



# Austin City Council MINUTES

JANUARY 11, 1996

Mayor Todd called the meeting to order, Councilmember Nofziger off the dais, Councilmembers Mitchell, Reynolds temporarily absent, Councilmember Shea absent.

1. Approval of Minutes for the Special Called Meeting of January 3, 1996, the Regular Called Meeting of January 4, 1996, and amend approved minutes of the Regular Meeting of December 14, 1995. Approved, with Item 62 of the Regular Meeting Minutes of December 14, 1995 amended to read: Included, along with the closing of the hearing, the approval of the Austin Public Improvements District (PID) proposed assessments, on Mayor Pro Tem Garcia's motion, Councilmember Nofziger's second, 4-0 vote, Councilmembers Mitchell and Reynolds temporarily absent, Councilmember Shea absent.

## CITIZEN COMMUNICATIONS: GENERAL

2. Mr. Gus Pena, to discuss city and youth issues.
3. Mr. Kirk Becker, to discuss the encampment ordinance.

## ITEMS CONTINUED FROM PREVIOUS MEETINGS

4. Approve an ordinance amending Section 10 of Chapter 18-3, the Drainage Utility, offering an exemption from drainage utility fees for churches that join in a coalition to assist the homeless. (Councilmembers Michael "Max" Nofziger, Jackie Goodman and Brigid Shea) (Related to Item 27)  
Postponed to January 18, 1996

## ORDINANCES

5. Approve second/third readings of an ordinance amending Chapter 13-2 of the Austin City Code rezoning property locally known as 5905 to 5909 Manor Road, Case No. C14-94-0123, from "SF-3" Family Residence to "MF-3  
\_CO" Multifamily Residence (medium density)-Conditional Overlay zoning subject to (1) height limitation of 30 feet; (2) limit development to 54 units; (3) multifamily development will be allowed as a conditional use; (4) a rollback to SF-3 if funding is not received within 12 months of final reading of ordinance; and (5) at least 50% of all dwellings shall be accessible in accordance with Chapter 31 of the adopted Building Code to mobility impaired individuals. All accessible units shall be provided with

accessible bathrooms with associated hardware and all common areas shall be accessible prior to issuance of a certificate of occupancy; HEM PROPERTIES (Steven C. Moore). First reading on April 6, 1995; Vote 6-0, Councilmember Max Nofziger - temporarily absent. Conditions met as follows: conditional overlay and restrictive covenant incorporates conditions imposed by Council.

**Ordinance No. 960111-A approved**

6. Amend the City Code by modifying the Basic Traffic Ordinance, Section 16-4-4 (D) Speed Limits, to lengthen an existing 20 mph school zone on Robert T. Martinez, Jr. Street for students attending Metz Elementary School. (Funding in the amount of \$1,145 for a new pole, flasher and electrical equipment is available in the 1995-96 operating budget of the Child Safety Fund of the Public Works Department).

**Ordinance No. 960111-B approved**

7. Amend the Austin City Code by modifying the Basic Traffic Ordinance, Section 16-4-4 (D) Speed Limits, for the installation of a 20 mph school zone on the 7400 block of Fireoak Drive for students attending North Oak Elementary School. (Funding in the amount of \$4,950 for solar and standard flashers is available in the 1995-96 operating budget of the Child Safety Fund of Public Works Department).

**Ordinance No. 960111-C approved**

8. Authorize acceptance of \$26,000 in grant funds from the U.S. Department of Veterans Affairs, Service Members Occupational Conversion and Training Act (SMOCTA) for improvements to the Training Academy; and amend Ordinance No. 950911-A, the 1995-96 operating budget, amending the Special Revenue Fund for the Police Department by appropriating an additional \$26,000 in grant funds for the Police Department Special Revenue Fund.

**Ordinance No. 960111-D approved**

9. Authorize acceptance of \$84,246 in federal funds from the U.S. Department of Justice, United States Attorney's Office, Intergovernmental Violent Crime Task Force to investigate organized violent crime activity; and amend Ordinance No. 950911-A, the 1995-96 operating budget, by increasing budgeted expenses in the Police Department by \$84,246 and expense refunds by the same amount.

