



Austin City Council MINUTES

OCTOBER 3, 1996

Mayor Todd called the meeting to order, noting the absence of Councilmember Goodman.

1. Approval of Minutes for Special Called Meetings of September 9, 10 and 25, 1996, and Regular Meeting of September 26, 1996.
Special Called Meetings of September 9, 1996 and September 10, 1996 postponed to October 10, 1996.
Regular Meeting of September 25, 1996 and September 26, 1996 approved on, Mayor Pro Tem Garcia's motion, Councilmember Slusher's second, 6-0 vote, Councilmember Goodman absent.

CITIZEN COMMUNICATIONS: GENERAL

2. Ms. Karen Hadden, to discuss city issues.
3. Mr. Leon Hernandez, to discuss parking problems/tickets.
4. Mr. Phil Arnold, to discuss creekside property.
5. Mr. Dale Johnson, to discuss bicycle helmets.
6. Mr. Dave Schroeder, to discuss the proposed incineration starting next year of millions and millions of used tires downwind from Austin, DFW, San Marcos, New Braunfels, San Antonio, as approved by state government, and the need of City Council to adopt a ban on procuring cement from the company involved.
7. Mr. John Dolley, to discuss toxic cement and tire burning.
8. Neal Tuttrup, to discuss the anti-democratic nature of proposed changes to City Council procedure.
9. Mr. Leonard Lyons, to discuss what the future holds for good government, or will we keep doing what we do best?
10. Mr. Joel Rhodes, to discuss the need for a city ordinance to protect one against poor (dangerous) materials that is on "their" property.
Absent

ITEMS CONTINUED FROM PREVIOUS MEETINGS

11. Approve execution of a construction contract with JORDAN-WHITFIELD, INC., Austin, Texas, for renovation of the Cesar Chavez Building located at 1111 East Cesar Chavez Street, for the Health and Human Services Department, in the amount of \$1,013,100. (Funding in the amount of \$994,310 was included in the 1994-95 Capital budget of the Austin Travis County Health and Human Services Department

Disproportionate Share Fund; and \$18,790 was included in the 1994-95 Capital budget of the Planning, Environmental and Conservation Services.) Low bid of two. 13.19% MBE, 0.3% WBE Subcontractor participation.

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

12. Approve joining a group of Texas cities in challenging the constitutionality of a provision of the Telecommunications Act of 1996. (No fiscal impact.)
Postponed indefinitely
13. Approve negotiation and execution of a four year eleven month contract with Austin Convention and Visitors Bureau, for a tourism and convention promotion services (effective November 1, 1996), in an estimated amount not to exceed \$3,025,804. (Funding is included in the 1996-97 operating budget of the Tourism and Promotion Fund; funding for the final four years of the contract period is contingent on available funding in future budgets.) (Recommended by ACVB Board of Directors)
Pulled

