



Austin City Council MINUTES

OCTOBER 31, 1996

Mayor Todd called the meeting to order, Councilmember Reynolds temporarily absent.

1. Approval of Minutes for Special Called meetings of October 1, 2, and 9, 1996; Worksession of October 23, 1996 and Regular Meetings of October 10 and 24, 1996.
Approved on, Mayor Pro Tem Garcia's motion, Councilmember Goodman's second, 6-0 vote, Councilmember Reynolds absent.

CITIZEN COMMUNICATIONS: GENERAL

2. Mr. Dale Johnson, to discuss the airport and other issues.
3. Mr. Steven Ried, to discuss pay compression, and respond to memo from Court Clerk.
4. Mr. Jimmy Castro, to remind people to vote on Tuesday, November, 5, 1996.
5. Mr. Gus Pena, to discuss city, public safety and APD issues.
6. Mr. Jim Coddington, to discuss the homeless.
7. Mr. Joe Quintero, to discuss a general concern with community issues and policies regarding city elected officials.
8. Mr. Roger Baker, to discuss matters arising.

ITEMS CONTINUED FROM PREVIOUS MEETINGS

9. Authorize negotiation and execution of an Agreement with STAR SHUTTLE-AUSTIN CAB COMPANY AIRPORT SHUTTLE JOINT VENTURE, San Antonio, Texas, to operate a demand-responsive shared ride shuttle service to transport passengers and baggage between Robert Mueller Municipal Airport and locations within Austin and surrounding communities. (Total revenue to the City during the agreement term of October, 1996 to April, 1999 is projected at \$85,800 per year, for a total revenue of \$214,500.) DBE Participation: 30% (30% MBE, 0% WBE). (Recommended by Airport Advisory Board)
Motion to approve staff recommendation,

Substitute motion by Councilmember Goodman, to negotiate a contract with both companies, Star and Super, as preferred providers and to bring back to us in three weeks, November 21st, 1996, in conjunction with that to also bring an ordinance amendment allowing cabs to have shared ride fares, Councilmember Griffith's second, 3-3 vote, Mayor Todd, Mayor Pro Tem Garcia and

Councilmember Slusher voting "NO", Councilmember Mitchell off the dais.

Friendly amendment to substitute motion, by Councilmember Reynolds, of a minimum of \$25,000 payment for each one of applicants. Accepted.

Friendly amendment to main motion by Councilmember Slusher, to hold contract execution until November 21, 1996, and to direct staff to bring shared ride for taxis ordinance to council on November 21, 1996. Accepted

Recommendation from Mayor Pro Tem Garcia instructing the staff to get shared ride ordinance to Council as soon as possible, that we award one contract as recommended and studied by the staff.

Motion to approve item as stated on, Councilmember Mitchell's motion, Mayor Pro Tem Garcia's second, 7-0 vote.

10. Direct the City Manager to address community policing initiatives and programs in the 1996-97 budget. (Councilmembers Jackie Goodman and Eric Mitchell). (Public hearing closed - For Action Only.)
Withdrawn, to be brought back on November 21, 1996 agenda.

ORDINANCES

11. Approve second/third readings of an ordinance amending Chapter 13-2 of the Austin City Code rezoning property locally known as 3003 West 35th Street, Case No. C14-96-0071, from "SF-3", Family Residence to "SF-5-CO", Urban Family Residence-Conditional Overlay, with the provisions of the overlay to limit the site to 6 residential units, a 10 foot minimum building setback around perimeter of site, and an additional setback as requested by the neighborhood group; KATHERINE REYNOLDS (William Shepherd), by Dunagan, Weichert, Houston (Glenn K. Weichert). First reading on October 10, 1996; Vote 4-0; Reynolds & Todd absent; Mitchell out of the room. Conditions met as follows: Conditional overlay incorporates the conditions imposed by Council at first reading.
Ordinance No. 961031-A approved on, Mayor Pro Tem Garcia's motion, Mayor Todd's second, 7-0 vote.
12. Approve first reading of an ordinance renewing the term of the current local exchange telephone service franchises with CSW Communications, Inc., GST Lightwave, Inc., Southwestern Bell Telephone Company, and Time Warner Communications until March 31, 1997. (Funding in the amount of \$1,440,000 in franchise fee revenue was included in the 1996-97 budget for Financial Services.) (Recommended by Council Committee for Telecommunications Infrastructure and Telecommunications Commission)
Approve first reading only on, Mayor Pro Tem Garcia's motion, Councilmember Slusher's second, 5-0 vote, Councilmember Goodman and Mitchell off the dais.
13. Authorize acceptance of \$6,415 in additional grant funds from the Texas Department of Health, for the Office of Regional Administrative Services (ORAS) grant; amend Ordinance 960910-G, the 1996-97 operating budget, amending the Special Revenue Fund by appropriation and additional

