwy. 290 West and Boston Lane. From DR to CS-CO Planning Commission recommendation: To grant RR, Rural Residential and CS-CO, Commercial Services-Conditional Overlay, subject to: (1) The development of the tract should be limited to the land uses and intensities which will not exceed or significantly vary from the projected traffic conditions assumed in the Traffic Impact Analysis prepared by WHM Transportation Engineering Consultants, Inc., dated June, 1992; (2) Applicant to post fiscal of \$9,000 to realign and widen the northbound approach of Southwest Parkway/Boston Lane to create a separate left turn lane; and (3) Restrictive Covenant requiring that field notes for 100-year floodplain be provided prior to issuance of Certificate of Occupancy, and the applicant will not object to a rollback to RR for the floodplain.

FIRST READING

#44-46 On Councilmember Garcia's motion, Mayor Pro Tem Urdy's second, 7-0 Vote.

47. C14-92-0067 - SUZY GALLAGHER, 808 East 51st Street. From SF-3 to CS. Planning Commission Recommendation: To grant CS-CO, Commercial Services-Conditional Overlay, zoning subject to: (1) prohibiting access to East 51st Street, excluding restaurants (drive-in, fast food); (2) limiting the Floor-To-Area Ratio for the following uses: General Retail Sales (General and Convenience) - 0.14; Restaurant (General) - 0.31; Restaurant (Limited) - 0.67; Food Sales - 0.51; and Financial Services - 0.22; and (3) dedication of 30 feet of right-of-way from the existing centerline of Depew Avenue if more permissive zoning is granted.

FIRST READING

48. C14-92-0066 - Samuel Payne, by Consort Inc., 11912 Arabian Trail. From SF-3 to GR. Planning Commission recommendation: To deny GR.

To be heard by Planning Commission on September 1, 1992;
Recommendation to follow.

POSTPONED - Applicant requested indefinite postponement for the second time.

49. C14-92-0069 - SANDFORD COMPANIES, by LZT Associates, 4604 and 4606 Connelly Street. From LO to CS.
WITHDRAWN

#47-49 on Councilmember Garcia's motion, Mayor Pro Tem Urdy's second, Councilmember Reynolds out of the room.

FINAL CITIZEN COMMUNICATIONS

Speakers were Christopher Fanuel, Anita Padilla, Fidelina Rivera, Susana Almanza, Robert Singleton and Lori Renteria.

PUBLIC HEARINGS AND APPROVAL OF ORDINANCES/RESOLUTIONS

50. 4:30 P.M. - Appeal of owner John L. Hiles and the Department of Planning and Development, of the Building Standards Board order of April 22, 1992 to vacate and demolish the buildings located at the front and rear of 900 East First Street (also known as 105 Brushy Street). (Councilmembers Gus Garcia and Bob Larson.)

Motion

The Council, on Councilmember Nofziger's motion, Councilmember Garcia's second, closed the public hearing. 6-0 Vote, Councilmember Epstein out of the room.

Motion

The Council, on Councilmember Larson's motion, Councilmember Garcia's second, DENIED the appeal and approved staff recommendation - buildings will be demolished in 60 days in the interest of public safety. 6-0 Vote, Councilmember Epstein out of the room.

51. 5:00 P.M. - Full purpose annexation of the Mo-Pac South annexation area, located at the northeast corner of the MoPac/U.S. 290 intersection (C7a-92-007).

The public hearing was closed, on Councilmember Garcia's motion, Councilmember Nofziger's second, 5-0 Vote, Mayor Pro Tem Urdy and Councilmember Epstein out of the room.

52. 5:30 P.M. - Approve a Flood Plain Management Plan and Repetitive Loss Reduction Plan as part of the National Flood Insurance Program's Community Rating System for the City of Austin. (Reviewed by Environmental Board)

Motion

The public hearing was closed on Councilmember Garcia's motion, Councilmember Reynolds' second, 5-0 Vote, Mayor Pro Tem Urdy and Councilmember Epstein out of the room.

Motion

The Council, on Councilmember Larson's motion, Councilmember Reynolds' second, adopted the resolution. 5-0 Vote, Mayor Pro Tem Urdy and Councilmember Epstein out of the room.

53. 7:00 P.M. - Approve Northwest Travis County Municipal Utility District No. 1's request for a 2,574 sq. ft. license agreement through dedicated parkland known as Upper Bull Creek Greenbelt in accordance with Sec. 26.001 of the Texas Parks and Wildlife Code.

Motion

The Council, closed the public hearing, on Councilmember Nofziger's motion, Mayor Pro Tem Urdy's second, 6-0 Vote, Councilmember Epstein out of the room.

Motion

After it was determined that all reasonable care has been taken to preserve the land in its normal state, Council approved, on Mayor Pro Tem Urdy's motion, Councilmember Nofziger's second, 6-0 Vote, Councilmember Epstein out of the room.

54. 7:30 P.M. - Proposed 1992-93 Operating Budget and Capital Improvements Program.

Motion

Public hearing continued to September 10, 1992 at 5:15 P.M. on Councilmember Garcia's motion, Councilmember Reynolds' second, 7-0 Vote.

EXECUTIVE SESSION (No Public Discussion on These Items)

Mayor Todd announced that Council would go into Executive Session, pursuant to Article 6252-17, Texas Revised Civil Statutes Annotated to receive advice from Legal Counsel, to discuss matters of land acquisition, litigation and personnel matters. No final action will be taken on any subject or matter unless specifically listed on the agenda for this meeting.

Advice from Counsel, Section 2, Paragraph e

55. Discuss settlement of a disputed claim filed by Reddico Construction Company.

Pending/Contemplated Litigation, Section 2, Paragraph e

56. Discussion of pending litigation claim by Estate of Fred Menchaca, et al v. City of Austin.

57. Jerry J. Quick, Kaira G. Quick, F.L. "Tag" Freitag, Jane McCray Freitag and Eli Garza v. City of Austin, in the District Court of Travis County, Texas.

Land Acquisition, Section 2, Paragraph f

58. Discussion of land purchase of Balcones Canyonland Conservation Plan.

RECESS FOR EXECUTIVE SESSION

Council recessed for Executive Session from 6:02 to 7:15 P.M.

ACTION ON THE FOLLOWING

59. Approve settlement of a disputed claim for additional costs submitted by Reddico Construction Company, Inc. for the U.S. Hwy. 183 48-Inch Transmission Main Relocation Phase I project

No action was taken.

60. APPOINTMENTS

The following board and commission appointments were made on Councilmember Garcia's motion, Councilmember Reynolds' second, 6-0 Vote, Councilmember Epstein out of the room.

BERGSTROM CONVERSION TASK FORCE - Gary Black
ECONOMIC DEVELOPMENT COMMISSION - Luis Jauregui and Lupe Perez
MH/MR PUBLIC RESPONSIBILITY COMMITTEE - Theresa Wright
RENAISSANCE MARKET COMMISSION - Marjorie Nadler
SOLID WASTE ADVISORY COMMISSION - Katharine Coley and John Rosato
URBAN FORESTRY BOARD - Forest Cook

10:00 P.M. - ADJOURN