



Austin City Council MINUTES

REGULAR MEETING
THURSDAY
AUGUST 14, 1997

1. Approval of Minutes for Regular Meetings of August 6 and 7, 1997.
Approved on, Councilmember Goodman's motion, Councilmember Lewis' second, 5-0 vote, Councilmembers Griffith and Spelman off the dais.

CITIZEN COMMUNICATIONS: GENERAL

2. Mr. Charles Watts, to discuss City matters.
3. Mr. Nolan Lujan, to discuss Austin EMS.
Approved
4. Mr. John McMillan, to recommend that the City Council approve an advisory resolution endorsing regular annual sessions of the Texas Legislature.
5. Mr. David Blakely, to discuss Lean Beef.
6. Mr. Leonard Lyons, to discuss program budgeting and strategy for success.
7. Mr. Doug Fowler, to discuss issues affecting Austin firefighters.

READING OF CONSENT AGENDA

READING OF DISCUSSION AGENDA

CITIZEN COMMUNICATIONS: CONSENT AGENDA

ACTION ON CONSENT AGENDA

2:00 P.M. - GENERAL OBLIGATION BONDS

8. Approve a resolution authorizing the 1997-98 proposed General Obligation Debt Sale as required by the City of Austin Financial Policies for General Obligation Debt. (\$29,295,000 in Public Improvement Bonds, \$2,120,000 in Certificates of Obligation and \$17,400,000 in Public Property Finance Contractual Obligations and Tax Notes.
Resolution 970814-8 approved on, Councilmember Spelman's motion, Mayor Pro Tem Garcia's second, 7-0 vote.

9. Approve an ordinance authorizing the issuance of approximately \$87,475,000 City of Austin, Texas, Public Improvement Refunding Bonds, Series 1997, including approval and authorization of a Purchase Contract, Escrow Agreement, Paying Agent/Registrar Agreement, and Official Statement pertaining thereto. (\$5,337,636.67 is the estimate debt service requirement in 1997-98 and will be provided in the 1997-98 Proposed budget of the General Obligation Debt Service Fund.) [Reviewed by Audit and Finance Committee]
Postponed to August 21, 1997

ITEMS CONTINUED FROM PREVIOUS MEETINGS

10. Approve second/third readings of an ordinance to amend Chapters 16-1 and 16-2, and repeal and replace Chapter 16-6 of the Austin City Code to provide for the implementation of the downtown parking plan. (No fiscal impact). [Recommended by Downtown Commission and Downtown Subcommittee.]
Ordinance No. 970814-A approved on, Councilmember Spelman's motion, Councilmember Griffith's second, 7-0 vote, with direction to staff, with amendment to convert short term meters first and to delete section 16-6-8(b) and references to it.
11. Amend Ordinance No. 960910-G, the 1996-97 Operating Budget of the Austin Police Department to increase the number of cadet positions by 10, from 90 to 100, in order to increase the size of two simultaneous cadet classes from 45 to 50 cadets per class. (Funding in the amount of \$35,869 is available in the 1996-97 Operating Budget of the Police Department. Funding of \$141,316 for these 10 cadet positions until the classes are completed in 1997-98 and \$290,716 for these 10 cadets to fill 10 existing vacant sworn positions, including officer salaries and equipment, will be included in the proposed 1997-98 Operating Budget of the Police Department.)
Ordinance No. 970814-B approved

Finance and Administrative Services

12. Approve a resolution authorizing execution of a twelve month supply agreement with AMERICAN LIGHT, INC., Austin, Texas, for the purchase of batteries and flashlights to be used by various City personnel, in an amount not to exceed \$75,097.23 with two twelve month extension options in an amount not to exceed \$75,097.23 per extension, for a total contract amount not to exceed \$225,291.69. (Funding in the amount of \$12,516.22 was included in the 1996-97 operating budgets of various City departments. Funding for the remaining ten months and the extension options is contingent upon available funding in future budgets.) Low bid of twelve. No M/WBE Subcontracting opportunities were identified.
Resolution No. 970814-12 approved
13. Approve execution of a twelve month Interlocal Agreement with the State of Texas Purchasing and General Services Commission, for Texas Agency Network (TEX-AN) long distance services, in an amount not to exceed \$255,000, with one twelve month extension option in an amount not to exceed \$260,225, for a total amount not to exceed \$515,225. (Funding in the amount of \$21,250 was included in the 1996-97 Operating Budget of various City departments; the remaining eleven months of the contract and one year extension option are

contingent upon available funding in future budgets.)