**Ordinance No. 960111-E approved**

10. Authorize acceptance of \$40,000 in grant funds from the U.S. Department of Housing and Urban Development (HUD) for the administration of the Section 8 Substantial Rehabilitation Housing Assistance Payments Program; and amend Ordinance No. 950911-A, the 1995-96 operating budget, to increase the Special Revenue Fund of the Neighborhood and Housing Conservation fund by appropriating \$40,000. (To be reviewed by Housing Subcommittee January 9, 1996)

**Ordinance No. 960111-F approved**

11. Amend Chapter 8-3, Alcohol Consumption, and Section 10-1-19, Glass Containers, of the Code of the City of Austin, 1992, as amended, repealing the prohibition of possession of an open container of an alcoholic beverage; adding an area in which the consumption of alcoholic beverages is prohibited;

and designating the areas in which glass containers are prohibited to be coincidental with those areas in which the consumption of alcoholic beverages is prohibited. (No fiscal impact.)

Ordinance No. 960111-G approved, with staff recommending an amendment to exempt sidewalk cafes from the provisions of the glass container and alcohol consumption ordinances. The amendment was accepted by the maker and the second.

## RESOLUTIONS

12. Authorize negotiation and execution of Amendment #1 to the Professional Services Agreement with URBAN DESIGN GROUP (WBE/FR), Austin, Texas, for Phase II engineering design services for the Tarrytown Water and Wastewater Rehabilitation Project, in the amount of \$229,700.52, for a total agreement amount of \$271,377.60. (Funding was included in the 1995-96 Capital budget of the Water and Wastewater Utility) Subconsultant participation: 9.44% MBE, 9.07% WBE. (Recommended by Water and Wastewater Commission)  
**Approved**
13. Approve a construction contract award to SALAS TRUCKING & EXCAVATION (MBE/MH), Austin, Texas, for the installation of water line in Delwau Road, east of Ed Bluestein Boulevard, in the amount of \$149,810.10. (Funding was included in the 1991-92 Capital budget of the Water & Wastewater Utility) Low bid of six. Subcontractor participation: 10.01% MBE, 4.87% WBE. (Recommended by Water and Wastewater Commission)  
**Approved**
14. Approve execution of a twelve month supply agreement with W.W GRAINGER INC., Austin, Texas, for stockless purchase of industrial and commercial supplies used by the service centers of the Fleet Service Division, in an amount not to exceed \$100,000 with two twelve month extensions not to exceed \$100,000 per extension, for a total amount not to exceed \$300,000. (Funding in the amount of \$75,000 is available in the 1995-95 operating budget of the Fleet Service Division of the Finance and Administrative Services Department. Funding for the remaining three months and the extension options is contingent upon available funding in future budgets.) Low bid of three. No M/WBE Subcontracting opportunities were identified.  
**Approved**
15. Authorize negotiation and execution of a License Agreement with the City of Llano to locate, construct, maintain, and operate 12.5 KV electrical lines across/above the Giddings-to-Llano Railroad right-of-way. (The annual fee of \$200 under this proposed licensing agreement will be paid by the City of Llano.)  
**Approved**
16. Authorize negotiation and execution of a License Agreement with SOUTHWESTERN BELL TELEPHONE, Austin, Texas, to locate, construct, maintain, and operate underground fiber optic lines under/across the Giddings-to-Llano Railroad right-of-way at milepost 51.88, engineering station 5722 + 72.6. (The annual fee of \$200 under this proposed licensing agreement will be paid by Southwestern Bell Telephone Company.)  
**Approved**

17. Approve an Interlocal Agreement with the City of Rollingwood to provide law enforcement services in portions of Zilker Park. (No fiscal impact.) Recommended by the Parks Board.

**Approved**

18. Authorize negotiation and execution of a Parkland Improvement Agreement with Covenant Presbyterian Church to allow the church to build a parking lot on adjacent parkland for use by both church and park patrons. (Total estimated cost of \$200,000-\$225,000 for improvements will be paid by Covenant Presbyterian Church.) (To be reviewed by Parks Board January 9, 1996) Recommended by the Parks Board.

**Approved**

19. Approve additional contingency funding to the contract with M W BUILDERS, INC., Temple, Texas, for the construction of the Passenger Terminal Preparation project for Austin-Bergstrom International Airport (ABIA), in the amount of \$200,000, for a total contract amount of \$5,983,633.60. (Funding was included in the 1995-96 Capital budget of the Aviation Department.) No M/WBE subcontracting opportunities were identified. (Reviewed by Airport Advisory Board)

**Approved**

**Items 5 through 19 approved on, Mayor Pro Tem Garcia's motion Councilmember Goodman's second, 6-0 vote, Councilmember Shea absent.**

20. Approve the negotiation and execution of a twelve (12) month contract with Austin Families, Inc., for the administration of the Child Care Voucher Program, in an amount not to exceed \$241,000. (Funding is available in the 21st year (1995-96) Community Development Block Grant (CDBG) special revenue funds.) Single bid. No M/WBE Subcontracting opportunities were identified.

