



# Austin City Council MINUTES

REGULAR MEETING  
THURSDAY, APRIL 10, 1997

Mayor Todd called the meeting to order, Council Member Reynolds off the dais.

1. Approval of Minutes for Special Called Meeting of March 24, 1997; and Regular Meetings of March 26 & 27, 1997, and April 2 & 3, 1997.

Approved minutes of Regular Meeting of March 27, 1997 and April 2, 1997, minutes for Special Called Meeting of March 24, 1997, Regular Meetings of March 26 and April 3, 1997 postponed two weeks on, Mayor Pro Tem Garcia's motion, Council Member Slusher's second, 6-0 vote, Council Member Reynolds off the dais.

## CITIZEN COMMUNICATIONS: GENERAL

2. Mr. Spencer Nutting, to discuss Gay 101.  
Absent
3. Mr. Richard Troxell, to discuss homeless issues.
4. Mr. David Blakely, to discuss "we have a lean beef."
5. Ms. Cecilia Bustamante, to report on visit to our Sister City Lima, Peru, and presentation of key to the City of Austin to Mayor of Lima, Alberto Andrade, as commissioned by Mayor Todd.
6. Mr. John McMillan, to discuss the need for a local counterpart to Houston's Hermann Park that's located inside Austin property.
7. Mr. Larry Malone, to discuss recreation Center CIP for Little Walnut Creek Park.
8. Mr. Gus Pena, to discuss city issues, public safety and youth issues.
9. Mr. Mike Workman, to update the Council on library computer screening of the following phrases and individual words: porn, ducks, Chuck Tucker, publish it, got its, ship is slow, and John Henry Faulk.

## READING OF CONSENT AGENDA

## READING OF DISCUSSION AGENDA

## CITIZEN COMMUNICATIONS: CONSENT AGENDA

## ACTION ON CONSENT AGENDA

## ITEMS CONTINUED FROM PREVIOUS MEETINGS

10. Amend Chapter 2-2 of the City Code relating to Rules for City Council meetings. (Councilmembers Daryl Slusher and Jackie Goodman)  
**Ordinance No. 970410-A approved**

### Police

11. Approve an ordinance authorizing acceptance of an additional \$15,275 from the State of Texas Comptroller of Public Accounts, Law Enforcement Officer Standards and Education (LEOSE) account for a total amount of \$95,275 for police officer training; amend Ordinance 960910-G, the 1996-97 operating budget, amending the Special Revenue Fund by appropriating an additional \$15,275 to the Police Department Special Revenue Fund. (The approved Special Revenue Fund for the Austin Police Department projected receiving \$80,000 from this account. A City match is not required.)

**Ordinance No. 970410-B approved**

12. Approve an ordinance authorizing acceptance of \$714,535 in federal grant funds from the U.S. Department of Justice, Office of Justice Programs, Grants to Encourage Arrest Policies-Violence Against Women Program, for the Austin Police Department and Travis County to create an Austin/Travis County Family Protection Team, develop an inter-agency management information system, and train police officers, prosecutors and judges regarding the handling of domestic violence cases; amend Ordinance 960910-G, the 1996-97 operating budget, amending the Special Revenue Fund by appropriating \$714,535 in grant funds for the Police Department Special Revenue Fund. (A City match is not required.)

**Ordinance No. 970410-C approved**

13. Approve a resolution authorizing the lease of 3,948 net rentable square feet of office space for use by the Family protection Team of the Austin Police Department and Travis County, in the amount of \$75,000. (Federal grant funding in the amount of \$75,000 is included in the 1996-97 Amended Operating Budget of the Special Revenue Fund for the Austin Police Department; funding for future options is contingent upon approved funding in future operating or grant budgets.)

