12-03-2015

The following chronology illustrates the lengthy history of BFI's (now doing business as Republic Services, Inc.) controversial recycling center operations in Austin. The more than 10 year episode includes:

- Local media coverage of BFI/ACCO recycling center nuisance operations
- Failed negotiations leading to the City of Austin condemnation of BFI/ACCO's Bolm Road property and location requirements for future BFI/ACCO recycling center sites
- Purchase of BFI's new property on Winnebago Lane by the City of Austin
- Breaches of lawsuit settlement agreements between the City of Austin and BFI

In April 2002, *the Austin American Statesman* described BFI's recycling facility woes as "the City's equivalent of the garbage-laden barge that trolled up and down the East Coast looking for an accepting home."

BFI/ACCO Recycling Facility Chronology

June 9, 1994	City Council passes resolution (No. 940609-33) authorizing the Acting City Manager to work with ACCO Waste Paper Company, representatives of the Garden Neighborhood and representatives of Keep Austin Beautiful to examine all options available to address neighborhood concerns, including but not limited to the installation of landscape buffer and the relocation or partial relocation of ACCO.
August 1, 1996	City Council directs City Manager to investigate the cause(s) of the July 21, 1996 fire at the BFI facility, provide the City Council with a complete report in 60 days, and work with BFI/ACCO to relocate its operation to a site that is out of proximity to neighborhoods.
July 17, 1997	City Council approves rezoning of BFI/ACCO facility located on Bolm Road from Limited Industrial to Limited Office.
October 1997	BFI offers to relocate Bolm Road facility in exchange for its award of the City's 30 year recycling contract
November 19, 1997	City Council rejects BFI's offer to relocate Bolm Road facility in exchange for 30 year recycling contract and approves negotiation of a recycling contract with Waste Management, Inc.
March 1998	City of Austin begins negotiating with BFI to purchase Bolm Road property to be used for administrative offices for Solid Waste Services department.

January 1999	Negotiations between City of Austin and BFI stall. Appraisal District value of Bolm Road property at $1.3M – City offers BFI $2M – BFI wants $5M. City of Austin threatens condemnation of Bolm Road property.
May 13, 1999	City Council votes unanimously to begin condemnation proceedings for the BFI/ACCO Bolm Road recycling facility.
March 9, 2000	City Council approves paying $3.9M to BFI, and to lease back facility to BFI for $2,000/month for 15 months with one 6-month extension option at $78,000/month.
Summer-Fall 2000	BFI purchases 8.32 acre property located at 4711 Winnebago Lane, whereby Kennsington Park neighborhood immediately protests relocation of the BFI/ACCO recycling facility to property near their neighborhood. The recycling facility was not built.
March 8, 2001	City of Austin passes resolution (No. 010308-55) amending the settlement of City of Austin v BFI Waste Systems of North America, Inc., et al; Proceedings in Eminent Domain in Probate Court No. 1 of Travis County, Texas, in an additional amount not to exceed $597,399.11 in cash and credits not to exceed $200,000 of current rates at the City's Todd Lane recycling center. The amount includes the City's purchase of BFI's undeveloped property on Winnebago Lane.
March 29, 2002	BFI permanently closes Bolm Road recycling center and announces it will move to a new site located on Metric Boulevard.
April 2002	City of Austin legal department investigates whether BFI's move to new location on Metric Boulevard violates a lawsuit settlement that forbids BFI from opening a new recycling center in the city limits that is within ½ mile of houses.
February 27, 2003	City legal contends that the BFI breached its lawsuit settlement agreement with the City by locating its facility on Metric Boulevard. After working with BFI and the neighborhood association representing nearby residents, the City and BFI propose to enter into an amendment to the lawsuit settlement agreement allowing BFI to remain at that location under certain conditions. City Council approves the amended lawsuit settlement.
May 4, 2014	Austin Fire Department battle and extinguish 3 alarm fire at BFI/ACCO recycling center on Metric Boulevard. BFI/ACCO's recycling facility was never reopened following fire.

Austin City Council
MINUTES

JUNE 9, 1994 - 1:00 P.M.

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

MINUTES APPROVED

1. Approval of Minutes for Regular Meetings of April 28, 1994 and May 26, 1994 Deleted

CITIZEN COMMUNICATIONS: GENERAL

2. Mr. Peter Bagnall, to discuss speed hump policy.

ORDINANCES

3. Approve second/third readings of an ordinance amending Chapter 13-2 of the Austin City Code rezoning property locally known as 1500 to 1700 blocks South Mopac Expressway, Case No. C14-93-0126, from "LO", Limited Office and "LR", Neighborhood Office to "GO", General Office, TREEMONT, AUSTIN, INC. (Larry Peel), by Graves, Dougherty, Hearon & Moody (Wm. Terry Bray. First reading on November 18, 1993; Vote 7-0. Conditions met as follows: There were no conditions to be met; applicant requested that second/third readings of ordinance be delayed.

   Approved emergency passage of Ordinance No. 940609-M subject to compliance with quality provisions of the SOS Ordinance on Councilmember Garcia's motion, Councilmember Shea's second, 5-0 vote, Councilmember Reynolds absent.

4. Approve second/third readings of an ordinance amending Chapter 13-2 of the Austin City Code rezoning property locally known as East U.S. Highway 290 and U.S. Highway 183 East, Case No. C14-94-0005, from "I-RR", Interim Rural Residence to "LI-CO", Limited Industrial Services-Conditional Overlay, M.V. WALNUT CREEK, LTD. (Rick Marcellin), by The Faust Group (William Faust). First reading on March 24, 1994; Vote 5-0, Mayor Pro Tem Nofziger absent. Conditions met as follows: conditional overlay and restrictive covenant incorporate conditions imposed by Council.

   Ordinance No. 940609-A

29. Authorize negotiation and execution of a six (6) month Interlocal Agreement with the Austin Independent School District (AISD) to build a rainwater harvester at Becker Elementary School's Green Classroom, in an amount not to exceed $4,000. (Funding is available in the 1993-94 operating budget of the Environmental and Conservation Services Department.) [Recommended by Environmental Board]
Approved

30. Approve negotiation and execution of an Interlocal Agreement for a two (2) year research project with the Center for Research in Water Resources of the University of Texas at Austin to develop a Barton Springs/Edwards Aquifer groundwater model to analyze and predict total watershed impacts, enabling the City to estimate cumulative effects of prior and future urbanization, in the amount of $102,000. (Funding is available in the 1993-94 operating budget of the Environmental and Conservation Services Department.) [Recommended by the Environmental Board]
Approved

Items 29-30 approved on Councilmember Shea's motion, Councilmember Goodman's second, 5-0 vote, Councilmember Reynolds absent.

31. Approve reappointment of Dr. Raleigh Maurice Hood to the Civil Service Commission.
Deleted

32. Approve changing the date of the regular monthly Electric Utility City Council meeting from the third Thursday of each month to the fourth Thursday of each month, effective with the June, 1994 Electric Utility agenda.
Approved

ITEMS FROM COUNCIL

33. Direct the Acting City Manager to restart an effort to develop a buffer zone between the ACCO Waste Paper Company and the Garden Neighborhood. (Councilmember Gus Garcia)
Approved

34. Approve the full purpose annexation of the Stenis tract and adjacent property comprising approximately 90 acres of land at Loop 360 and Spicewood Springs Road. (Councilmembers Brigid Shea, Gus Garcia and Jackie Goodman)
Ordinance No. 940609-K

Items 32-34 approved on Councilmember Shea's motion, Councilmember Goodman's second, 5-0 vote, Councilmember Reynolds absent.

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

35. C14-94-0042 - RAYMOND & GRACIE KOCH, by Republic Commercial Construction (Dawnetta Denham), 12501 Silver Spur. From NO to LO. PLANNING COMMISSION RECOMMENDATION: To Grant LO-CO, Limited Office-Conditional Overlay, subject to the following conditions: (1) limit floor-to-area (F.A.R.) to 0.15; (2) dedicate 75 feet of right-of-way from the existing centerline of Parmer Lane in accordance with the

940609-33

RESOLUTION

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

That the Acting City Manager, or his designee, is hereby authorized to work with ACCO Waste Paper Company, representatives of the Garden Neighborhood and representatives of Keep Austin Beautiful to examine all options available to address neighborhood concerns, including but not limited to the installation of a landscape buffer and the relocation or partial relocation of ACCO.

ADOPTED June 9, 1994 ATTEST James E. Aldridge
James E. Aldridge
City Clerk

9JUN94
MC/SA:sa
0001765

33

Austin City Council
MINUTES

AUGUST 1, 1996

Mayor Todd called the meeting to order, Councilmembers Griffith, Mitchell and Slusher temporarily absent.

1. Approval of Minutes for Special Called Meeting of July 24, 1996 and Regular Meeting of July 25, 1996.
   Approved on, Mayor Pro Tem Garcia's motion, Councilmember Goodman's second, 4-0 vote, Councilmembers Griffith, Mitchell and Slusher temporarily absent.

CITIZEN COMMUNICATIONS: GENERAL

2. Ms. Karen Hadden, to discuss health and safety issues in regard to transportation of radioactive materials to the proposed Sierra Blanca nuclear dump.
3. Mr. Leonard Lyons, to discuss coordinators: job security.
   Absent
4. Mr. Gus Pena, to discuss the City of Austin budget and city issues.
5. Mr. Mike Librik, to discuss the helmet law.
6. Mr. Robert Donley, to discuss Capital Metro (neighborhood).
7. Mr. Gavino Fernandez, Jr., to discuss East Cesar Chavez St. - street maintenance overdue.
8. Mr. Paul Hernandez, to discuss the October 15, 1996 Latino march to Washington. D.C.
9. Ms. Amy Babich, to discuss opposition to the helmet law.
10. Mr. Dale Johnson, to thank Council.

