



Austin City Council MINUTES

THURSDAY, JANUARY 16, 1997

Mayor Pro Tem Garcia called the meeting to order, noting the temporary absence of Councilmember Slusher and the absence of Mayor Todd.

1. Approval of Minutes for Regular Meeting of January 9, 1997.
Postponed to January 30, 1997

CITIZEN COMMUNICATIONS: GENERAL

2. Ms. Kym Huber, to discuss crime in East Austin, specifically from Dirtbusters Car Wash, and lack of response from Police.
3. Mr. Leonard Lyons
4. Mr. Richard Troxell, to discuss the No Camping Ordinance.
5. Mr. Gus Pena, to discuss city issues, youth and senior citizen issues, and homelessness issues.
6. Mr. Frank Belanger, to discuss "the Salamander is going extinct on your watch and you guys act like you deserve a pat on the back."
7. Mr. Joe Rossi, to discuss 183 street addresses.
8. Ms. Jody Cerda, to discuss "dissatisfaction with Erisa benefit information that was given due to a serious illness that has left me without resources to take care of someone in need."

ITEMS CONTINUED FROM PREVIOUS MEETINGS

9. Authorize negotiation and execution of an amendment to the Professional Services Agreement with CAMP DRESSER & McKEE, INC., Austin, Texas, for preliminary engineering, design and construction management services for the Ullrich Water Treatment Plant for (1) Disinfection System and Medium Service Pump Station Improvements, and (2) 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 in the amount of \$668,600 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 Subcontractor participation. (Recommended by Water and Wastewater Commission)
Approved on, Councilmember Reynolds' motion, Mayor Pro Tem Garcia's second, 6-0 vote, Mayor Todd absent.

10. Approve a request by Mr. Paul Manley, President of Bulldog Holding, Inc., located at 416 Congress Avenue, to waive Section 8-3-4 of the City Code (minimum separation distance) between the cocktail lounge, which intends to sell alcoholic beverages, and the American Institute for Learning. (Councilmember Jackie Goodman)
Approved on, Councilmember Goodman's motion, Councilmember Reynolds' second, 4-1 vote, Mayor Pro Tem Garcia voting "NO", Councilmember Mitchell off the dais, Mayor Todd absent.

ORDINANCES

11. Approve second/third readings of an ordinance amending Chapter 13-2 of the Austin City Code rezoning property locally known as 8400 1/2 Brodie Lane, Case No. C14-96-0083, from "SF-2", Single Family Residence (standard lot) to "LR-CO", Neighborhood Commercial-Conditional Overlay, zoning with the provisions of the overlay as follows: (1) limit development to that which generates less than 2,000 vehicle trips per day; (2) prohibit access to Hornet Drive; (3) limited to 45% impervious coverage; (4) prohibit underground storage tanks or hazardous materials storage as per the Fire Code; and (5) screening to be one 36" boxed tree or the equivalent for each single family lot to the north adjacent to the site; JAMES & LOIS ESKEW, by Graves, Dougherty, Hearon & Moody (Ann E. Vanderburg). First reading on September 5, 1996; Vote 5-2; Goodman and Griffith voting "No". Conditions met as follows: Conditional overlay incorporates conditions imposed by Council.
Approved second reading only on, Councilmember Mitchell's motion, Councilmember Reynolds' second, 4-2 vote, Councilmembers Griffith and Goodman voting "NO", Mayor Todd absent.
12. Approve second/third readings of an ordinance amending Chapter 13-2 of the Austin City Code rezoning property locally known as 8212 Brodie Lane, Case No. C14-96-0084, from "SF-2", Single Family Residence (standard lot) to "LR-CO", Neighborhood Commercial-Conditional Overlay, zoning with the provisions of the overlay as follows: (1) limit development to that which generates less than 2,000 vehicle trips per day; (2) require applicant to provide a 25 foot buffer along the west property line which would prohibit parking, expansion of the existing storage area, or new development of any kind (excluding public utility improvements); (3) limited to 45% impervious coverage; and (4) prohibit underground storage tanks or hazardous materials storage as per the Code; JAMES & LOIS ESKEW, by Graves, Dougherty, Hearon & Moody (Ann E. Vanderburg). First reading on September 5, 1996; Vote 5-2; Goodman and Griffith voting "No". Conditions met as follows: Conditional overlay incorporates conditions imposed by Council.
Approved second reading only on, Councilmember Mitchell's motion, Councilmember Reynolds' second, 4-2 vote, Councilmembers Griffith and Goodman voting "NO", Mayor Todd absent.
13. Approve second/third readings of an ordinance amending Chapter 13-2 of the Austin City Code for a property locally known as 15001-15299 IH 35 North, Northbound and 15000-15220 F.M. 1825 Road, Case No. C14R-85-269(DE). Existing zoning is "CS", General Commercial Services district. Request for deletion of a zoning site plan for Three Points Common, retail center; RIDGE INVESTORS, LTD. (Darren Casey), By: Paul M. Juarez. First reading on December 12, 1996; Vote 7-0. Conditions met as follows: Ordinance incorporates conditions imposed by Council.
Ordinance No. 970116-A approved