\$6415 in grant funds in the Health and Human Services Department's Special Revenue Fund, for a total appropriation of \$224,730.

Ordinance No. 961031-B approved

14. Amend Ordinance 960910-A, the 1996-97 Planning, Environmental and Conservation Department Capital Budget by appropriating \$4,500,000 to the Balcones Canyonlands Preserve ("BCP") for the land acquisition account. (Funding is from the projected sale of selected portions of City owned preserve properties.) [Recommended by Planning Commission] **(Related to Items 56-57)**
Ordinance No. 961031-C approved

15. Amend Ordinance No. 960910-A, the 1996-97 Capital Budget of the Aviation Department by increasing the appropriations by \$8,651,000 of the New Airport Noise Mitigation project for a total appropriation of \$46,156,000 for the acquisition of Del Valle Schools; Amend Ordinance No. 960910-G, the 1996-97 operating budget of the Airport Capital Fund by increasing the transfers out to the Austin-Bergstrom International Airport (ABIA) CIP by \$8,651,000, for a total transfer to the ABIA CIP of \$16,151,000 for the acquisition of the Del Valle Schools. (To be reviewed by Planning Commission on October 29, 1996.)
Ordinance No. 961031-D approved

Items 13 through 15 approved on, Mayor Pro Tem Garcia's motion, Mayor Todd's second, 7-0 vote.

16. Amend Ordinance No. 960910-G, the 1996-97 operating budget for the Airport Fund, by increasing appropriations by \$123,750 and decreasing the ending balance by \$232,750, for rental payments to Austin CargoPort Development, L.L.C. for new airport cargo infrastructure facilities. **(Related to Item 17 & 37)**
Ordinance No. 961031-G approved

RESOLUTIONS

17. Approve issuance by ABIA Development Corporation of Airport Facilities Revenue Bonds (Austin Airport Infrastructure Project) Series 1996B, in an amount not to exceed \$7,500,000, the lease of real property to Austin Cargoport L.L.C. and the sublease by the City of the infrastructure area on Austin-Bergstrom International Airport. (The bonds are not debts of the City and are the sole obligation of the corporation. The bonds are repaid from revenue generated by the facilities constructed. Once the facilities are constructed and accepted by the City, the Department of Aviation will lease the facilities in an amount to repay the bonds. The annual lease payments will be subject to annual appropriation.) **[Related to Item 16 & 37]**
Approved

Items 16 and 17 approved on, Councilmember Goodman's motion, Councilmember Griffith's second, 7-0 vote.

18. Approve joining the Texas Cities Coalition for Utility Interests in a declaratory judgment to determine if the Public Utility Commission (PUC) is in violation of the Public Utility Regulatory Act of 1995. (Funding in the amount of \$2,500 in staff costs is available in the 1996-97 budget for Financial Services.) [Recommended by Council Committee for Telecommunications Infrastructure

and Telecommunications Commission]

Approved

19. Approve execution of a twelve month service agreement with AAMCO TRANSMISSIONS, Austin, Texas, to rebuild automatic transmissions in the City's fleet, in an amount not to exceed \$125,000 with two twelve month extension options in an amount not to exceed \$125,000 per extension, for a total contract amount not to exceed \$375,000. (Funding in the amount of \$114,584 is available in the 1996-97 Fleet Maintenance Fund. Funding for the remainder of contract and the extension options is contingent upon available funding in future budgets.) Low bid of three. No M/WBE Subcontracting opportunities were identified.