**Approved on, Mayor Pro Tem Garcia's motion, Councilmember Goodman's second, 5-0 vote, Councilmember Nofziger off the dais, Councilmember Shea absent.**

21. Approve a resolution providing direction to the City Manager to proceed with alternative pay strategies for City departments tailored to meet departmental business needs.

**Approved on, Councilmember Reynolds' motion, Mayor Pro Tem Garcia's second, 6-0 vote, Councilmember Shea absent.**

22. Set a public hearing to consider and approve an approximately 7,050 square foot permanent waterline use agreement to allow the construction of an eight inch diameter waterline through dedicated parkland known as Rundberg Park in accordance with Section 26.001 et seq. of the Texas Parks and Wildlife Code. (Suggested date and time: February 8, 1996 at 4:45 P.M.) (Recommended by Parks Board) **Approved**

23. Set a public hearing to consider and approve an approximately 24,480 square foot permanent wastewater use agreement, to allow the construction of a new wastewater line through dedicated parkland known as Yett Creek Park in accordance with Section 26.001 et seq. of the Texas Parks and Wildlife Code. (Suggested date and time: February 8, 1996 at 4:30 P.M.) (Recommended by Parks Board)

**Approved**

Items 22 and 23 approved on, Mayor Pro Tem Garcia's motion, Councilmember Goodman's second, 6-0 vote, Councilmember Shea absent.

ITEMS FROM COUNCIL

24. Set a public hearing on proposed amendment to the City's Community Development Program to consider a revised Consolidated Plan reprogramming funds from 1995 and prior years for the El Buen Pastor Child Development Center; and direct the City Manager to notify the community of the proposed amendment as provided for in the City's Citizen Participation Plan, as required under Chapter 373 of the Texas Local Government Code. (Suggested date and time: February 1, 1996 at 4:30 p.m.) (Mayor Pro Tem Gus Garcia)

**Approved**

25. Set a public hearing on proposed amendment to the City's Community Development Program to consider a revised Consolidated Plan reprogramming funds from 1995 and prior years for the Greater East Austin Youth League; and direct the City Manager to notify the community of the proposed amendment as provided for in the City's Citizen Participation Plan, as required under Chapter 373 of the Texas Local Government Code. (Suggested date and time: February 1, 1996 at 5:30 PM) (Mayor Pro Tem Gus Garcia)

**Approved**

26. Set a public hearing on proposed amendment to the City's Community Development Program to consider a revised Consolidated Plan reprogramming funds from 1995 and prior years for the G.A.I.N. Elderly Housing Project; and direct the City Manager to notify the community of the proposed amendment as provided for in the City's Citizen Participation Plan, as required under Chapter 373 of the Texas Local Government Code. (Suggested date and time: February 1, 1996 at 6:30 PM) (Mayor Pro Tem Gus Garcia)

**Approved**

Items 24 through 26 approved on, Mayor Pro Tem Garcia's motion, Councilmember Nofziger's second, 5-0-1 vote, Councilmember Mitchell abstaining, Councilmember Shea absent.

27. Approve requesting churches in the community to partner with the city to create a funding of \$500,000 annually for assistance to the homeless and directing the City Manager to inform churches of the initiative and assist them in the formation and implementation of a coalition to provide homeless programs. (Councilmembers Michael "Max" Nofziger and Jackie Goodman) (Related to Item 4)

**Postponed to January 18, 1996**

28. Approve a resolution supporting citizens' rights to live and prosper in a multilingual (English Plus) society. (Mayor Pro Tem Gus Garcia, Mayor Bruce Todd, Councilmember Max Nofziger)

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

29. Approve a moratorium on reprogramming any prior year Community Development Block Grant (CDBG) funds for proposals where the City Council has not held a public hearing, until the City Council establishes policy on this issue, and direct the City Manager to develop policy

recommendations for City Council consideration. (Councilmember Eric Mitchell)