ORDINANCES

14. Approve second/third readings of an ordinance amending Chapter 13-2 of the Austin City Code rezoning property locally known as Approximately 5500 Block S. IH-35 Service Road NB, Case No. C14-96-0051, from "SF-3", Family Residence to "GR-CO", Community Commercial-Conditional Overlay for Tract 1, and RR, Rural Residence for Tract 2 (property located within the 100-year floodplain). The conditional overlay will limit development to that which generates less than 2,000 vehicle trips per day. The applicant has agreed to provide a 15 foot pedestrian corridor adjacent and parallel to IH-35 frontage road between the GR tract (tract 1) and the MF-3 tract (site to the south). This corridor will contain no impediments to pedestrian traffic; OGDEN FARMS (Richard Jordan), by Amelia Lopez-Phelps Consulting (Amelia Lopez-Phelps). First reading on September 12, 1996; Vote 7-0. Conditions met as follows: The applicant has executed a restrictive covenant for the Traffic Impact Analysis (TIA) and all conditions have been met.
Ordinance No. 961003-A approved on, Councilmember Reynolds' motion, Councilmember Griffith's second, 6-0 vote, Councilmember Goodman absent. (Staff noted that site is limited to development intensities shown in the TIA)
15. Approve second/third readings of an ordinance amending Chapter 13-2 of the Austin City Code rezoning property locally known as 1518 West Koenig Lane, Case No. C14-95-0080, from "SF-3", Family Residence to "LR-CO", Neighborhood Commercial-Conditional Overlay, subject to: (1) allow General Retail Sales (convenience) and the range of LO, Limited Office, uses permitted in the LR district; (2) dedication of 10 feet of right-of-way from the front property line; and (3) rollback to LO, should the retail use cease for more than 90 days.; PLAQUES PLUS (Nanci MacFarland), by Bobby R. Taylor Law Office (Bobby Taylor). First reading on November 16, 1995; Vote 7-0. Conditions met as follows: All conditions have been incorporated into the Conditional Overlay, Street Deed and Restrictive Covenant at this time.
Ordinance No. 961003-B approved on, Mayor Pro Tem Garcia's motion, Councilmember Griffith's second, 6-0 vote, Councilmember Goodman absent.
16. Approve third reading of an ordinance amending Chapter 13-2 of the Austin City Code rezoning property locally known as Southwest Parkway and Wier Hills Road, Case No. C14-94-0144, from "P", Public District and "I-RR", Interim Rural Residence to "SF-2", Single Family Residence (standard lot) and "RR", Rural Residence for area within the 100 year floodplain; FM PROPERTIES OPERATING CO. (Charles Holmes), by Strasburger & Price (David Armbrust). First reading on September 14, 1995; Vote 4-1, Goodman Voting

"No", Todd and Shea absent. Second reading on October 5, 1995; Vote 4-3, Goodman, Nofziger and Shea voting "No". (continued from 9/12/96 - COUNCIL)

Postponed to October 24, 1996 on, Councilmember Reynolds' motion, Councilmember Mitchell's second, 5-0 vote, Mayor Todd and Councilmember Goodman absent. (Staff requested to provide two different zoning ordinances subject to: 1) the impervious cover limitations of S.O.S., and 2) subject to the entire S.O.S. ordinance.)

17. Approve second reading of an ordinance amending Chapter 13-2 of the Austin City Code rezoning property locally known as East Stassney Lane and Wasson Road, Case No. C14-95-0118, from "RR", Rural Residence, "SF-6", Townhouse and Condominium Residence (low density) to "W/LO-CO", Warehouse/Limited Office-Conditional Overlay. The conditional overlay will achieve the following: (1) Limit land uses and intensities to a level which will not exceed 1,200 vehicle trips per day; (2) Prohibit the following uses - Lodginghouse Residential, Exterminating Services, Local Utility Services, Telecommunications Tower, and Equipment Repair Services, as well as above ground or below ground fuel storage tanks; (3) Require Planning Commission approval for site plan; (4) Limit development in the Water Quality Transition Zone (WQTZ) to - (a) No development except for utilities, stormwater management and water quality structures in the 75 feet closest to the creek; (b) Development in the remainder WQTZ will be restricted to no more than thirty percent (30%) impervious cover and height of 20 feet. Additional conditions have been incorporated into a restrictive covenant. Note: The applicant withdrew their request for rezoning on Tract #2 prior to Planning Commission public hearing. T. DAVID YOUNG, by Paul M. Juarez and Kenneth W. Brown, AICP. First reading on September 5, 1996. Vote 4-3; Goodman, Slusher and Griffith voting "No". (The applicant withdrew all the floodplain and Critical Water Quality Zone as noted above prior to the last Planning Commission Public Hearing) (continued from 9-26-96 - COUNCIL)

Applicant requests postponement to October 24, 1996 on, Councilmember Reynolds' motion, Councilmember Mitchell's second, 5-0 vote, Mayor Todd and Councilmember Goodman absent.

