



Austin City Council MINUTES

DECEMBER 5, 1996

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

1. Approval of Minutes for Special Called Meeting of November 20, 1996 and Regular Meeting of November 21, 1996.
Postponed to December 12, 1996

CITIZEN COMMUNICATIONS: GENERAL

2. Mr. Roger Baker, to discuss matters arising.
3. Mr. Gus Pena, to discuss city issues, transitional housing, housing for homeless people, APD issues, and public safety.
4. Mr. Gavino Fernandez, to discuss rollback of property at 2416 E. 6th St.
5. Mr. Michael Bond, to discuss bicyclists civil rights violations since City Council supports a driver's license is a license to kill cyclist
6. Mr. John Dolley, to discuss a city resolution to ban the purchase of toxic hazardous waste, tire waste - tainted cement for city projects.
7. Mr. Dave Schroeder, to discuss the State of Texas' plan to allow 100 million tires to be incinerated into our area and the need for City of Austin to adopt a policy resolution not to buy from cement companies that burn tires (tires not being considered hazardous waste.)
8. Mr. Ray Ramirez, to discuss CDBG funding issues.

ITEMS CONTINUED FROM PREVIOUS MEETINGS

9. Approve an amendment to the School District Land Development Standards Agreement of September 22, 1994 with Austin Independent School District regarding the development standards to be applied to school district facilities. (The amendment applies landscaping standards to all sites within City limits, provides for an erosion and sedimentation control agreement in lieu of fiscal surety, includes specific impervious cover standards, and includes specific impervious cover limits for Boone Elementary School.) [No fiscal impact.]
Approved on, Mayor Pro Tem Garcia's motion, Councilmember Reynolds' second, 7-0 vote.
10. Approve endorsing the efforts of the Sister Cities Program assisting with the establishment and development of the Court of Angels International Film Cooperative of Texas. (Councilmember

Jackie Goodman) [Recommended by Music Commission and Arts Commission]
Approved on, Mayor Pro Tem Garcia's motion, Councilmember Reynolds' second, 7-0 vote.

11. 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.]
Postponed

ORDINANCES

12. Approve second/third readings of an ordinance amending Chapter 13-2 of the Austin City Code rezoning property locally known as W. William Cannon Drive and Woodhue Drive, Case No. C14-96-0117, from "CS", Commercial Services and "LO", Limited Office to "SF-6-CO", Townhouse and Condominium Residence-Conditional Overlay, with the provision of the overlay to prohibit vehicular access from this site to Matthews Lane; BMC WEST CORPORATION (Ellis Goebel), by Doucet & Associates (Keith Schauer). First reading on November 21, 1996; Vote 6-0, Garcia absent. Conditions met as follows: Conditional overlay incorporates conditions imposed by Council.
Ordinance No. 961205-A approved
13. Approve second/third readings of an ordinance amending Chapter 13-2 of the Austin City Code rezoning property locally known as 4404 and 4407 Canyonside Trail, Case No. C814-77-003, from "PUD", Planned Unit Development to "PUD", Planned Unit Development, to change land uses on two lots - Lot CB-1A from a proposed parking lot to a single family residence, and Lot CB-1 from a proposed community building to an existing single family residence; MEADOW MOUNTAIN PUD, by Laura M. Holder. First reading on October 24, 1996; Vote 6-0, Garcia off the dais. Conditions met as follows: Ordinance meets conditions as approved on first reading by the City Council.
Ordinance No. 961205-B approved
14. Amend Ordinance 960910-G, the 1996-97 operating budget, by increasing budgeted expenses and expense refunds for Development Review and Inspection in the amount of \$31,000 for the purpose of adding one full-time equivalent (FTE), an Air Quality Planner, to the Austin Transportation Study staff; and authorizing one additional full-time equivalent (FTE) for Development Review and Inspection. (Funding is available through the Federal Highway Administration STP4C grants via the Austin Transportation Study.
Ordinance No. 961205-C approved

Items 12 through 14 approved on, Mayor Pro Tem Garcia's motion, Councilmember Reynolds' second, 7-0 vote.