14. Amend Ordinance No. 960606-G, by correcting the requirement for the reservation of right-of-way on property locally known as 8801 East U.S. Highway 290 East, Zoning Case No. C14-96-0030, Cater Joseph by Michael Joseph.
Ordinance No. 970116-B approved

Items 13 and 14 approved on, Councilmember Reynolds' motion, Councilmember Goodman's second, 6-0 vote, Mayor Todd absent.

15. Approve issuance by Travis County Water Control and Improvement District No. 14 of its Combination Unlimited Tax and Revenue Refunding Bonds, Series 1997, in an amount not to exceed \$1,050,000; approving the terms, conditions and covenants of the Bond Order and Official Statement. (No fiscal impact. The City is not responsible for payment on the district bonds until annexation and dissolution of the District.)
Ordinance No. 970116-D approved on, Councilmember Goodman's motion, Councilmember Griffith's second, 5-0 vote, Councilmember Reynolds off the dais, Mayor Todd absent.
16. Approve second reading of an ordinance establishing a standard process for franchising telecommunications service providers, establishing rules for use of City rights-of-way, providing for payment of fees, and establishing penalties for unauthorized use of rights-of-way. (Recommended by Telecommunications Commission)
Approved second reading only

RESOLUTIONS

17. Authorize negotiation and execution of a License Agreement with BLUEBONNET ELECTRIC COOPERATIVE, INC., Giddings, Texas, to locate, construct, maintain and operate single phase 2-wire electrical distribution lines across/above the Giddings-to-Llano railroad right-of-way. (Annual fee of \$200 will be paid by Bluebonnet Electric Cooperative to the Capital Metropolitan Transportation Authority.)
Approved
18. Authorize negotiation and execution of a License Agreement with HOWARD K. SHACKLEFORD, Austin, Texas, to widen an existing 27 foot driveway across the Giddings-to-Llano Railroad right-of-way in the City of Leander, Texas. (Annual fee of \$200 will be paid by Howard K. Shackleford to the Capital Metropolitan Transportation Authority.)
Approved

Items 16 through 18 approved on, Councilmember Reynolds' motion, Councilmember Goodman's second, 6-0 vote, Mayor Todd absent.

19. Approve a renewal of the Excursion Rail Passenger Service Agreement with the AUSTIN STEAM TRAIN ASSOCIATION (ASTA) that adjusts the agreement term to run concurrent with the City's rail freight contract, to expand the hours of operation, and to recognize Austin Steam Train Association's in-kind services for the operation and maintenance of the Giddings-to-Llano line. [The proceeds of this agreement (up to \$40,000 annually) are paid directly to the rail operator. Under the City's contract with the rail operator, 15% of gross revenue (up to \$6,000 annually) is deposited in the City's Track Betterment Fund escrow account managed by the

Capital Metropolitan Transportation Authority to be spent exclusively on improvements to the railroad.]