Approved

14. Approve a resolution authorizing negotiation and execution of a contract for the sale of the Giddings-Llano Railroad for a purchase price of not less than \$764,262, together with the assumption of all outstanding grant and contract obligations as specified in the bid instructions. (\$600,000 will go into the Electric Utility Department and \$164,262 will go into the General Revenue Fund.)
Resolution 970814-14 approved

Items 11 through 14 approved on, Mayor Pro Tem Garcia's motion, Councilmember Lewis' second, 7-0 vote.

15. Ratify an emergency purchase with WILLIAM M. MERCER, INC., for immediate assistance with skills assessment and compensation services for Information Technology positions throughout the City of Austin, in an amount not to exceed \$52,400. (Funding is available in the 1996-97 Operating Budget of the Finance and Administrative Services Department.) Single proposal. No M/WBE Subcontracting opportunities were identified. **Approved on, Councilmember Spelman's motion, Councilmember Lewis' second, 7-0 vote.**

Health and Human Services

16. Approve a resolution authorizing execution of a construction contract with C.G. HILL ELECTRIC COMPANY, (MBE/MB), Austin, Texas, for indoor air quality improvements at the Salvation Army Health Clinic located at 501 East 8th Street, in the amount of \$49,300. (Funding was included in the 1993-94 Approved Capital budget of the Health and Human Services Department.) Single bid. 100% MBE Prime participation. No M/WBE Subcontracting opportunities were identified.
Resolution No. 970814-16 approved
17. Approve a resolution authorizing execution of a twelve month supply agreement with ORTHO-MCNEIL PHARMACEUTICAL CORPORATION, Raritan, New Jersey, for the purchase of pharmaceuticals and medical supplies for the Women's Health Program, in an amount not to exceed \$100,000 with two twelve month extension options in an amount not to exceed \$100,000 per extension, for a total contract amount not to exceed \$300,000. (Funding in the amount of \$12,500 was included in the 1996-97 Operating budget of Federally Qualified Health Centers funds. Funding for the remaining ten and one half months and the extension options is contingent upon available funding in future budgets.) Sole source. No M/WBE Subcontracting opportunities were identified.
Resolution No. 970814-17 approved
18. Approve a resolution authorizing an amendment to the Interlocal Cooperation Agreement with Travis County for Public Animal Shelter Services, extending the term of the Agreement through September 30, 1997, with an automatic annual renewal commencing October 1, 1997, for a period not to exceed five years, for a total amount of \$139,941, to be paid by the County to the City. (Revenue was included in the 1996-97 operating budget of the Austin/Travis County Health and Human Services Department. Funding for each Agreement

renewal is contingent upon available funding and approval in future budgets.)
Postponed one week to August 21, 1997

Public Works and Transportation

19. Approve an ordinance amending the Austin City Code by modifying the Basic Traffic Ordinance, Section 16-4-4 (D), Speed Limits, for the extension of a 20 mph Reduced Speed School Zone on Exposition Boulevard for the protection students attending Casis Elementary School. (Funding in the amount of \$1,500 for the relocation of signs and markings is available in the 1996-97 operating budget of the Child Safety Fund.)
Ordinance No. 970814-C approved

