



## Austin City Council MINUTES

DECEMBER 10, 1992 - 1:00 P.M.

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

Mayor Todd called to order the meeting of the Council, noting the absence of Councilmember Nofziger.

### MINUTES

(Approval of minutes was postponed.)

1. Approval of Minutes for Regular Meeting of December 3, 1992 and Special Meetings of November 9, 16, 18 (3:00 P.M.), 18 (6:15 P.M.), 19, 24, and December 2, 1992

### CITIZEN COMMUNICATIONS: GENERAL

2. Mr. Chico Gonzalez, to discuss treatment of homeless persons by the Salvation Army. Not present.
3. Reverend Samuel L. Hose, to address the problem of homelessness in Austin.
4. Mr. Joe Meador, to address the homeless issue and the need for a public shelter.
5. Ms. Lynn Goodman-Strauss Sanders, to discuss Christmas on the streets of Austin.
6. Mr. Henry Ratliff, to discuss City challenges.
7. Ms. Cindy Carroccio, to discuss the Humane Society and audit.
8. Ms. Mary Thurston, to discuss the Humane Society audit.
9. Mr. Patrick Sullivan, discuss the City's contract with the Humane Society and the City's audit of the Society.

10. Ms. Lauren Ornelas, to discuss the City's contract with the Humane Society.
11. Ms. Mimi Smith, to address the need for action to improve conditions and operations at the Animal Shelter.

**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.
13. Approve a resolution authorizing the execution of a Paying Agent/Registrar contract with Ameritrust Texas, N.A. in relation to such bonds.
14. Approve a resolution authorizing the redemption of certain outstanding bonds of the City of Austin.

#12-14 pulled off agenda.

**ITEMS CONTINUED FROM PREVIOUS MEETINGS**

15. Authorize negotiation and execution of a Phase III & Phase IV agreement with ENGINEERING-SCIENCE, INC., Austin, Texas, for design and construction phase engineering and associated services for the FM 812 Landfill Leachate Treatment and Slope Stabilization improvements, in the amount of \$335,000, for a total amount of \$510,098. (Funding is available in the 1992-93 operating budget of Solid Waste Services.) 13.09% MBE, 5.9% WBE Subcontractor participation. (Reviewed by Solid Waste Advisory Commission)

On Councilmember Garcia's motion, Councilmember Reynolds' second, 6-0 Vote, Councilmember Nofziger absent.

16. Approve second/third reading of an update to the Impact Fee CIP and Land Use Assumptions; amend the Impact Fee Service Area and Water and Wastewater Utility Service Area; and amend Chapter 13-3 and 13-3A, Land Development Code by approving and incorporating the amended Impact Fee CIP and Land Use Assumptions. (Reviewed by Water and Wastewater Commission and Planning Commission) (Recommended by Impact Fee Advisory Committee) [Public Hearing closed; no citizen sign-up]

**Alternate Motion - Second Reading Only**

Councilmember Garcia offered the following Alternate Motion,

seconded by Mayor Todd, regarding approval of impact fee update and service area boundaries through Second Reading Only as follows: (6-0 Vote, Councilmember Nofziger absent)

"I move approval of the staff proposal with the following changes:

1. That we exclude from the impact fee service area and water and wastewater utility service area the 142 acre tract of land south of County Road 170 (the One Seventy Center Development) that is served by the City of Round Rock; and

2. That the entirety of the Uplands Development be included in the impact fee service area and water and wastewater service areas; and

3. That Gaines Ranch be included in the water and wastewater utility service area but not the impact fee area and that we instruct staff to:

A) Commence proceedings immediately to annex Gaines Ranch for full purposes; and

B) Commence proceedings to bring before us at a later date an impact fee update that will include Gaines Ranch within the impact fee service area.

#### ORDINANCES

17. Approve full purpose annexation for the Brodie Lane South Area. (Funding is available in the 1992-93 operating budget for required services; estimated annual net revenue to the City is approximately \$100,000 in the second year following annexation.)

On Mayor Pro Tem Urdy's motion, Councilmember Garcia's second, 5-1-0 Vote, Councilmember Epstein voted No, Councilmember Nofziger absent.