ITEMS CONTINUED FROM PREVIOUS MEETINGS

11. Approve negotiation and execution of an Interlocal Agreement with Lower Colorado River Authority (LCRA) setting out terms and conditions for procurement of professional engineering services to study the feasibility of constructing a subregional wastewater treatment plan to serve customers of Austin and LRCA in the Gilleland/Wilbarger Creek Drainage Basin, in the estimated amount of $15,000. (Funding was included in the 1991-92 Capital Budget of the Water and Wastewater Utility.) (Reviewed by Water and Wastewater Commission)
    Substitute motion by Councilmember Reynolds to approve as posted; if no agreement with LCRA, City approve report on, Councilmember Reynolds' motion, Mayor Todd's second, 3-4 vote, Mayor Pro Tem Garcia, Councilmembers Goodman, Griffith and Slusher voting "NO".

per year for use of Palmer Auditorium.)
Approved

Items 16 through 18 approved on, Mayor Pro Tem Garcia's motion, Councilmember Goodman's second, 7-0 vote.

19. Establish a Joint Work Group with Travis County to study issues related to the financing and provision of indigent health care services and prepare a report by November 1, 1996. (No fiscal impact.)
Motion to approve on, Mayor Pro Tem Garcia's motion, Mayor Todd's second.

No vote taken

Postponed to follow public hearing set for August 22nd at 5:30 p.m. on, Councilmember Slusher's motion, Councilmember Goodman's second, 4-1-1 vote, Mayor Todd voting "NO", Councilmember Reynolds abstaining, Councilmember Mitchell off the dais.

20. Approve the 1996-97 Community Development Program as required by Chapter 373, Local Government Code and the Annual Consolidated Plan (ACP) which serves as the application for and acceptance of four entitlement grants from the U.S. Department of Housing and Urban Development (HUD). The grants included in the ACP, the Community Development Block Grant (CDBG), HOME Investment Partnerships Program (HOME), Emergency Shelter Grant (ESG), and Housing Opportunities for Persons with AIDS (HOPWA). This action also reprograms prior years CDBG funds for use in FY 1996-97 programs described in the ACP. (Funding in the amount of $13,724,893 is provided from the following: $12,002,000 from four HUD entitlement grants will be included in the 1996-97 Proposed Budget; $738,524 is anticipated as 1996-97 Program Income; $650,017 will be included as a local match in the 1996-97 Proposed Budget; and $334,352 is available in uncommitted CDBG funds appropriated in prior years. The grant begins on 10/1/96 and is a multi-year grant appropriated 1995-96 by Public Laws 93-383, 102-625 and 102-559.) [Recommended by Community Development Commission and HIV Planning Council]
Approved on, Mayor Pro Tem Garcia's motion, Councilmember Goodman's second, 6-0 vote, Councilmember Mitchell off the dais.

21. Set a public hearing to approve and convey easements to allow open drainage ways, and the construction of storm sewers, water and wastewater lines through dedicated parkland known as Slaughter Creek Metropolitan Park in accordance with Section 26.001 et. seq. of the Texas Parks and Wildlife Code. (Suggested date and time: September 5, 1996 at 5:30 p.m.)
Approved

22. Set a public hearing for the full purpose annexation of Bilbrook Place. (Suggested dates and times: August 15, 1996 at 4:30 p.m. and August 22, 1996 at 5:00 p.m.)
Approved

ITEMS FROM COUNCIL

23. Direct the City Manager to investigate the cause(s) of the July 21, 1996 fire at the BFI facility, provide the City Council with a complete report in 60 days, and work with BFI/ACCO to relocate its operation to a site that is out of proximity to neighborhoods. (Mayor Pro-Tem Gus Garcia and Councilmember Daryl Slusher)
Approved

Austin City Council
MINUTES

REGULAR MEETING
THURSDAY
JULY 17, 1997

1. Approval of Minutes for July 9 & 10, 1997.
   Approved on, Councilmember Slusher's motion, Councilmember Spelman's second, 7-0 vote.

CITIZENS COMMUNICATION: GENERAL

1. Ms. Cecilia Wood, to discuss homelessness.
   Absent
2. Mr. Marc Katz, to discuss parking signs.
3. Mr. Ray Ramirez, to discuss the budget - Parks and Recreation.
   Absent
4. Mr. Robert Thomas, to discuss the Rosewood Recreation Center.
5. Mr. F.C. Powell, to discuss environmental health & drug trafficking in East Austin.
6. Mr. John McMillan, to discuss building a municipal performing arts center.
7. Mr. Frank Cooksey, to discuss the Capital Area Homeless Alliance site selection criteria.
   Absent
8. Mr. Tom Regner, to discuss the Bike Helmet Law.
   Absent
9. Mr. Moses Saldana, to discuss the first anniversary of the renaming of Pan Am Rec. Center to Oswaldo "A.B." Cantu Rec. Center.
10. Ms. Sue Donahoe, to discuss Street Closure Task Force & Tourism.
    Absent

READING OF CONSENT AGENDA

READING OF DISCUSSION AGENDA

CITIZENS COMMUNICATION: CONSENT AGENDA

ACTION ON CONSENT AGENDA
ITEMS CONTINUED FROM PREVIOUS MEETINGS

(Richard Suttle). City Staff: Greg Guernsey, 499-2387. (continued from 6/5/97, 6/26/97 & 7/10/97) **[Related to Item 20]**
Postponed one week to July 24, 1997, applicant's request

22. C14-97-0040 - Approve second/third readings of an ordinance amending Chapter 13-2 of the Austin City Code by rezoning property locally known as 2500 to 2612 E. 6th Street; 2410 to 2412 Hidalgo Street; 2501 to 2611 Hidalgo Street; 2500 to 2612 Hidalgo Street; 2501 to 2613 Diaz Street; and 2500 to 2612 Diaz Street from "LI", Limited Industrial Services to "SF-3", Family Residence. First reading on June 26, 1997; Vote 7-0. Conditions met as follows: Ordinance has been prepared in accordance actions taken by Council at first reading. Applicant: City of Austin (Development Review and Inspection Department). City Staff: Susan Villarreal, 499-6319.
Ordinance No. 970717-A approved

23. C14-96-0149 - Approve second/third readings of an ordinance amending Chapter 13-2 of the Austin City Code by rezoning property locally known as 4712 Bolm Road, from "LI", Limited Industrial Services to "LO-CO", Limited Office-Conditional Overlay zoning with conditions. First reading on July 10, 1997; Vote 7-0. Conditions met as follows: Conditional overlay incorporates conditions imposed by Council at first reading. Applicant: City of Austin (Development Review and Inspection Department). City Staff: Susan Villarreal, 499-6319.
Ordinance No. 970717-b approved

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

24. Approve second/third readings of an ordinance amending Chapter 13-2 of the Austin City Code by rezoning property locally known as 15000 to 15016 North FM 620 Road, Case No. C14-97-0030, from "DR" Development Reserve to "CS-CO", Commercial Services-Conditional Overlay zoning with conditions. First reading on June 26, 1997; Vote 6-1, Goodman voting "No." Conditions met as follows: Conditional overlay incorporates conditions imposed by Council at first reading. Applicant: GDC Interests (Henry Dekeratry); Agent: IRM Architects (Hugo Bazan). City staff: David Wahlgren, 499-6455.
Postponed to July 31, 1997

25. Set a public hearing on an ordinance amending City Code Section 13-8-3, the Local Amendments to the 1994 Uniform Building Code, by adding a new chapter providing requirements for straw bale construction. (No fiscal impact.) [Suggested date and time: August 21, 1997 at 6:00 p.m.]
Approved

26. Set a public hearing to amend Chapter 13-2 of the City Code by: amending the definition of home occupation found in Section 13-2-1; and the limitations on home occupations found in Section 13-2-260. (No fiscal impact.) [Suggested date and time: August 21, 1997 at 6:30 p.m.]
Approved

Items 25 and 26 approved on, Councilmember Lewis' motion, Mayor Pro Tem Garcia's second,

B

Wednesday, October 29, 1997

METRO & STATE

Austin American-Statesman

Judge loses license

The State Bar has suspended the law license of U.S. District Judge Jerry Buchmeyer of Dallas because he guaranteed a student loan for his son and it hasn't been repaid. B2

Inside

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East Austin residents back BFI contract

■ City officials' recommendation that recycling business go to other company angers neighborhood

Continued from B1

newed.

But city staffers are recommending that the City Council award the contract to Waste Management Inc., which submitted a much lower bid. The council will decide today whether to enter into negotiations with Waste Management.

Residents are furious about the recommendation.

"We don't want the city to just look at the money. We want them to take the residents into consideration and give us back our community by helping BFI relocate," said Johnny Limon, president of the Gardens Neighborhood Association.

Resident Janie Rangel said the city is missing a golden opportunity to help the neighborhood.

"All they're asking for is the 30-year contract," Rangel said. "Push 'em out of here — they're ready to go. We'll help."

Assistant Solid Waste Director Joe Word defended his department's decision, noting that BFI's bid was significantly higher than Waste Management's and would end up costing citizens across Austin. Word wouldn't provide exact numbers because of fears that doing so might compromise the city's bargaining position in negotiations with Waste Management.

Word also suggested that BFI's promise to the neighborhood is not legally binding.

