



Austin City Council MINUTES

REGULAR MEETING
THURSDAY, FEBRUARY 6, 1997

1. Approval of Minutes for Special Called Meetings of January 15, 1997, and January 29, 1997, and Regular Council Meetings of January 9, 1997, January 16, 1997, and January 30, 1997
Approved on, Councilmember Goodman's motion, Councilmember Slusher's second, 4-0 vote, Councilmembers Mitchell and Reynolds temporarily absent, Mayor Pro Tem Garcia absent.

CITIZEN COMMUNICATIONS: GENERAL

2. Mr. Leonard Lyons, to discuss "whim and caprice are no substitutes for Council oversight of our access channels and network of assets.
3. Mr. Charlotte McCann, to discuss concern about public health and safety and enforcement.
Absent
4. Mr. Michael Bonds, to discuss discrimination in bike law enforcement and prosecution.
5. Mr. Luis Plascencia, to discuss welfare and immigration reform.
Absent
6. Mr. Dick Kallerman, to discuss roadwork on Barton Springs Road scheduled for September, 1997.
7. Mr. Gus Pena, to discuss citywide issues and funding for summer job programs for the youth, and APD issues.
8. Mr. Richard Knowlton, to discuss resubdivision process/city issues.
9. Mr. Jimmy Castro, to discuss Technology Conference on February 12-14, 1997.
10. Ms. Betty Edgemon, to discuss Dittmar and related south Austin roads.
11. Mr. Ted Kircher, to discuss Information Age businesses' (multimedia, etc.,) view of standard Telecommunications Ordinance.

ITEMS CONTINUED FROM PREVIOUS MEETINGS

12. Approve a license agreement for AT&T WIRELESS SERVICES OF AUSTIN for placement of a cellular antenna at the Windsor Road Fire Station. (Unanticipated revenue for 1996-97 is \$4,000.) [Recommended by Telecommunications Commission]
Approved
13. Approve execution of an Interlocal Agreement with the UNIVERSITY OF TEXAS, Office of

Survey Research, for public opinion research services, in the amount of \$179,446. (Funding is available in the 1996-97 operating budget of the Electric Utility Department.) [Recommended by Electric Utility Commission]
Postponed to March 13, 1997

14. Approve second reading of ordinance 940916-A, Electric Rate Ordinance, and approve new and amended electric utility rates and tariffs. (This will decrease annual sales revenue by \$4.2 million. The impact on 1996-97 sales revenue is approximately \$3.2 million.) [Recommended by Electric Utility Commission]
Approved second reading only on, Councilmember Goodman's motion, Councilmember Griffith's second, 4-1-1 vote, Councilmember Slusher voting "NO", Councilmember Griffith "ABSTAINING", Mayor Pro Tem Garcia absent.

ORDINANCES

15. Approve third reading of an ordinance amending Chapter 13-2 of the Austin City Code rezoning property locally known as 5100 Southwest Parkway and 4900, 4916 Industrial Oaks Boulevard, Case No.C14-96-0043, from "GR", Community Commercial to "SF-6-CO", Townhouse and Condominium Residence-Conditional Overlay, zoning subject to: (1) a maximum of 88 units and (2) the applicant's voluntary agreement with an Integrated Pest Management Program (IPM); BH TRAVIS COUNTRY (Lee Weber), by Land Strategies (Paul Johnson). First reading on June 13, 1996; Vote 5-0, Nofziger off the dais. Second reading on July 18, 1996; Vote 6-1, Slusher voting "No". Conditions met as follows: Conditional Overlay incorporates the conditions imposed by Council. Note: At this time, the only additional condition the applicant and the neighborhood have agreed upon is to "limit the site to a maximum of 88 single family homes with (private) garages."
Applicant and neighborhood are requesting a postponement to February 13, 1997.
16. Approve second/third readings of an ordinance amending Chapter 13-2 of the Austin City Code rezoning property locally known as 1213 West 6th Street, Case No. C814-96-0001, from "CS", Commercial Services to "PUD", Planned Unit Development subject to limiting development to generate less than 2,090 vehicle trips per day. Approval of this request included the granting of the following variance: (1) Section 13-2-683(h), which requires an open space of no less than 20% of a tract used as non-residential uses. WILLIAM D. MCMORRIS, by Richard Crank. First reading on October 31, 1996; Vote 6-0, Goodman off the dais. Conditions met as follows: Conditions as imposed by Council have been met.
Ordinance No. 970206-A approved
17. Approve second/third readings of an ordinance amending Chapter 13-2 of the Austin City Code rezoning property locally known as 1300 West 5th Street, Case No. C814-96-0002, from "CS", Commercial Services to "PUD", Planned Unit Development as requested by the applicant, zoning subject to limiting development to generate less than 250 vehicle trips per day. Approval of this request included the granting of the following variances: (1) Section 13-2-683(f)(2), which will exceed the maximum Floor to Area Ratio (F.A.R.) allowed in the CS district for the project. (2) Section 13-2-683(h), which requires an open space of no less than 20% of a tract used as non-residential uses. (3) Section 13-5-107, which requires a self storage facility parking space ratio of 1:1,000 (for West 5th Street site); WILLIAM D. MCMORRIS, by Richard Crank. First