18. Amend Ordinance No. 920604-A to adopt a supplement to the Code of the City of Austin, 1992.

On Councilmember Garcia's motion, Mayor Pro Tem Urdy's second, with the following amendment by Councilmember Garcia and accepted by Mayor Pro Tem Urdy: "Approval of the supplement to the City Code of 1992 with an amendment to Item 14 of the Water and Wastewater Utility Section of the appendix, Chapter 5-2, to reflect that the General Fund transfer shall not exceed 8% of water and wastewater utilities three year average revenues. This amendment would have the City Code reflect the City Council's action to include the transfer from 7% to 8% as was approved during the adoption of the budget." 6-0 Vote, Councilmember Nofziger absent.

Councilmember Garcia added, "In that same section there is reference

to a drainage fund, there is no reference to the drainage utility fund and the recommendation from Mary Arnold was that the Council needs to look at the policy and needs to update it to make sure it is consistent with the drainage utility."

#### RESOLUTIONS

19. Approve extension of the current lease with CleveTrust, Westlake, Ohio, for approximately 2,200 sq. ft. of office space located at 6800 Westgate Blvd. to be used by the Utility Customer Service Office, in an amount not to exceed \$23,166, with five (5) one (1) year options to extend in the amounts of \$1.17 per sq. ft., \$1.18 per sq. ft., \$1.21 per sq. ft., \$1.22 per sq. ft., and \$1.25 per sq. ft., respectively in years one through five. (Funding in the amount of \$23,166 for January 1993 through September 1993 is available in the 1992-93 operating budget for Utility Customer Service Office.)

On Councilmember Garcia's motion, Councilmember Reynolds' second, with a notation that the square foot amounts are per month rates. 6-0 Vote, Councilmember Nofziger absent.

20. Approve execution of two (2) twelve (12) month supply agreements for the purchase of copier and laser printer paper with the following vendors: MONARCH PAPER CO., Austin, Texas, in an amount not to exceed \$205,253; and CLAMPITT PAPER CO., Austin, Texas, in an amount not to exceed \$78,803.60, with options to extend each agreement for one (1) additional twelve (12) month period in amounts of \$205,253 and \$78,803.60 respectively, for a total contract amount not to exceed \$568,113.20. (Funding included in the 1992-93 operating budgets of various departments; funding for the extension options will be contingent upon available funding in future budgets.) Low bids of two (2). No M/WBE subcontracting opportunities were identified.
21. Approve execution of a twelve (12) month supply agreement with WILLAMETTE INDUSTRIES INC., Austin, Texas, for recycled paper supplies used by various City departments, in an amount not to exceed \$46,327.65, with two (2) twelve (12) month extension options in an amount not to exceed \$46,327.65 per extension, for a total amount not to exceed \$138,982.95. (Funding included in the Financial Services Department operating budget; funding for the extension options is contingent upon available funding in future budgets.) Low bid of six (6). No M/WBE subcontracting opportunities were identified.
22. Approve execution of a twelve (12) month supply agreement with EAGLEBROOK INC., Alamo, Texas, for the purchase of 1,130,700 lbs. of liquid ferric sulfate to be used as a coagulant in the water treatment process in an amount not to exceed \$551,216.25, with two (2) twelve (12) month extension options in an amount not to exceed

\$551,216.25 per extension option for a total amount not to exceed \$1,653,648.75. (Funding in the amount of \$459,346.90 available in the 1992-93 operating budget of the Water and Wastewater Utility; funding for the remaining amount of the original contract and the extension options is contingent upon available funding in future budgets.) Low bid of three (3) meeting specification. No M/WBE subcontracting opportunities were identified. (Recommended by Water and Wastewater Commission) Reference IFB No. 921130-1R0.

#20-22 on Councilmember Garcia's motion, Councilmember Reynolds' second, 6-0 Vote, Councilmember Nofziger absent.

23. Approve a construction contract award to ROYCE CONSTRUCTION COMPANY, Round Rock, Texas, for renovation of a 2,970 square foot building at Robert Mueller Municipal Airport to be used by Airport Police and the Fire Department as a training facility, in the amount of \$253,800. (Funding included in the 1991-92 Capital Budget of the Aviation Department.) Low bid of nine (9). 4.69% MBE, 0.45% WBE Subcontractor participation. (Recommended by Airport Advisory Board)

Pulled off agenda.