"The difference in cost between the two proposals was significant enough that we didn't feel like we could recommend going with BFI over Waste Management — especially for something that had no promise of being resolved anyway," Word said.

In a June letter to Limon, BFI Vice President Steven Dunn pledged that BFI would leave Bolm Road if the company got the contract and if they could "arrive at fair compensation with the City to relocate all operations to the new site for processing." Limon and BFI officials said Tuesday that the company has since promised, in writing, to leave Bolm Road without the city's financial help, but the American-Statesman was unable to verify that Tuesday night.

Word said city staffers had residents in mind when they put together their request for proposals, structuring it so that city recycling no longer would be done at the Bolm Road facility. The city was not bound by law to choose the lowest bidder for the recycling contract, so officials judged proposals based on environmental impact as well as cost. Both BFI and Waste Management cleared the environmental hurdle by proposing to build facilities in northeast Travis County, away from residential areas.

> *'In our view, we're solving most of the community's problems there. A large majority of the traffic and noise issues will be resolved.'*
>
> *Joe Word, assistant solid waste director*

Word also emphasized that subtracting the city's curbside recycling from the Bolm Road plant would substantially reduce the amount of trash and traffic in the neighborhood. City recyclables make up about 30 percent of the plant's total recycling volume and between 60 percent and 70 percent of the truck traffic, according to BFI.

The plant sorts and bales about 100 tons of newspaper, office paper, bottles and cans each day. In recent months BFI has taken steps to minimize the noise and traffic emanating from the plant.

"In our view, we're solving most of the community's problems there," Word said. "A large majority of the traffic and noise issues will be resolved."

The city's recycling would stop going to the Bolm Road site about 10 months after the council approved a contract with Waste Management, according to city officials.

But residents are afraid that if BFI loses the city contract, it will find other customers to fill the gap at its Bolm Road facility. BFI officials said Tuesday that it doesn't make financial sense to leave Bolm Road if the company doesn't get the city contract.

"We'll be here if we don't get the contract," said BFI spokeswoman Lynda Rife.

The BFI plant has become the most prominent symbol of a problem that plagues much of East Austin: The area has more industry than the rest of the city, and much of it lies next to residential neighborhoods, according to a recent city land use study.

In recent months, the City Council has taken several steps to attack the problem, including changing the Bolm Road site's zoning so future owners can't recycle there.

Council Member Gus Garcia said he is undecided on the issue of the contract, but he questioned BFI's approach.

"If BFI is out there politicking with the neighbors, that puts the city in a difficult position," Garcia said. "I think the city wants to see that facility close, but we don't want a gun to our heads."

RALLYING FOR AN ADVERSARY

Larry Kolvoord/AA-S

East Austin residents Janie Rangel, left, and Johnny Limon, center, show support Tuesday for a deal with BFI, whose recycling facility has irritated Gardens neighborhood residents with noise and trash. The company says it will leave the area if Austin renews its contract.

Neighbors want BFI to get city contract

> *'Push 'em out of here — they're ready to go. We'll help.'*
>
> *Janie Rangel, neighborhood resident*

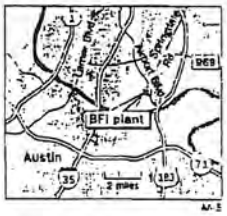
By Scott S. Greenberger
American-Statesman Staff

The recycling plant across the street, rumbling behind blue concrete walls topped with chicken wire, has spewed wind-blown trash onto their lawns. It has startled them with crashing trash containers and sent trucks past their houses as many as 100 times a day.

So it was a little strange Tuesday to see neighborhood residents gathered across the street from BFI's Bolm Road recycling plant, demanding that the city award its 30-year curbside recycling contract to their old nemesis.

Waving signs, more than a dozen residents and East Austin environmental activists called on the city to choose BFI, because the company has promised the neighborhood that it will move out if it gets the contract.

BFI holds the current city contract, but it says the city's increasing recycling load would force it to move to a bigger facility if the contract is re-



AA-S

See East Austin, B6

BFI controversy delays decision on recycling deal

By Scott S. Greenberger
American-Statesman Staff

Caught between acceding to the wishes of an East Austin neighborhood and saving a bundle of money, the City Council on Wednesday delayed a decision on whether to dump BFI and hire Waste Management Inc. to handle curbside recycling for the next 30 years.

Instead of beginning negotiations with Waste Management, the council punted to the city's solid waste advisory panel, which will consider the issue on Nov. 12 and report back.

For years, residents who live near the BFI plant on Bolm Road have complained about windblown trash, crashing trash containers and truck traffic from the facility. A five-alarm fire in 1996 deepened their animosity toward the company across the street.

But residents are rooting hard for BFI to get the city contract, because BFI has said that if it does it will vacate its Bolm Road site. BFI holds the current city contract but says the city's increasing recycling load would force it to move to a bigger facility if the contract is renewed.

City staff is recommending that the council award the contract to Waste Management, which submitted a much lower bid. The staff notes that subtracting the city's recycling from the Bolm Road plant would substantially reduce the amount of trash and traffic in the neighborhood.

Some city officials also question whether BFI's promise to leave the neighborhood is legally binding.

"Even if we give them the contract, we can't bind them" to leaving the neighborhood, said Council Member Gus Garcia. "Corporations have big-time lawyers that can write loopholes into any contract."

BFI and residents insist that the company's most recent letters to the neighborhood and the city constitute a commitment to leave, even without financial help from the city.

Garcia suggested that the council might try to separate the awarding of the contract from the question of how to get BFI out of the neighborhood.

Although the bid numbers are still a secret, Garcia said the difference in the two bids might be $60 million or more over 30 years, a gap too great to justify awarding the contract to BFI. Instead, the city might work out a separate deal with BFI, perhaps donating land to facilitate the company's move.

BFI officials are not eager to separate the two issues.

"We'd certainly be open to further discussion with the city to relocate our site," Vice-President Steven Dunn said. The company says it would move to northeast Travis County, away from residential neighborhoods. "But what's on the table is the contract, and the contract provides a solution for all parties."

Austin City Council
MINUTES

WORKSESSION
WEDNESDAY, NOVEMBER 19, 1997

CITIZENS COMMUNICATION: GENERAL

BOARD AND COMMISSION REPORTS

1. ELECTRIC UTILITY COMMISSION - Teresa Reel, Chair
   Presentation given by Milton Lee.

2. RESOURCE MANAGEMENT COMMISSION - Peter Pfeiffer
   Presentation given by Peter Pfeiffer.

3. MONTHLY ELECTRIC UTILITY MANAGEMENT REPORT
   Presentation given by Milton Lee and Dave Casper.

READING OF CONSENT AGENDA

READING OF DISCUSSION AGENDA

CITIZENS COMMUNICATION: CONSENT AGENDA

ACTION ON CONSENT AGENDA

PREVIEW OF ITEMS FOR NEXT COUNCIL MEETING

4. Review of Proposed Agenda Items from the City Manager for December 4, 1997.

5. Review of Proposed Agenda Items from Council for December 4, 1997.

6. Discuss and identify consent and discussion agenda items for the November 20, 1997 Council meeting agenda. (Agenda for November 20, 1997 is attached and incorporated by reference.)
Consent items for November 20, 1997 are as follows: 13, 14, 15, 16, 17, 18, 19, 20, 21, 23, 24, 25, 26, 33, 34, 35, 39, 40, 48, 49, 50, 51, 52, 53, 54, 55, 56, 67, 78, 69, 61, 62, 63, 92, 93, 94 and 95.

7. Set Time Certain, if necessary, for agenda items on the November 20, 1997 Agenda.

BRIEFINGS

8. a. Airport Advisory Board Report
b. Austin-Bergstrom International Airport (ABIA)
c. Management Reserve/Financial Update
d. Discussion of ABIA Food and Beverage Concessionaire Recommendations
e. ABIA Ground Service Equipment Maintenance Facility
f. ABIA Airline Freight (Belly Freight) Facilities
g. Lease Agreement for the Renovation of Building 2900

ITEMS CONTINUED FROM PREVIOUS MEETINGS

9. Approve a resolution authorizing negotiation of a thirty year contract with WASTE MANAGEMENT OF TEXAS, INC., dba AUSTIN COMMUNITY LANDFILL, Austin, Texas, and the processing of recyclable materials collected by the City's recycling programs. (No fiscal impact.) Best proposal of four. No M/WBE Subcontracting opportunities were identified. (To be reviewed by Solid Waste Advisory Board on November 17, 1997)
Resolution No. 971119-9 approved

10. Approve a resolution authorizing negotiation of a thirty year contract with WASTE MANAGEMENT OF TEXAS, INC., dba AUSTIN COMMUNITY LANDFILL, Austin Texas, and with TEXAS DISPOSAL SYSTEMS LANDFILL, INC., Austin, Texas, for the disposal of municipal solid waste. (No fiscal impact.) Best proposals of three. No M/WBE Subcontracting opportunities were identified.) [To be reviewed by Solid Waste Advisory Board on November 17, 1997]
Resolution No. 971119-10 approved

Items 9 and 10 approved on, Mayor Pro Tem Garcia's motion, Councilmember Lewis' second, 7-0 vote.

Electric Utility

11. Approve a resolution authorizing execution of a contract with ROBERT JENTSCH

B

Thursday, November 20, 1997

METRO&STATE

Austin American-Statesman

Council rejects BFI deal, seeks new recycler

■ Waste Management Inc. at table after Austin refuses BFI offer to leave east side in return for contract

By Scott S. Greenberger
American-Statesman Staff

The recycling company, under fire from nearby residents for spewing paper onto lawns and disturbing the peace with noise and truck traffic, made the city an offer: Give us Austin's 30-year recycling contract, BFI said, and we'll leave East Austin forever.

