



# Austin City Council MINUTES

REGULAR MEETING  
THURSDAY, MARCH 6, 1997

1. Approval of Minutes for Regular Meetings of February 13, 1997 and February 27, 1997; and Special Called Meetings of February 12, 1997, February 26, 1997, and February 27, 1997.  
Approved on, Mayor Pro Tem Garcia's motion, Councilmember Goodman's second, 7-0 vote.

## CITIZEN COMMUNICATIONS: GENERAL

2. Mr. Richard Troxell, to discuss issues concerning homelessness.
3. Mr. Jimmy Castro, to discuss Travis County Livestock Show and Rodeo.
4. Mr. Gus Pena
5. Mr. Phil Arnold, to discuss environmental correct projects and special investments, i.e. Light Rail Project.
6. Mr. Joe Rossi, to repeat a request that the City Council consider a resolution supporting a statewide initiative similar to California's Prop. 215 regarding medical marijuana.  
**Absent**
7. Mr. Robert Singleton, to discuss the kinds of issues I would have talked about in final communications until Ronney Reynolds decided to create citizen input by reducing the opportunity to speak.  
**Absent**

## ITEMS CONTINUED FROM PREVIOUS MEETINGS

8. Approve third reading to repeal Ordinance No. 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]  
Ordinance No. 970306-P motion to approve with amendment by Councilmember Goodman that the electric rate tariffs that Council approved on second reading on February 6th be approved today on third reading with the addition of the Experimental Residential Heat Pump Rider as discussed in the February 12th memorandum to City Council and with the modifications regarding the LPS Special Contract Rider set forth in the March 5th memorandum to the City Council, and with the date after which an LPS customer may seek an alternate supplier if there is competition being June 30, 1997 on, Councilmember Goodman's motion, Mayor Todd's second,

Motion to call the question on, Councilmember Mitchell's motion, Mayor Pro Tem Garcia's second, 4-3 vote, Councilmember Goodman, Griffith and Slusher voting "NO".

4-3 vote, Mayor Pro Tem Garcia, Councilmember Griffith and Slusher voting "NO".

9. Direct the City Manager to develop plans for the addition of two lanes for vehicular traffic on Lamar Street Bridge as well as plans to accommodate bicycle and pedestrian needs, and include this project in the next bond election. (Mayor Bruce Todd and Councilmember Eric Mitchell)

Motion by Councilmember Griffith: Resolution for pedestrian and bicycle facilities on Lamar Bridge:

WHEREAS pedestrians and bicyclists are in need of increased facilities on Lamar Bridge;  
and

WHEREAS Lamar Bridge is a beloved historic landmark; and

WHEREAS adding vehicular lanes to Lamar Bridge would increase congestion on Lamar Boulevard and threaten the thriving commercial district developing north of Lamar Bridge; and

WHEREAS pedestrian and bicycle facilities can be partially funded by federal Intermodal Surface Transportation Efficiency Act (ISTEA) grant money that requires timely action; and

WHEREAS state grant money from the Urban Streets Program that could be used for resurfacing existing streets has been designated for adding vehicular lanes to Lamar Bridge; now therefore

BE IT resolved that the Austin City Council:

DIRECTS the City Manager to pursue environmental assessment, conduct public hearings, and perform the ISTEA-required process for improved pedestrian and bicycle facilities for Lamar Bridge, and work on developing viable options for using federal and state grant funds for other eligible projects, on Councilmember Griffith's motion, Councilmember Slusher's second, 4-3 vote, Mayor Todd, Councilmembers Mitchell and Reynolds voting "NO".

Substitute motion by Councilmember Mitchell to approve item as posted on, Councilmember Mitchell's motion, Councilmember Reynolds' second, 3-4 vote, Mayor Pro Tem Garcia, Councilmembers Goodman, Griffith and Slusher voting "NO".

#### NEIGHBORHOOD HOUSING AND COMMUNITY DEVELOPMENT

10. Approve a resolution authorizing negotiation and execution of a contract under the Community Housing Development Organization Program with the American Institute for Learning to increase affordable homeownership opportunities for low income households in the Springdale neighborhood, in an amount not to exceed \$107,500. (Funding is available in the 1996-97 operating budget special revenue fund of the Neighborhood Housing and Community Development Office, Home Investment Partnership Program, Home Year 4 grant.)