20. Approve a resolution authorizing execution of a construction contract award to PREMIUM CUTS LAWN SERVICE & MAINTENANCE, INC., (MBE/MH), Austin, Texas, to construct new sidewalks along Nuckols Crossing Road, Village Square, Highland Terrace, and Sunny Lane, in the amount of \$62,574.30. (Funding was included in the 1996-97 operating budget of the Child Safety Fund.) Low bid of four. 91% MBE Prime participation. 0% MBE, 9% WBE Subcontractor participation.
Resolution No. 970814-20 approved

Development Review and Inspection

21. Approve a resolution authorizing execution of a twelve month service agreement with A & R HAULING AND DEMOLITION, Del Valle, Texas, to provide demolition services for substandard and dangerous one and two family structures, in an amount not to exceed \$43,700 with two twelve month extension options in an amount not to exceed \$43,700 per extension, for a total contract amount not to exceed \$131,100. (Funding in the amount of \$5,462.50 was included in the 1996-97 operating budget of the Development Review and Inspection Department. Funding for the remaining eleven months and the extension options is contingent upon available funding in future budgets.) Low bid of four. No M/WBE Subcontracting opportunities were identified.
Resolution No. 970814-21 approved

Items 16 through 21 approved on, Mayor Pro Tem Garcia's motion, Councilmember Lewis' second, 7-0 vote.

22. C14-97-0006 - Approve second/third readings of an ordinance amending Chapter 13-2 of the Austin City Code by rezoning property locally known as 11412 FM 2222, from "SF-2", Single Family Residence (standard lot) to "GR-CO", Community Commercial-Conditional Overlay zoning with conditions. First reading on June 5, 1997; Vote 5-2, Goodman and Slusher voting "No". Conditions met as follows: Conditional overlay incorporates conditions imposed by Council at first reading. Applicant: FM 2222 Venture (J. Tim Brown); Agent: Bury & Pittman, Inc. (James Knight, PE). City Staff: David Wahlgren, 499-6455.
Ordinance No. 970814-D approved subject to impervious cover on driveway only if possible on, Mayor Pro Tem Garcia's motion, Councilmember Lewis' second, 5-2 vote, Councilmembers Goodman and Slusher voting "NO".

Parks and Recreation

23. Approve a resolution authorizing execution of a construction contract with SOUTHWEST CONSTRUCTORS, Austin, Texas, for the renovation of the walkways in Zilker Botanical Gardens (Phase I) in accordance with the Americans with Disabilities Act (ADA) guidelines, in an amount not to exceed \$258,000. (Funding was included in the 1996-97 amended Capital budget of the Parks and Recreation Department.) Low bid of two. 27.3% MBE, 12.7% WBE Subcontractor participation.
Resolution No. 970814-23 approved

ITEMS FROM COUNCIL

24. Amend Ordinance No. 960910-B, the 1996-97 Fee Ordinance of the Development Review and Inspection Department to add a new small projects conditional use permit fee and a new conditional use permit exemption fee. (Councilmember Jackie Goodman and Mayor Pro Tem Gus Garcia)
Ordinance No. 970814-E approved
25. Approve a resolution to declare official intent to reimburse \$1,100,000 in expenditures made to purchase the 942.272 acres from Ivanhoe, Inc., for the Balcones Canyonlands Preserve (BCP), at such time as obligations to finance the purchase are issued. (\$1,100,000 to be reimbursed from future issuance of Tax Notes) [Mayor Kirk Watson] **(Related to Item 26)**
Resolution 970814-25 approved
26. Approve a resolution authorizing negotiation and execution of a contract with Lakeway Partners, L.L.C., for the purchase of mitigation in connection with the Balcones Canyonlands Preserve. (Mayor Kirk Watson) **[Related to Item 25]**
Resolution 970814-26 approved
27. Set a public hearing on SB 1704. (Suggested date and time: August 16, 1997 at 1:00 p.m. at Parque Zaragoza, located at 2802 Webberville Road.) [Mayor Kirk Watson, Councilmember Daryl Slusher and Mayor Pro Tem Gus Garcia]
Approved

Items 23 through 27 approved on, Mayor Pro Tem Garcia's motion, Councilmember Lewis' second, 7-0 vote.