Approved

20. Approve execution of a contract with HOUSTON-GALVESTON AREA COUNCIL OF GOVERNMENTS COOPERATIVE PURCHASING PROGRAM, Houston, Texas, for the purchase of one fire pumper truck for the planned Oak Hill Fire Station, in the amount of \$277,469.81. (Funding was included in the 1996-97 Capital budget of the Austin Fire Department.)

Approved

Items 18 through 20 approved on, Mayor Pro Tem Garcia's motion, Mayor Todd's second, 7-0 vote.

21. Set a public hearing to approve a permanent Wastewater Line Project using approximately 1,921 square feet (0.044 acres) and temporarily using approximately 923 square feet (0.021 acres), for the construction of a 12-inch diameter gravity wastewater line through dedicated parkland known as Barton Creek Greenbelt in accordance with Section 26.001 et seq. of the Texas Parks and Wildlife Code. (Suggested date and time: December 5, 1996 at 4:30 P.M.)

Approved on, Councilmember Goodman's motion, Mayor Todd's second, 5-0-1 vote, Councilmember Slusher "ABSTAINING", Councilmember Mitchell off the dais.

22. Authorize application and acceptance of continuation grant funds in the amount of \$100,000 from the Office of the Governor, Criminal Justice Division, Title V Delinquency Prevention Fund to support neighborhood level delinquency prevention planning and service coordination, including 1.00 full-time equivalent (FTE) grant funded position. (Funding in the amount of \$100,000 is included in the 1996-97 Special Revenue Fund for the Health and Human Services Department, from the Office of the Governor, Criminal Justice Division. The City's one-to-one match requirement is available in the 1996-97 operating budget of the Health and Human Services Department.)

Approved

23. Approve the appointment of W. Scott McCullough as as Consumer Advocate to represent residential and small commercial ratepayers in the electric rate setting process, in an amount not to exceed \$62,500. (Funding is available in the 1996-97 operating budget for the Electric Utility.)

Approved

Items 22 and 23 approved on, Mayor Pro Tem Garcia's motion, Mayor Todd's second, 7-0 vote.

24. Set a public hearing on proposed amendments to the 1996-97 Community Development Program and revisions to the Consolidated Plan to reallocate \$690,000 for the acquisition of the former

State School property located at 8509 Farm Road 969 for the development of low and moderate income housing and a public facility addressing the needs of income eligible families in East Austin. (Suggested date and time: November 21, at 5:30 p.m.)

Approved with two conditions: 1) loan/1/2 acquisition; 2a) 50K refund payment; 2b) feasibility study within 30 days on, Councilmember Mitchell's motion, Councilmember Reynolds' second, 7-0 vote.

ITEMS FROM COUNCIL

25. Approve an ordinance granting Capital Area Food Bank a waiver of certain development and related fees associated with their planned new distribution center in south Austin. (Councilmember Eric Mitchell)

Postponed to November 11, 1996

26. Set a public hearing on the Austin Police Department's South Substation. (Suggested date and time: November 19, 1996 at 6:30 p.m. at Bedichek Middle School, 6800 Bill Hughes Road.) (Councilmembers Ronney Reynolds, Jackie Goodman and Eric Mitchell)

Approved

27. Set a public hearing on Onion Creek Floodplain. (Suggested date and time: December 12, 1996 at 5:30 p.m.) [Councilmember Daryl Slusher]

Approved

28. Amend Section 13-1-35(c) of the City Code extending the deadline for submitting updates for applications, site plans, or for satisfying the comments regarding final plats and waiving the requirements of Section 13-1-981 of the City Code regarding the procedures for review and adoption of proposed amendments. (Councilmembers Ronney Reynolds and Jackie Goodman)

Ordinance No. 961031-E approved

Items 26 through 28 approved on, Mayor Pro Tem Garcia's motion, Mayor Todd's second, 7-0 vote.

29. Approve creation of a Citizens' Planning Implementation Committee to monitor progress on the Citizens' Planning Committee's recommendations. (Councilmember Jackie Goodman)

Ordinance No. 961031-K approved on, Councilmember Goodman's motion, Councilmember Griffith's second, 5-0 vote, Mayor Pro Tem Garcia and Councilmember Reynolds off the dais.