Approved

11. Approve a resolution authorizing execution of a contract under the Community Housing Development Organization Program with Blackland Neighborhood Development Corporation to increase affordable homeownership opportunities for low income households in the Blackland neighborhood, in an amount not to exceed \$129,400. (Funding is available in the 1996-97 operating budget special revenue fund of the Neighborhood Housing and Community Development Office, Home Investment Partnership Program, Home Year 4 grant.)

Approved

PARKS AND RECREATION

12. Approve a resolution authorizing negotiation and execution of a Facilities Improvement and Use Agreement with Austin Independent School District for redevelopment and use of Doss School Park, in the amount of \$19,443.45. (Funding was included in the 1996-97 Amended Capital budget of the Parks and Recreation Department.) [Recommended by Parks Board]

Approved

13. Amend Ordinance No. 960910-A, the 1996-97 Capital Budget of the Parks and Recreation Department, appropriating a \$30,900 donation from the Austin Area Garden Council for the Garden Center Improvement Project. (Funding is provided through a donation from the Area Garden Council; \$94,100 was appropriated in the 1996-97 Capital Budget, bringing the total appropriation received from the Austin Area Garden Council to \$125,000.) [Recommended by Planning Commission] **(Related to Item 14)**

Ordinance No. 970306-A

14. Approve a resolution to approve a construction contract award to DECO SYSTEMS, Austin, Texas, for construction of Austin Area Garden Center Improvements, in an amount not to exceed \$363,869. (Funding was included in the amended Capital Budget of the Parks and Recreation Department.) 7.50% MBE, 1.38 WBE Subcontractor participation **[Related to Item 13]**

Approved

LAW

15. Correct ordinance amending the 1995-96 Fee Ordinance, which changed fees charged when officers are requested to provide police presence, traffic enforcement or assistance at road construction sites, parades, special events, and house moves. (Cost reimbursement in the amount of \$11,250 is paid by the private sector and community organizations.)

Ordinance No. 970306-B

HEALTH AND HUMAN SERVICES

16. Approve an ordinance authorizing acceptance of \$30,828 in additional grant funds from the Texas Department Health for the HIV Prevention Counseling and Partner Elicitation program; amend Ordinance 960910-G, the 1996-97 operating budget, amending the Special Revenue Fund by appropriating an additional \$30,828 in grant funds for the Health and Human Services Department Special Revenue Fund, for a total grant amount of \$158,357; and authorize an additional 1.0 full-time equivalent grant funded position. (A City match is not required.)

Ordinance No. 970306-C

17. Approve an ordinance authorizing the acceptance of \$159,165 in additional grant funds from the United States Department of Health and Human Services Ryan White Title I Formula Emergency CARE grant program for HIV services; amend Ordinance 960910-G, the 1996-97 operating budget, amending the Special Revenue Fund by appropriating an additional \$159,165 in grant funds for the Health and Human Services Department Special Revenue Fund, for a total grant amount of \$1,482,084. (A City match is not required.) (Funding allocation reviewed by HIV

Planning Council) [Related to Item 18]  
Ordinance No. 970306-D

18. Approve a resolution authorizing negotiation and execution of twelve month contracts for HIV services under the Ryan White Title I Emergency CARE Formula grant with ALLGO/Informe SIDA, in an amount not to exceed \$74,273; with AMM InterAct, in an amount not to exceed \$70,290; with AT/C MHMR C.A.R.E., in an amount not to exceed \$207,549; with HIV Wellness Center, in an amount not to exceed \$97,647; with Pediatrics AIDS League, in an amount not to exceed \$40,000; with Project Transitions, in an amount not to exceed \$265,000; and with Waterloo Counseling Center, in an amount not to exceed \$128,270. (Funding is available in the Health and Human Services Department Special Revenue Fund Ryan White Title I Formula grant program.) (Recommended by HIV Planning Council) Service Category Allocation reviewed by HIV Planning Council. [Related to Item 17]  
**Approved**

