



Austin City Council MINUTES

JULY 20, 1995

Mayor Todd called the meeting to order, Councilmembers Reynolds, Nofziger and Mitchell temporarily absent.

1. Approval of Minutes for Regular Meeting of July 13, 1995 and Worksession of July 12, 1995 and Executive Session of July 13, 1995

Approved with corrections on Mayor Pro Tem Garcia's motion, Councilmember Goodman's second, 4-0 vote, Councilmembers Reynolds, Nofziger and Mitchell temporarily absent.

CITIZEN COMMUNICATIONS: GENERAL

2. Mr. Gus Pena, to discuss revitalization of East Austin economy. Request task force to include City officials and East Austin residents to address health, human social service issues and public safety in East Austin. Also to include youth and senior citizen issues. Increase parks' police.
3. Mr. Bob Torres, to discuss problems with the soup kitchen in East Austin. Address East Austin concerns.
Not present
4. Mr. Atanacio Esquivel, move soup kitchen from East Austin. Increase funding for summer job programs at Parks and Recreation. Increase parks' police.
Not present
5. Mrs. Flora Vasquez, to better East Austin conditions. Address problems with the soup kitchen.
Not present
6. Mr. James A. Fuentes, assist Montopolis in revitalizing the economy there. To request assistance to better conditions in Montopolis.
Not present
7. Mr. Joe Quintero, to address problems with the soup kitchen on East Cesar Chavez and San Marcos streets. To discuss safety of children in this area from transients, etc.
8. Mrs. Carmen Quintero, to address removal of soup kitchen from East Austin. To discuss children's safety in the soup kitchen area and also in East Austin.
9. Ms. Melissa Quintero, to discuss public safety in East Austin specifically near the soup kitchen area. Request to set up a task force to address safety, economy, and other concerns in East Austin.
10. Mr. Gerald Daugherty, to discuss Cap Metro with relationship or relevance to 95/96 budget.
11. Mr. Charlie Waits, to discuss City matters.

ITEMS CONTINUED FROM PREVIOUS MEETINGS

12. Approve the selection of THE BOWER DOWNING PARTNERSHIP, INC., Austin, Texas, for negotiation and execution of a professional services agreement to provide architectural design and construction phase services for the Rebekah Baines Johnson (RBJ) First Floor Renovations, in the amount of \$194,000. (Funding was included in the 1994-95 Capital Budget of the Health and Human Services Department.) Best qualification statement of seventeen (17). 10% MBE, 5% WBE Subconsultant participation.

Motion made to the selection of Laurie Smith Design Associates, approved on Councilmember Nofziger's motion, Councilmember Goodman's second, 5-1-1 vote, Mayor Todd voting "NO", Councilmember Mitchell abstaining.

13. Approve negotiation and execution of a developer agreement to reimburse FMP Operating Company for the construction of certain water system improvements to serve the Lantana tract and existing utility customers. The City's cost participation for oversizing some water mains and City reimbursement for some of the system improvements amount to approximately \$4,011,500. (The Utility will reimburse FMP Operating Company in three annual payments of \$1,337,167 each from current revenues of the Water Utility in 1996-97, 1997-98 and 1998-99. The Utility estimates it will receive additional revenue of approximately \$2.3 million annually from the sale of water and wastewater services to the Lantana tract.) (Reviewed by Water and Wastewater Commission)

Substitute motion to read item as is on Councilmember Mitchell's motion, Councilmember Reynolds' second, 3-4 vote, Mayor Todd, Mayor Pro Tem Garcia, Councilmembers Nofziger, Shea, and Goodman voting "NO".

Motion fails on a 3-4 vote.

Motion to send back to Water & Wastewater Commission to restructure reimbursement language, line size, capacity and to return to Council on August 17, 1995, on Councilmember Shea's motion, Councilmember Goodman's second, 4-3 vote, Mayor Todd, Councilmembers Reynolds and Mitchell voting "NO".

14. Approve a resolution deleting the Commercial Energy, Multi-Family Energy, Multi-Family Water and Commercial Water Rebate Programs, except as they apply to the Austin Independent School District, and make available additional funds toward upgrading essential city needs such as Police, Fire and EMS and in subsequent years on paying off existing debt in the Electric Utility Department. (Councilmember Eric Mitchell)

Motion to approve on Councilmember Mitchell's motion, Councilmember Reynolds' second, 2-4-1 vote, Mayor Pro Tem Garcia and Councilmembers Goodman, Nofziger and Shea voting "NO", Mayor Todd abstaining.