**Approved**

### Public Works

14. Amend Section 8-13-28 (A) of the Austin City Code by increasing the number of additional taxicab permits, from four to six, available to franchise holders providing specialized van service to disabled passengers. (Increased revenue will be contingent on the number of additional taxicabs used by the franchises. Annual revenue is \$400 per taxicab.) (Recommended by Urban Transportation Commission)

**Ordinance No. 970410-D approved**

15. Amend the Austin City Code by modifying the Basic Traffic Ordinance, Section 16-6-4, (D) Speed Limits, to add the existing 20 mph reduced speed school zone on Rampart Street, for the protection of students attending Parmer Lane Elementary and Westview Middle Schools. (No fiscal impact. The school zone and signal with solar panels were installed by Travis County.)  
**Ordinance No. 970410-E approved**

### Fire

16. Approve a resolution authorizing execution of a twelve month supply agreement with VALLEN SAFETY SUPPLY COMPANY, Austin, Texas, for the purchase of Scott air mask parts and accessories for firefighters' breathing apparatus, in an amount not to exceed \$157,000 with two twelve month extension options in an amount not to exceed \$157,000 per extension, for a total contract amount not to exceed \$471,000. (Funding in the amount of \$78,500 was included in the 1996-97 operating budget of the Austin Fire Department. Funding for the remainder of the contract and the extension options is contingent upon available funding in future budgets.) Best discount of four. No M/WBE Subcontracting opportunities were identified.  
**Approved**

### Finance and Administrative Services

17. Approve a resolution authorizing execution of a twelve month supply agreement with LONGHORN INTERNATIONAL EQUIPMENT, INC., Austin, Texas, for the purchase of repair parts for the City's fleet heavy trucks, in an amount not to exceed \$256,000 with two twelve month extension options in an amount not to exceed \$256,000 per extension, for a total contract amount not to exceed \$768,000. (Funding in the amount of \$104,167 was included in the 1996-97 Fleet Maintenance Fund of the Fleet Services Division; \$2,500 was included in the 1996-97 operating budget of the Water and Wastewater Utility Department. Funding for the remainder of the contract and the extension options is contingent upon available funding in future budgets.) Sole Source. No M/WBE Subcontracting opportunities were identified.  
**Approved**

18. Approve a resolution authorizing execution of a construction contract with A.D. WILLIS COMPANY, INC., Austin, Texas, for asbestos abatement and roof replacements at Fire Stations 10, 11, and 12 located at 3009 Windsor Road, 1605 Kinney Avenue, and 2109 Hancock Drive, respectively, in the amount of \$99,590. (Funding in the amount of \$10,650 is available in the 1996-97 Capital budget of the Public Works and Transportation Department; \$88,940 is available in the 1996-97 Amended Capital budget of the Financial and Administrative Services Department, Building Services Division.) Low bid of three. 0% MBE, 11.0% WBE Subcontractor participation.  
**Approved**

### Planning, Environmental and Conservation Services

19. Approve an ordinance authorizing annexation of Pioneer Crossing. (No fiscal impact in 1996-97.)  
**Ordinance No. 970410-F approved emergency passage.**

Items 11 through 19 approved on, Mayor Pro Tem Garcia's motion, Council Member Goodman's second, 7-0 vote.

20. Approve an ordinance authorizing annexation by Travis County Water Control and Improvement District, No. 10 of 17.6556 acre tract owned by William D. McCormick and Esther L. McCormick located in the vicinity of Weston Lane and RM 2244. (The Water and Wastewater Utility estimated it will receive approximately \$4,776 in additional wholesale water revenues. This revenue is not included in the 1996-97 operating budget.) (Recommended by Water and Wastewater Commission with conditions and Planning Commission)  
**Postponed two weeks**