Approved on, Councilmember Reynolds' motion, Councilmember Goodman's second, 5-0-1 vote, Councilmember Mitchell "ABSTAINING", Mayor Todd absent.

20. Authorize the application and acceptance of grants from the Federal Aviation Administration (FAA) in Federal Aviation Administration Airport Improvement Program (AIP), Noise Program, and/or Military Airports Program funding for the Austin-Bergstrom International Airport for the fiscal year ending September 30, 1997, in an amount not to exceed \$35,000,000 . (Grant reimbursement will apply to projects approved by Council in the 1993-94 and the 1994-95 Capital budgets. Grant funds will be placed in the New Airport Construction Fund.)

Approved on, Councilmember Reynolds' motion, Councilmember Goodman's second, 6-0 vote, Mayor Todd absent.

21. Approve an increase to the supply agreement with TOTER, INC., Statesville, North Carolina, for the purchase of 60 and 90 gallon refuse carts for the Pay-As-You-Throw Program, in the amount of \$208,981.50 which includes a ratification of \$192,849.50 for a revised contract total amount of \$1,065,544.50. (Funding in the amount of \$125,437 was included in the 1994-95 Capital Budget for Solid Waste Services; funding in the amount of \$183,544.50 was included in the 1996-97 operating budget of Solid Waste Services.) No M/WBE Subcontracting opportunities were identified.

Approved

22. Amend Council moratorium of December 12, 1996, (directing the City Manager to place a moratorium on the receipt of any additional applications for funding in connection with all programs managed by the City's Neighborhood Housing and Community Development Office), and authorize advertising for proposals and receiving applications for the Neighborhood and Youth Support Program (NYSP). [Remaining funding for the NYSP program in the amount of \$195,686 is available from the 16th, 17th, 18th, 20th and 22nd Year Community Development Block Grant (CDBG) budgeted in the Special Revenue funds of the Neighborhood Housing and Community Development Office.]

Approved

ITEMS FROM COUNCIL

23. Set a public hearing on closing one side of Southwest Parkway. (Suggested date and time: February 3, 1997 at 7:00 p.m. at Covington Middle School, located at 3700 Convict Hill Rd. (Mayor Bruce Todd and Councilmembers Eric Mitchell and Ronney Reynolds)

Approved

24. Direct the City Manager, the Presiding Judge and Clerk of the Municipal Court, to review the results of the implementation of the Encampment Ordinance and report back to Council within 60 days on the results of such review. (Mayor Pro Tem Gus Garcia)

Approved

Items 21 through 24 approved on, Councilmember Reynolds' motion, Councilmember Goodman's second, 6-0 vote, Mayor Todd absent.

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 25 is to be considered by the Austin Housing Finance Corporation's Board of Directors.

25. Amend Board moratorium of December 12, 1996, (directing the General Manager to place a moratorium on the receipt of any additional applications for funding in connection with all programs managed by the Austin Housing Finance Corporation), and authorize the receipt and funding of applications for the Down Payment Assistance Program. (Remaining funding for the Down Payment Assistance Program in the amount of \$801,350 is available in the portion of the 1996-97 budget approved by the Board of the Austin Housing Finance Corporation.)

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

26. C14R-85-178(DE) - LAKELINE PLAZA, by Jenkins & Gilchrist (Bradley Greenblum), 12500-12600 North RR 620. Request for deletion of a Principle Roadway Area Site Plan. Existing zoning is "CS", General Commercial Services district and "GR", Community Commercial district. Planning Commission Recommendation: To Approve request for site plan deletion.

Approved first reading only

27. C14-96-0149 - BROWNING FERRIS INTERNATIONAL (BFI), By: C.O.A.-Development Review & Inspections Department, 4712 Bolm Road. From LI to LI. A valid petition has been filed by the property owner in opposition to this rezoning request.