The council refused.

Instead, it voted unanimously on Wednesday to enter into negotiations with Waste Management Inc., which submitted a much lower bid.

Council Member Gus Garcia emphasized that Wednesday's decision does not signal a lack of desire to move BFI from its Bolm Road site, where it currently handles the city's curbside recycling.

"We have directed the city manager to move in the direction of getting BFI out of there. That battle's not over," Garcia said.

Despite years of conflict with BFI, residents wanted their old nemesis to win the new contract, because the company had said it would have to move to a bigger facility to handle the city's increasing recycling load.

The city's solid waste department, however, advised the council to choose Waste Management. City officials had questioned whether BFI's promise was legally binding. They also stressed that subtracting the city's recycling from the Bolm Road plant would substantially reduce the amount of trash and traffic in the neighborhood.

BFI officials, who estimate that a new plant would cost about $5 million, have said it would be difficult for the city to come up with an offer that would prompt them to move. But Garcia said he has promised the neighborhood that the city will push out BFI, and he intends to follow through on it.

"Under the council-manager form of government, the council gives policy direction," Garcia said. "I will bird-dog it. That's Gus Garcia's job."

Janie Rangel, who lives in the neighborhood, was skeptical.

"He's just doing that so we don't go out there and go ballistic on him. It's happened before," said Rangel, adding that the City Council adopted a resolution in August 1996 calling on City Manager Jesus Garza to "work with BFI to relo-

See Council, B3

Council rejects deal to move recycler out

Continued from B1

cate its operation."

"I have no confidence in what he's saying. He doesn't want the people of East Austin to think they've had another injustice done to them — and it is another injustice."

Convinced that the council had already made up its mind, Rangel and other residents who had been calling for the selection of BFI didn't attend Wednesday's meeting. Instead, representatives from BFI, Waste Management and Texas Disposal Systems — the third bidder — sparred over the city's handling of the bid process.

Texas Disposal Systems President Bob Gregory said the city hadn't fully examined his company's bid. BFI Vice President Steven Dunn said that Waste Management's bid proposal was not firm or final, a charge disputed by Waste Management representatives.

Members of the city's solid waste advisory commission, which considered the 30-year contract after the council delayed action last month, said they hadn't been given enough information to make a recommendation. They advised the council to make sure the final contract includes an escape clause and is flexible enough to deal with technological innovations during the next three decades.

Gus Garcia: Says council still wants BFI to leave Bolm Road site.

In an unrelated action, the council designated the 11th and 12th Street commercial corridors in East Austin as a "slum and blight" area, a necessary step toward securing a $9 million federal loan to rejuvenate them.

The council also extended until the end of the year the contract of the Austin Revitalization Authority, a nonprofit entity charged with overseeing the project. In response to some area residents' concerns about a lack of neighborhood representation on the authority's board, however, the council prohibited it from moving forward on a master plan for the area. Until the board is altered, the council will have to approve any of its expenditures.

B

Tuesday, March 24, 1998

METRO & STATE

Austin American-Statesman

Meteorite strike?

Two suspected meteorites have been found in West Texas. Area residents reported hearing sonic booms and seeing a streaking light Sunday. B3

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Larry Kolvoord/AA-S

Johnny Limon, the president of the Gardens Neighborhood Association, says he is confident the city will find a way to hasten the departure of the BFI recycling plant.

City weighs buying BFI site for offices

By Scott S. Greenberger
American-Statesman Staff

A struggle against crashing trash containers, windblown paper and truck traffic has dominated Johnny Limon's eight-year tenure as president of the Gardens Neighborhood Association.

Soon Limon may be able to concentrate on more prosaic neighborhood concerns. If the price is right, the City of Austin might convert the BFI recycling site on Bolm Road, which has angered its neighbors with noise, trash and traffic, into the city's new garbage headquarters.

City officials are considering buying the six-acre BFI site near Airport Boulevard and Springdale Road, and replacing it with solid waste services or other city offices. The city might propose a land swap to achieve the same end.

Limon would welcome the opportunity to pursue the agenda he had when he took office in 1990.

"I'd like to be helping the elderly clean their yards, to get involved with the kids again, to clean up graffiti," Limon said. "Those are the things I want to do for the community."

Offices, not garbage trucks.

See City, B7

Jesus Garza: City manager says City Council hasn't directed him to negotiate for recycling plant site yet.

City weighs buying BFI site

■ 6-acre recycling plant property in East Austin would be used for offices

Continued from B1

would occupy the site if the city purchases the property, City Manager Jesus Garza said. The solid waste services department was located on Hargrave Street in East Austin, but neighborhood concerns spurred a move to a temporary site at Austin-Bergstrom International Airport several years ago.

Joe Word, the department's assistant director, said the city is appraising the value of the Bolm Road property, but he cautioned the two sides haven't begun formal negotiations.

"We're considering several options. We may or may not be able to reach some sort of agreement with BFI," Word said.

A purchase would come as welcome news to nearby residents, who say they are weary of dealing with their disruptive neighbor.

"Sometimes if I go to the store, I'm afraid that when the trucks turn they may hit me," said 11-year-old John Sifuentes, referring to the steady truck traffic at the site.

Sifuentes said he and his friends like to play ball in front of his home on Calle Limon, just across Bolm Road, but they stay far away from the treacherous corner.

In recent years, Limon and other East Austin environmental activists have fought to change the zoning of the BFI recycling site on Bolm Road. They also helped spur BFI's steps to protect surrounding homes.

Now they hope a BFI buyout would set a precedent in their neighborhood. Thanks to 70-year-old zoning policies, East Austin has a disproportionate share of the city's industry, much of it in the midst of neighborhoods.

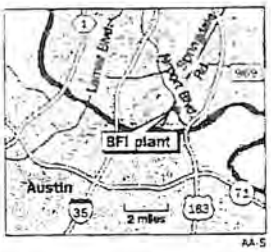
They note that a May 2 city bond election includes $65 million to purchase land in the Barton Springs zone of the Edwards Aquifer. They suggest buying the land in East Austin to take the property out of industrial circulation.

"Wait a minute — what about East Austin? I think there needs to be some equity in this purchasing," said Susana Almanza, who heads People Organized in Defense of Earth and her Resources, an East Austin environmental group.

Garza said the City Council hasn't yet directed him to negotiate with BFI, and that any land the city buys should be adaptable to city facilities or fit into broader housing goals.

BFI spokesman Tony Villanueva said the city's real estate office has contacted the company, but hasn't made a formal offer. In the past, BFI officials have floated $5 million as the price the city would have to pay to prompt it to move.

That figure would cover the cost of the Bolm Road property, relocation costs, and the purchase of a new site, Villanueva said. In 1997, the total value of BFI's Bolm Road site was $515,000, according to the Travis Central Appraisal District.



AA-S

"We're there basically to listen at this point," Villanueva said of talks between the two sides.

BFI, which holds the city's curbside recycling contract, sorts and bales about 100 tons of newspaper, office paper, bottles and cans a day. The contract expires Sept. 30, and the city has chosen Waste Management Inc. to handle its curbside recycling for the next 30 years. Subtracting the city's recyclables will eliminate about 30 percent of the BFI plant's volume and about 60 to 70 percent of its truck traffic, company officials said.

The City Council tapped Waste Management despite BFI's promise that it would leave Bolm Road if it got the contract. City officials expressed doubts about whether that pledge was legally binding, and suggested it was a ploy to pit the neighborhood against the city.

The council last summer changed the zoning of the BFI site to prevent future owners from using the property for anything other than offices. The decision doesn't affect BFI's current operations, however, and the company can remain as long as it wants.

Limon said he is confident the city will find a way to hasten the company's departure.

"I still have faith in our City Council," Limon said. "We have to hold onto every little bit of hope there is."

Wednesday, January 6, 1999

Austin American-Statesman

City weighs condemning BFI recycling site

■ Austin, waste company can't agree on price for moving out of East Austin

By Scott S. Greenberger
American-Statesman Capitol Staff

After nearly a year of fruitless talks, Mayor Kirk Watson said Tuesday that Austin might condemn BFI's East Austin recycling site if it can't strike a deal soon with the company on a buyout.

Watson said it's getting close to "park-it-or-drive-it time."

"If we're not able to get to a price through negotiations, then we have the option of condemnation," he said. "We've been at it awhile, and I feel like we're getting to a point where, in a relatively short period of time, we should make a decision."

For nearly a decade, residents have complained about windblown trash, crashing garbage containers and truck traffic from the Bolm Road recycling plant. Some residents and activists in East Austin have pointed to the facility's location — in a mostly minority residential area — as an example of environmental racism. The plant has become a prominent symbol in the fight to reverse 70-year-old city zoning policies that gave largely minority East Austin a disproportionate share of the city's

See City, Back page

'If we're not able to get to a price through negotiations, then we have the option of condemnation.'

Austin Mayor Kirk Watson

Wednesday, January 6, 1999

City could condemn BFI site if buyout fails, Watson says

Continued from A1

industry.

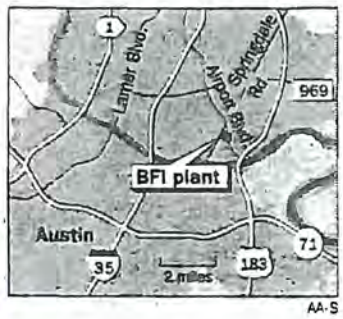
The City Council in 1997 changed the zoning of the BFI site to prevent future owners from using the property for anything other than offices. But the change doesn't affect BFI's current operations, and the company can remain for as long as it wants — unless the city condemns the site.