18. Approve third reading on an ordinance amending Chapter 13-2 of the Austin City Code rezoning property locally known as North Lamar Blvd. and Yager Lane, Case No. C14-96-0054, from "LO", Limited Office to "CS-CO", Commercial Services-Conditional Overlay, zoning subject to: (1) dedication of 35 feet of right-of-way from the existing centerline of Yager Lane; (2) prohibit the following uses - Adult Oriented Businesses, Arts & Craft Industry, Automotive Repair, Automotive Sales, Automotive Rentals, Automotive Washing, Outside Storage, Agriculture Sales & Services, Nursery, Convenience Store, Drop-Off Recycling, Equipment Repairs & Sales, Extermination Services, Indoor Entertainment, Kennels, Outdoor Entertainment, Outdoor Sports and Recreation, Pawn Shops, Restaurant (fast food), Vehicle Storage, and Custom Manufacturing; and (3) a restrictive covenant requiring - a three foot tall landscaped berm to screen all parking along Lamar Boulevard and Yager Lane; and 50% increase in number of required trees within Lamar Boulevard street yard; JOHN KING, INC. (John King), by Able/Garrett Engineering (Michael Simmons-Smith). First reading on June 6, 1996; Vote 6-0, Goodman absent. Second reading on August 15, 1996; Vote 7-0. Conditions met as follows: Conditional Overlay incorporates the conditions imposed by Council. At second reading of the ordinance, the City Council modified the restrictive covenant to allow a three foot wrought iron fence and landscaping, instead of a three foot tall landscape berm along Lamar Blvd. and deferred the dedication of right-of-way to subdivision. At the 8-22 City Council meeting this case (on for third reading) was postponed by Staff in order to meet the City Council's request to prepare a restrictive covenant which requires the construction of a temporary walkway along North Lamar Boulevard. Note: It has been determined that all of the above improvements (3' wrought iron fence, 50% additional trees, and foot trail along North Lamar Blvd.) which are not located on the actual property being rezoned cannot be required by the City, and if done, must be accomplished by a private restrictive covenant by the owner. The owner is willing to provide this covenant, however, at this time the Staff has not received an executed copy of this document. The City required restrictive covenant for a 3' landscaped berm (located on the site being rezoned) along Yager Lane, has also not yet been executed to date. (continued from 9/5/96 - STAFF)

Ordinance No. 961003-C approved on, Councilmember Slusher's motion, Mayor Pro Tem Garcia's second,

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

19. Amend Ordinance N. 960910-G to amend the number of Fire Department civil service positions within three classifications. (Funding in the amount of \$105,778 is included in the 1996-97 operating budget of the Fire Department.)
Ordinance No. 961003-D approved on, Mayor Pro Tem Garcia's motion, Councilmember Griffith's second, 6-0 vote, Councilmember Goodman absent.

RESOLUTIONS

20. Authorize negotiation and execution of an agreement with STAR SHUTTLE-AUSTIN CAB COMPANY AIRPORT SHUTTLE JOINT VENTURE, San Antonio, Texas, to provide on-demand shared ride shuttle service to transport passengers and baggage between Robert Mueller Municipal Airport and locations within the City and surrounding communities. (This is a revenue generating contract which will have no cost impact in 1996-97. Total revenue to the City is estimated at \$214,500.00, \$85,000 annually.) Best proposal of two. 30% DBE participation. (Reviewed by Airport Advisory Board)
Postponed to October 31, 1996
21. Approve the recommendation of the Austin Convention and Visitors Bureau for additional places, sponsoring organizations, and directors with their terms for the Board of Directors of that organization. (No fiscal impact.)
Approved Music Commission appointee, Council appointees postponed to October 24, 1996.
22. Ratify an amendment to the Interlocal Cooperation Agreement with the Austin Independent School District (AISD) by adding the Summer Camp/Teen Camp program, in an amount not to exceed \$80,857; the School and Community Beautification Program, in an amount not to exceed \$10,000; the AISD Computer Learning Program, in an amount not to exceed \$44,587, and to increase the Afterschool Enrichment Program in an amount not to exceed \$6,000, for a total amount not to exceed \$1,093,353. (Funding in the amount of \$125,444 is available from the Texas Department of Protective and Regulatory Services grant; \$6,000 is available from the Community Changes for Youth Development grant; and \$10,000 is available in the Health and Human Services operating budget.)
Approved
23. Authorize negotiation and execution of a contract amendment for HIV-related services with AIDS Services of Austin to extend the contract for an additional six months, in an amount not to exceed \$97,978, for a total contract amount not to exceed \$293,933. (Funding is available in the Health and Human Services Department Special Revenue Fund, Ryan White Title I Supplemental grant program.)
Approved
- Items 21 through 23 approved on, Mayor Pro Tem Garcia's motion, Councilmember Griffith's second, 6-0 vote, Councilmember Goodman absent.**
24. Authorize negotiation and execution of a Memorandum of Understanding with the Texas Department of Health for participation in the Medicaid Disproportionate Share Program, in the amount of \$7,053,140. (Funding is available in the 1996-97 operating budget of the Health and Human Services Department.)
Approved on, Councilmember Slusher's motion, Councilmember Reynolds' second, 5-0 vote, Mayor Todd and Councilmember Goodman absent.