24. Approve execution of a twelve (12) month contract with WEATHER-RITE, Austin, Texas, for weatherization and noise abatement services for up to fifty (50) homes for residents of the Holly Street Power Plant neighborhood in an amount not to exceed \$200,000, which includes an option to extend the contract for an additional three (3) month period. (Funding included in the 1992-93 Environmental and Conservation Services Energy Conservation Rebates and Incentives Fund Operating budget.) Low bidder of four (4) meeting specifications. No MBE/WBE subcontracting opportunities were identified. (Recommended by Resource Management Commission)

On Councilmember Garcia's motion, Councilmember Epstein's second, with an amendment by Councilmember Garcia and accepted by Councilmember Epstein as follows: "The client qualification criteria include proximity to the Holly Street plant for this contract only." 6-0 Vote, Councilmember Nofziger absent.

Humane Society (items 25,26)

25. Approve execution of a contract extension with the Austin Humane Society for public pound services until January 30, 1993. (Funding included in the 1992-93 operating budget of the Health and Human Services Dept.)

Pulled off agenda.

26. Approve negotiation and execution of a one (1) year contract with a new subsidiary corporation of the Humane Society of Austin/Travis County for animal public pound services in an amount not to exceed \$677,425, with four (4) twelve (12) month extension options in an amount to be negotiated. (Funding in the amount of \$677,425 available in the 1992-93 operating budget of the Health and Human Services Department; funding for the extension options is contingent upon available funding in future budgets.)

On Councilmember Epstein's motion, Councilmember Garcia's second, 4-0 Vote, Councilmembers Epstein and Reynolds out of the room, Councilmember Nofziger absent.

#### RECESS

Council recessed from 4:25 to 4:38 P.M., on Councilmember Garcia's motion, Councilmember Reynolds' second, 6-0 Vote, Councilmember Nofziger absent.

#### RESOLUTIONS - (Continued)

27. Approve negotiation and execution of a twenty-four (24) month contract with Rayford Price & Associates, to provide lobbying services for the City of Austin during the 73rd Session of the Texas Legislature, in an amount not to exceed \$174,000.00, with two (2) twenty-four (24) month extension options in an amount not to exceed \$174,000.00 per extension for a total not to exceed \$522,000.00.
28. Approve Change Order #5 to CAPITAL EXCAVATION, Austin, Texas, for additional construction of driveways and waterline improvements from Ben White Boulevard to Montopolis Drive, as part of the Burleson Road Improvements Project, in the amount of \$11,365.38, for a total contract of \$1,862,614.83. (Funding in the amount of \$7,050.25 included in the 1991-92 Capital Budget for the Water and Wastewater Utility; \$4,315.13 included in the 1991-92 Capital Budget for Public Works.) (Recommended by Water and Wastewater Commission)
29. Approve the selection of TURNER, COLLIE & BRADEN, Austin, Texas, to provide professional engineering and associated services for the Govalle Wastewater Treatment Plant D Electrical and Associated Renovations Project, in the amount of \$125,000. (Funding included in the 1991-92 Water and Wastewater Utility Capital Budget.) Best qualification statement of seven (7). 10% MBE, 5% WBE Subcontractor participation. (Recommended by Water and Wastewater Commission)
30. Authorize a \$175,000 loan from 17th Year Community Development Block Grant (CDBG) Housing for the Homeless Program funds to the Austin Housing Finance Corporation for the acquisition and architectural development of 4606 Connelly Street, which will be utilized to

provide housing for homeless families. (Funding available in the 17th Year CDBG budget for the Department of Planning and Development.)

[Recommended by Housing Subcommittee]

31. Authorize a \$79,321 grant from 17th Year Housing Implementation Program Community Development Block Grant funds to the Austin Housing Finance Corporation for the demolition of the Interregional Apartments located at 3005 East 12th Street. (Funding available in the 17th Year CDBG budget for the Department of Planning.)  
[Recommended by Housing Subcommittee]
32. Authorize the acquisition of the Meadow Glen Apartments located at 7418 Cameron Road from the Resolution Trust Corporation and resale of the property to the Austin Housing Finance Corporation which will solicit proposals from qualified low income housing providers who wish to purchase the property for a price not to exceed the lesser of \$292,600 or the appraised value of the property. (Funding available in the 18th Year Community Development Block Grant)  
[Recommended by Housing Subcommittee]

#### ITEMS FROM COUNCIL

33. Direct the City Manager to initiate historic zoning for the cemetery site located at 2107 Goodrich Avenue. (Mayor Pro Tem Charles Urdy)  
  
#27-33 on Councilmember Garcia's motion, Councilmember Reynolds' second, 6-0 Vote, Councilmember Nofziger absent.