**Items 10 through 18 approved on, Councilmember Goodman's motion, Councilmember Reynolds' second, 7-0 vote.**

19. Approve a resolution authorizing execution of a contract with FARBER SPECIALTY VEHICLES, INC., Columbus, Ohio, for the purchase of one mobile dental vehicle and full maintenance training, in the amount of \$227,373. (Funding is available in the 1996-97 operating budget of the Health and Human Services Department, Disproportionate Share Fund.) Low bid of two meeting specifications. No MWBE Subcontracting opportunities were identified.  
**Approved on, Councilmember Reynolds' motion, Councilmember Slusher's second, 6-0 vote, Councilmember Mitchell out of the room.**

20. Approve a resolution authorizing negotiation and execution of a six month contract with Community Action, Inc., for HIV services under the HIV Health and Social Services grant, in an amount not to exceed \$113,152 with one six month extension option in an amount not to exceed \$113,152, for a total amount of \$226,304. (Funding is available in the Health and Human Services Department Special Revenue Fund HIV Health and Human Services grant program. Funding for the renewal is contingent upon receipt of future grant funding.) [Recommended by HIV Planning Council] Service Category Allocation reviewed by HIV Planning Council.  
**Approved**

21. Approve a resolution authorizing negotiation and execution of a twelve month contract with AIDS Services of Austin for HIV services under the Ryan White Title I Emergency CARE Supplemental grant, in an amount not to exceed \$980,933. (Funding is available in the 1996-97 Health and

Human Services Department Special Revenue Fund, Ryan White Title I Supplemental grant program.) Service Category Allocation reviewed by HIV Planning Council. Service Category Allocation reviewed by HIV Planning Council. [Recommended by HIV Planning Council]  
**Approved**

## FINANCE AND ADMINISTRATIVE SERVICES

22. Approve a resolution authorizing ratification of an emergency construction contract with TEXAS INDUSTRIAL MECHANICAL, INC., Austin, Texas, for removing and replacing the existing boiler at the Rebekah Baines Johnson Tower Building, located at 15 Waller Street, in the amount of \$49,675. (Funding was included in the 1996-97 Approved Capital budget of the Financial Services Department, Building Services Division.) Low bid of three. No M/WBE Subcontracting opportunities were identified.  
**Approved**

Items 20 through 22 approved on, Councilmember Goodman's motion, Councilmember Reynolds' second, 7-0 vote.

#### PLANNING, ENVIRONMENTAL AND CONSERVATION SERVICES

23. Set public hearings to consider entering into a strategic partnership agreement (SPA) with Anderson Mill MUD and to consider Limited Purpose annexation of Anderson Mill MUD. (Suggested dates and times: March 27, 1997 at 6:30 p.m. April 10, 1997 at 6:30 p.m.)  
**Motion to approve on, Councilmember Reynolds' motion, Mayor Todd's second**

Substitute motion by Councilmember Slusher to have the following boards and commissions to look into this: Environmental Board, Parks Board, Water and Wastewater Commission and the Planning Commission,

Friendly amendment by Mayor Pro Tem Garcia to set dates for public hearings to; May 12, 1997 and May 19, 1997, 4-2 vote, Mayor Todd and Councilmember Reynolds voting "NO", Councilmember Mitchell off the dais.

#### FIRE

24. Ratify the Meet and Confer Contract for Austin firefighters. (Total funding is \$8,831,793. \$1,120,617 is available in the 1996-97 operating budget of the Fire Department; \$3,038,407 will be included in the proposed 1997-98 operating budget of the Fire Department; \$4,654,599 will be included in the proposed 1998-99 operating budget of the Fire Department; \$18,170 will be included in the proposed 1999-2000 operating budget of the Fire Department. Funding in fiscal years 1997-98 through 1999-2000 is subject to appropriation by City Council.)  
**Approved on, Councilmember Goodman's motion, Councilmember Reynolds' second, 7-0 vote.**

#### ELECTRIC

25. Approve negotiation and execution of a contract with SCOTT McCOLLOUGH, for legal and consulting services related to possible deregulation of the Electric Utility Industry, in the amount of \$100,000. (Funding is available in the 1996-97 Operating Budget of the Electric Utility Department.)  
**Postponed to March 20, 1997**

