



# Austin City Council MINUTES

REGULAR MEETING  
THURSDAY, OCTOBER 30, 1997

1. Approval of Minutes for Regular Meetings of October 21, 22 & 23, 1997  
Approved on, Mayor Pro Tem Garcia's motion, Councilmember Slusher's second, 7-0 vote.

## CITIZEN COMMUNICATIONS: GENERAL

2. Richard Troxell, to discuss homelessness in Austin.
3. Avis Davis, to present a check to the Austin Public Library by Friends of the Austin Public Library.
4. Jimmy Castro, to discuss Travis County Bond Election.
5. Dave Schroeder, to discuss City of Austin's right (if not obligation) to terminate sewage effluent spreading on golf courses on drinking water reservoir watersheds.
6. Michael Bonds, to discuss "sorry City Council."

## READING OF CONSENT AGENDA

## READING OF DISCUSSION AGENDA

## CITIZEN COMMUNICATIONS: CONSENT AGENDA

## ACTION ON CONSENT AGENDA

## ITEMS CONTINUED FROM PREVIOUS MEETINGS

7. Approve a resolution to negotiate and execute a Parkland Improvement and Use Agreement for construction of Milburn Homes of private and City parkland improvements, including a parking lot to straddle the property line between City parkland and the private Sendera Amenities Area, to provide access and parking for patrons of both the City park and the amenities area. (Milburn will pay all costs of constructing improvements, and will pay the City \$3,000 for PARD maintenance of the parkland during the first year.) [Recommended by Parks Board]  
Pulled from agenda

8. Approve a resolution to execute a twelve month supply agreement with CORPORATE APPAREL GROUP, LTD., for the purchase of work trousers and shirts for City personnel, in an amount not to exceed \$80,043.50 with two twelve month extension options, in an amount not to exceed \$80,043.50 per extension, for a total contract amount not to exceed \$240,130.50. (Funding was included in the 1997-98 Operating Budget of various City departments. Funding for the extension options will be contingent upon available funding in future budgets.) Low bid of seven meeting specifications. No M/WBE Subcontracting opportunities were identified.  
**Resolution No. 971030-8 approved on, Mayor Pro Tem Garcia's motion, Councilmember Spelman's second, 7-0 vote.**
  
9. Approve an ordinance naming the facility known informally as Central City Entertainment Center the "Millenium Youth Entertainment Complex." (Funding will be included in Bid Package #3.) [Recommended by Central City Entertainment Center Advisory Board; to be reviewed by Parks Board on October 28, 1997] The Parks Board recommended indefinite postponement. 5-0 vote  
**Motion to approve Parks Board recommendation to postpone indefinitely on, Councilmember Lewis' motion, Councilmember Slusher's second, 6-0 vote, Councilmember Spelman off the dais.**
  
10. Approve a resolution appointing two Directors of the Austin-Rosewood Community Development Corporation. (No fiscal impact.)  
**Postponed three weeks to November 20, 1997 on, Councilmember Lewis' motion, Councilmember Spelman's second, 6-0 vote, Councilmember Griffith off the dais.**
  
11. Approve a resolution authorizing negotiation and execution of an amendment to the contract with Anderson Community Development Corporation (ACDC) for the acquisition of land and development of an additional 48 low income rental housing units in the SCIP II project area, in an amount not to exceed \$2,411,814, for a total amount not to exceed \$5,941,814. (Funding in the amount of \$1,490,914 is available in the 1997-98 Operating Budget of the Neighborhood Housing and Community Development Office (HOME Year 6; \$920,000 is available from 23rd Year CDBG HIP)  
**Postponed one week to November 6, 1997 on, Councilmember Lewis' motion, Councilmember Slusher's second, 6-0 vote, Councilmember Griffith off the dais.**

#### Public Works

12. Approve amending the Austin City Code by modifying the Basic Traffic Ordinance, Section 16-4-4 (D), Speed Limits, for the installation of a 20 mph Reduced Speed School zone on Northway Drive from Guadalupe Street to Meadowview Lane, for the protection of students attending T.A. Brown Elementary School. (Funding in the amount of \$500 for the installation of signs and markings is available in the 1997-98 operating budget of the Child Safety Fund.)  
**Ordinance No. 971030-A approved**

#### Health and Human Services

13. Approve a resolution authorizing Amendment #3 to the Interlocal Cooperation Agreement for Human Services Program between the City of Austin and Travis County for social services contracts, by reallocating funds for HIV services and increasing the City's contribution in an amount not to exceed \$39,454 to provide match funds to the Austin Travis County Mental Health Mental Retardation Center for the Housing and Urban Development (HUD) Safe Haven Grant, for a total amount not to exceed \$5,976,895. (No fiscal impact. Funding is already encumbered from the 1996-97 operating budget of the Health and Human Services Department.)  
**Resolution No. 971030-13 approved**