Motion fails.

Substitute motion by Mayor Pro Tem Garcia that the City of Austin has an ambitious energy and Water Conservation Program aimed at sustainability and effective resource management; Council's desire to insure that such a program meet the test of prudent fiscal management as well as energy and water conservation; council's

desire to maintain a program that meets the approval of the community; and that in Fiscal Year 95-96 and before the issuance of the 96-97 draft policy budget, the City Manager is directed to conduct a critical evaluation of the City's energy and Water Rebate Programs and Policies to determine the suitability of the program given the assumptions stated above and that the City Council will appoint a Citizen Committee to advise the Council on the issues covered by this resolution, with a friendly amendment by Councilmember Nofziger to look at targeting rebates to small businesses, on Mayor Pro Tem Garcia's motion, Councilmember Shea's second, 6-0-1 vote, Councilmember Mitchell abstaining.

ORDINANCES

15. Amend Part IA of Ordinance No. 940912-G by revising the classifications for City of Austin firefighters to reflect civil service staffing changes due to the opening of the new fire station located on Burleson Road; and by deleting two (2) administrative Division Chiefs and adding an Assistant Chief and a Battalion Chief. (The total number of positions authorized remains unchanged. Funding in the amount of \$83,322 is available in the 1994-95 operating budget of the Austin Fire Department.)
Ordinance No. 950720-A approved on Councilmember Shea's motion, Mayor Pro Tem Garcia's second, 7-0 vote.
16. Amend Ordinance No. 940912-E, the 1994-95 Capital budget of the Department of Public Works and Transportation, by 1) increasing transfers to the Capital budget by \$410,421.51; 2) creating a Forsythia/Bluegrass and Simmons Community Facilities account; and 3) appropriating \$410,421.51 to the new account (\$397,329.66 in letter of credit proceeds and \$13,091.85 in accrued interest) which is located in the Fiscal Surety accounts in the Planning and Development Department.
(Related to Item 17)
Postponed one week to July 27, 1995

RESOLUTIONS

17. Authorize the negotiation and execution of a Community Facilities Contract with AUSTIN 360 ASSOCIATES, SPICEWOOD SPRINGS JOINT VENTURE, AND SPICEWOOD SPRINGS ASSOCIATES to effect the construction of a section of Forsythia Drive, Bluegrass Drive and Simmons Road, with the City's cost participation not to exceed \$410,421.51. (Funding was included in the 1994-95 Amended Capital budget of the Public Works and Transportation Department.)
[Related to Item 16]
Postponed one week to July 27, 1995
18. Approve a twelve (12) month agreement with STATE OF TEXAS PURCHASING AND GENERAL SERVICES COMMISSION, Austin, Texas, for TEX-AN network long distance telephone services to all City Departments, in an estimated amount not to exceed \$279,500 with one (1) twelve (12) month extension option in an estimated amount of \$307,450, for a total amount of \$586,950. [Funding in the amount of \$23,292 is available in the 1994-95 operating budget of various City departments. The remaining eleven (11) months of the contract and the extension options is contingent upon available funding in future budgets.]
Approved

19. Approve execution of a twelve (12) month supply agreement with AAMCO TRANSMISSIONS, Austin, Texas, for the purchase and installation of automatic rebuilt transmissions for the City's fleet, in an amount not to exceed \$125,000 with two (2) twelve (12) month extension options in an amount not to exceed \$125,000 per each extension, for a total amount not to exceed \$375,000. [Funding in the amount of \$20,833 is available in the 1994-95 operating budget of the Fleet and Radio Maintenance Fund. Funding for the remaining ten (10) months of the contract 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

20. Approve negotiation and execution of a contract with STEIN AND COMPANY, Chicago, Illinois, for a market and financial feasibility study for the Palmer Auditorium/City Coliseum renovation/Convention Center expansion, in an amount not to exceed \$75,065. (Funding is available in the 1994-95 operating budget of the Austin Convention Center Department.) Best proposal of three (3). No M/WBE Subcontracting opportunities were identified.