15. Amend Section 13-1-406 of the Land Development Code to establish a zoning postponement policy and waive Section 13-1-981 of the Austin City Code regarding the approval of amendments to the Land Development Code. (No fiscal impact.)
Postponed to December 12, 1996, made several modifications to the draft ordinance; clarification regarding the letter to request postponement; not administrative action; clarify limitations on time and indicate that Council may extend those limits.

16. Amend Title 8 of the Austin City Code which will provide notice to all property owners within 300 feet of an establishment seeking a waiver from the prohibition against the sale of alcoholic beverages within 300 feet of a church, public school, or public hospital. (Revenue in the amount of \$880 per year is being estimated based on two waiver requests per year.)
Ordinance No. 961205-D approved on, Mayor Pro Tem Garcia's motion, Councilmember Reynolds' second, 7-0 vote.
17. Amend Chapter 17-2 of the City Code to add Austin-Bergstrom International Airport to the airport system, revise and update security terminology and procedures, adopt procedures for picketing, distribution of literature and solicitation of funds at the airport and to revise the composition and duties of the Helicopter Operations and Facilities Committee. (No fiscal impact.) [Reviewed by Airport Advisory Board]
Postponed to December 19, 1996
18. Amend Ordinance 960910-G, the 1996-97 operating budget, amending the Health and Human Services Department Special Revenue Fund for the Texas Department of Health, Maternal and Child Health grant program in the amount of \$112,921, by authorizing an additional grant funded full-time equivalent (FTE) position, for a total of two grant funded positions.
Ordinance No. 961205-E approved
19. Amend Ordinance 960910-G, the 1996-97 operating budget, by increasing budgeted revenue and expenditures by \$6,268 in additional grant funding from the Capital Area Planning Council (CAPCO) in the Solid Waste Services Special Revenue Fund, for a total grant amount of \$41,268. (Funding in the amount of \$6,268 provided by CAPCO Municipal Solid Waste Grant Program (pass through grant from non-federal funds appropriated in the budget of the Texas Natural Resource Conservation Commission for the grant period of December 1, 1996 to August 31, 1997. The City will provide \$89,231 in in-kind services in the form of salaries and benefits of existing program employees.) [Recommended by Solid Waste Advisory Commission] **(Related to Item 25)**
Ordinance No. 961205-F approved
20. Amend Ordinance 960910-G, the 1996-97 operating budget, by appropriating and increasing revenue by \$46,416; increasing expenditures for the Emergency Medical Services Department. (Funding is available from Travis County.) **[Related to Item 24]**
Ordinance No. 961205-G approved
21. Authorize acceptance of \$2,241 in funds from Caritas Refugee Emergency Health; amend Ordinance 960910-G, the 1996-97 operating budget, amending the Special Revenue Fund by appropriating \$2,241 in grant funds for the Health and Human Services Department. (A City match is not required) **[Related to Items 22 & 23]**
Ordinance No. 961205-H approved
22. Authorize acceptance of \$87,211 in grant funds from the Federal Office of Refugee Resettlement Administration for Children and Families for expanded refugee services; amend Ordinance 960910-G, the 1996-97 operating budget, amending the Special Revenue Fund by appropriating \$87,211 in grant funds for the Health and Human Services Department. (A City match is not required.) **(Related to Items 21 & 23)**
Ordinance No. 961205-I approved

RESOLUTIONS

23. Approve negotiation and execution of a twelve month contract with CARITAS OF AUSTIN for the development and coordination of refugee services under the Community and Family Strengthening grant, in an amount not to exceed \$47,506 with two twelve month extension options in an amount not to exceed \$47,506 per extension, for a total amount not to exceed \$142,518. (Funding is available in the 1996-97 Special Revenue Fund for the Health and Human Services Department, from the Office of Refugee Resettlement Community and Family Strengthening grant. Funding for the extension options is contingent upon available funding in future budgets.) **(Related to Items 21 & 22)**

Approved

24. Approve Amendment #4 to the Interlocal Agreement with Travis County for the provision of emergency medical services to provide additional medical staff hours and authorize a fee of \$3,868 per month to be paid by Travis County to the City. (Revenue in the amount of \$46,416 is estimated for 1996-97.) **(Related to Item 20)**

Approved

25. Authorize negotiation and execution of an Interlocal Agreement with the Capital Area Planning Council (CAPCO) to accept grant funding in the amount of \$41,268 to expand hazardous waste disposal services to small businesses and provide two full-time equivalents (FTEs). (Funding is available in the 1996-97 operating budget of the Solid Waste Services Department.) [Recommended by Solid Waste Advisory Committee] **(Related to Item 19)**