#### Information Systems

14. Approve a resolution authorizing execution of a construction contract with EMR CONSTRUCTION, INC., (MBE/FA), Austin, Texas, for construction of a temporary emergency power upgrade generator for the City's computer center located at Waller Creek Center, in the amount of \$199,444. (Funding was included in the 1997-98 Capital budget of the Financial and Administrative Services Department.) Sole bid. 50.14% Prime Participation; 0% MBE, 11.03% WBE Subcontractor participation.  
**Resolution No. 971030-14 approved**

#### Development Review and Inspection

15. C14-97-0075 - Approve second/third readings of an ordinance amending Chapter 13-2 of the Austin City Code by rezoning property locally known as 8000 to 8017 Exchange Drive, 9005 to 9023 Tuscany Way, and 8506 to 8513 Creekway Cove, from "W/LO-CO", Warehouse/Limited Office-Conditional Overlay & "LI-CO", Limited Industrial Services-Conditional Overlay to "W/LO", Warehouse/Limited Office District zoning for Tract 1, "LI", Limited Industrial Services District zoning for Tract 2 & 4, and "LI-CO", Limited Industrial Services-Conditional Overlay District zoning for Tract 3, with conditions. First reading on September 25, 1997; Vote 7-0. Conditions met as follows: Conditional overlay incorporates conditions imposed by Council at first reading. Applicant: MV Walnut Creek Ltd. (Stephen Pyhrr); Agent: Doucet & Associates (Donald Jones). City Staff: Don Perryman, 499-2786.  
**Ordinance No. 971030-B approved**
16. C14-97-0076 - Approve second/third readings of an ordinance amending Chapter 13-2 of the Austin City Code by rezoning property locally known as 8023 & 8027 Exchange Drive, from "LI-CO", Limited Industrial Services-Conditional Overlay to "LI", Limited Industrial Services District zoning, with conditions. First reading on September 25, 1997; Vote 7-0. Conditions met as follows: Conditions imposed by Council at first reading have been met. Applicant: MV Walnut Creek, Ltd. (Stephen Pyhrr); Agent: Doucet & Associates (Donald Jones). City Staff: Don Perryman, 499-2786.  
**Ordinance No. 971030-C approved**
17. C14-97-0077 - Approve second/third readings of an ordinance amending Chapter 13-2 of the

Austin City Code by rezoning property locally known as 8024, 8028 & 8034 Exchange Drive, 8401, 8404 & 8405 Market Place Drive, from "LI-CO", Limited Industrial Services-Conditional Overlay to "LI", Limited Industrial Services, zoning with conditions. First reading on September 25, 1997; Vote 7-0. Conditions met as follows: Conditions imposed by Council at first reading have been met. Applicant: MV Walnut Creek, Ltd. (Stephen Pyhrr); Agent: Doucet & Associates (Donald Jones). City Staff: Don Perryman, 499-2786.

**Ordinance No. 971030-D approved**

18. C14-97-0080 - Approve second/third readings of an ordinance amending Chapter 13-2 of the Austin City Code by rezoning property locally known as 1412 West Oltorf Street, from "SF-3", Family Residence to "CS-CO", Commercial Services-Conditional Overlay District zoning with conditions. First reading on September 25, 1997; Vote 7-0. Conditions met as follows: Conditional overlay incorporates conditions imposed by Council at first reading. Applicant: Catherine Brownlee (T.U. Bryant); Agent: J.W.S. Co. (Joe Straub). City Staff: Susan Villarreal, 499-6319.

**Ordinance No. 971030-E approved**

#### City Clerk

19. Amend Ordinance No. 970917-A, the 1997-98 Operating Budget, by appropriating \$35,000 from the General Fund Contingency Reserve; increasing the transfer from the General Fund to the Support Services Fund, and increasing appropriations for the Office of the City Clerk for expenditures associated with the November 4, 1997 election. **(Related to Item 20)**

**Ordinance No. 971030-F approved**

20. Approve a resolution ratifying a contract with HART FORMS AND SERVICES, Austin, Texas, for the purchase of ballots for the November 4, 1997 election, in the amount of \$54,902.88. (Funding was included in the 1997-98 amended Operating Budget of the Office of the City Clerk.) Sole Source. No M/WBE Subcontracting opportunities were identified. **Related to Item 19)**

**Resolution No. 971030-20 approved**

Items 12 through 20 approved on, Mayor Pro Tem Garcia's motion, Councilmember Spelman's second, 7-0 vote.