Approved

21. Approve execution of a twelve (12) month supply agreement with LEIF JOHNSON FORD TRUCK CITY, Austin, Texas, for the purchase of repair parts for the Ford heavy trucks in the City's fleet, in an amount not to exceed \$150,000 with two (2) twelve (12) month extension options in an amount not to exceed \$150,000 per extension, for a total amount not to exceed \$450,000. [Funding in the amount of \$25,000 is available in the 1994-95 operating budget of the Fleet and Radio Maintenance Fund. Funding for the remaining ten (10) months of the contract and the extension options is contingent upon available funding in future budgets.] Single bid. No M/WBE Subcontracting opportunities were identified.

Approved

22. Approve execution of a twelve (12) month supply agreement with GOLDWAITE'S OF TEXAS, San Antonio, Texas, for the purchase of repair parts to be used in the maintenance of riding mowers used by the Parks and Recreation Department at City parks and golf courses, in an amount not to exceed \$65,000 with two (2) twelve (12) month extension options in an amount not to exceed \$65,000 per extension, for a total amount not to exceed \$195,000. (Funding in the amount of \$4,062.50 is available in the 1994-95 operating budget of the Finance and Administrative Services Materials Management. \$12,187.50 is available in the 1994 operating budget of the Parks and Recreation Department. Funding for the remaining nine (9) months and the extension options is contingent upon available funding in future budgets.) Single Bid. No M/WBE Subcontracting opportunities were identified.

Approved

23. Approve execution of a twelve (12) month supply agreement with GIFFORD-HILL AND COMPANY, INC., Austin, Texas, for the purchase of reinforced concrete pipe required for the repair and replacement of the City's storm sewer drainage system, in an amount not to exceed \$37,426.63 with two (2) twelve (12) month extension options in an amount not to exceed \$37,426.63 per extension, for a total amount not to exceed \$112,279.89. [Funding in the amount of \$6,237.77 is available in the 1994-95 operating budget of the Drainage Utility. Funding for the remaining ten (10) months of the contract and the extension options is contingent upon available funding in future budgets.] Single bid. No M/WBE Subcontracting opportunities were identified.

Approved

24. Approve execution of a contract with LODAL, INC., Kingsford, Michigan, for the purchase of four (4) recycle collection trucks to be used by Solid Waste Services, in an amount not to exceed \$416,656. (Funding was included in the 1994-95 Capital budget of the Solid Waste Services.) Sole Source. No M/WBE Subcontracting opportunities were identified.

Approved

25. Approve the filing of eminent domain proceedings to acquire fee simple interest to a parcel of land containing 7.004 acres of land out of The Ayres Moody Survey No. 168 in Travis County, Texas, owned by Gordon W. Smith and wife, Lois M. Smith for the Land Acquisition Program, New Austin Airport at Bergstrom Project, in the amount of \$80,000. (Funding was included in the 1994-95 Capital budget of the Aviation Department.)

Approved

Items 18 through 25 approved on Councilmember Shea's motion, Mayor Pro Tem Garcia's second, 7-0 vote.

26. Authorize negotiation and execution of an agreement with AUSTIN CARGOPORT DEVELOPMENT, LLC, for the development and operation of a 200,000 square feet air cargo warehouse and associated infrastructure at Austin-Bergstrom International Airport. (Estimated cost to the City over the 20 year period is \$6,665,817 which will be budgeted from Aviation revenue in future years.) Sole proposal. 27.02% MBE, 5.64% WBE Subcontractor participation. (Reviewed by Airport Advisory Board)

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

27. Approve execution of a contract with SABREDATA, INC., Austin, Texas, for the procurement and installation of cabling for the Southeast Service Center of the Water and Wastewater Utility, located at 3907 South Industrial Blvd., in an amount not to exceed \$85,430. (Funding was included in the 1994-95 Capital budget of the Water and Wastewater Utility.) [Recommended by Water and Wastewater Commission]

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

28. Set a public hearing on the Juvenile Curfew Ordinance. (Suggested date and time: August 3, 1995 at 5:00 p.m.)

Postponed indefinitely

ITEMS FROM COUNCIL

29. Waive the four foot cut and fill limitation of Land Development Code Section 13-3-16 for Site Plan Case SP-95-0130C, Tokyo Electron America, Inc. and Trammell Crow Company, located at 2400 Grove Boulevard. [Mayor Bruce Todd, Mayor Pro Tem Gus Garcia and Councilmember Jackie Goodman]

Approved

30. Approve a resolution supporting federally funded legal service programs. (Mayor Pro Tem Gus Garcia and Mayor Bruce Todd)
Approved

Items 29 and 30 approved on Councilmember Shea's motion, Mayor Pro Tem Garcia's second, 7-0 vote.