Approved

26. Approve a contract amendment with ORANGE FORD-LINCOLN-MERCURY, INC., Orange, Texas, for the purchase of six additional police pursuit sedans, in the amount of \$120,618, for a total contract amount of \$2,130,918. (Funding in the amount of \$20,103 is available in the 1996-97 operating budget of the Aviation Department and \$100,515 is available in the 1996-97 operating budget of the Austin Police Department.) No M/WBE Subcontracting opportunities were identified.

Approved

Items 18 through 26 approved on, Mayor Pro Tem Garcia's motion, Councilmember Reynolds' second, 7-0 vote.

27. Approve a Neighborhood Commercial Management Program (NCMP) loan to Rick Hull dba HULL SUPPLY COMPANY, INC., located at 5117 Caesar Chavez for the purchase and installation of manufacturing equipment, in an amount not to exceed \$60,000. (Funding is available in the 1996-97 Special Revenue Fund of the Neighborhood Housing and Community Development 21st Year Community Development Block Grant.)

Motion to approve on, Councilmember Goodman's motion, Mayor Todd's second, 2-0-4 vote, Mayor Pro Tem Garcia, Councilmembers Mitchell, Reynolds and Slusher "ABSTAINING", Councilmember Griffith off the dais.

Motion fails.

28. Approve a Neighborhood Commercial Management Program (NCMP) loan to PRISM DEVELOPMENT, INC., for the acquisition and improvements of the property located at 2705 and 2713 East 5th Street to expand the current facilities, in an amount not to exceed \$78,000. (Funding is available in the 1996-97 Special Revenue Fund of the Neighborhood Housing and Community Development 21st Year Community Development Block Grant.)
Approved on, Mayor Pro Tem Garcia's motion, Councilmember Reynolds' second, 6-0-1 vote, Councilmember Slusher "ABSTAINING".
29. Authorize joining the Board of Directors of the Austin Community College in establishing a One Stop Career Center in East Austin. (Anticipated City participation is \$2,475,000. Funding in the amount of \$2,000,000 is anticipated from a loan through the U.S. Department of Housing and Urban Development (HUD) Section 108 Guaranteed Loan Program. The current plan would require Austin Community College to submit lease payments to the City to offset all costs associated with the Section 108 loan. \$475,000 is anticipated from a Housing and Urban Development Economic Development Initiative (EDI) grant.)
Approved on, Councilmember Goodman's motion, Mayor Pro Tem Garcia's second, 6-0 vote, Councilmember Goodman off the dais.
30. Approve negotiation and execution of a contract with the American Institute for Learning, for expanded health and dropout recovery services in a new or renovated one-stop downtown youth career center, in the amount of \$600,000. (Funding in the amount of \$150,000 is available in the 1993-94 Social Services fund of the Health and Human Services Department; \$450,000 is available in the Health and Human Services Disproportionate Share Fund.)
Approved
31. Approve execution of a construction contract with FLYNN CONSTRUCTION, INC., Austin, Texas, for construction of the Zaragoza Branch Library located at 651 North Pleasant Valley Road, in the amount of \$1,242,200. (Funding in the amount of \$1,235,480 was included in the 1996-97 Capital budget of the Library Department; \$6,720 was included in the 1996-97 Capital budget of the Public Works and Transportation Department.) Low bid of three. 7.93% MBE, 5.78% WBE Subcontractor participation.
Approved
32. Approve execution of a twelve month contract with THE CENTER FOR WOMEN'S BUSINESS ENTERPRISES, a Texas Nonprofit Corporation (WBE), Austin, Texas, to provide women and minority-owned business enterprises with a support network and technical assistance needed to succeed in the competitive market, in an amount not to exceed \$43,000. (Funding was included in the 1996-97 operating budget of the Department of Small and Minority Business Resources.) No M/WBE Subcontracting opportunities were identified.
Approved
Items 31 through 32 approved on, Mayor Pro Tem Garcia's motion, Councilmember Reynolds' second, 7-0 vote.
33. Authorize execution of contracts between the City and the TEXAS DEPARTMENT OF TRANSPORTATION for projects approved by the Austin Transportation Study Policy Advisory Committee, in the amount of \$366,460. (Funding in the amount of \$292,000 in Federal Surface Transportation Program Category 4C funding is available in the 1996-97 Special Revenue Fund for

the Public Works and Transportation Department. City matching funds of \$74,460 was included in the 1996-97 Capital and operating budgets of the Public Works and Transportation Department.)
Approved on, Mayor Pro Tem Garcia's motion, Councilmember Reynolds' second, 5-0 vote, Mayor Todd and Councilmember Mitchell off the dais.