#### FROM COUNCIL

21. Approve a resolution establishing a Commission on Information Management and Technology. (Councilmembers Daryl Slusher, William Spelman, and Mayor Kirk Watson) **Resolution No. 971030-21, draft 2 approved with friendly amendment by Mayor Pro Tem Garcia to direct the commission to also report to the Council Telecommunications Committee and the Telecommunications Commission on, Councilmember Slusher's motion, Mayor Pro Tem Garcia's second, 7-0 vote.**

3:30 P.M. - BOARD OF DIRECTOR'S MEETING OF AUSTIN HOUSING FINANCE CORPORATION

The Mayor will recess the City Council meeting. A Board meeting of the Austin Housing Finance Corporation (AHFC) will be conducted. Following adjournment of the AHFC Board meeting, the City Council will be reconvened. Item 22 is the AHFC item to be considered by the Austin Housing Finance Corporation's Board of Directors.

22. Public hearing and approval of amendments to certain documents in connection with the Corporation's Multi-Family Housing Revenue Bonds (Household Bank fsb/Riverchase Apartments Project) 1985 Series A, and related actions. (Unbudgeted Revenue in the amount of \$21,625 will be placed in the 1997-98 Housing Assistance Fund.)

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

23. C814-97-0001 - Public hearing to amend Chapter 13-2 of the Austin City Code by zoning property locally known as North FM 620 Road and North U. S. Hwy. 183 from "I-RR", Interim Rural Residence to "PUD", Planned Unit Development. Planning Commission Recommendation: To Grant "PUD", Planned Unit Development District zoning with conditions. Applicant: Texas General Land office (Bog Hewgley); Agent: Carter & Burgess (Hank Smith). City Staff: David Wahlgren, 499-6455.  
**Postponed one week to November 6, 1997 (1st reading only)**

24. C14H-97-0004 (WROE-BUSTIN HOUSE) - Public hearing to amend Chapter 13-2 of the Austin City Code by zoning property locally known as 506 Baylor Street from "CS", General Commercial Services to "CS-H", General Commercial Services-Historic. Planning Commission Recommendation: To Grant "CS-H", General Commercial Services-Historic District, zoning subject to conditions. Applicant: Tesoro's Trading Company; Agent: Peter Flagg Maxson. City Staff: George Zapalac, 499-2725.  
**Approved CS-H zoning, first reading only**

**Items 23 and 24 approved on, Councilmember Lewis' motion, Mayor Pro Tem Garcia's second, 7-0 vote.**

25. C14-97-0070 - Public hearing to amend Chapter 13-2 of the Austin City Code by zoning property locally known as 300 to 306 W. Oltorf Street from "SF-3", Family Residence & "MF-3", Multifamily Residence (medium density) to "GR", Community Commercial. Planning Commission Recommendation: To Grant "MF-3", Multifamily Residence (medium density) District zoning. Applicant: Crain/Nelson, Sherwin Williams; Agent: Jon Crain/Kelly Nelson. City Staff: Susan Villarreal, 499-6319.  
**Approved Planning Commission recommendation with MF-3 zoning subject to dedication of 41 feet of ROW from the centerline of Oltorf Street, first reading only on, Councilmember Spelman's motion, Councilmember Griffith's second, 7-0 vote.**

26. C14-97-0082 - Public hearing to amend Chapter 13-2 of the Austin City Code by zoning property locally known as 7612 Brodie Lane from "LR", Neighborhood Commercial to "CS-1", Commercial Liquor Sales. Planning Commission Recommendation: To Grant "CS-1-CO", Commercial Liquor Sales-Conditional Overlay District zoning with conditions. Applicant: 7612

Brodie, Inc. (Michael Issa); Agent: Austin Permit Service (Melissa Whaley). City Staff: Joe Arriaga, 499-2308.

**Ordinance No. 971030-G approved CS-1-CO zoning on, Councilmember Lewis' motion, Mayor Pro Tem Garcia's second, 7-0 vote.**

27. C14-97-0083 - Public hearing to amend Chapter 13-2 of the Austin City Code by zoning property locally known as 6619 River Place Blvd. from "DR", Development Reserve to "GR", Community Commercial. Planning Commission Recommendation: To Grant "LR-CO", Neighborhood Commercial-Conditional Overlay District zoning.. Applicant: Four Points Development (John Sanford); Agent: Prossner & Associates (Kurt Prossner). City Staff: Don Perryman, 499-2786.