In March, Austin began talking to BFI about buying the property, which it would use for city offices. But the two sides have been unable to agree on a price, and BFI spokeswoman Lynda Rife said both sides are still in "the courting stage."

Watson, who didn't set a deadline for a deal, said he would prefer an agreement to condemnation, which could be costly.

When a property is condemned, the city and the property owner each hire independent appraisers to estimate the property's market value. Probate Judge Guy Herman then appoints three neutral Travis County landowners to determine a fair purchase price. Either side can appeal the decision of the so-called special commission and ask for a full-fledged jury trial.

The city must pay for the commission, which could cost $5,000 to



AA-S

$10,000. A trial might cost the city as much as $100,000, according to city legal staff.

Austin is awaiting financial information from BFI that will enable it to make a firm offer, a city attorney said. City officials expect the information in about two weeks and plan to make an offer within a month.

In the past, BFI officials have floated $5 million as the price the city would have to pay to prompt the company to move from the roughly six-acre site. That figure would cover the cost of the Bolm Road property, relocation costs and the purchase of a new site, BFI officials have said. In 1998, the total value of BFI's Bolm Road site was almost $1.3 million, according to the Travis Central Appraisal District.

"Economically, it would be best for us to stay in that neighborhood," said BFI's Rife. "We don't have a problem moving, but we need to stay economically whole to do that. We don't want to go out of business to do that."

Whatever the outcome of the talks, residents soon will get some relief from the plant's noise and trash.

BFI, which holds the city's curbside recycling contract, sorts and bales about 100 tons of newspaper, paper, bottles and cans a day. But its contract with the city expires at the end of this month. Subtracting the city's recyclables will eliminate about 30 percent of the BFI plant's volume and about 60 percent to 70 percent of its truck traffic, company officials said.

Environmental activist Susana Almanza, who has led efforts to remove BFI, said she believes the city is very serious about finding a way to close the plant. Almanza, director of People Organized in Defense of Earth and her Resources, says a buyout would fit with recent city efforts to promote racial unity.

"If they're preaching about healing and doing justice, then doing a buyout would certainly fall within that realm," she said.

Austin City Council
MINUTES

THURSDAY, MAY 13, 1999

The following represents the actions taken by the Austin City Council in the order they occurred during the meeting. While the minutes are not in sequential order, all agenda items were discussed.

EXECUTIVE SESSION (No Public Discussion on These Items)

Executive session was held at 12:25 p.m.

The City Council announced it would 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 and to receive advice from Legal Counsel regarding any other item on this agenda.

Private Consultation with Attorney – Section 551.071

73. Discuss legal issues concerning proposed legislation in the 76th Legislature.

74. Discuss legal issues associated with intellectual property matters.

75. Discuss legal issues concerning the application of the Interim Development Ordinance to certain land in the North Austin Municipal Utility District #1.

76. Discuss *Circle C Land Corp. v City of Austin*, Cause No. 97-13994, 53rd Judicial District of Travis County

77. Discuss legal issues relating to the ordinance proposed by the Real Estate Council of Austin and the SOS Alliance

78. Discuss legal issues concerning the rights of a developer to continue a development proposal after annexation without full compliance with city regulations.

79. Discuss *Village of Bee Cave, et al. v. Travis County Water Control and Improvement District No. 14*, Cause No. 96-03683, Travis County District Court; *Travis County Water Control and*

67. Conduct a public hearing on an ordinance to establish certain new permit expiration dates, a development mitigation policy, and related amendments to the SOS Ordinance and the Austin City Code relating to development in the Barton Springs Zone, as proposed by the Real Estate Council of Austin and the SOS Alliance.
Council postponed this item to May 20, 1999 at the request of RECA and the SOS Alliance.

71. Approve an ordinance amending Title 25 of the City Code by establishing certain new permit expiration dates, a development mitigation policy, and related amendments to the SOS Ordinance and the Austin City Code relating to development in the Barton Springs Zone, as proposed by the Real Estate Council of Austin and the SOS Alliance.
This item has been postponed to May 20, 1999.

68. Conduct a public hearing on an ordinance amending Title 25 of the City Code relating to use and site development regulations applicable to the East Austin Overlay Combining District. City Staff: Greg Guernsey, Development Review and Inspection Department, 499-2387.
This item was postponed to May 20, 1999 at the request of the neighborhood association.

72. Approve an ordinance amending Title 25 of the City Code relating to use and site development regulations applicable to the East Austin Overlay Combining District. City Staff: Greg Guernsey, Development Review and Inspection Department, 499-2387.
This item has been postponed to May 20, 1999.

Items 69 through 80 were pulled for discussion.

APPOINTMENTS

81. Board of Adjustment

BETTY J. EDGEMOND	REAPPOINTMENT	CONSENSUS

Child Care Council

ANGULAR SENECA ADAMS	CONSENSUS

Green Building Task Force

JIM WALKER	CONSENSUS

DISCUSSION AGENDA

85. Approve a resolution authorizing the filing of eminent domain proceedings to acquire the BFI Recycling Facility, more commonly known as Lot 1 Acco Addition and Tract A, Capitol Paper Tract in Austin, Travis County, Texas, owned by BFI Waste Systems of North America for the Solid Waste Services Administrative site. (Funding in an amount of $2,000,000 was included in the 1998-1999 Amended Capital Budget of the Solid Waste Services Department.)

Resolution No. 990513-85 was approved by Council Member Spelman's motion, Council Member Garcia's second by a 7-0 vote.

EXECUTIVE SESSION

92. Approve a resolution authorizing the filing of eminent domain proceedings to acquire the fee simple interest in the BFI Recycling Facility, 4712 Bolm Road, more commonly known as Lot 1 Acco Addition and Tract A, Capitol Paper Tract in Austin, Travis County, Texas, owned by BFI Waste Systems of North America for the Solid Waste Services Department administrative site. (Funding in an amount of $2,000,000 was included in the 1998-1999 Amended Capital Budget of the Solid Waste Services Department.)
This item was double posted, please see item 85 above for action taken.

ITEMS CONTINUED

50. C14-98-0237 – Approve second/third readings of an ordinance amending Chapter 25-2 of the Austin City Code zoning property locally known as 400 feet south of the intersection of Lyndhurst Street and FM 620 from "I-RR" Interim Rural Residential to "MF-3-CO" Multi Family Residence-Conditional Overlay Combining district zoning with conditions. First reading on February 25, 1999; Vote 7-0. Conditions met as follows: Conditional Overlay incorporates conditions imposed by Council on first reading. Applicant: Jim Melton; Agent: Carl Conley. City Staff: David Wahlgren, 499-6455. (Continued from 4/15/99 & 5/6/99
A motion to postpone to June 3, 1999 was made by the applicant on Council Member Garcia's motion, Council Member Griffith's second by a 7-0 vote.

BRIEFING

10. Briefing on options and estimated timeline for completion of the land use study.
Presentation was given by Pat Murphy.

A motion was made to recess into executive session and was approved on Council Member Lewis' motion, Council Member Griffith's second by a 7-0 vote.

A motion to reconsider recessing into executive session on Council Member Griffith's motion, Council Member Garcia's second by a 7-0 vote.

A motion to recess into executive session at 3:30 p.m. on items 52 and 73 through 80 on Council Member Lewis' motion, Council Member Griffith's second by a 7-0 vote.

Executive session ended at 3:48 p.m.

DISCUSSION ITEMS

52. Approve a resolution to appoint Relief Judges to the Municipal Court. (Judicial Subcommittee: Mayor Kirk Watson, Council Members Gus Garcia, and William Spelman)
Resolution No. 990513-52 was approved appointing the following Relief Judges: Ken Vitucci, Michelle Dunlap, Donna Mulcahy, Debra Whitfield and Susan Littleton at the rate of $28.85

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METRO & STATE

Austin American-Statesman

Clinton's costs

The bill sent to Austin taxpayers for President Clinton's fund-raising visit adds up to nearly $43,000 in expenses.
B5

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Council votes to make BFI move facility

■ Upcoming battle: Deciding how much recycling firm will get for East Austin land

By Dylan Rivera
American-Statesman Staff

Andy Martin: City attorney says motive of council's move is to get land for solid-waste agency offices.

The Austin City Council on Thursday voted to begin legal efforts to force the BFI recycling center out of an East Austin neighborhood, proposing to buy the 6-acre property for $2 million.

While City Council members and community activists say BFI needs to go because its trash and noise disrupt the neighborhood, City Attorney Andy Martin insisted that the city wants the land to build offices for its solid-waste department.

"Those may well be incidental benefits that result from this," Martin said. "But the purpose for acquiring the land is to have a location to construct administrative services offices for the Solid Waste Services Department."

Thirty to forty employees now using offices at the site of Austin-Bergstrom International Airport would move to the new building at 4712 Bolm Road, near Airport Boulevard and Springdale Road, neighbors have complained about the recycling center's windblown trash and traffic from garbage trucks. Neighborhood and environmental activists pointed to the center's location in a largely minority community as a product of environmental racism.

"We have been waiting for this for a long time," said Johnny Limon, president of the Gardens Neighborhood Association, which represents people who live near the BFI center. "This is probably our last hope at maybe getting them out."

A BFI spokeswoman said the company's location — directly across the street from houses — is the result of inappropriate zoning decisions made by city councils decades ago.