reading on October 31, 1996; Vote 6-0, Goodman off the dais. Conditions met as follows: Conditions imposed by Council have been met.

Ordinance No. 970206-B approved

18. Approve second/third readings of an ordinance amending Chapter 13-2 of the Austin City Code rezoning property locally known as 7207 McNeil Road, Case No. C14-96-0090, from "SF-3", Family Residence & "LO", Limited Office to "CS-CO", Commercial Services-Conditional Overlay, with the provision of the overlay as follows: (1) limit development to generate less than 2,000 vehicle trips per day; and (2) dedicate up to 35 feet of right-of-way from the existing centerline of Jekel Circle, plus an additional 10 feet for sidewalk and public utility easement; FRED & FRIEDA RUBIN (Jim Rubin), by Richard H. Crank, ASLA. First reading on October 3, 1996; Vote 5-0, Goodman & Todd absent. Conditions met as follows: Conditional overlay and street deed incorporate conditions imposed by Council.

Ordinance No. 970206-C approved

19. Approve second/third reading of an ordinance amending Chapter 13-2- of the Austin City Code rezoning property locally known as 610 West Lynn, Case No. C14-96-0124, from "MF-4-H", Multi-Family Residence (moderate high density)-Historic to "NO-MU-H-CO", Neighborhood Office-Mixed Use Combining District-Historic subject to: (1) residential development (under the "MU" combining district) shall be limited to the densities permitted in the MF-4, Multi-Family Residence, zoning district; (2) a rollback to MF-4-H zoning if the existing building is destroyed; JAMES W. & ELIZABETH FOX, by Crocker Consulting (Sarah Crocker). First reading on January 9, 1997 ; Vote 7-0. Conditions met as follows: Conditional overlay and restrictive covenant incorporate conditions imposed by Council. The valid petition of 24.60% was withdrawn after the applicant amended their zoning request to NO-MU-H, and agreed to the conditions incorporated into the conditional overlay.

Ordinance No. 970206-D approved

20. Approve second/third readings of an ordinance amending Chapter 13-2 of the Austin City Code rezoning property locally known as 5303 S. Pleasant Valley Road, Case No. C14-96-0127, from "SF-3", Family Residence to "GO-CO", General Office-Conditional Overlay, with the provision of the overlay to limit development to generate less than 2,000 vehicle trips per day. Further subject to a roll back provision to SF-3, Family Residence if the use ceases for more than 90 days; staff will initiate rezoning upon notification; RIVER CITY YOUTH & FAMILY BUILDER (Mona Gonzalez), by Page Sutherland Page (Charles L. Tilley). First reading on January 9, 1997; Vote 7-0. Conditions met as follows: Conditional overlay and restrictive covenant incorporate conditions imposed by Council.

Ordinance No. 970206-E approved

Items 16 through 20 approved on, Councilmember Goodman's motion, Councilmember Slusher's second, 5-0 vote, Mayor Todd off the dais, Mayor Pro Tem Garcia absent.

21. Approve annexation by Travis County Water Control and Improvement District, No. 20 of a 25.4 acre tract owned by CCI-Grace Lane Joint Venture located in Rob Roy West in the vicinity of

Grace Lane and FM 2244. (No fiscal impact.) [Recommended by Planning Commission]
Approved on, Councilmember Mitchell's motion, Councilmember Goodman's second, 5-0-1 vote, Councilmember Slusher "ABSTAINING", Mayor Pro Tem Garcia absent.