30. Approve naming the planned Oak Hill branch library located at 5125 Convict Hill Road, as the "Will Hampton Branch at Oak Hill." [To be reviewed by Library Commission on October 28, 1996] (Councilmembers Jackie Goodman and Beverly Griffith, and Mayor Pro Tem Gus Garcia)

Ordinance No. 961031-F approved on, Councilmember Goodman's motion, Councilmember Griffith's and Mayor Pro Tem Garcia's second, 7-0 vote.

31. Direct the City Manager to prepare amendments to Chapter 13 of the City Code to provide for a policy regarding the granting of postponement of zoning requests, and to report back to Council in 30 days. (Mayor Bruce Todd)

Approved with addition of statement regarding requests that are not received timely.

32. Approve a resolution endorsing CAPCO's 5-year 9-1-1 Strategic Plan and continuation of funding, through the CAPCO 9-1-1 service fee, for public safety operations. (Mayor Pro Tem Gus Garcia)
Approved

Items 31 and 32 approved on, Mayor Pro Tem Garcia's motion, Mayor Todd's second, 7-0 vote.

33. Provide direction to the City Manager concerning design of Lamar Street Bridge; direct the City Manager to study and provide a recommendation on downtown access issues, including the future of Lamar Boulevard in relation to downtown access. (Councilmember Jackie Goodman) [**Related to Item 46**]

Approved on, Councilmember Goodman's motion, Councilmember Griffith's second, 7-0 vote.

3:30 P.M. - BOARD OF DIRECTOR'S MEETING OF THE AUSTIN-BERGSTROM INTERNATIONAL AIRPORT (ABIA) DEVELOPMENT CORPORATION

The Mayor will recess the City Council meeting. A Board meeting of the ABIA Development Corporation will be conducted. Following adjournment of the ABIA Board Meeting, the City Council will be reconvened. Items 34-37 are the ABIA items to be considered by the ABIA Development Corporation's Board of Directors.

34. Approve minutes of September 5, 1996 meeting.
35. Appoint Susan K. Anderson as Assistant Secretary/Treasurer.
36. Conduct a public hearing with respect to the issuance of ABIA Development Corporation Airport Facilities Revenue Bonds (Austin Airport Infrastructure Project) Series 1996B.
37. Adopt a resolution of the ABIA Development Corporation with respect to a public hearing and authorizing issuance of Airport Facilities Revenue Bonds (Austin Airport Infrastructure Project) Series 1996B, in the amount of \$7,500,000, and approving documents. (**Related to Items 16 & 17**)

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

38. C814-96-0001 - WILLIAM D. MCMORRIS, by Richard Crank, 1213 West 6th Street. From CS to PUD. Planning Commission Recommendation: To Grant PUD, Planned Unit Development as requested, subject to limiting development to that which generates less than 2,090 vehicle trips per day.
Approved Planning Commission recommendation, first reading only
39. C814-96-0002 - WILLIAM D. MCMORRIS, by Richard Crank, 1300 West 6th Street. From CS to PUD. Planning Commission Recommendation: To Grant PUD, Planned Unit Development as requested, subject to limiting development to that which generates less than 250 vehicle trips per day.

Approved Planning Commission recommendation, first reading only.

40. C14-96-0027 - MV WALNUT CREEK LTD (Robert Shepard, Jr.), by Cook-Steinman & Associates (Charles Steinman, P.E.), 8105 Cross Park Drive. From LI, LI-CO, I-RR, GR to LI and MF-4. Planning Commission Recommendation: To Grant LI, Limited Industrial Services for Tracts 1 and 2, and MF-4, Multifamily Residence (moderate-high density) for Tracts 3 and 4, subject to Traffic Impact Analysis recommendation contained in Transportation Section memorandum dated July 12, 1996. The applicant is required to post fiscal prior to third reading based on a pro-rata share of the estimated traffic control improvements as a result of the proposed development. (Continued from 8-22 by Council, Continued from 9-5-96 by applicant) Note: the applicant has requested an indefinite postponement of this request.
Postponed indefinitely, applicant's request.