City votes to push BFI from site in East Austin

Continued from B1

"BFI is more than willing to move," BFI spokeswoman Lynda Rife said. "Our problem is we're not willing to go out of business to move."

Rife said the company needs $5 million to move. But city officials say they need to pay BFI only $2 million for the property. The Travis Central Appraisal District gave the property a preliminary appraised value of $1.33 million this year, said Barbara Dismukes, an appraiser for the district.

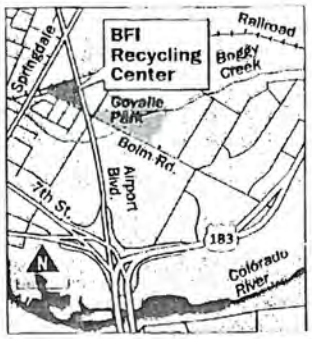
The dispute over land use at the site has raised the issue of a 1931 city zoning map that put most industrial zoning and homes owned by minorities east of what is now Interstate 35. The BFI case was at the forefront of development of a 1997 ordinance that requires businesses in East Austin to notify neighbors when they expand industrial uses.

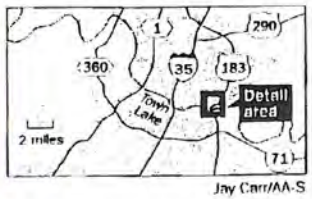
The City Council since has rezoned the land from light-industrial to office use, but that would affect only future owners of the property, not BFI.

Council Member Willie Lewis said that if BFI had wanted to be a good neighbor, the company "would have moved a long time ago."

When a property is condemned, the city and the property owner each hire independent appraisers to estimate its market value. Probate Judge Guy Herman then appoints three neutral Travis County landowners to determine a fair purchase price. Either side can appeal the panel's decision and ask for a trial in county court. The city must pay for the panel, costs that could range from $5,000 to $10,000.

You may contact Dylan Rivera at drivera@statesman.com or 445-3819.





Jay Carr/AA-S

Austin City Council
MINUTES

REGULAR MEETING
THURSDAY, March 9, 2000

The following represents the actions taken by the Austin City Council in the order they occurred during the meeting. While the minutes are not in sequential order, all agenda items were discussed.

The City Council of Austin, Texas, convened in a regular meeting on Thursday, March 9, 2000 at City Hall, 124 W. 8th Street, Room 304.

INVOCATION – Reverend Stacy Brown - Praise Tabernacle

Mayor Watson called the meeting to order at 9:21 a.m.

1. Approval of minutes for regular meetings of February 17, 2000 and March 2, 2000
No action taken.

Items 2 - 4 were briefings

Items 5 - 14 were Executive Session items

Items 15 - 18 were discussed later in the meeting

CONSENT AGENDA

The following items were acted on by one motion. No separate discussion or action occurred on any of the items. The consent items were approved on Council Member'Garcia's motion, Council Member Spelman's second by a 7-0 vote.

19. Adopt an action plan prepared by Computer Sciences Corporation and the City of Austin to improve greater Minority/Women local business participation.
This item was postponed to March 23, 2000.

6. Discuss acquisition of real property for conservation purposes along Barton Creek.

7. Discuss *Southwestern Bell Telephone Company v. City of Austin*, Cause No. 99-02645, in the Travis County District Court.

8. Discuss settlement proposal in *City of Austin v. BFI Waste Systems of North America, Inc., et al.*, Cause No. 2295, proceedings in eminent domain in Travis County Probate Court No. 1.

10. Discuss legal issues related to Chapter 245 of the Local Government Code.

11. Discuss *Circle C Municipal Utility Districts Nos. 1, 2, 3 and 4 v. City of Austin*, Cause No. 97-13397, in the Travis County District Court.

12. Discuss *Circle C Homeowners' Association Inc., et al. v. City of Austin*, Cause No. 97-12528, in the Travis County District Court.

13. Discuss *City of Austin v. L.S. Ranch Ltd., et al.*, Cause No. 039800542-CV, in the Third Court of Appeals (Austin, Texas). (This litigation concerns development regulations applicable in the Barton Springs Zone.)

14. Discuss *FM Properties Operating Co. v. City of Austin*, Cause No. 98-0685, in the Supreme Court of Texas. (This litigation concerns development regulations applicable in the Barton Springs Zone.)

Mayor Watson announced Council would also be in private consultation with the attorney on Items 67 and 77 - 81 on today's agenda

Executive session ended at 4:23 p.m.

DISCUSSION ITEMS CONTINUED

16. Approve proposed settlement of *City of Austin v. BFI Waste Systems of North America, Inc., et al.*, Cause No. 2295, including relocation assistance to BFI for personal property and negotiation and execution of a 15 month lease-back of property to BFI for continued use of the existing facility with one six-month extension option.
Resolution No. 000309-16 was approved on Council Member Garcia's motion, Mayor Pro Tem Goodman's second on a 4-0 vote. Council Members Lewis, Griffith and Spelman were off the dais. This action approves the settlement of the lawsuit with BFI in the amount of $3,900,000 including relocation assistance with BFI personal property in an amount not to exceed $100,000 and negotiation and execution of a 15-month lease-back to BFI for continued use of the existing facility for $2,000 per month with one six-month extension option at a rate of $78,000 per month.

RESOLUTION NO. 000309-16

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

That the City Council approves settlement of Cause No. 2295; *City of Austin v. BFI Waste Systems of North America, Inc., et al*; Proceedings in Eminent Domain in Probate Court No. 1 of Travis County, Texas, in the amount of $3,900,000.00, including relocation assistance with BFI personal property in an amount not to exceed $100,000.00, and negotiation and execution of a fifteen (15) month lease-back of property to BFI for continued use of the existing facility for $2,000.00 per month with one six-month extension option at a rate of $78,000.00 per month.

ADOPTED: March 9 **, 2000** **ATTEST:** Shirley A. Brown

Shirley A. Brown
City Clerk

THE AUSTIN CHRONICLE
austinchronicle.com

News: September 15, 2000

http://www.austinchronicle.com/gyrobase/Issue/story?oid=78623

Naked City

Recycled News

By Amy Smith

Has **BFI** recycled itself into another corner? It certainly looks that way. Neighborhood opposition -- same opposition, different neighborhood -- is growing by the day over the prospect of the recycling plant moving from its old battleground in Central East Austin to a new one in Southeast Austin.

BFI plans to build a new facility in an industrial park at 4711 Winnebago Lane near Burleson Road, north of the **Kensington Park** neighborhood of about 14 homes. But getting there may prove as painful as the plant's departure from its current Bolm Road site, where the city initiated condemnation proceedings and paid BFI $3.9 million to take its operations out of the **Gardens** neighborhood, whose residents had endured years of truck traffic and blowing trash. But it wasn't until a five-alarm fire broke out at the plant in 1996 that the city finally pitched in to help.

Which seems only fair, considering that it was, after all, the city's huge volume of recycling that was contributing to the Bolm Road mess. After the fire, the City Council passed a resolution promising to relocate BFI "to a site that is out of proximity to neighborhoods." Kensington Park neighbors are counting on that resolution, along with other evidence, to buttress their argument against BFI moving to a 9.5-acre site that pushes up against their property.

"We don't want to be confrontational," says resident **Jack Howison**. "We want to turn this into a winning situation for everybody." By "winning situation," Howison means that BFI should find someplace else to relocate, away from any neighborhood. While Winnebago Lane and its adjoining streets are zoned Light Industrial, Howison says BFI presents more of a danger to residents than do their other neighbors, such as the **Calcasieu Lumber Co.** on Burleson Road. "There's issues of fire and safety, proximity to the neighborhood, quality of life, and environmental hazards," Howison says. Kensington Park, he notes, "is a unique, beautiful spot" with natural ponds fed by **Todd Parker Springs**, which flow into Williamson Creek and then on to McKinney Falls.

Rick Carpenter, a BFI regional manager, acknowledges that his company is the "bad guy" in this situation. "The bottom line is, they don't want us there. Period," he says. But Carpenter adds that BFI is making a good-faith effort to address neighborhood concerns. For one thing, he says, all the recycling material -- primarily paper and cardboard -- will be stored in a fully enclosed building, unlike the Bolm Road facility. For another, a buffer zone has already been extended to 250 feet. While Carpenter allows that the new site "is not as centrally located as we would have liked," he says there was no

other viable property available that had everything BFI needs to run its shop: a rail line, city utilities, and a major highway nearby.

At any rate, Carpenter says it was the city that suggested the Winnebago Lane site, along with a few other locations, during condemnation proceedings. "I wasn't even aware the property was available," Carpenter says. "I didn't know it existed until I rented a helicopter and flew over it while I was doing a site search." Assistant City Manager **Marcia Conner**, who is overseeing the BFI relocation on the city's end, did not return a phone call by press time.

As the situation now stands, BFI is once again at the mercy of the city. The company is awaiting administrative site-plan approval from the city **Development Review and Inspection Department**, as well as the **Board of Adjustment**'s okay on two variances: one that would allow the company to reduce the required number of parking spaces to 40, and another to build closer to the rail line, or spur, which juts out from the main Union Pacific tracks running alongside Burleson Road. The board, in a 4-1 vote, denied the variances in August, but will reconsider the case Oct. 9, when BFI comes back on appeal. When that happens, neighborhood opponents vow to turn out in force to oppose both the variances and the overall project.