22. Approve amendments to Chapter 17-2 to add Austin-Bergstrom International Airport to the airport system, revise and update security terminology and procedures, and to revise the composition and duties of the Helicopter Operations and Facilities Committee. (No fiscal impact.)
[Recommended by Airport Advisory Board]
Ordinance No. 970206-F approved

RESOLUTIONS

23. Approve execution of a contract with ASPHALT, INC., Round Rock, Texas, for three year on-call pavement maintenance at Robert Mueller Municipal Airport, in the amount of \$1,119,820. (Funding was included in the 1996-97 Capital budget of the Aviation Department.) Low bid of four. 21.0% MBE, 2.6% WBE Subcontractor participation. (Recommended by Airport Advisory Board)
Approved

24. Approve a twelve month extension of a revenue generating contract with AUSTIN BUSINESS CLUSTER, (MBE/MB), Austin, Texas, for paging and information services at Robert Mueller Municipal Airport, in an amount not to exceed \$57,600 with the option to extend the agreement for one additional twelve month period in an amount not to exceed \$57,600, for a total contract amount not to exceed \$115,200. (Funding is provided by RMMA tenants through airport terminal rental rates, and is available in the 1996-97 operating budget of the Aviation Department. In addition, the City receives 5% of \$40,000 in annual miscellaneous revenue from additional services.) 100% DBE Prime Participation. (Recommended by Airport Advisory Board)
Approved

Items 22 through 24 approved on, Councilmember Goodman's motion, Councilmember Slusher's second, 5-0 vote, Mayor Todd temporarily absent, Mayor Pro Tem Garcia absent.

25. Authorize negotiation and execution of an Amendment to the Professional Services Agreement with CH2M-HILL, INC., Austin, Texas, for preliminary engineering, design, and construction management services for the Green Water Treatment Plant Improvements; additional preliminary engineering services for the Ullrich Transmission Main; and construction management services for the Springdale Road Transmission Main, in the total estimated amount of \$835,500, for a total agreement in an amount not to exceed \$2,737,967. (Funding in the amount of \$769,500 was included in the 1991-92 Capital budget. Funding in the amount of \$66,000 was included in the 1995-96 Capital budget of the Water and Wastewater Utility.) 12.7% MBE, 6.3% WBE Subconsultant participation. (Recommended by Water and Wastewater Commission)
Postponed to February 13, 1997 on, Councilmember Slusher's motion, Councilmember Griffith's second, 6-0 vote, Mayor Pro Tem Garcia absent.

26. Approve execution of a twelve month service agreement with MATVEST, INC., dba Bermex

Contract Services, Southfield, Michigan, to provide for the delivery of 24-hour notices of termination of utility service to delinquent utility customers for the Utility Customer Service Office, in an amount not to exceed \$203,000 with two twelve month extension options in an amount not to exceed \$203,000 per extension, for a total amount not to exceed \$609,000. (Funding in an estimated amount of \$135,330 is available in the 1996-97 operating budget of the Utility Customer Service Office. Funding for the remainder of the contract and the extension options is contingent upon available funding in future budgets.) Low bid of four meeting specifications. No M/WBE Subcontracting opportunities were identified.

Approved on, Councilmember Reynolds' motion, Mayor Todd's second, 4-2 vote, Councilmembers Mitchell and Slusher voting "NO", Mayor Pro Tem Garcia absent.

27. Set a public hearing for an amendment to the Land Development Code to exempt uses of less than 6,000 square feet from parking requirements in the Central Business District and Downtown Mixed Use District. (Suggested date and time: February 27, 1997 at 4:30 p.m.)

Approved

28. Set a public hearing to amend Chapter 13, Article X (Dangerous Buildings Code) by adopting the 1994 Uniform Code for the Abatement of Dangerous Buildings published by the International Conference of Building Officials with local amendments. (Suggested date and time: March 6, 1997 at 5:00 p.m.)

Approved

29. Set a public hearing to amend Chapter 13, Article IX (Housing Code) by adopting the 1994 Uniform Housing Code published by the International Conference of Building Officials with local amendments. (Recommended by Building and Standards Commission) [Suggested date and time: March 6, 1997 at 5:00 p.m.]

Approved

30. Set a public hearing to amend Chapter 2-4, Article VIII of the City Code relating to the Building and Standards Commission) [Suggested date and time: March 6, 1997 at 5:00 p.m.]

Approved

Items 27 through 29 approved on, Councilmember Goodman's motion, Councilmember Slusher's second, 5-0 vote, Mayor Todd temporarily absent, Mayor Pro Tem Garcia absent.

ITEMS FROM COUNCIL

31. Direct the City Manager to schedule an all-day worksession on Policing/Public Safety issues. (Councilmembers Eric Mitchell and Jackie Goodman and Mayor Pro Tem Gus Garcia)

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

32. Set a public hearing on peace and safety in East Austin. (Suggested date and time: February 27, 1997 at 6:30 p.m.) (Councilmembers Daryl Slusher, Jackie Goodman and Mayor Pro Tem Gus Garcia)

Approved on, Councilmember Slusher's motion, Councilmember Goodman's second, 4-0-1 vote, Councilmember Mitchell "ABSTAINING", Councilmember Reynolds off the dais, Mayor Pro Tem

Garcia absent.