### Development Review and Inspection

21. Zoning Case C14-96-0144, 12633 Research Boulevard, approve second/third reading of an ordinance amending Chapter 13-2 of the Austin City Code by rezoning property locally known as 12633 Research Boulevard, from "I-SF-2", Interim Single Family Residence (standard lot) to "GR-CO", Community Commercial-Conditional Overlay zoning with conditions. First reading on February 27, 1997; Vote 7-0. Conditions met as follows: conditional overlay incorporates conditions imposed by Council on first reading.  
**Ordinance No. 970410-G approved Planning Commission recommendation.**
22. Reset a public hearing to consider an appeal by Vivek Bakshi, Ph.D., of the Planning Commission's decision to approve a request for a variance for construction on slopes associated with a subdivision preliminary plan and appeal of the approval of the preliminary plan, case number C8-96-0117, Nassour Acres, located between Canyon Rim Drive and King Arthur Court. (Suggested date and time: April 24, 1997 at 7:30 P.M.)  
**Approved to reset public hearing.**

### Management Services

23. Approve cancellation of of the April 30, 1997 and May 1, 1997, regularly scheduled Council meetings.  
**Ordinance No. 970410-H approved**

Items 21 through 23 approved on, Mayor Pro Tem Garcia's motion, Council Member Goodman's second, 7-0 vote.

### ITEMS FROM COUNCIL

24. Direct the City Manager to allow Eeyore's Birthday Party to be held at Pease Park on April 26, 1997. (Councilmembers Jackie Goodman and Eric Mitchell)  
**Motion by Council Member Goodman:** "In the immediate future, have representatives of the Old Enfield Neighborhood, Eeyore's organizers, and PARD staff get together to work on unresolved issues in preparation for this year's event.

Also, convene a working group of neighborhood representatives (Enfield, OWANA, Bouldin/Zilker (for Aqua Fest experience) VAP), Eeyore's organizers, and PARD member(s) and PARD staff to address the issue of future event location, specifically the need to move or mitigate overcrowding at Pease. Work to be completed by October, 1997, on, Council Member Goodman's motion, Council Member Mitchell's second, 7-0 vote.

25. Direct the City Manager to initiate the process for the Water and Wastewater Utility to acquire selected water and wastewater system assets of Hill Country Utilities, Inc. (Councilmember Ronney Reynolds)

**Approved on, Mayor Pro Tem Garcia's motion, Council Member Goodman's second, 7-0 vote.**

26. Approve release of approximately 2,446 acres of the City of Austin's extra-territorial jurisdiction to the City of Buda. (No fiscal impact.) (Councilmembers Daryl Slusher and Jackie Goodman)

**Approved**

27. Approve release of approximately 951 acres of the City of Austin's extra-territorial jurisdiction to the City of Hays. (No fiscal impact.) (Councilmembers Daryl Slusher and Jackie Goodman)

**Approved**

**Items 26 and 27 approved on Council Member Slusher's motion, Council Member Goodman's second, 5-0 vote, Mayor Todd and Council Member Reynolds off the dais.**

28. Consider under Section 8-4-6 of the City Code, locating carnival activities within 1,000 feet of property developed for residential use, for the Ben Hur Shrine Temple Carnival, to be held May 5-12, 1997, at Nelson Field, located at 7105 Berkman Drive. ((Councilmember Ronney Reynolds)

**Motion to approve waiver on, Council Member Reynolds' motion, Council Member Goodman's second, 3-3 vote, Mayor Pro Tem Garcia, Council Member Griffith and Slusher voting "NO".**

**Motion fails**

29. Approve a resolution authorizing the negotiation and execution of an agreement with Anderson Community Development Corporation, to acquire land located in the SCIP II neighborhood area and construct 47 residential housing units in an initial amount not to exceed \$700,000 of HOME Investment Partnerships Program funds with two options to increase the loan in amounts of \$2,997,372 on October 1, 1997, and \$718,628 on October 1, 1998, for a total loan amount not to exceed \$4,416,000. (Councilmember Eric Mitchell)

**Approved on, Council Member Mitchell's motion, Council Member Reynolds' second, 4-0-2 vote, Council Member Griffith and Slusher "ABSTAINING", Mayor Todd off the dais.**