**Postponed thirty days to December 4, 1997 on, Councilmember Slusher's motion, Councilmember Goodman's second, 7-0 vote.**

28. C14-97-0091 - Public hearing to amend Chapter 13-2 of the Austin City Code by zoning property locally known as 2108 to 2110 Thrasher Lane and 6505 to 6601 E. Riverside Drive from "MF-2", Multifamily Residence (low density), "LR", Neighborhood Commercial, and "SF-3", Family Residence to "MH", Mobile Home Residence. Planning Commission Recommendation: To Grant "MH-CO", Mobile Home Residence-Conditional Overlay District, zoning with conditions. Applicant: Aus-Tex Parts & Service LLC (Don H. Dempsey); Agent: Jim Bennett. City Staff: Ivan Naranjo, 499-2724.

**Postponed to December 11, 1997 request from Council: 1) Staff to visit site and report on detention (site is flat), and 2) applicant to clean up existing mobile home park on, Councilmember Lewis' motion, Mayor Pro Tem Garcia's second, 7-0 vote.**

29. C14-97-0107 - Public hearing to amend Chapter 13-2 of the Austin City Code by zoning property locally known as 2701 East 7th Street from "LI", Limited Industrial Services to "GR", Community Commercial. Planning Commission Recommendation: To Grant "GR", Community Commercial District zoning. Applicant: H.E.B. Grocery Company (Charles Blackburn); Agent: Bury & Pittman, Inc. (Tom Migl). City Staff: Ivan Naranjo, 499-2724.

**Ordinance No. 971030-H approved GR zoning on, Councilmember Lewis' motion, Mayor Pro Tem Garcia's second, 7-0 vote.**

30. C14-97-0110 - Public hearing to amend Chapter 13-2 of the Austin City Code by zoning property locally known as 2505 Steck Avenue from "MF-3", Multifamily Residence (medium density) to "GR", Community Commercial. Planning Commission Recommendation: To Grant "GR-CO", Community Commercial-Conditional Overlay District zoning with conditions. Applicant: Estate of Mildred Hancock (Whit Hanks/Roger Hanks); Agent: Graves, Dougherty, Hearon & Moody (Ann Vanderburg). City Staff: Don Perryman, 499-2786.

**Approved Planning Commission recommendation of GR-CO zoning subject to limitation of 2,500 trips per day instead of 2,000, first reading only on, Mayor Pro Tem Garcia's motion, Councilmember Spelman's second, 7-0 vote.**

## PUBLIC HEARINGS

31. a. 6:00 p.m. - Public hearing on annexation of Four Points  
Motion to close public hearing on, Councilmember Slusher's motion, Councilmember Spelman's second, 6-0 vote, Councilmember Goodman off the dais.
- b. 6:30 p.m. - Public hearing on the annexation of the following areas: IH-35 South, Carson Creek, and Thompson Lane.  
Motion to close public hearing on Councilmember Spelman's motion, Mayor Pro Tem Garcia's second, 7-0 vote.
- Motion to reopen hearing on, Councilmember Slusher's motion, Councilmember Spelman's second, 6-0 vote, Councilmember Goodman off the dais.

#### EXECUTIVE SESSION (No Public Discussion on These Items)

Executive session held at 2:28 p.m. to 4:15 p.m. on items 32, 35 and 36.

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

32. Discuss legal issues relating to annexation.
33. Discuss IBC Partners Ltd. et. al v. City of Austin, CA 97-05393, Travis County District Court
34. Discuss City of Austin v. Southwest Travis County Water District, CA 96-13123, Travis County District Court
35. Discuss Quick v. City of Austin, No. 96-1154, Texas Supreme Court

#### Staff Briefing - Section 551.075

36. Staff briefing on status of implementation of Meet and Confer legislation for Austin Police Department. (City Council deliberation is not permitted under Section 551.075)

#### ACTION ON EXECUTIVE SESSION

37. Authorize increases in contract amounts with outside counsel with Hilgers & Watkins, Pamela S. Baron, and Raymey & Flock, for legal services in Quick v. City of Austin, No. 96-1154, Texas Supreme Court.  
Postponed one week to November 6, 1997
38. APPOINTMENTS

Design Commission - MARCELLUS SAPENTER

ADJOURNED at 10:00 p.m. on, Councilmember Slusher's motion, Councilmember Griffith's second, 6-0 vote, Councilmember Goodman off the dais.

Approved on this the 20<sup>th</sup> day of November, 1997 on, Councilmember Spelman's motion, Councilmember Lewis' second, 7-0 with Mayor Pro Tem Garcia abstaining on Special Called meeting of November 12, 1997.