3:30 P.M. - BOARD OF DIRECTOR'S MEETING OF 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. Item 31 is the AHFC item to be considered by the Austin Housing Finance Corporation's Board of Directors.

31. Presentation to the Board by Samuel Biscoe, President, Travis County Housing Finance Corporation (TCHFC) on the status of TCHFC's 1994 Single Family Mortgage Revenue Refunding Bonds Series A and B.

Motion to close hearing on Mayor Pro Tem Garcia's motion, Councilmember Shea's second, 6-0 vote, Councilmember Nofziger temporarily off the dais.

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

32. C14-95-0035 - THOMAS & JULIE CAMPBELL/JACK & DORIS MCCOWAN, 801 W. St. Elmo Road. From SF-3 to GO. Planning Commission Recommendation: To Grant LO, Limited Office, zoning subject to limiting development to generate less than 2,000 vehicle trips per day, and dedication of 30 feet of right-of-way from the existing centerline of St. Elmo Road, and prohibit access to Vinson Drive.

Motion to deny on Councilmember Goodman's motion, Councilmember Shea's second.

Item withdrawn by applicant. No action required; Owner cannot file an application for GO or more permissive zoning for 12 months, (after July 20, 1996).

33. C14-95-0041 - TEXAS COMMERCE NATIONAL BANK (Joe Griffith), by Bury & Pittman (Greg Strmiska), 5316 W. U.S. Hwy. 290. From SF-2 & DR to IP. Planning Commission Recommendation: To Grant IP-CO, Industrial Park-Conditional Overlay zoning, subject to: (1) dedication of 35 feet of right-of-way from the existing centerline of Boston Lane; (2) limit development to generate less than 2,000 vehicle trips per day or an approved T.I.A.; (3) maximum height of 40 feet; and (4) prohibit the following uses - Automotive Rentals, Automotive Sales, Automotive Repair Services, Construction Sales and Service, Convenience Storage, Off-site Accessory Parking, Outdoor Entertainment, Outdoor Sports and Recreation, Restaurant (drive-in, fast food), Restaurant (limited), Restaurant (general), Service Station, Vehicle Storage, and Railroad Facilities. Further subject to: (1) Comprehensive Watershed Ordinance and 941205-A; (2) xeriscape landscaping; and (3) an Integrated Pest Management Program.

Approve Planning Commission recommendation; first reading only; applicant to consider a rollback if uses cease; to be explored prior to 2nd and 3rd readings.

34. C14-95-0003 - A.G. SPANOS CONSTRUCTION CORP. (Barry Ruhl), by Gillingwater Properties (Barry Gillingwater), Spicewood Springs Rd. & Four Iron Dr. From SF-2 to SF-6. Planning Commission Recommendation: To Grant SF-6, Townhouse and Condominium Residence zoning, subject to the dedication of 60 feet of right-of-way from the existing centerline of Spicewood Springs Road. Further subject to: (1) provide a 35 foot building setback along Spicewood Springs Road; (2) provide a 40 foot buffer extending from Spicewood Springs Road to Four Iron Drive.

Postponed to August 24, 1995 as requested by the neighborhood.

35. C14-94-0176 - HARVEY W. DOERRING CO., by Accelerated Architects (Ken Small), 3300 to 3500 West Parmer Lane. From LO-CO to LO-CO. Planning Commission Recommendation: To Grant LO-CO, Limited Office zoning with an amended conditional overlay. The amended conditional overlay limits the following: (1) maximum development of 0.237 to 1 Floor-to-area ratio (96,000 square feet); (2) limit development to generate less than 2,000 vehicle trips per day; (3) provide a 50 foot buffer along the northern property line in accordance with the screening standards of the Environmental Criteria Manual; (4) a height limitation of 35 feet or two stories; (5) provide a 6 foot high solid fence along the north property line, where the LO zoned property abuts the residentially zoned property; (6) prohibit access off Cattle Trail and Red Clover Lane; and (7) prohibit the following uses - Club or Lodge.

Ordinance No. 950720-B approved

36. C14-94-0143 - OSGOOD HEATING & AIR CONDITIONING (Nancy Osgood), by Graves, Dougherty & Hearon (David Herndon), 10933 to 10937 Jollyville Road. From LO & SF-2 to CS. Planning Commission Recommendation: To Grant GO-CO, with the provision of the overlay prohibiting Medical Offices.