## DEVELOPMENT REVIEW AND INSPECTION

26. Approve second/third readings of an ordinance amending Chapter 13-2 of the Austin City Code by rezoning property locally known as 8105 Cross Park Drive, Case No. C14-96-0027, from LI, Limited Industrial Services, LI-CO, Limited Industrial Services-Conditional Overlay, I-RR, Interim Rural Residence, and GR, Community Commercial to LI, Limited Industrial Services for Tracts 1 and 2; and MF-4, Multifamily Residence (moderate-high density) for Tracts 3 and 4. MV WALNUT CREEK LTD. (Robert Shepard, Jr.), by Cook-Steinman & Associates (Charles Steinman, P.E.). First reading on February 6, 1997; Vote 6-0, Garcia absent. Conditions met as follows: conditions as imposed by Council at first reading have been met.

**Ordinance No. 970306-E approved**

27. Approve second/third readings of an ordinance amending Chapter 13-2 of the Austin City Code by rezoning property locally known as E. Parmer Lane and E. Yager Lane, Case No. C14-96-0115, from DR, Development Reserve to "GR-CO", Community Commercial-Conditional Overlay, zoning with conditions. HARRIS RIDGE JOINT VENTURE (John Lewis), by Austin Permit Service (Melissa Whaley). First reading on October 24, 1996; Vote 6-0, Garcia off the dais. Conditions met as follows: conditional overlay incorporates conditions imposed by Council at first reading.

**Ordinance No. 970306-F approved**

**Items 26 and 27 approved on Councilmember Goodman's motion, Councilmember Reynolds' second, 7-0 vote.**

28. Approve second/third readings of an ordinance amending Chapter 13-2 of the Austin City Code by rezoning property locally known as E. Parmer Lane and E. Yager Lane, Case No. C14-96-0116, from DR, Development Reserve to GR-CO, Community Commercial-Conditional Overlay, zoning with conditions. HARRIS RIDGE JOINT VENTURE (John Lewis), by Austin Permit Service (Melissa Whaley). First reading on October 24, 1996; Vote 6-0, Garcia off the dais. Conditions met as follows: conditional overlay incorporates conditions imposed by Council at first reading.

**Ordinance No. 970306-G approved on, Councilmember Goodman's motion, Councilmember Reynolds' second, 7-0 vote.**

## ITEMS FROM COUNCIL

29. Direct the City manager to prepare and present amendments to the provisions in Chapter 13-2 of the Austin City Code concerning Neighborhood Conservation Combining Districts. (Councilmembers Jackie Goodman and Beverly Griffith)

**Approved on, Mayor Pro Tem Garcia's motion, Councilmember Griffith's second, 5-0 vote, Mayor Todd and Councilmember Mitchell off the dais.**