**Motion to approve on, Councilmember Mitchell's motion, Councilmember Reynolds' second.**

**Councilmember Reynolds withdrew second.**

**Motion fails for lack of second.**

**No action taken.**

30. Approve a resolution directing the City Manager to address issues of parkland development. (Recommended by Citizens' Planning Committee) (Councilmember Jackie Goodman)

**Approved**

31. Approve a resolution creating a task force to address issues of parkland maintenance and funding. (Recommended by Citizens' Planning Committee) (Councilmember Jackie Goodman)

**Approved with Councilmember Goodman's substitution of the third WHEREAS, of the resolution:**

**WHEREAS, the Citizens Planning Committee has subsequently identified the foregoing issue as a priority, and recommended that a citizens' task force be established to recommend policy for dealing with the issue, and that such task force should consist of representatives from neighborhood associations and the development community, and a member of the Citizens' Planning Committee; and should be supported by representatives from the Parks and Recreation Department, the Finance Department and the City Council itself.**

**Items 30 and 31 approved on, Mayor Pro Tem Garcia's motion, Councilmember Goodman's second, 6-0 vote, Councilmember Shea absent.**

32. Approve a resolution endorsing the Capital Area Planning Council as Regional 9-1-1 GIS/Mapping Coordinators, and encourage the establishment of a CAPCO GIS Coordinating Council to establish and maintain interactive relationships between governmental agencies and cooperating organizations that currently use or have need for geographic data in the CAPCO region. (No fiscal impact) (Recommended by Citizens Planning Committee) (Councilmember Jackie Goodman and Mayor Pro Tem Gus Garcia)

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

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

33. C14-95-0133 - TRI-ROADS II (Henry Mayes), by Richard H. Crank, ASLA (Richard Crank), 11617 Research Boulevard. From LR to GR. Planning Commission Recommendation: To Grant GR-CO, Community Commercial- Conditional Overlay, for Tract 1; and LR, Neighborhood Commercial for Tract 2, subject to the following conditions: (1) dedication of up to 35 feet of right-of-way from the existing centerline of both Angus Road and Thunder Creek Road; (2) prohibit the following uses - Automotive Sales, Automotive Repair Service, Automotive Rentals, Automotive Washing (Self-Service, Automatic or Mechanical), Drop-Off Recycling Facility, Exterminating Services, Kennels, Hotel-Motel, Pawn Shop Services, Adult Oriented Businesses, and Indoor Sports and Recreation; (3) limit Drive-In, Fast Food to the West 50 feet (the US 183 side) of Tract 2 with a

drive-thru window; and (4) limit development to land uses and intensities which will not vary greatly from projected traffic conditions in the T.I.A.

**Approve first reading only**

34. C14-95-0134 - LOUIS R. WILLIAMS, by Richard H. Crank, ASLA (Richard Crank), 8518 Fathom Circle. From MF-2 to GO. Planning Commission Recommendation: To Grant GO-CO, General Office-Conditional Overlay, with the provisions of the overlay as follows: (1) prohibit access to Fathom Circle; (2) rollback to MF-2, Multifamily Residence (low density), zoning if parking is not developed; and (3) prohibit following uses - Administrative and Business Offices, Business or Trade School, Communication Services, Personal Services, Software Development, Counseling Services, Day Care Services (limited, general and commercial), Local Utility Services, Private Secondary Education Facilities, Arts and Craft Studio (limited), Business Support Services, Medical Offices, Professional Office, College or University Facilities, Convalescent Services, Cultural Services, Hospital Services (Limited), Private Primary Educational Facilities, and Safety Services.

**Approve first reading only**

35. C14-95-0152 - LINH-SON BUDDHIST ASSOCIATION (Tran Nguyen), by T.M.R. Interest (Todd Templeton), 1108 Kramer Lane. From GO-CO to W/LO. Planning Commission Recommendation: To Grant W/LO-CO, Warehouse/ Limited Office-Conditional Overlay, zoning with the provision of the overlay as follows: prohibit Arts and Craft Studio (limited), Art & Craft Studio (general & industrial), Building Maintenance Services, Business or Trade School, Business Support Services, Communication Services, Equipment Repair Services, and Cultural Services.

**Ordinance NO. 960111-H approved**

36. C14-95-0156 - GOTTESMAN COMPANY, by Liverman Company (Robert J. Liverman), Duval Road and Amherst Drive. From SF-2 to GR-CO. Planning Commission Recommendation: To Grant NO-CO, Neighborhood Office-Conditional Overlay, with the provisions of the overlay as follows: (1) prohibit access to the abutting section of Dorsett Road; and (2) limit development to generate less than 2,000 vehicle trips per day. A valid petition of 27.8% has been filed in opposition to this request.