Postponed to August 3, 1995

37. C14-82-213 - JOHN & NANCY OSGOOD, by Graves, Dougherty & Hearon (David Herndon), 10829 Jollyville Road. Request for restrictive covenant amendment. Planning Commission Recommendation: To Grant amendment to the Restrictive Covenant to allow the property to be sold or conveyed without causing a zoning rollback on the building foot- print to LO.

Approved

Items 33 through 37 approved on Mayor Pro Tem Garcia's motion, Councilmember Shea's second, 7-0 vote.

38. C14-94-0144 - FM PROPERTIES OPERATING CO. (Charles Holmes), by Strasburger & Price (David Armbrust), Southwest Parkway and Wier Hills Road. From P and I-RR to SF-2. Planning Commission Recommendation: To Grant SF-2 and RR, subject to dedication of up to 30 ft. of right-of-way from the centerline of Weir Hills Road.

Postponed to August 24, 1995

39. C14H-95-0005 - W. H. DAVIS HOUSE, by Edward Tuddenham, 1203 Newning Avenue. From SF-3 to SF-3-H. Planning Commission Recommendation: To Grant SF-3-H.

Ordinance No. 950720-C approved, on Mayor Pro Tem Garcia's motion, Councilmember Shea's second, 7-0 vote.

40. C14-94-0147 - BILL WALTERS, by Land Strategies (Paul Linehan), 2900 to 3200 Blocks West William Cannon (North Side) between Deaton Hill Drive and Stage Coach Trail. From SF-2 to MF-2. Planning Commission Recommendation: To Grant MF-2-CO, with the provision of the overlay to limit the density to 12.4 units per acre.
Approve Planning Commission's recommendation (density of 12.44 units per acre); first reading only, on Councilmember Mitchell's motion, Mayor Pro Tem Garcia's second, 7-0 vote.
41. C14-95-0053 CENTRAL TEXAS REGIONAL BLOOD BANK (Trudell Green), by Ray Wilkerson Companies (Jim Spence), 4309 to 4311 Marathon Boulevard. From SF-3 to GO-MU. A petition has been filed in opposition to this request of 29.81%. Planning Commission Recommendation: To deny GO-MU.
Approved GO-MU zoning offered by the applicant with conditions of prohibiting all GO uses except off-site parking and civic uses and posting fiscal for a fence; first reading only, on Councilmember Reynolds' motion, Councilmember Mitchell's second, 5-0-2 vote, Councilmembers Shea and Goodman abstaining.

TO BE HEARD BY PLANNING COMMISSION ON JULY 18, 1995; RECOMMENDATION TO FOLLOW

42. C14-95-0060 - JACK DALTON, by Chip Kidd Realty Services (Chip Kidd), 2400 Riddle Road. From DR to SF-3. Planning Commission Recommendation: To grant SF-3. 7-0
Ordinance 950720-C
Approved on Mayor Pro Tem Garcia's motion, Councilmember Shea's second 7-0 vote.

PUBLIC HEARING AND APPROVAL OF ORDINANCES/RESOLUTIONS

43. 5:00 P.M. - Public Hearing on the Encampment Ordinance.

Speaker cards on file at City Clerk's Office.

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.

Staff Briefing - Section 551.075

44. Status report on Austin Police Department's re-engineering proposals. (City Council deliberation is not permitted under Section 551.075)
45. Staff briefing on airport construction issues. (City Council deliberation is not permitted under Section

551.075)

46. APPOINTMENTS

CAPITAL METROPOLITAN TRANSIT AUTHORITY BOARD - BOBBIE BARKER, STACY
DUKES-RHONE, MICHAEL VAN OHLEN
PARKS AND RECREATION BOARD - HERMALINDA ZAMARRIPA

Approved on Mayor Pro Tem Garcia's motion, Councilmember Goodman's second, 6-0-1 vote,
Councilmember Mitchell abstaining.

ADJOURNED at 10:27 p.m. on Councilmember Mitchell's motion, Councilmember Reynolds second, 5-0
vote, Mayor Todd and Councilmember Nofziger absent.

Approved on this the 27th day of July, 1995, on Mayor Pro Tem Garcia's motion, Mayor Todd's
second, 7-0 vote.