30. Direct staff to provide a briefing on SCIP II, SCIP III, Austin Redevelopment Authority, and Central City Entertainment Center. (Councilmember Eric Mitchell)

**Postponed to April 23, 1997**

31. Approve a selection process for Capital Metro appointees. (Councilmembers Daryl Slusher and Ronney Reynolds)

**Motion to approve on, Council Member Reynolds' motion, Council Member Slusher's second, 6-0-1 vote, Council Member Mitchell "ABSTAINING".**

32. Direct the City Manager to prepare and present amendments to the provisions in Chapter 13-2 of the Austin City Code concerning Planning Commission recommendations arising from the completion of the East Austin Land Use Study. (Mayor Pro Tem Gus Garcia and Councilmember Eric Mitchell)

**Approved on, Council Member Goodman's motion, Council Member Slusher's second, 5-0 vote, Mayor Pro Tem Garcia and Council Member Mitchell off the dais.**

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

33. C14-97-0009 - 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 zoning. Planning Commission Recommendation: To Grant the request with conditions. (continued from 3-6-97, Public Hearing closed; & 3-20-97)

**Motion to approve Planning Commission recommendation, first reading only, with request that case be brought back in two weeks when an item from Council Member Griffith directing staff to prepare recommendations for enhancing public safety for Lake Austin Basin will be put on agenda on, Council Member Griffith's motion, Council Member Goodman's second, 4-3 vote, Mayor Todd, Council Members Mitchell and Reynolds voting "NO".**

**\*NOTE: In addition, Council Member Goodman requested staff to contact all current neighborhood groups (including those contacted by applicant; call applicant to get list) to see what their position will be on fewer boat docks.**

34. C14-96-0158 - Public hearing to amend Chapter 13-2 of the Austin City Code by rezoning property locally known as 6305 Berkman Drive, from "SF-3", Family Residence to "P", Public District, zoning. Planning Commission Recommendation: Forwarded to City Council without a recommendation.

**Motion to close public hearing on, Mayor Pro Tem Garcia's motion, Council Member Slusher's second, 7-0 vote.**

**Motion to deny rezoning request; requested staff to report in two weeks, April 24, 1997, on alternative sites on, Mayor Pro Tem Garcia's motion, Council Member Mitchell's second, 5-2 vote, Mayor Todd and Council Member Reynolds voting "NO".**

35. C814-96-0003 - Public hearing to amend Chapter 13-2 of the Austin City Code by rezoning property locally known as Dessau Road and Proposed Parmer Lane, from "I-RR", Interim Rural Residence and "UNZ", Unzoned to "PUD", Planned Unit Development, zoning. Planning Commission Recommendation: To Grant "PUD", Planned Unit Development, zoning with conditions.

**Ordinance No. 970410-I approved Planning Commission recommendation, and requested staff to: At the time of subdivision platting/parkland dedication, as referenced in Exhibits "B" (land use plan) and Exhibit "G" (permitted uses), to consider enhancing pedestrian access southward to Braker and on Exhibit "D" Parcel W-20, ask that parkland development be compatible with the (Jordan-Bachman) Pioneer Farm activities on, Mayor Pro Tem Garcia's motion, Council Member Griffith's second, 7-0 vote.**

#### PUBLIC HEARINGS

36. 7:00 P.M. - Public hearing to exempt the Airport Business RV Park, located at 720 Levander Loop, from the East Austin Moratorium. (Mayor Pro Tem Gus Garcia and Councilmember Jackie Goodman)

**Motion to close public hearing on, Council Member Reynolds' motion, Mayor Todd's second, 4-0 vote, Mayor Pro Tem Garcia, Council Members Mitchell and Slusher off the dais.**

37. 7:30 P.M. - Public hearing on the terms and conditions in the proposal for the State Pooling Board and National Guard to relocate to ABIA from RMMA.