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Austin City Council
MINUTES

REGULAR MEETING
THURSDAY, MARCH 8, 2001

The following represents the actions taken by the Austin City Council in the order they occurred during the meeting. While the minutes are not in sequential order, all agenda items were discussed.

The City Council of Austin, Texas, convened in a regular meeting on Thursday, March 8, 2001 in the Board Room at Lower Colorado River Authority Hancock Building, 3700 Lake Austin Boulevard.

INVOCATION – Minister Curtis Brown, Praise Tabernacle Family and Worship Center.

Mayor Watson called the meeting to order at 9:16 a.m.

1. Approval of minutes for regular meeting of March 1, 2001.
   The minutes for the regular meeting of March 1, 2001 were approved on Council Member Alvarez' motion, Council Member Wynn's second by a 6-0 vote. Mayor Pro Tem Goodman was off the dais.

BRIEFINGS

2. Enhanced Inspection Program for Erosion Control on Developing Sites.
   The presentation was made by Michael Heitz, Director, Public Works and Transportation.

3. Update on Homeless Initiative
   The presentation was made by Betty Dunkerley, Assistant City Manager.

Item 4 was discussed later in the meeting.

Items 5 through 9 were Executive Session items

CONSENT AGENDA

The following items were acted on by one motion. No separate discussion or action occurred on any of the items. The consent items were approved on Council Member Wynn's motion, Mayor Pro Tem Goodman's second by a 7-0 vote.

Items 10 through 12 were pulled for discussion.

The motion to suspend the rules to allow the applicant to make a brief presentation and then to close the public hearing was approved on Mayor Pro Tem Goodman's motion, Council Member Griffith's second by a 7-0 vote.

The motion to close the public hearing was approved on Council Member Griffith's motion, Mayor Pro Tem Goodman's second by a 7-0 vote.

This ordinance was denied on Mayor Pro Tem Goodman's motion, Council Member Griffith's second by a 5-2 vote. Those voting aye were: Mayor Pro Tem Goodman and Council Members Alvarez, Griffith, Thomas and Wynn. Those voting nay were: Mayor Watson and Council Member Slusher.

DISCUSSION ITEMS CONTINUED

55. Consider settlement agreement in *City of Austin v. BFI Waste Systems of North America, Inc., et al*, Cause No. 2295; proceedings in eminent domain in Travis County Probate Court No. 1.
Resolution No. 010308-55 was approved on Council Member Griffith's motion, Mayor Pro Tem Goodman's second by a 5-2 vote. Those voting aye were: Mayor Pro Tem Goodman and Council Member Alvarez, Griffith, Slusher and Thomas. Those voting nay were: Mayor Watson and Council Member Wynn.

10. Approve a resolution authorizing the Meet and Confer Contract for Austin Police Officers. (For Fiscal Year 2000-2001, $165,834 is required for Police Oversight and $5,764,967 is required for police operations; $5,500,000 is available in the Wage and Benefit Adjustment of the General Fund and $430,801 is available from anticipated budget savings in the Approved 2000-2001 Operating Budget of the Austin Police Department; an additional $7,131,152 will be included in the proposed Fiscal Year 2001-2002 Operating Budget of the Austin Police Department; an additional $7,556,149 will be included in the proposed Fiscal Year 2002-2003 Operating Budget of the Austin Police Department; $619,000 will be included in the proposed Fiscal Year 2001-2002 and Fiscal Year 2002-2003 Police Oversight. Line item in the Other Requirements section of the general fund. Funding in Fiscal Years 2001-2002 through 2002-2003 is subject to appropriation by City Council. (Related Item #s: 11 and 12)
The motion to approve the resolution ratifying the proposed Meet and Confer contract, but striking Exhibit B entitled "Civilian Oversight of the Austin Police Department" and replacing it with new Exhibit B entitled "The Final Report and Recommendations of the Austin City Council Police Oversight Focus Group," was made by Council Member Griffith.

The substitute motion to adopt Resolution No. 010308-10, with all the exhibits as originally posted, was approved on Council Member Thomas' motion, Council Member Slusher's second by a 5-1-1 vote. Council Member Alvarez voted no. Council Member Griffith abstained.

The motion was made to suspend the rules and continue the meeting past 10:00 p.m. on Council Member Slusher's motion, Mayor Watson's second by a 7-0 vote.

11. Amend Ordinance No. 000912-1, the 2000-2001 Fiscal Year Operating Budget, by transferring $5,500,000 in General Funds from the Wage and Benefit Adjustment: $165,834 in funding for Police Oversight transferred to a line item in the General Fund, Other Requirements; $5,334,166 transferred to the appropriations and expenditures of the Austin Police Department in order to implement the terms of the Meet and Confer Contract. (For Fiscal Year 2000-2001, $165,834 is required for Police Oversight and $5,764,967 is required for police operations; $5,500,000 is

RESOLUTION NO. 010308-55

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

That the City Council approves amending the settlement of Cause No. 2295; *City of Austin v. BFI Waste Systems of North America, Inc., et al*; Proceedings in Eminent Domain in Probate Court No. 1 of Travis County, Texas, in an additional amount not to exceed $597,399.11 in cash and credits not to exceed $200,000.00 based on current adopted City rates at the City's Todd Lane Material Recovery Facility, which credits lapse if not used within three years from the date of execution of the amended settlement agreement. This amount includes the purchase of BFI property at Winnebago Lane.

ADOPTED: March 8, **2001** **ATTEST:** Shirley A. Brown

Shirley A. Brown
City Clerk

RShelton/ln
G:\RMS\EDCASES\BFI\Settlement resolution 030801.doc

Travis CAD

Property Search Results > 292466 CITY OF AUSTIN for Year 2015

Property

Account

Property ID:	292466	Legal Description:	LOT 1 BLK E MISSOURI-PACIFIC INDUSTRIAL PARK SEC 1
Geographic ID:	0316040113	Agent Code:	
Type:	Real		
Property Use Code:			
Property Use Description:			

Location

Address:	WINNEBAGO LN TX 78744	Mapsco:	645P
Neighborhood:	BUSINESS PARK LAND	Map ID:	031501
Neighborhood CD:	#BSPK		

Owner

Name:	CITY OF AUSTIN	Owner ID:	100067
Mailing Address:	ATTN: REAL ESTATE SERVICES DIVISION PO BOX 1088 AUSTIN , TX 78767-1088	% Ownership:	100.0000000000%
		Exemptions:	EX-XV

Values

(+) Improvement Homesite Value:	+	$0	
(+) Improvement Non-Homesite Value:	+	$0	
(+) Land Homesite Value:	+	$0	
(+) Land Non-Homesite Value:	+	$1,177,862	Ag / Timber Use Value
(+) Agricultural Market Valuation:	+	$0	$0
(+) Timber Market Valuation:	+	$0	$0
(=) Market Value:	=	$1,177,862	
(–) Ag or Timber Use Value Reduction:	–	$0	
(=) Appraised Value:	=	$1,177,862	
(–) HS Cap:	–	$0	
(=) Assessed Value:	=	$1,177,862	

Taxing Jurisdiction

Owner: CITY OF AUSTIN
% Ownership: 100.0000000000%
Total Value: $1,177,862

Entity	Description	Tax Rate	Appraised Value	Taxable Value	Estimated Tax
01	AUSTIN ISD	1.202000	$1,177,862	$0	$0.00
02	CITY OF AUSTIN	0.458900	$1,177,862	$0	$0.00
03	TRAVIS COUNTY	0.416900	$1,177,862	$0	$0.00
0A	TRAVIS CENTRAL APP DIST	0.000000	$1,177,862	$0	$0.00
2J	TRAVIS COUNTY HEALTHCARE DISTRICT	0.117781	$1,177,862	$0	$0.00
68	AUSTIN COMM COLL DIST	0.100500	$1,177,862	$0	$0.00
	Total Tax Rate:	2.296081			
				Taxes w/Current Exemptions:	$0.00
				Taxes w/o Exemptions:	$27,044.67

Improvement / Building

No improvements exist for this property.

Land

#	Type	Description	Acres	Sqft	Eff Front	Eff Depth	Market Value	Prod. Value
1	LAND	Land	8.3200	362419.00	0.00	0.00	$1,177,862	$0

Roll Value History

Year	Improvements	Land Market	Ag Valuation	Appraised	HS Cap	Assessed
2016	N/A	N/A	N/A	N/A	N/A	N/A
2015	$0	$1,177,862	0	1,177,862	$0	$1,177,862
2014	$0	$724,838	0	724,838	$0	$724,838
2013	$0	$724,838	0	724,838	$0	$724,838
2012	$0	$724,838	0	724,838	$0	$724,838
2011	$0	$724,838	0	724,838	$0	$724,838

Deed History - (Last 3 Deed Transactions)

#	Deed Date	Type	Description	Grantor	Grantee	Volume	Page	Deed Number
1	1/1/2013							
2	11/13/2001	CD	CORRECTION DEED	CITY OF AUSTIN	CITY OF AUSTIN	00000	00000	2001215133TR
3	11/13/2001	SW	SPECIAL WARRANTY DEED	BFI WASTE SYSTEMS OF NORTH	CITY OF AUSTIN	00000	00000	2001192663TR

Questions Please Call (512) 834-9317

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Saturday, March 30, 2002

Austin American-Statesman

BFI recycling center closes in East Austin

By Stephen Scheibal
American-Statesman Staff

BFI is taking its controversial recycling plant to North Austin, prompting a farewell celebration by its East Austin neighbors.

The plant, which has been on Bolm Road for about 20 years, shut its doors Friday. Plant manager Stephen Hall said employees will spend a couple of weeks cleaning up the property before it's turned over to the City of Austin for offices.