33. Approve a resolution expressing support and approval of the amendments proposed to Article 6243n, Tex. Rev. Civ. Stat., by the City of Austin's Employee Retirement System. (Councilmember Jackie Goodman)

Approved on, Councilmember Goodman's motion, Councilmember Slusher's second, 5-0 vote, Mayor Todd temporarily absent, Mayor Pro Tem Garcia absent.

34. Approve the City of Austin Legislative Program for the 75th Regular Session of the Texas Legislature. (Legislative Subcommittee)

Approved with the addition of: changing some of the structure for the firefighters benefits of the retirement requirements of the number of years of service, on, Councilmember Goodman's motion, Councilmember Griffith's second,

Friendly amendment by Councilmember Slusher to drop the open meetings act from the program and then deal with any potential changes in the open meetings law as they come up in the legislature,

Accepted by maker and seconder, 5-0 vote, Councilmember Mitchell off the dais, Mayor Pro Tem Garcia absent.

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

35. C14-96-0149 - BROWNING FERRIS INTERNATIONAL (BFI), By:City of Austin 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. Planning Commission Recommendation: To Grant LO, Limited Office, zoning. (CONTINUED FROM 1-16 BY STAFF)
Postponed indefinitely, staff request, renotification for council hearing required.

36. 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. Planning Commission Action: Postponed to March 18, 1997. (CONTINUED FROM 1-16 BY STAFF)
Postponed indefinitely, staff request, renotification for council hearing required.

37. C14-96-0026 - EMMETT S. SUTTON, 5101 Balcones Drive. From SF-3 to NO.
Planning Commission Recommendation: To Deny NO, Neighborhood Office, zoning. There is a valid petition of 28.24% in opposition to this zoning request.
Postponed indefinitely, staff request, renotification for council hearing required.

38. C14-96-0027 - MV WALNUT CREEK LTD. (Robert Shepard, Jr.), by Cook-Steinman & Associates (Charles Steinman, PE), 8105 Cross Park Drive. From LI, LI-CO, I-RR, GR to Tract 1: LI (2.01 acres), Tract 2: LI (2.65 acres), Tract 3: MF-4 (19.87 acres), Tract 4: MF-4 (14.29 acres). Planning Commission Recommendation: To Grant LI, Limited Industrial Services for Tracts 1 and 2, and MF-4, Multi-Family Residence (moderate-high density) for Tracts 3 and 4, subject to Traffic Impact Analysis recommendation contained in Ivan Naranjo's Transportation Section memorandum dated July 12, 1996. The applicant is required to post fiscal prior to third reading

based on a pro-rata share of the estimated traffic control improvements as a result of the proposed development.

Approved Planning Commission recommendation, first reading only

39. C14-96-0144 - SIDNEY ORTON, TRUSTEE, by The Holland Co. (Steve Holland), 12633 Research Boulevard. From I-SF-2 to CS. Planning Commission Recommendation: To Grant GR-CO, Community Commercial-Conditional Overlay, zoning with the provision of the overlay to limit development to that which will generate less than 2,000 vehicle trips per day.

Pulled off agenda

40. C14-96-0147 - RESEARCH 620/183 PARTNERSHIP (Steve Matthews), by The Holford Group (Theresa Boland), 13900 North U.S. Hwy. 183. From SF-2 & DR to CS. Planning Commission Recommendation: To Grant CS, Commercial Services, zoning as requested.

Ordinance No. 970206-G approved Planning Commission recommendation.

41. C14-97-0003 - CITY OF AUSTIN, 7707 River Place Boulevard. From P to P-CO. Planning Commission Recommendation: To Grant P-CO, Public District-Conditional Overlay subject to the requirement that any extension of River Place Blvd. shall be limited to a commercial cul-de-sac designed in accordance with the requirements of the Transportation Criteria Manual and the Land Development Code.

Ordinance No. 970206-H approved Planning Commission recommendation.

42. C14-96-0138 - TEXAS HEALTH CREDIT UNION, 4800 Grover Avenue. From LO to LR. Planning Commission Recommendation: To Grant LR-CO, Neighborhood Commercial-Conditional Overlay, limiting development to that which generates less than 3,798 vehicle trips per day.

Ordinance No. 970206-I approved Planning Commission recommendation.

Items 35 through 42 approved on, Councilmember Mitchell's motion, Councilmember Goodman's second, 6-0 vote, Mayor Pro Tem Garcia absent.