30. Approve a resolution endorsing the amendments to Article 6243n-1, Tex. Rev. Civ. Stat., as proposed by the Board of Trustees of the Austin Police Retirement System. (Councilmember Ronney Reynolds)  
**Approved on, Councilmember Goodman's motion, Councilmember Reynolds' second, 6-0-1 vote, Councilmember Griffith "ABSTAINING".**
31. Set a public hearing on water quality in Barton Springs and the Barton Creek Watershed and the results of monitoring in that watershed. (Suggested date and time: April 24, 1997 at 6:00 p.m.) (Councilmembers Daryl Slusher and Jackie Goodman)  
**Approved on, Councilmember Slusher's motion, Councilmember Goodman's second 5-0 vote. Mayor Todd and Councilmember Mitchell off the dais.**
- Motion to reconsider on, Councilmember Reynolds' motion, Councilmember Slusher's second, 5-0 vote, Mayor Todd and Councilmember Mitchell off the dais.**
32. Amend Ordinance No. 961212-P, prohibiting acceptance of applications for site plans and building permits on land zoned as Limited Industrial (LI), Commercial General Services (CS) or Commercial Liquor Sales (CS-1) within the area bounded by IH-35, Airport Boulevard, and Town Lake for an additional 45 days beyond the March 13, 1997 expiration date and additional recommended changes. (Mayor Pro Tem Gus Garcia and Councilmember Eric Mitchell)  
**Ordinance No. 970306-H approved on, Mayor Pro Tem Garcia's motion, Councilmember Griffith's second, 5-0 vote, Mayor Todd and Councilmember Mitchell off the dais.**
33. Direct the City Manager to undertake a zoning land use study of the area bounded by the following: south boundary - E. Riverside, west boundary - Montopolis Drive; north boundary - U.S. 183 and including Carson Ridge, Thrasher and Maxwell Streets relating to land zoned Limited Industrial (LI), Commercial General Services (CS) or Commercial Liquor Sales (CS-1) and report the results to the Planning Commission and City Council within 90 days. (Mayor Pro Tem Gus Garcia)  
**Postponed to March 20, 1997**
34. Approve an ordinance prohibiting acceptance of development applications on land zoned Limited Industrial (LI), Commercial General Services (CS) and Commercial Liquor Sales (CS-1) within the area bounded by the following: south boundary - E. Riverside; west boundary - Montopolis Drive; north boundary - U.S. 183 and including Carson Ridge, Thrasher and Maxwell Streets for a period of 90 days. (Mayor Pro Tem Gus Garcia)  
**Postponed to March 20, 1997**
35. Amend Ordinance No. 960910-G, the 1996-97 Operating Budget, by transferring \$11,122 from the General Fund Contingency Reserve, and increasing the appropriation by \$11,122 to the 1996-97 operating budget of the Parks and Recreation Department sponsorship of the East Austin Youth Classic Golf/Concert event. (Councilmember Ronney Reynolds)  
**Motion to approve on, Councilmember Reynolds' motion, Councilmember Goodman's second, 2-3 vote, Mayor Pro Tem Garcia, Councilmember Griffith and Slusher voting "NO", Mayor Todd and Councilmember Mitchell off the dais.**

#### 4:30 P.M. - ZONING HEARINGS AND APPROVAL OF ORDINANCES

36. C14-96-0145 - BALCONES ASSOCIATES, LTD., by Moritz Properties, Inc. (James W. Moritz). Public hearing to approve second/third readings of an ordinance amending Chapter 13-2 of the Austin City Code by rezoning property locally known as 3301 to 3305 Northland Drive and 5306 to 5604 Mopac Expressway (Southbound) from LR, Neighborhood Commercial to GR-CO, Community Commercial-Conditional Overlay with conditions. First Reading on February 6, 1997; Vote 6-0, Garcia absent. Conditions met as follows: conditional overlay incorporates conditions imposed by Council at first reading.  
**Ordinance No. 970306-I approved on, Mayor Pro Tem Garcia's motion, Councilmember Reynolds' second 7-0 vote.**
37. C14-96-0126 - CEDAR CORP. (F.S. Rebeiz), by Key Group Engineering, Inc. (Keith Young). Public hearing to amend Chapter 13-2 of the Austin City Code by zoning property locally known as West Dittmar Road and Cooper Lane from Interim-Rural Residence to SF-2, Single Family Residence (Standard Lot). Planning Commission Recommendation: To Grant SF-2-CO, Single Family Residence (standard lot)-Conditional Overlay, subject to conditions.  
**Motion to close public hearing on, Councilmember Slusher's motion, Councilmember Goodman's second, 4-0 vote, Mayor Todd, Councilmembers Griffith and Mitchell off the dais.**
- Motion to approve on, Councilmember Reynolds motion,**
- Motion fails due to lack of second.**
- Motion to approve first reading only on, Councilmember Reynolds' motion, Councilmember Goodman's second, 5-0 vote, Mayor Todd and Councilmember Mitchell off the dais.**
38. C14-96-0139 - H.E.B. GROCERY (Jim Sloan), by Bury & Pittman, Inc. (James B. Knight). Public hearing to amend Chapter 13-2 of the Austin City Code by rezoning property locally known as Brodie Lane and West William Cannon Drive from PDA-LI, Planned Development Area-Limited Industrial Services to GR, Community Commercial. Planning Commission Recommendation: Pending. (continued from 1/30/97; PC to hear on 3/25/97) **Postponed indefinitely**
39. C14-78-012 - UNITED STATES POSTAL SERVICES (Richard Drury), by Graves, Dougherty, Hearon & Moody (David Herndon). Public hearing to terminate a restrictive covenant at 7650 to 7730 Northcross Drive. Planning Commission Recommendation: To Deny the request. Note: The applicant has filed a request to postpone this item.  
**Postponed indefinitely**
40. C14-80-158 - UNITED STATES POSTAL SERVICES (Richard Drury), by Graves, Dougherty, Hearon & Moody (David Herndon). Public hearing to terminate a restrictive covenant at 7650 to 7730 Northcross Drive. Planning Commission Recommendation: To Deny the request. Note:



The applicant has filed a request to postpone this item.

**Postponed indefinitely**

41. C14-96-0155 - SOUTHEAST TEXAS INNS, INC. by Thompson & Knight (James E. Cousar). Public hearing to amend Chapter 13-2 of the Austin City Code by rezoning property locally known as 7522 North IH-35 Southbound Frontage Road from CS, General Commercial Services to CS-1, Commercial Liquor Sales as requested by the applicant. Planning Commission Recommendation: To Grant the request.  
**Ordinance No. 970306-J approved**

42. C14-96-0156 - JOYCE K. BRYANT, by Site Specifics (Bobbie Jo Cornelius). Public hearing to amend Chapter 13-2 of the Austin City Code by rezoning property locally known as 2109 Manana Street from LA, Lake Austin Residence to SF-2, Single Family Residence (Standard Lot) as requested by the applicant. Planning Commission Recommendation: To Grant the request.  
**Approve first reading only**

43. C14-96-0162 - THE KARNACK CO. (Jim McBride), by Fatter & Evans Architect (Mervin Fatter). Public hearing to amend Chapter 13-2 of the Austin City Code by zoning property locally known as 13831 North U.S. Hwy. 183 from I-RR, Interim Rural Residence to GR, Community Commercial as requested by the applicant. Planning Commission Recommendation: To Grant the request.  
**Ordinance No. 970306-K approved**

**Items 38 through 43 approved on, Mayor Pro Tem Garcia's motion, Councilmember Reynolds' second, 7-0 vote.**

44. C14-97-0009 - OYSTER INVESTMENT CORP., by Gebhard Sarma Group, Inc. (Bruce Aupperle, P.E.). Public hearing to amend Chapter 13-2 of the Austin City Code by zoning property locally known as 2215 and 2301 Westlake Drive from SF-3, Family Residence and CS, General Commercial Services to CR, Commercial Recreation. Planning Commission Recommendation: To Grant the request with conditions.  
**Motion to close public hearing on, Councilmember Mitchell's motion, Councilmember Reynolds' second 4-0 vote, Mayor Pro Tem Garcia, Councilmembers Goodman and Slusher off the dais.**

**Motion to approve on Councilmember Mitchell's motion, Mayor Todd's second**

No vote taken

**Motion to postpone two weeks to March 20, 1997 on, Councilmember Griffith's motion, Councilmember Slusher's second, 4-3 vote, Mayor Todd, Councilmembers Mitchell and Reynolds voting "NO".**

## PUBLIC HEARINGS

45. 4:30 P.M. - Public hearing for the annexation of Pioneer Crossing.  
**Motion to close public hearing on, Mayor Pro Tem Garcia's motion, Councilmember Goodman's second, 5-0 vote, Councilmember Griffith and Reynolds off the dais.**

46. 5:00 P.M. - 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.

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.

Public hearing to amend Chapter 2-4, Article VIII of the City Code relating to the Building and Standards Commission.

**Motion to close public hearing on, Mayor Pro Tem Garcia's motion, Councilmember Slusher's second, 5-0 vote, Councilmember Mitchell and Reynolds off the dais.**

47. 5:30 P.M. - Public hearing in accordance with Section 43.028 of the Texas Local Government Code, for the annexation of the Boulder Lane Tract.