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

Council recessed from 3:30 to 3:50 P.M. for the meeting of the Austin Housing Finance Corporation.

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

34. C14-92-0091 - FIRST GIBRALTER BANK (Craig A. Johnson), by Graves, Dougherty, Hearon (Wm. Terry Bray), 5312-5606 East Ben White Boulevard. From SF-2 to LI. Planning Commission Recommendation: To Grant LI-CO, Limited Industrial Services-Conditional Overlay, zoning subject to the requirements and conditions determined by the Transportation Review Section, and reservation of up to 150' of right-of-way from the future centerline of South Highway 71 East (East Ben White Boulevard) as reflected by the approved highway plans. The conditional overlay will require the following: Limiting building heights to 45', but when set back from the perimeter boundary lines of East Oltorf Street and Alvin Devane Boulevard, buildings may exceed this height by one foot for each one foot of setback, not to exceed sixty feet (60'). The height limitation set forth in this paragraph does not apply to signs or water towers,

which may be of such heights as AMD shall determine in accordance with local ordinances.

**FIRST READING**

35. C14-92-0092 - FIRST GIBRALTER BANK (Craig A. Johnson), by Graves, Dougherty, Hearon (Wm. Terry Bray), 3201-3299 Alvin Devane Boulevard. From SF-2 to LI. Planning Commission Recommendation: To Grant LI-CO, Limited Industrial Services-Conditional Overlay, zoning subject to the requirements and conditions determined by the Transportation Review Section, and reservation of up to 150' of right-of-way from the future centerline of South Highway 71 East (East Ben White Boulevard) as reflected by the approved highway plans. The conditional overlay will require the following: Limiting building heights to 45', but when set back from the perimeter boundary lines of East Oltorf Street and Alvin Devane Boulevard, buildings may exceed this height by one foot for each one foot of setback, not to exceed sixty feet (60'). The height limitation set forth in this paragraph does not apply to signs or water towers, which may be of such heights as AMD shall determine in accordance with local ordinances.

**FIRST READING**

36. C14-92-0093 - FIRST GIBRALTER BANK (Craig A. Johnson), by Graves, Dougherty, Hearon (Wm. Terry Bray), 5501-5603 East Oltorf and 2801-2917 Alvin Devane Boulevard. From GR to LI. Planning Commission Recommendation: To Grant LI-CO, Limited Industrial Services-Conditional Overlay, zoning subject to the requirements and conditions determined by the Transportation Review Section, and reservation of up to 150' of right-of-way from the future centerline of South Highway 71 East (East Ben White Boulevard) as reflected by the approved highway plans. The conditional overlay will require the following: Limiting building heights to 45', but when set back from the perimeter boundary lines of East Oltorf Street and Alvin Devane Boulevard, buildings may exceed this height by one foot for each one foot of setback, not to exceed sixty feet (60'). The height limitation set forth in this paragraph does not apply to signs or water towers, which may be of such heights as AMD shall determine in accordance with local ordinances.

**FIRST READING**

37. C14-92-0094 - FIRST GIBRALTER BANK (Craig A. Johnson), by Graves, Dougherty, Hearon (Wm. Terry Bray), 5303-5413 East Oltorf and 2800-2900 Alvin Devane Boulevard. From GR to LI. Planning Commission Recommendation: To Grant LI-CO, Limited Industrial Services-Conditional Overlay, zoning subject to the requirements and conditions determined by the Transportation Review Section, and reservation of up to 150' of right-of-way from the future centerline of South Highway 71 East (East Ben White Boulevard) as reflected by the approved highway plans. The conditional overlay will require the following: Limiting building heights to 45', but when set back



from the perimeter boundary lines of East Oltorf Street and Alvin Devane Boulevard, buildings may exceed this height by one foot for each one foot of setback, not to exceed sixty feet (60'). The height limitation set forth in this paragraph does not apply to signs or water towers, which may be of such heights as AMD shall determine in accordance with local ordinances.

**FIRST READING**

#34-37 on Councilmember Garcia's motion, Councilmember Epstein's second, 5-0-1 Vote, Councilmember Nofziger absent, Councilmember Reynolds abstained due to conflict of interest. All cases concerned with Advanced Micro Devices and will be brought back for second and third reading on December 17, 1992.