TO BE HEARD BY PLANNING COMMISSION 02-04-97 RECOMMENDATION TO FOLLOW

(Posting of this case on this agenda is required due to a previous advertisement for a public hearing on this date.)

43. C14-96-0145 - BALCONES ASSOCIATES, LTD., by Moritz Properties, Inc. (James W. Moritz), 3301 to 3305 Northland Drive and 5306 to 5604 Mopac Expressway SB. From LR to GR. Planning Commission recommendation: To grant GR (consent). 5-0.

Motion to close public hearing on, Councilmember Reynolds' motion, Councilmember Goodman's second, 6-0 vote, Mayor Pro Tem Garcia absent.

Approved Planning Commission recommendation, first reading only on, Councilmember Reynolds' motion, Councilmember Mitchell's second, 6-0 vote, Mayor Pro Tem Garcia absent.

NOTE: Highland Park West Association was not notified; renotify all interested parties again for 2nd and 3rd readings.

PUBLIC HEARINGS

44. 4:30 P.M. - Public hearing to amend Chapter 13-3A, City Code, to add a new subpart (o) to Section 13-3A-10 providing a conditional exemption from the requirement for payment of Water and Wastewater Capital Recovery Fees for up to 500 service units of affordable housing per annum.
Motion to close public hearing on, Councilmember Mitchell's motion, Councilmember Reynolds' second, 4-0 vote, Mayor Todd and Councilmember Slusher off the dais, Mayor Pro Tem Garcia absent.
45. 5:00 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.
Motion to close public hearing on, Councilmember Slusher's motion, Councilmember Goodman's second, 5-0 vote, Councilmember Mitchell off the dais, Mayor Pro Tem Garcia absent.

ACTION ON PUBLIC HEARINGS

46. Amend Chapter 13-3A, City Code, to add a new subpart (o) to Section 13-3A-10 providing a conditional exemption from the requirement for payment of Water and Wastewater Capital Recovery Fees for up to 500 service units of affordable housing per annum. (Recommended by Water and Wastewater Commission and Planning Commission)
Motion to approve first and second reading only with friendly amendment by Councilmember Mitchell to delete on page three, 7,8 and 9 and to note exemption from the requirement for payment of Water and Wastewater Capital Recovery Fees for up to 500 units annually in addition to projects already in progress on, Councilmember Mitchell's motion, Councilmember Goodman's second, 6-0 vote, Mayor Pro Tem Garcia absent.
47. 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; To be reviewed by Planning Commission on February 4, 1997) Planning Commission recommendation: Motion to approve failed by a vote of 4-0-2.
Postponed one week to February 13, 1997.

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.

Land Acquisition - Section 551.071

48. Discuss real property acquisition for Barton Creek Wilderness Park.

Pending Litigation - Section 551.071

49. Discuss Nigel Gusdorf, Martin, Thompson and Charles Wood v. City of Austin; CA No 95-03772, Travis County District Court.

50. Discuss Quick v. City of Austin, CA 96-1154, Texas Supreme Court.

51. Discuss City of Austin v. Southwest Travis County Water District.

ACTION ON EXECUTIVE SESSION ITEMS

52. Authorize additional funding to Hughes & Luce L.L.P. for outside counsel in Gusdorf, Martin, Thompson and Charles Wood v. City of Austin; CA No. 95-03772, Travis County District Court.

Approved in an amount not to exceed \$55,000

53. Authorize additional funding and hiring of outside counsel in Quick v. City of Austin, CA 96-1154, Texas Supreme Court.

Approved in an amount not to exceed \$80,000

Items 52 and 53 approved on, Councilmember Goodman's motion, Councilmember Slusher's second, 5-0 vote, Mayor Todd off the dais, Mayor Pro Tem Garcia absent.

ADDENDUM

FEBRUARY 6, 1997

ITEMS FROM COUNCIL

54. Approve second/third reading to amend Ordinance No. 960910-G, the 1996-97 Operating budget by transferring \$60,000 from the General Fund Contingency Reserve and increasing the appropriation for transfers out to the Support Services Fund by \$60,000; amending the Support Services Fund by increasing the appropriation for Management Services by \$60,000 for use on an as needed basis for legislative issues. (Councilmembers Jackie Goodman and Daryl Slusher)
Postponed to February 13, 1997

ADJOURNED at 5:48 p.m. on, Councilmember Reynolds' motion, Councilmember Goodman's second, 5-0 vote, Councilmember Mitchell off the dais, Mayor Pro Tem Garcia absent.

Approved on this the 13th day of February, 1997 on, Councilmember Goodman's motion, Councilmember Griffith's second, 6-0 vote, Councilmember Reynolds temporarily absent.