**Motion to close public hearing on, Mayor Pro Tem Garcia's motion, Councilmember Slusher's second, 5-0 vote, Councilmember Mitchell and Reynolds off the dais.**

48. 6:30 P.M. - Public hearing to consider approval of the creation of Tax Abatement Reinvestment Zone No. 14 for the Canile Company, L.L.C. for the Brown Building located at 714 Colorado Street and adjacent property from the west side of the building extending to Lavaca Street.

**Postponed to March 20, 1997 at 7:00 p.m.**

49. 7:00 P.M. - Public hearing to consider approval of a request by Tim and Karrie League, Austin Cinema Drafthouse, Inc., located at 409 Colorado Street, to waive Section 8-3-4 of the City Code (minimum separation distance) between the Restaurant and Theater which intends to sell alcoholic beverages, and the American Institute for Learning. (Councilmember Jackie Goodman)

**Motion to close hearing on, Councilmember Slusher's motion, Councilmember Griffith's second, 6-0 vote, Councilmember Mitchell off the dais.**

#### ACTION ON PUBLIC HEARINGS

50. 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. (Recommended by Building and Standards Commission)

**Ordinance No. 970306-M approved on, Mayor Pro Tem Garcia's motion, Councilmember Goodman's second, 5-0 vote, Councilmember Griffith and Reynolds off the dais.**

51. 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)

**Ordinance No. 970306-N approved**

52. Amend Chapter 2-4, Article VIII of the City Code relating to the Building and Standards Commission.

**Ordinance No. 970306-O approved**

**Items 51 and 52 approved on, Mayor Pro Tem Garcia's motion, Councilmember Goodman's second, 5-0 vote, Councilmember Griffith and Reynolds off the dais.**

53. Approve annexation of the Boulder Lane Tract. (Recommended by Water and Wastewater Commission)

**Ordinance No. 970306-L approved**

54. Approve annexation by Northwest Austin MUD, No. 1 of 2.486 acres owned by Mao Chhay and M & S Express Stop, Inc., located in the 620 Oaks Subdivision in the vicinity of Boulder Lane and RM 620. (The Water and Wastewater Utility will receive an increase in revenue due to an increase in wastewater treatment revenues because Northwest Austin MUD No. 1 is an in-City MUD.) (Recommended by Water and Wastewater Commission and Planning Commission)

**Ordinance No. 970306-R approved**

**Items 53 and 54 approved on, Mayor Pro Tem Garcia's motion, Councilmember Goodman's second, 5-0 vote, Councilmembers Griffith and Reynolds off the dais.**

55. Approve temporary out-of-district water service request from Travis County Water Control and Improvement District No. 14 to 37.06 acre tract owned by West OBC Partners, L.P. (Approval will result in a \$145.00 annual increase in wholesale water revenues collected from WCID #14 from one additional 5/8" water meter. This estimated revenue was not included in the 1996-97 budget of the Water and Wastewater Utility.) (Recommended by Water and Wastewater Commission)

**Ordinance No. 970306-Q approved on, Councilmember Goodman's motion, Councilmember Reynolds' second, 7-0 vote.**

56. Approve the creation of Tax Abatement Reinvestment Zone No. 14 for the Canile Company, L.L.C. for the Brown Building located at 714 Colorado Street and adjacent property from the west side of the building extending to Lavaca Street. (No fiscal impact.)

**Postponed to March 20, 1997**

57. Authorize execution of a Tax Abatement Agreement with the Canile Company, L.L.C. (The estimated amount of abated taxes over the ten year period of abatement is approximately \$300,000.)

**Postponed to March 20, 1997**

58. Approve a request by Tim and Karrie League, Austin Cinema Draffhouse, Inc., located at 409 Colorado Street, to waive Section 8-3-4 of the City Code (minimum separation distance) between the Restaurant and Theater which intends to sell alcoholic beverages, and the American Institute for Learning. (Councilmember Jackie Goodman)

**Approved on Councilmember Goodman's motion, Councilmember Slusher's second, 6-1 vote,**

Mayor Pro Tem Garcia voting "NO".

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.