28. Approve a resolution directing the City Manager to expedite the process related to the construction of the Montopolis Ballfields. (Mayor Pro Tem Gus Garcia)
Resolution No. 970814-28 approved on, Mayor Pro Tem Garcia's motion, Councilmember Goodman's second, 6-0 vote, Councilmember Griffith off the dais.
29. Discuss and consider appointments to a City Charter Committee to address single member districts. (Mayor Pro Tem Gus Garcia and Mayor Kirk Watson)
Approved on, Mayor Pro Tem Garcia's motion, Councilmember Spelman's second, 7-0 vote.

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

30. C14-97-0017 - Public hearing to amend Chapter 13-2 of the Austin City Code by zoning property locally known as 11400 to 11800 North Mopac NB Expressway from "MF-2", Multifamily Residence (low density) and "MI", Major Industrial to "MI-PDA", Major Industrial-Planned Development Area. Planning Commission Recommendation: To Grant "MI-PDA", Major Industrial-Planned Development Area District zoning. Applicant: National Instruments (David Hugley); Agent: Haynes & Boone, LLP (Rick Reed). City Staff: David Wahlgren, 499-6455. (continued from 7/31/97 at applicant's 1st request)
Ordinance No. 970814-F approved Planning Commission recommendation on, Councilmember Lewis' motion, Mayor Pro Tem Garcia's second, 7-0 vote.
31. C14-97-0048 - Public hearing to amend Chapter 13-2 of the Austin City Code by zoning property locally known as 4326 James Casey Street from "LO", Limited Office to "LR", Neighborhood Commercial. Planning Commission Recommendation: To Deny "LR", Neighborhood Commercial District zoning. Applicant and Agent: Eileen Dodds (Robert Dodds); City Staff: Joe Arriaga, 499-2308. (continued from 7/31/97 at the neighborhood's request)
Approved first reading only with LR-CO restriction to food sales as LR, with LO uses also allowed on, Councilmember Lewis' motion, Councilmember Spelman's second, 7-0 vote.
- NOTE: AT 2ND AND 3RD READINGS REPORT BACK ON POSSIBILITY OF MAKING JAMES CASEY ONE WAY OR OTHER OPTIONS OF RELIEVING TRAFFIC IMPACT ONTO ST. ELMO STREET.**
32. C14-97-0001 - Public hearing to amend Chapter 13-2 of the Austin City Code by zoning property locally known as 13400 to 13700 North IH-35 NB from "AV", Aviation, "GR-CO", Community Commercial-Conditional Overlay, "CS-1-CO", Commercial Liquor Sales-Conditional Overlay and "IP", Industrial Park, to "CS", General Commercial Services. Planning Commission Recommendation: To Grant "CS", General Commercial Services zoning with conditions. Applicant: Harriel Ltd. (Ken Delf); Agent: Bury & Pittman, Inc. (Tim Moltz). City Staff: Antonio Gonzalez, 499-2243.
Ordinance No. 970814-G approved subject to modification of condition #3 to require fiscal posting for traffic improvements (signs and other) prior to the release of any site plans. For the record, the agent Richard Suttle, indicated that the applicant would discourage outdoor storage without screening - this would be scrutinized at the conditional use permit site plan stage.
33. C14-97-0054 - Public hearing to amend Chapter 13-2 of the Austin City Code by zoning property locally known as 9515 North Lamar Boulevard from "CS-1-CO", Commercial Liquor Sales-Conditional Overlay to "CS-1", Commercial Liquor Sales. Planning Commission Recommendation: To Grant "CS-1-CO", Commercial Liquor Sales-Conditional Overlay zoning with conditions. Applicant: Austin, Northwend Center (Leslie Perry); Agent: Richard Crank. City Staff: David Wahlgren, 499-6455.
Approved first reading only
34. C14-97-0060 - Public hearing to amend Chapter 13-2 of the Austin City Code by zoning

property locally known as 16107 North IH-35 NB from "SF-2", Single Family Residence (standard lot) to "CS", General Commercial Services. Planning Commission Recommendation: To Grant "CS-CO", General Commercial Services-Conditional Overlay zoning with conditions. Applicant: Industrial Property Joint Venture (Edward Rathgeber, Jr.); Agent: Jim Bennett. City Staff: Antonio Gonzalez, 499-2243.