Items 38 through 40 approved on, Mayor Pro Tem Garcia's motion, Councilmember Reynolds' second, 6-0 vote, Councilmember Goodman off the dais.

41. C14-96-0105 - HARRIS BRANCH JOINT (William P. Resch), by Abbe/Garrett Engineering, Inc. (Michael Simmons-Smith), W. William Cannon Dr. & Brush Country. From LR to GR. Planning Commission Recommendation: To Grant GR-CO, Community Commercial-Conditional Overlay, zoning with: 1) the provision of the overlay to limit development to that which generates less than 2,000 vehicle trips per day, 2) prohibit the following uses: Automotive Rental, Automotive Repair, Automotive Sales, Business or Trade School, Business Support Services, Commercial Off-street Parking, Communication Services, Drop-off Recycling, Extermination Services, Funeral Services, General Retail Sales (General), Hotel-Motel, Indoor Entertainment, Indoor Sports and Recreation, Medical Offices, Outdoor Sports and Recreation, Pawn Shop Services, Personal Improvement Services, Research Services, Restaurant (General), Theater; and 3) to require the site to capture an additional 0.9" of stormwater run-off.
Approved first reading of Planning Commission recommendation on, Mayor Pro Tem Garcia's motion, Councilmember Reynolds' second, 5-1 vote, Councilmember Slusher voting "NO", Councilmember Goodman off the dais.

PUBLIC HEARINGS

42. 4:30 P.M. - Public hearing on an appeal of Planning Commission's approval of a Hill Country Roadway site plan for a 256 unit residential condominium project known as Bluffstone.
Postponed to November 7, 1996
43. 5:00 P.M. - Public hearing for the disannexation of the following areas: Austin Municipal Utility Districts 1, 2, and 3 (Harris Branch) out parcels, and Moore's Crossing Municipal Utility District out parcels.
Motion to close public hearing on, Councilmember Goodman's motion, Councilmember Griffith's second, 7-0 vote.
44. 5:30 P.M. - Public hearing on establishing a standard process for franchising telecommunications service providers, establishing rules for use of City rights-of-way, providing for payment of fees, and establishing penalties for

unauthorized use of rights-of-way. (Recommended by Telecommunications Commission)

Motion to close public hearing on, Mayor Pro Tem Garcia's motion, Councilmember Slusher's second, 6-0 vote, Councilmember Griffith off the dais.

45. 6:00 P.M. - Public hearing to amend Title XIII (Land Development Code) of Austin City Code of 1992 by: (1) amending Section 13-1-491 to allow administrative approval of final plats with four or fewer lots from a preliminary plan; (2) amend Section 13-1-41 to allow administrative approval of amending plats with five or more lots; (3) amend Section 13-2-402.1 to expand the subdivision platting exception to existing tracts of land served a utility service; and (4) amend Section 13-1-481 to clarify the notice requirement when a portion of a tract is being subdivided. (Recommended by Planning Commission)

Motion to close public hearing on, Mayor Pro Tem Garcia's motion, Councilmember Reynolds' second, 7-0 vote.

46. 6:30 P.M. - Public hearing on a report from staff on the design of the Lamar Bridge Project, future of Lamar and a downtown access study. (Councilmember Jackie Goodman) [No Additional Citizen Sign-Up] (Related to Item 33)

Motion to close public hearing on, Councilmember Goodman's motion, Councilmember Reynolds' second, 5-0 vote, Mayor Todd and Councilmember Mitchell off the dais.

ACTION ON PUBLIC HEARINGS

47. Approve or deny an appeal of the Planning Commission's approval of a Hill Country Roadway site plan for a 256 unit condominium project known as Bluffstone.
Postponed to November 7, 1996
48. Approve the disannexation of the following areas: Austin Municipal Utility Districts 1, 2, and 3 (Harris Branch) out parcels, and Moore's Crossing Municipal Utility District out parcels.
Ordinance No. 961031-H
Ordinance No. 961031-I
Ordinance No. 961031-J approved on, Councilmember Griffith's motion, Councilmember Goodman's second, 7-0 vote.
49. Approve first reading of an ordinance establishing a standard process for franchising telecommunications service providers, establishing rules for use of City rights-of-way, providing for payment of fees, and establishing penalties for unauthorized use of rights-of-way. (No fiscal impact.) [Recommended by Telecommunications Commission]
Approved first reading only on, Mayor Pro Tem Garcia's motion, Councilmember Goodman's second, 6-0 vote, Councilmember Griffith off the dais.
50. Amend Title XIII (Land Development Code) of Austin City Code of 1992 by: (1) amending Section 13-1-491 to allow administrative approval of final plats with four or fewer lots from a preliminary plan; (2) amending Section 13-1-41 to allow administrative approval of amending plats with five or