**Applicant requests postponement to February 1, 1996**

Items 33 through 36 approved on, Mayor Pro Tem Garcia's motion, Councilmember Goodman's second, 5-0 vote, Councilmember Mitchell off the dais, Councilmember Shea absent.

#### 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.

#### Advice of Counsel - Section 551.071

37. Discuss Monaghan et al v. Maple Run at Austin MUD and the City of Austin, 53rd District Court, Travis County, CA 95-06139.
38. Discuss City of Cedar Park v. City of Austin; Cause No. 95-317-c368, in the District Court of Williamson County, Texas.
39. Discuss Ken Oden, Travis County Attorney v. Austin City Council and the City of Austin, District Court, Travis County.

**Action on the Following**

40. Approve settlement of Monaghan et al v. Maple Run MUD and the City of Austin, 53rd District Court, Travis County, CA 95-06139.
41. Consider an agreement with the City of Cedar Park concerning the extra territorial jurisdiction and regional cooperation for wastewater treatment system.  
**Approve on Mayor Pro Tem Garcia's motion, Councilmember Goodman's second, 6-0 vote, Councilmember Shea absent.**
42. Approve settlement of Ken Oden, Travis County Attorney v. Austin City Council and the City of Austin, District Court, Travis County.
43. **APPOINTMENTS**

AIRPORT ADVISORY BOARD - DAVID BRICHLER.

AUSTIN COMMUNITY EDUCATION CONSORTIUM - ERMA LINDA CRUZ-TORRES, OLGA CHARLES, DEACON ELMORE DUFOUR.

BOARD OF ADJUSTMENT - WANDA M. PENN, DOROTHY J. RICHTER, HANS H. THUN, NORMAN K. WARNER, DIANE WINTEROWD, JOHN GOODE.

CHILD CARE COUNCIL - SYLVIA ACOSTA, GWEN CHANEL, TERESA ELLIOTT, PATRICIA KOCH, KAREN PRESTON, ANNE WENTWORTH.

CONSTRUCTION ADVISORY COMMITTEE - JOHN BURRESS.

DOWNTOWN COMMISSION - CHARLES NICHOLS.

ECONOMIC DEVELOPMENT COMMISSION - MICHAEL ELLIOTT.

ELECTRIC UTILITY COMMISSION - J. REYMUNDO OCANAS.

ENVIRONMENTAL BOARD - STUART GARNER.

FEDERALLY QUALIFIED HEALTH CENTER BOARD - DAVID C. CAMPOS.

HOUSING AUTHORITY OF THE CITY OF AUSTIN - MARY NEGRETE, EDDIE REEVES.

IMPACT FEE ADVISORY COMMITTEE - JOYCE M. CONNER.

LIBRARY COMMISSION - STEPHEN B. RODI, JUANITA H. SOLIS.

MEDICAL ASSISTANCE PROGRAM ADVISORY BOARD - DAVID LASTINGER.

MUSIC COMMISSION - WAYNE GATHRIGHT.

SOLID WASTE ADVISORY BOARD - MARSHALL KUYKENDALL.

STREET CLOSURE TASK FORCE - JILL MCGUCKIN, BOB E. WOODY.

URBAN TRANSPORTATION COMMISSION - LEONARD LYONS, JONETH WYATT.

**Approve with friendly amendment by Councilmember Mitchell to add John Goode to Board of Adjustment, on Councilmember Reynolds' motion, Councilmember Goodman's second.**



Friendly amendment not accepted by seconder of motion.

Motion fails.

Amendment to add John Goode to Board of Adjustment by Councilmember Mitchell, on, Councilmember Reynolds' motion, Mayor Todd second, 5-0-1 vote, Councilmember Goodman abstaining, Councilmember Shea absent.

ADJOURNED at 4:15 p.m. on, Councilmember Reynolds' motion, Mayor Pro Tem Garcia's second, 5-0 vote, Councilmember Mitchell off the dais, Councilmember Shea absent.

Approved on this the 2<sup>nd</sup> day of February, 1996, on Mayor Pro Tem Garcia's motion, Councilmember Goodman's second, 5-0 vote, Councilmembers Shea and Nofziger absent.