Ordinance No. 970814-H approved

35. C14-97-0061 - Public hearing to amend Chapter 13-2 of the Austin City Code by zoning property locally known as 6800-6809 Coldwater Landing Trail, 6800-6811 Coldwater Creek Cove from "PUD", Planned Unit Development to "LA", Lake Austin Residence District. Planning Commission Recommendation: To Grant "LA", Lake Austin Residence District zoning. Applicant: Argent & Sable, Ltd. (Richard Garriott); Agent: Haynes & Boone, LLP (Rick Reed). City Staff: Antonio Gonzalez, 499-2243.
Ordinance No. 970814-I approved

36. C14-97-0073 - Public hearing to amend Chapter 13-2 of the Austin City Code by zoning property locally known as 5114 Balcones Woods Drive, from "LO", Limited Office to "GR", Community Commercial zoning. Planning Commission Recommendation: To Grant "GR", Community Commercial District zoning. Applicant: Yale University (Alan Forman); Agent: Commerce Management Co. (Brad Laughlin). City Staff: David Wahlgren, 499-6455.
Ordinance No. 970814-J approved

Items 32 through 36 approved on, Councilmember Lewis's motion, Mayor Pro Tem Garcia's second, 7-0 vote.

PUBLIC HEARINGS

37. 5:30 P.M. - Public hearing to discuss repealing the Encampment Ordinance and other homeless issues. (Mayor Pro Tem Gus Garcia and Councilmember Jackie Goodman)
Motion to close public hearing on Mayor Pro Tem Garcia's motion, Councilmember Spelman's second, 6-0 vote, Councilmember Lewis off the dais.
38. 6:00 P.M. - Public hearing on an amendment to the Austin Metropolitan Area Transportation Plan (AMATP) to reclassify Burleson Road from FM 973 east to the Travis County line from a 2-lane minor arterial to a 4-lane major undivided arterial.
Motion to close public hearing on, Councilmember Spelman's motion, Councilmember Griffith's second, 5-0 vote, Mayor Pro Tem Garcia and Councilmember Lewis off the dais.
39. 6:30 P.M. - Public hearing on an amendment to the Austin Metropolitan Area Transportation Plan (AMATP) to delete South Lakeshore Boulevard between Pleasant Valley and Montopolis Drive.

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

ACTION ON PUBLIC HEARINGS

40. Approve an amendment to the Austin Metropolitan Area Transportation Plan to reclassify Burleson Road from FM 973 east to the Travis County line from a 2-lane minor arterial to a 4-lane major undivided arterial. (This amendment will enable the City to require dedication of right-of-way for a major undivided arterial 4 through the development process. Construction of this roadway as a major undivided arterial would occur through a combination of development requirements and funding through future City or County bond programs.) [Recommended by Environmental Board, Urban Transportation Commission and Planning Commission]
Motion to postpone to September 4, 1997 on, Councilmember Spelman's motion, Councilmember Griffith's second, 5-0 vote, Mayor Pro Tem Garcia and Councilmember Lewis off the dais.
41. Approve an amendment to the Austin Metropolitan Area Transportation Plan to delete South Lakeshore Boulevard between Pleasant Valley and Montopolis Drive. (No fiscal impact.) [Recommended by Environmental Board, Urban Transportation Commission and Planning Commission]
Approved on, Mayor Pro Tem Garcia's motion, Councilmember Slusher's second, 6-0 vote, Councilmember Lewis off the dais.

EXECUTIVE SESSION (No Public Discussion on These Items)

Executive Session held at 12:20 p.m. to 1:30 p.m.