**RECESS** - Council recessed from 6:32 to 7:14 P.M. on Mayor Pro Tem Urdy's motion, Councilmember Larson's second, 5-0 Vote, Councilmember Reynolds out of the room, Councilmember Nofziger absent.

**FINAL CITIZEN COMMUNICATIONS**

Speakers were Danielle Jaussaud, Jeff Richardson, Robert Singleton, Al St. Louis, Tom Wolfe, Robert Brandes, Mark Nowacki and Jeff Richardson.

**PUBLIC HEARINGS AND APPROVAL OF ORDINANCES/RESOLUTIONS**

38. 4:30 P.M. - Amend Chapters 13-1 and 13-8 of the Land Development Code by eliminating duplicative language and simplifying notice provisions for Chapter 13-8 appeals (Technical Codes). Recommended by the Planning Commission, 9-0 Vote.

**Motion**

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

**Motion**

The Council, on Councilmember Epstein's motion, Councilmember Garcia's second approved amending Chapters 13-1 and 13-8 of the Land Development Code by eliminating duplicative language and simplifying notice provisions for Chapter 13-8 appeals (Technical Codes). 5-0 Vote, Mayor Pro Tem Urdy out of the room, Councilmember Nofziger absent.

39. 5:00 P.M. - Proposed annual Comprehensive Housing Affordable Strategy (CHAS). (Reviewed by Austin Housing Authority; To be Reviewed by Housing Subcommittee on December 16, 1992)

Public hearing closed, on Councilmember Epstein's motion, Councilmember Garcia's second, 5-0 Vote, Councilmember Reynolds out of the room, Councilmember Nofziger absent.

40. 5:30 P.M. - Consideration of the application by Lifeline Ambulance, Inc. for a non-emergency medical transfer service franchise. (Recommended by the Urban Transportation Commission; Reviewed by Quality Assurance Team)

Motion

The Council, on Councilmember Garcia's motion, Mayor Pro Tem Urdy's second, closed the public hearing, 6-0 Vote, Councilmember Nofziger absent.

Motion - Died for Lack of Second

Councilmember Larson made a motion to approve staff recommendation and grant application. Motion died for lack of second.

41. 6:45 P.M. - Approve a license agreement with the Austin Independent School District for the temporary placement of portable class rooms and for a construction easement through dedicated parkland known as Stacy Park in accordance with Sec. 26.001 et. seq. of the Texas Parks and Wildlife Code. (Recommended by Parks Board)

Motion

The Council on Councilmember Garcia's motion, Councilmember Reynolds' second, closed the public hearing. 6-0 Vote, Councilmember Nofziger absent.

Motion

The license agreement was approved, on Councilmember Reynolds' motion, Councilmember Garcia's second, 6-0 Vote, Councilmember Nofziger absent.

EXECUTIVE SESSION (No Public Discussion on These Items)

Executive session was held in the morning in the Mayor's office.

The City Council will announce that it will go into Executive Session, if necessary, 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.

Personnel Matters - Section 2, Paragraph g

42. Discussion of Annual Performance Review/1993 Compensation and Benefits Package of the Municipal Court Clerk.

Land Acquisition - Section 2, Paragraph f

43. Review and discussion of real property acquisitions for the Balcones Canyonlands Conservation Plan.

Advice From Counsel - Section 2, Paragraph e

44. Proposed amendments to consent agreements with Austin Municipal Utility Districts 1, 2, and 3 and Markborough, Texas, Inc.

ACTION ON THE FOLLOWING

45. Approve the 1993 Compensation and Benefits Package of the Municipal Court Clerk.

Approved 3% increase (\$2,100.00), on Councilmember Garcia's motion, Councilmember Reynolds' second, 6-0 Vote, Councilmember Nofziger absent.

46. Approve negotiation and execution of a contract for the purchase of six tracts of land from the Resolution Trust Corporation through the Texas Nature Conservancy for the Balcones Canyonlands Conservation Plan.

Approved in the amount of \$8,000,000.00, on Councilmember Garcia's motion, Councilmember Larson's second, 6-0 Vote, Councilmember Nofziger absent.

ADJOURN - Council adjourned its meeting at 9:22 P.M. on Councilmember Reynolds' motion, Councilmember Garcia's second, 6-0 Vote, Councilmember Nofziger absent.

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