Public hearing left open to speakers to come back in two weeks, time certain at 8:00 p.m.

**ACTION ON PUBLIC HEARINGS**

38. Approve an ordinance exempting the Airport Business RV Park, located at 720 Levander Loop, from the East Austin Moratorium. (Mayor Pro Tem Gus Garcia and Councilmember Jackie Goodman)  
Ordinance 970410-J approved on, Council Member Goodman's motion, Mayor Todd's second 5-0 vote, Mayor Pro Tem Garcia and Council Member Mitchell off the dais.

**EXECUTIVE SESSION (No Public Discussion on These Items)**

Executive session held at 12:07 p.m. to 12:45 p.m. on items 39, 40, and 41.

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**

39. Discuss real property acquisition/sale/lease of land at Robert Mueller Municipal Airport and Austin-Bergstrom International Airport with the State of Texas, state Pooling Board, and the Texas Army National Guard.

**Pending Litigation - Section 551.071**

40. Discuss Lizabel Castro, individually and as Next Friend of Irmalinda Castro, a minor, and Marie Cruz, individually and as Next Friend of Nasaria Ramirez, a minor v. City of Austin, Cause No. 95-06133, in Travis County, Texas.
41. Discuss Nigel Gusdorf, Martin Thompson and Charles Wood v. The City of Austin; Cause No. 95-03722; Travis County Texas.

**ACTION ON THE FOLLOWING**

42. Consider settlement proposal in Lizabel Castro, individually and as Next Friend of Irmalinda Castro, a minor, and Marie Cruz, individually and as Next Friend of Nasaria Ramirez, a minor v. City of Austin, Cause No. 95-06133, in Travis County, Texas.  
Approved in the amount not to exceed \$80,000 on, Mayor Pro Tem Garcia's motion, Council Member Goodman's second, 7-0 vote.

43. **APPOINTMENTS**

LIBRARY COMMISSION - IRA V. STRANGE, JR.

Friendly amendment by Council Member Mitchell to add appointments to consent agenda, maker and

second, accepted amendment on, Mayor Pro Tem Garcia's motion, Councilmember Goodman's second, 7-0 vote.

ADDENDUM  
APRIL 10, 1997

PARKS & RECREATION DEPARTMENT

44. Reset a public hearing to approve .074 acre permanent public utility use of dedicated parkland known as Walsh Boat Landing for the construction of the Tarrytown Wastewater Rehabilitation project in accordance with Section 26.001 et seq. of the Texas Parks and Wildlife Code. (Suggested date and time: May 8, 1997 at 6:30 p.m.)  
Approved on, Mayor Pro Tem Garcia's motion, Council Member Goodman's second, 7-0 vote.

ITEMS FROM COUNCIL

45. Amend ordinance No. 961212-P prohibiting acceptance of applications for site plans and building permits on land zoned (LI), and Commercial Services (CS) or Commercial Liquor Sales (CS-1) within the area bounded by IH-35, Airport Boulevard, and Town Lake for an additional 90 days beyond the April 20, 1997 expiration date. (Mayor Pro Tem Gus Garcia)  
Ordinance No. 970410-J approved on, Council Member Goodman's motion, Council Member Slusher's second, 5-0 vote, Mayor Pro Tem Garcia and Council Member Mitchell off the dais.
46. Approve a resolution directing the City Manager to prepare for Executive Session a legal briefing on litigation and the ramifications of restrictions on the use of Sand Beach Reserve. (Council Member Ronney Reynolds)  
Approved on, Mayor Pro Tem Garcia's motion, Council Member Goodman's second, 7-0 vote.

ADJOURNED at 9:30 p.m. on, Mayor Pro Tem Garcia's motion, Council Member Griffith's second, 7-0 vote.

Approved on this the 24<sup>th</sup> day of April, 1997 on Mayor Pro Tem Garcia's motion, Council Member Slusher's second, 7-0 vote.