Motion to reconsider on, Councilmember Reynolds' motion, Councilmember Slusher's second, 6-0 vote, Councilmember Mitchell off the dais.

Approved on, Mayor Pro Tem Garcia's motion, Councilmember Reynolds' second, 6-0 vote, Councilmember Mitchell off the dais.

ITEMS FROM COUNCIL

34. Approve second/third readings of an ordinance to set an election date charter Amendment to limit contributions and expenditures in Austin City Council campaigns. (Councilmember Daryl Slusher and Beverly Griffith)
Motion to approve on, Councilmember Slusher's motion, Councilmember Griffith's second, 3-2-2 vote, Mayor Todd and Councilmember Mitchell voting "NO", Mayor Pro Tem Garcia and Councilmember Reynolds "ABSTAINING".

35. Approve an ordinance naming a 38-acre tract of parkland (originally part of the Gaines Ranch) as the "Gaines Creek Nature Park." (Recommended by Parks Board) [Councilmembers Ronney Reynolds and Jackie Goodman]
Ordinance No. 961205-J approved on, Mayor Pro Tem Garcia's motion, Councilmember Reynolds' second, 7-0 vote.

36. Set a public hearing to consider approval of an access agreement (driveway) through dedicated parkland known as Pease Park, in accordance with Chapter 26 of the Texas Parks and Wildlife Code. (Suggested date and time: January 9, 1997 at 4:30 p.m.) [Mayor Bruce Todd and Councilmember Ronney Reynolds]
Approved

37. Appoint Councilmember Daryl Slusher to the Capital Area Planning Council Executive Committee. (Mayor Pro Tem Gus Garcia)
Approved

Items 36 and 37 approved on, on Mayor Pro Tem Garcia's motion, Councilmember Reynolds' second, 7-0 vote.

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

38. C14r-84-139(DE) - TARLTON OAKS OFFICE BUILDING (Larry W. Evans), by Amelia Lopez-Phelps Consulting (Amelia Lopez-Phelps), 2707 Walsh Tarlton Lane. Existing zoning LR, Neighborhood Commercial and LO, Limited Office. Request to delete a portion of the above described zoning site plan in order to construct an approximate 120 foot tall telecommunications monopole with a 10 ft. X 12 ft. concrete unmanned equipment control structure (one story). Planning Commission

Recommendation: To delete a portion of the zoning site plan, subject to: (1) the remainder of the site to comply with the development standards approved with the C14r-84-139 site plan which includes but are not limited to building coverage, height limitations, parking requirements, and impervious cover (62%); and (2) the proposed development of the tower and unmanned building should provide screening as per standards described in the Environmental Criteria Manual, Section 2.9.1. (CONTINUED FROM 11/21/96-STAFF)

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

Ordinance 961205-L approved emergency passage and Planning Commission recommendation, applicant offered to construct the monopole in a manner that would accommodate co-location of other telecommunication facilities; (note: site plan exemption and building permit shall not be issued until restrictive covenant is signed and recorded) on, Councilmember Mitchell's motion, Councilmember Griffith's second, 5-2 vote, Councilmember Goodman and Slusher voting "NO".