Postponed to February 6, 1997

28. C14-96-0150 - BALCONES RECYCLING, INC., By: C.O.A.-Development Review & Inspections Department, 2416 East 6th Street. From LI to LI. A valid petition has been filed by the property owner in opposition to this rezoning request.

Postponed to February 6, 1997

Items 26 through 28 approved on, Councilmember Mitchell's motion, Councilmember Goodman's second, 6-0 vote, Mayor Todd absent.

PUBLIC HEARINGS

29. 4:30 P.M. - Public hearing pursuant to Texas Local Government Code, Chapter 395, to consider approval of proposed update to Impact Fee CIP and Land Use Assumptions; amendment of Impact Fee Service Area and Water and Wastewater Service Area; and consider amendments to Chapter 13-3A, Land Development Code, approving and incorporating the amended Impact Fee CIP and Land Use Assumptions. (Recommended by Impact Fee Advisory Committee and Water and Wastewater Commission)

Public hearing left open to February 6, 1997

30. 5:30 P.M. - Public hearing on rules for City Council meetings. (Rules Subcommittee)
Public hearing left open to January 30, 1997

ACTION ON PUBLIC HEARINGS

31. Approve proposed update to Impact Fee CIP and Land Use Assumptions; amendment of Impact Fee Service Area and Water and Wastewater Service Area; and consider amendments to Chapter 13-3A, Land Development Code, approving and incorporating the amended Impact Fee CIP and Land Use Assumptions. (Recommended by Impact Fee Advisory Committee and Water and Wastewater Commission)
Postponed to February 6, 1997 at 5:00 p.m. pending Planning Commission review.
32. Approve rules for City Council meetings. (Rules Subcommittee)
No action taken

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.

Pending Litigation - Section 551.071

33. Discuss City of Austin v. Quick, No. 03-95-00164-CV before the Third Court of Appeals.
34. Discuss Galloway V. City of Austin, et al., Cause No. A 96 CA 833SS, United States District Court for Western District of Texas.

ACTION ON EXECUTIVE SESSION ITEMS

35. Approve outside counsel contracts in Galloway v. City of Austin, et al., Cause No. A 96 CA 833SS, United States District Court for Western District of Texas.
Approved in the amount of \$85,000 to Fullbright & Jawarski and \$65,000 to Robert Eisenhauer-Ramirez on, Councilmember Reynolds' motion, Councilmember Goodman's second, 6-0 vote, Mayor Todd absent.

36. APPOINTMENTS

CAPITAL METROPOLITAN TRANSIT AUTHORITY BOARD - 1 (TO EXPIRE 6/30/97).
Postponed

ADDENDUM

City Council Agenda - January 16, 1996

37. Amend the moratorium of December 12, 1996, to authorize the receipt and funding of an Neighborhood Commercial Management Program (NCMP) application from a to be formed corporation, the stock of which will be substantially owned by John Scofield (New Corporation), concerning purchase of El Lago Tortillas, Inc. (El Lago), approve an NCMP loan to the New Corporation in an amount not to exceed \$38,000 for the purchase of new equipment, authorize the assumption of the existing \$556,322 existing City loan with El Lago Tortillas, Inc. (Existing Note) by the New Corporation, authorize release of the City's personal guaranties from the original owners of El Lago and authorize the revision of the terms of the existing note to a deferred payment, forgivable loan. (Funding in the amount of \$38,000 is available in the 1996-97 Special Revenue Fund of the Neighborhood Housing and Community Development Office.)

Postponed

ADJOURNED at 7:20 p.m. on, Councilmember Mitchell's motion, Councilmember Reynolds' second.

Approved on this the 6th day of February, 1997 on, Councilmember Goodman's motion, Councilmember Slusher's second, 4-0 vote, Councilmembers Mitchell and Reynolds temporarily absent and Mayor Pro Tem Garcia absent.