ITEMS FROM COUNCIL

25. Direct the City Manager to prepare a detailed five year business plan, including a schedule of annual dollar and percent reductions of key costs and transfers, outlining how the Electric Utility proposes to meet the challenges of competition and possible deregulation. (Councilmember Eric Mitchell)
Pulled
26. Set a public hearing on a report from staff on design of the Lamar Bridge Project, future of Lamar and a downtown access study. (Suggested date and time: October 10, 1996 at 5:00 p.m.) [Councilmembers Jackie Goodman and Daryl Slusher]
Postponed to October 24, 1996 on, Councilmember Slusher's motion, Councilmember Griffith's second, 5-0 vote, Mayor Todd and Councilmember Goodman absent.
27. Set a public hearing on impact of the 1996-97 budget on neighborhood/community policing initiatives and programs. (Suggested date and time: October 10, 1996 at 7:00 p.m..) [Councilmembers Jackie Goodman and Eric Mitchell]
Approved on, Mayor Pro Tem Garcia's motion, Councilmember Griffith's second, 6-0 vote, Councilmember Goodman absent.

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

28. C14-96-0068 - ELLIOT PROPERTIES (Michael B. Elliot), by Jenkins & Gilchrist (Henry H. Gilmore), W. William Cannon Dr. & Westgate Blvd. From SF-3 to LO. Planning Commission Recommendation: To grant LO-CO, Limited Office-Conditional Overlay, subject to the following provisions of the overlay: 1) limit development of subject property to that which generates less than 2,000 vehicle trips per day, 2) prohibit access to Alford Drive. Note: Prior to third reading, the applicant will execute a private restrictive covenant with the South West Austin Neighborhood Association. (Related case across the street to be heard by CC on 9-26-96) (continued from 9/12/96 - APPLICANT)
Ordinance No. 961003-E approved
29. C14-96-0071 - KATHERINE REYNOLDS (William Shepherd), by Dunagan, Weichert, Houston (Glenn K. Weichert), 3003 West 35th Street. From SF-3 to SF-6. Planning Commission Recommendation: To Grant SF-6-CO, Townhouse and Condominium-Conditional Overlay, zoning with the provisions of the conditional overlay as follows, subject to a 10 foot minimum building setback from all adjoining properties. (continued from 8/22/96 - APPLICANT & 9/5/96 - APPLICANT).
Postponed one week to October 10, 1996
30. C14-96-0089 - HOPE LUTHERAN CHURCH (Chris Dinan), by The Warrick Company (Mark Warrick), 6414 North Hampton Drive. From SF-3 to NO. Planning Commission Recommendation: To Grant NO-CO, Neighborhood Office-Conditional Overlay, with the provisions of the overlay as follows: (1) limit development to that which generates less than 2,000 vehicle trips per day; and (2) prohibit access to Brunswick Drive.
Ordinance No. 961003-F approved
31. C14-96-0090 - FRED & FRIEDA RUBIN (Jim Rubin), by Richard H. Crank, ASLA, 7207 McNeil Road. From SF-3 & LO to CS. Planning Commission Recommendation: To Grant CS-CO, Commercial Services-Conditional Overlay, with the provision of the overlay as follows: (1) limit development to that which generates 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.
Approved first reading only

32. C14-96-0093 - ZARIN TAJ JAVANMARDI, by Rahim Javanmardi, 2906 Medical Arts Street. From LO to LR. Planning Commission Recommendation: To Grant LR-CO, Neighborhood Commercial-Conditional Overlay, zoning subject to: (1) prohibit following uses - Lodging House Residential, Consumer Convenience Services, Check Cashing within Financial Services, Alcohol Sales in any use, Tattoo Parlor, Service Station, Congregate Living, Counseling Services, Guidance Services; Adult Oriented Businesses (which are not permitted in LR zoning); and (2) dedication of up to 35 feet of right-of-way from the existing centerline of Medical Arts Street.