Real Estate - Section 551.072

59. Discuss Lease/Right of First Refusal on One Texas Center.

Advice of Counsel - Section 551.071

60. Discuss Burnham v. City of Austin, et al.; CA No. 91-15886; Travis County District court.

61. Discuss Osaze-Ediae v. John Jones, Hector Polanco and City of Austin; CA No. 94-00063; Travis County District Court.

62. Discuss Zilker Eagle, Inc. v. City of Austin, et al.; CA 96CA613JN; United States District Court-Western District of Texas.

ACTION ON EXECUTIVE SESSION ITEMS

63. Consider a settlement proposal in Burnham v. City of Austin, et al.; CA No. 9115886; Travis County District Court.

**No action taken**

64. Authorize payment of additional outside counsel fees in Osaze-Ediae v. John Jones, Hector Polanco and City of Austin; CA No. 94-00063; Travis County District Court.

**Approved in the amount not to exceed \$225,000 on, Mayor Pro Tem Garcia's motion, Councilmember Griffith's second, 6-0 vote, Councilmember Goodman off the dais.**

65. Authorize payment of additional outside counsel fees in Zilker Eagle, Inc. v. City of Austin, et al.; CA No. 96CA613JN; United States District Court-Western District of Texas.

**Approved in an amount not to exceed \$160,000 on, Mayor Pro Tem Garcia's motion, Councilmember Griffith's second, 6-0 vote, Councilmember Goodman off the dais.**

ADDENDUM  
March 6, 1997

CORRECTION

31. Set a public hearing on the Barton Springs and the Barton Creek Watershed, should include:  
(Councilmember Beverly Griffith)  
See item 31 for vote.
55. Approve a temporary out-of-district water service request from Travis County Water Control and Improvement District, should be considered under ordinances and resolutions. It is not related to a public hearing.  
See item 55 for vote.

#### ADDENDUM

66. Amend ordinance No. 960910-G, the 1996-97 Operating budget by decreasing the Electric Utility ending balance by \$100,000 and increasing the appropriation to the Electric Utility operating budget by \$100,000 to fund a professional service agreement with W. Scott McCullough. (Funding in the amount of \$100,000 is available in the 1996-97 ending balance of the Electric Utility department) (Related to item 25)  
**Postponed to March 20, 1997**
67. Approve a resolution to authorize negotiation and execution of an amendment to the contract between Maconda Park Joint Venture and the City of Austin for purchase of a joint EMS/Fire Station in the amount of \$622,000. (Funding was included in the FY 95-96 Capital Budget of the Fire Department)  
**Pulled off agenda**

#### ITEMS FROM COUNCIL

68. Adopt a resolution to direct the City Manager to allocate the necessary resources to keep Palm Pool open for the 1996-97 summer swim season. (Councilmember Eric Mitchell)  
**Approved on, Councilmember Goodman's motion, Councilmember Reynolds' second, 7-0 vote.**
69. Adopt a resolution amending the legislative program of the City of Austin for 1997 to support legislation authorizing the City of Austin to hold a non-binding referendum on Capital Metro. (Councilmember Ronney Reynolds)  
**Motion to approve on, Councilmember Reynolds' motion, Councilmember Mitchell's second, 2-4 vote, Mayor Todd, Mayor Pro Tem Garcia, Councilmember Goodman and Griffith voting "NO".**  
  
**Motion fails.**
70. Adopt a resolution submitting certain questions to the electorate at the May 3, 1997 election, related to Capital Metro. (Councilmember Ronney Reynolds)  
**Motion to approve on, Councilmember Reynolds' motion, Councilmember Mitchell's second, 1-5 vote, Mayor Todd, Mayor Pro Tem Garcia, Councilmembers Goodman, Griffith and Slusher voting "NO".**

**Motion fails.**

ADJOURNED at 11:40 p.m. on, Councilmember Slusher's motion, Councilmember Reynolds' second,

5-0 vote, Mayor Todd and Councilmember Mitchell absent.

Approved on this the 27<sup>th</sup> day of March, 1997, on, Mayor Pro Tem Garcia's motion, Councilmember Goodman's second, 6-0 vote, Councilmember Mitchell off the dais.