more lots; (3) amending Section 13-2-402.1 to expand the subdivision platting exception to existing tracts of land served a utility service; and (4) amending Section 13-1-481 to clarify the notice requirement when a portion of a tract is being subdivided. (Recommended by Planning Commission)

Approved first reading, referred back to environmental Board and Planning Commission for rehearing; rescheduled City Council agenda on November 21, 1996, (plus amendment #5 (pending) relating to standards for revisions to approved preliminary plans as recommended by CPC) on, Mayor Pro Tem Garcia's motion, Councilmember Reynolds' second, 7-0 vote.

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

51. Discuss status of John Joseph Sheffield v. City of Austin; Cause No. 96-04876.

Real Estate Acquisition - Section 551.072

52. Discuss real property acquisition for the Balcones Canyonlands Preserve ("BCP").

53. Discuss fee simple acquisition of real property for the Davis Water Treatment Plant.

Personnel Matters - Section 551.074

54. Discuss personnel evaluations, benefit and compensation package of City Clerk and City Auditor.

ACTION ON EXECUTIVE SESSION ITEMS

55. Approve settlement of claims for John Joseph Sheffield v. City of Austin, Cause No. 96-04876.
Approved in the amount of \$100,000

56. Authorize negotiation and execution of a contract for the acquisition of approximately 51.713 acres from Hilltop Joint Venture for the Balcones Canyonlands Preserve ("BCP"). **(Related to Item 14)**
Approved in the amount of \$295,000

57. Authorize negotiation and execution of a contract for the acquisition of approximately 947.825 acres out of a tract known collectively as Ivanhoe from Ivanhoe Properties, Inc., for the Balcones Canyonlands Preserve ("BCP"). **(Related to Item 14)**
Approved in the amount of \$4,500,000 in case or property of equivalent value.

58. Authorize fee simple acquisition of real property located in the 3600 Block of Fall Trail, for the Davis Water Treatment Plant.

Approved in the amount of \$520,000

59. Approve benefit and compensation package of City Clerk and City Auditor.
Approved 5% increase in compensation package of City Clerk and City Auditor.

60. APPOINTMENTS

CAPCO - DAVID STONE, BECKY STEWART, DEAN LEBONTE.
CENTRAL CITY ENTERTAINMENT CENTER ADVISORY BOARD - GWENDOLYN FOSTER.
MHMR BOARD OF TRUSTEES - MICHELLE BRINKMAN.
URBAN FORESTRY BOARD - GUY LEBLANC.

Approved

Items 55 through 60 approved on, Mayor Pro Tem Garcia's motion, Mayor Todd's second, 7-0 vote.

ADDENDUM

October 31, 1996

ITEMS FROM COUNCIL

61. Set a public hearing on amendments to Chapter 13-5 of the Land Development Code concerning requirements for a Traffic Impact Analysis and a Neighborhood Traffic Analysis and to Section 13-2-25 of the Land Development Code concerning the hierarchy of zoning base districts. (Consideration of Chapter 13-5 amendments was postponed indefinitely from 6/27/96). [Amendments to Chapter 13-5 was recommended by Planning Commission] (Suggested date and time: November 21, 1996 at 6:30 p.m.) [Councilmember Ronney Reynolds]
Approved to set as proposed; 13-2-25 separated from 13-5 amendments. 13-2-25 amendments should go to Planning Commission for recommendations, on Councilmember Reynolds' motion, Councilmember Goodman's second, 7-0 vote.

ADJOURNED at 8:00 p.m.

Approved on this the 7th day of November, 1996 on, Mayor Pro Tem Garcia's motion, Councilmember Goodman's second, 7-0 vote.