39. C14-85-288.17 - STEVE THOMPSON, by Amelia Lopez-Phelps Consulting (Amelia Lopez-Phelps), 6806 Breezy Pass. Restrictive Covenant Amendment. Planning Commission Recommendation: To amend the restrictive covenant which allows the applicant to take access via Breezy Pass for an existing single family residence.
Postponed to January 9, 1997, applicant's first request on, Councilmember Mitchell's motion, Mayor Pro Tem Garcia's second, 7-0 vote.
40. C14-96-0123 - TETCO, INC. (Dayton H. Simms), by Graves, Dougherty, Hearon & Moody (David Herndon), 3801 West Parmer Lane. From LO to GR. Planning Commission Recommendation: To Grant GR, Community Commercial, zoning subject to rollback to LO should the Automotive Car Wash use cease.
Ordinance No. 961205-K approved on, Councilmember Mitchell's motion, Mayor Pro Tem Garcia's second, 5-0-2 vote, Councilmembers Goodman and Slusher voting "NO".
41. C14-96-0098 - M.V. WALNUT CREEK LTD. (Michael Berke), By: Cook-Steinman & Associates, Inc. (Charles E. Steinman), 8106 Cross Park Drive. From CH to LI. Planning Commission Recommendation: To Grant LI-CO, Limited Industrial Services-Conditional Overlay, subject to the conditions included in the Transportation Review Memo dated November 15, 1996.
Approved Planning Commission recommendation, conditions will be either a conditional overlay or restrictive covenant as determined to be appropriate, first reading only.
42. C14-96-0099 - M.V. WALNUT CREEK LTD. (Michael Berke), By: Cook-Steinman & Associates, Inc. (Charles E. Steinman), 8061 Exchange Drive. From CH to LI. Planning Commission Recommendation: To Grant LI-CO, Limited Industrial Services-Conditional Overlay, subject to the conditions included in the Transportation Review Memo dated November 15, 1996.
Approved Planning Commission recommendation, conditions will be either a conditional overlay or restrictive covenant as determined to be appropriate, first reading only.
43. C14-96-0100 - M.V. WALNUT CREEK LTD. (Michael Berke), By: Cook-Steinman & Associates, Inc. (Charles E. Steinman), 8101 Exchange Drive. From CH to LI. Planning Commission Recommendation: To Grant LI-CO, Limited Industrial Services-Conditional Overlay, subject to the conditions included in the Transportation Review Memo dated November 15, 1996.

Approved Planning Commission recommendation, conditions will be either a conditional overlay or restrictive covenant as determined to be appropriate, first reading only.

Items 41 through 43 approved on, Councilmember Mitchell's motion, Mayor Pro Tem Garcia's second, 7-0 vote.

PUBLIC HEARINGS

44. 5:30 P.M. - Public hearing on an appeal of the Planning Commission's decision to deny the request for a change in the hours of operation to an approved conditional use permit site plan for Slick Willie's, a cocktail lounge/indoor sports and recreation facility, located at 914 North Lamar Boulevard.

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

ACTION ON PUBLIC HEARINGS

45. Deny or grant the appeal of the Planning Commission's decision to deny the request for a change in the hours of operation to an approved conditional use permit site plan for Slick Willie's, a cocktail lounge/indoor sports and recreation facility, located at 914 North Lamar Boulevard.

Motion to grant appeal on, Councilmember Mitchell's motion

Motion dies for lack of second.

Motion to deny appeal on, Mayor Pro Tem Garcia's motion, Councilmember Griffith's second, 5-1-1 vote, Mayor Todd voting "NO", Councilmember Mitchell "ABSTAINING".

EXECUTIVE SESSION (No Public Discussion on These Items)

Executive session held on the morning of this date.

Executive session held at 8:00 p.m. to 8:57 p.m. on item 1 of the addendum dated December 5, 1996.

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.

Pending Litigation - Section 551.071

46. Discuss City of Austin v. Southwest Travis County Water District.
47. Discuss Zilker Eagle Inc. v. City of Austin.

48. APPOINTMENTS

INDIGENT CARE WORK TEAM - DR. SHARON ITAYA, JEAN ROBERTS, ROSE LANCASTER, STEPHANIE TABONE, R.N., DR. JAMES PRENTICE, MD., JIM GUNTER, DR. BERT GARRETT, MD., JOHN MAYO, ARISA HOUSTON, AMANDA DEALEY, DAVID EVANS, JESSE COLUNGA, TONI INGLIS, R.N., ELIZABETH BRADSHAW, CHRIS FABRE, DDS.

ADJOURNED at 9:05 p.m.

Approved on this the 12th day of December 1996, on, Mayor Pro Tem Garcia's motion, Councilmember Goodman's second, 6-0 vote, Councilmember Reynolds off the dais.