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.

Private Consultation with Attorney - Section 551.071

42. Discuss IBC Partners, Ltd., a Texas limited partnership, and Foster Family Land, Ltd., a Texas limited partnership, v. City of Austin, et al., Cause No. 97-05393, Travis County District Court.
43. Discuss legal issues and TNRCC requirements concerning the supply of Austin Electric Utility's share of water at the Fayette Power Project.
44. Discuss Stacy Lynn Wolff, et al v. Mario Villafani, M.D., et al, Cause No. 95-11336, Travis County District Court.
45. Discuss AT&T Communications of the Southwest, Inc., v. City of Austin, Civil Action No. A-97-CA-532SS, in the United States District Court for the Western District of Texas, Austin Division.

ACTION ON EXECUTIVE SESSION ITEMS

46. Consider settlement proposal in Stacy Lynn Wolff, et al. v. Mario Villafani, M.D., et al., Cause No. 95-11336, Travis County District Court.

Approved in an amount not to exceed \$200,000 on, Mayor Pro Tem Garcia's motion, Councilmember Lewis' second, 6-0-1 vote, Mayor Watson "ABSTAINING".

47. APPOINTMENTS

AIRPORT ADVISORY BOARD - DIANA CASTANEDA, HANNAH RIDDERING, JOSEPH TROCHTA, WAYNE GATHRIGHT

ANIMAL ADVISORY COMMISSION - JULIE ANDERSON, LESLIE CURRENS

BOARD OF ADJUSTMENT - HANS HERMAN THUN

BUILDING & FIRE CODE BOARD OF APPEALS - ALAN SCHUMAN

BUILDING STANDARDS COMMISSION - DAVID BROWN

CITIZENS' PLANNING IMPLEMENTATION COMMITTEE - GAVINO FERNANDEZ

COMMUNITY DEVELOPMENT COMMISSION - SONIA SANTANA, KEVIN COLE, JOHN HALL

DOWNTOWN COMMISSION - MARGARET ARMSTRONG, DENA LINN CHEN, RICK LANE

ELECTRIC UTILITY COMMISSION - CAROLINE LEGETTE

ENVIRONMENTAL JUSTICE TASK FORCE - SUZANNA ALMANZA, CATHY VASQUEZ-REVILLA

ETHICS REVIEW COMMISSION - DAVID ARMSTRONG

FLOOD PLAIN TASK FORCE - JUDITH CLARKSON

HUMAN RIGHTS COMMISSION - JAMES HILL, SAMMIE K. GLASCO

MBE/WBE ADVISORY COMMITTEE - MIKE NAZAR, FRANCINE SEGARS, JOSE MUNIZ

MUSIC COMMISSION - DANNY CROOKS, LEON HERNANDEZ

PLANNING COMMISSION - BETTY BAKER, RACHAEL RAWLINS, RAY VRUDHULA, JEAN MATHER, DAVID SULLIVAN

RESOURCE MANAGEMENT COMMISSION - PETER PFEIFFER

ROBERT MUELLER MUNICIPAL AIRPORT - JOSEPH "DUSTY" MCCORMICK, DWAYNE NAUMANN

SOLID WASTE ADVISORY COMMISSION - ANITA SADUN

TELECOMMUNICATIONS COMMISSION - DR. JOE T. ADAMS, WENDELL P. RAMSEY

URBAN RENEWAL AGENCY BOARD - KEVIN COLE, JOHN HALL

Approved on, Mayor Pro Tem Garcia's motion, Councilmember Lewis' second, 7-0 vote.

ADJOURNED at 9:15 p.m. on, Mayor Pro Tem Garcia's motion, Councilmember Goodman's second, 6-0 vote, Councilmember Lewis off the dais.

Approved on this the 21st day of August, 1997 on, Mayor Pro Tem Garcia's motion, Councilmember Slusher's second, 5-0 vote, Councilmember Lewis off the dais, Councilmember Spelman absent.