Approved first reading only

33. C14-96-0095 - JOHN B. MEADOWS, by Laretta Dowd, LDC, Royston Lane and N. IH-35 Service Rd. From SF-2 to LI. Planning Commission Recommendation: To Grant LI-CO, Limited Office-Conditional Overlay, with the provisions of the overlay as follows: (1) limit development to that which generates less than 2,000 vehicle trips per day; and (2) dedication of up to 45 feet of right-of-way from the existing centerline of Royston Lane, in accordance with the Transportation Criteria Manual, Land Development Code 13-5-9. Note: condition #2 will be addressed at the subdivision stage.

Ordinance No. 961003-G approved

Items 28 through 33 approved on, Councilmember Reynolds' motion, Councilmember Mitchell's second, 5-0 vote, Mayor Todd and Councilmember Goodman absent.

PUBLIC HEARINGS

34. 6:30 p.m. - Public hearing for the full purpose annexation of the following areas: Lamplight Village/Tomanet Estates; North Park Estates; North Oaks Park' Wong Tract; Arnold Tract; Estates of Brentwood; Great Hills; Engling Park/West; Loop 360 ROW; Airport acquisition area.

Motion to close public hearing on, Councilmember Slusher's motion, Councilmember Griffith's second, 5-0 vote, Mayor Todd and Councilmember Goodman 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.

Real Estate - Section 551.072

35. Discuss the negotiations for the relocation of the Del Valle Schools.

Advice of Counsel - Section 551.071

36. Discuss provisions of lease agreement between the City of Austin and Daughters of Charity Health Services of Austin for Brackenridge Hospital.
37. Discuss Gutierrez et al. v. Mobil Oil Corporation, et al, CA No. 92-04889, Travis County District Court.

ACTION ON EXECUTIVE SESSION ITEMS

38. Authorize acquisition of the Del Valle Schools
In the amount of \$45,720,279 on, Mayor Pro Tem Garcia's motion, Councilmember Griffith's second 6-0 vote, Councilmember Goodman absent.

ADDENDUM

OCTOBER 3, 1996

ITEMS FROM COUNCIL

39. Approve a forgivable deferred payment loan of \$1.25 million in Community Development block Grant, 21st Year Funds, for acquisition of land for Vision Village, Inc., in return for the development of 156 housing units, within 36 months, for low and moderate income eligible residents. (Councilmembers Ronney Reynolds and Jackie Goodman and Mayor ro Tem Gus Garcia)
Approved on, Mayor Pro Tem Garcia's motion, Councilmember Griffith's second, 6-0 vote, Councilmember Goodman absent.
40. Consider rescinding the grant of a waiver to Ali Abed Abu-Safi (Alcorp Inc.), from Section 8-3-4 of the City Code, to waive the minimum separation distance requirement between a convenience store located at 3503 Webberville Road and the Friendship Baptist Church, to allow for the sale of alcoholic beverages. (Councilmembers Eric Mitchell and Ronney Reynolds)
41. Approve an ordinance relating to water quality regulations in the Barton Creek Zone. (Mayor Burce Todd)
Postponed to October 24, 1996 on, Councilmember Mitchell's motion, Councilmember Slusher's second, 5-0 vote, Mayor Todd and Councilmember Goodman absent.

NOTE: The above items will be considered under their resective category, but followthe last number on the Austin, Texas, City Council Agenda for October 3, 1996.

ADJOURNED at 8:00 p.m.

Approved on this the 10th day of October, 1996, minutes of Special Called Meeting of September 9, 1996, Special Called meeting September 10, 1996 and Regular Meeting of October 3, 1996 on, Councilmember Goodman's motion, Councilmember Mitchell's second 6-0 vote, Mayor Todd absent. Minutes for Special Called Meeting of October 2, 1996 postponed to October 24, 1996.