The city condemned the 7-acre property in 1999, three years after a five-alarm fire galvanized neighborhood opposition to the recycling center.

"It's definitely a good Friday," said Susana Almanza, executive director of People Organized in Defense of Earth and her Resources.

The East Austin environmental group has worked since 1995 to move the facility. Almanza said the center "had no business (being) adjacent to a community."

City Council Member Raul Alvarez said the city will work to integrate the site into the neighborhood. Despite the plans for offices, Alvarez said he would like to see some parks and open spaces created on the property.

The center, which processed Austin's curbside recycling before the 1996 fire, will move to a site on Metric Boulevard. Hall said most of the machinery needs to be taken apart.

Hall said he understands why the neighbors want the busy, noisy center to move; he compared it to living in the flight path of the old Robert Mueller Municipal Airport.

Still, he said, it was a bittersweet feeling to leave a neighborhood in which he worked for 12 years.

"You're familiar," Hall said. "You're comfortable."

sschelbal@statesman.com; 445-3819

METRO & STATE

Austin American-Statesman statesman.com Section

A recycled situation: BFI vs. its neighbors

Company again faces unwelcome mat from a neighborhood as it tries to find new home

By Stephen Scheibal
AMERICAN-STATESMAN STAFF

For two years, the "Future Home of BFI Recycling" designation has wandered from tract to tract along Austin's eastern edge, drawing neighborhood ire wherever it landed.

One might think that a recycling center would be welcomed in a town as environmentally conscious as Austin. Yet BFI's recycling facility has become the city's equivalent of the garbage-laden barge that trolled up and down the East Coast looking for an accepting home.

BFI's latest site is at 10420 Metric Blvd. in North Austin, and it's already looking less than ideal.

The neighborhood is protesting, saying the site would be incompatible with its surroundings. And city lawyers are investigating whether the move may violate a lawsuit settlement that forbids BFI from opening a new recycling center in the city limits that is within one-half mile of houses, City Attorney Sedora Jefferson said. Neighbors say the Metric Boulevard site is one-tenth of a mile from houses and abuts a child-care center.

See **BFI**, B6

BFI: Company faces neighbors' ire, again

Continued from B1

The City Council is scheduled to discuss the matter in closed session today, and Jefferson said possibilities could include a return to court.

BFI plant manager Stephen Hall said he does not know the details of the legal agreement. But he said the plant, which sorts recyclable materials and sends them elsewhere to be processed, is compatible with its new North Austin neighborhood because there are so few neighbors.

He said the facility is inside a warehouse that's surrounded by other warehouses, and the previous occupant was a trucking company that created more traffic than the recycling center will.

Hall also said he lives within the plant's ZIP code, belongs to the neighborhood association and has sent his children to the nearby day care.

"I don't understand why they're saying that," Hall said. "We're in an industrial park. We're zoned for that."

The dispute marks another chapter for a facility that has never met a neighborhood that liked it.

Community opposition helped shut down a plant in East Austin after a five-alarm fire broke out at the facility in 1996. The city dropped its recycling contract with BFI in 1999 and condemned BFI's property on Bolm Road. In 2000, the City Council approved a $3.9 million deal to buy out the company's Bolm Road location.

BFI then bought 9.5 acres in a Southeast Austin industrial park. But residents in the roughly 14-home Kensington Park community protested, and the city pressured the company to find another site.

Last year, the company announced it would move the facility outside Manor. But neighbors there became angry enough to call a community meeting, and the company changed its plans.

Now BFI must face another gantlet of community opposition, this one headed by the North Austin Civic Association. Linda Moore, the group's president, said BFI moved in without alerting the neighbors. She urged City Council members to force the company to find a site outside city limits.

"The trash is probably not going to be any better over here," Moore said.

sscheibal@statesman.com; 445-3819

Austin City Council
MINUTES

REGULAR MEETING
THURSDAY, FEBRUARY 27, 2003

The following represents the actions taken by the Austin City Council in the order they occurred during the meeting. While the minutes are not in sequential order, all agenda items were discussed.

The City Council of Austin, Texas, convened in a regular meeting on Thursday, February 27, 2003 in the Board Room at Lower Colorado River Authority Hancock Building, 3700 Lake Austin Boulevard.

Invocation: Elder Carlton Harris, Horizon Worship Center

Mayor Garcia called the Council Meeting to order at 12:08 p.m.

Mayor Garcia recessed the meeting at 12:11 p.m. to go into Executive Session

EXECUTIVE SESSION
The City Council went into Executive Session, 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 and to receive advice from Legal Counsel regarding any other item on this agenda.

Item 1 was discussed later in Executive Session.

2. Discuss legal issues regarding waiving one additional East Austin Redevelopment Area HUD 108 Loan Program Guideline for the Eleven East Project Loan and Restating and Amending the Lease between the City of Austin (Neighborhood Housing and Community Development) and the Austin Revitalization Authority.

Item 3 was discussed later in Executive Session.

4. Discuss legal issues related to the City's application for certificates of convenience and necessity for water and wastewater service before the Texas Commission on Environmental Quality.
No discussion was held on this item.

Item 70 was discussed later in Executive Session.

Executive Session ended at 1:35 p.m.

Mayor Garcia called the regular Council meeting back to order at 1:36 p.m.

21. Approve an ordinance changing the street name for TRINITY MEADOWS CROSSING to SENDERO HILLS PARKWAY (from the intersection of F M 969 Rd and Trinity Meadows Crossing to the intersection of Trinity Meadows Crossing and Loyola Lane). [No fiscal impact on City of Austin budget. The processing fee ($415.00) has been paid by the requester. Street sign replacement fees ($3,000 to $5,000) will be paid by the requester upon passage of the ordinance.]
Ordinance No. 030227-21 was approved.

22. Approve an ordinance changing the street name for FABER COVE to FABER VALLEY COVE (from the intersection of Faber Cove and Scheider Drive to the end of Faber Cove in the Pioneer Crossing Phase A Section 3 Subdivision). [No fiscal impact on City of Austin budget. The processing fee ($415) has been paid by the requester. There is no street sign replacement fee cost for this proposed street name change. The subdivision is still under development and no street signs have been posted to this date.]
Ordinance No. 030227-22 was approved.

23. Approve an ordinance changing the street name for BRAXTON COVE to BRAXTON VALLEY COVE (from the intersection of Braxton Cove and Brixey Lane to the end of Braxton Cove in the Pioneer Crossing Phase A Section 3 Subdivision). [No fiscal impact on City of Austin budget. The processing fee ($415) has been paid by the requester. There is no street sign replacement fee cost for this proposed street name change. The subdivision is still under development and no street signs have been posted to this date.]
Ordinance No. 030227-23 was approved.

24. Approve execution of an amendment to the Amended Compromise Settlement Agreement and Mutual Release of Claims between BFI Waste Systems of North America, Inc. (BFI), and the City of Austin regarding BFI's recycling plant operations at 10420 Metric Boulevard.
The motion authorizing execution of an amendment was approved.

Items 25 and 26 were pulled for discussion.

27. Approve a resolution directing the Planning Commission to consider neighborhood plans for the Brentwood and Highland neighborhood planning areas.
Resolution No. 030227-27 was approved.

28. Approve an ordinance establishing interim development regulations, including a moratorium, relating to the construction of high residency duplexes and the redevelopment of land on which high residency duplexes are to be constructed.
Ordinance No. 030227-28 was approved on Emergency Passage with the effective date of February 27, 2003.

29. C14-01-0001 – The Vintage on Town Lake – Approve third reading of an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 1400 East Riverside Drive (Town Lake Watershed) from SF-3, Family Residence district, zoning to MF-6-CO, Multifamily Residence Highest Density district, zoning for Tracts 1A and 2A; and MF-4-CO, Multifamily Residence-Moderate High Density district, zoning for Tract 4A. Second reading on July 11, 2002; Vote: 7-0. First reading on June 14, 2001; Vote: 7-0. Conditions met as follows: Conditional Overlay incorporates conditions were imposed by City Council at second ordinance reading. Applicant: Street Development Ltd. (Robert N. Garrett III). Agent: Crocker Consultants

24

CITY OF AUSTIN
RECOMMENDATION FOR COUNCIL APPROVAL

AGENDA ITEM NO._____
AGENDA DATE: February 27, 2003
RCA TYPE: No Resolution Required

SUBJECT: Approve execution of an amendment to the Amended Compromise Settlement Agreement and Mutual Release of Claims between BFI Waste Systems of North America, Inc., (BFI) and the City of Austin regarding BFI's recycling plant operations at 10420 Metric Boulevard.

AMOUNT AND SOURCE OF FUNDING: N/A

REQUESTING DEPT.: Law Department **DIRECTOR'S SIGNATURE:** Debra Jefferson

FOR MORE INFORMATION CONTACT: Deborah Thomas, (512) 974-2172

PRIOR COUNCIL ACTION:
March 9 2000 – Council approves Resolution No. 000309-16 authorizing execution of a settlement agreement with BFI.
March 8, 2001 – Council approves Resolution No. 010308-55 authorizing amendment of the settlement agreement with BFI.

BOARD AND COMMISSION ACTION: N/A

REQUIRED AUTHORIZATION

LAW: Marty Terry **FINANCE:** John Stephens
SOLID WASTE SERVICES: Willie Rhodes

In March 2001, the City Council approved the execution of the Amended Compromise Settlement Agreement and Mutual Release of Claims between the City and BFI Waste Systems of North America, Inc. (the "Original Agreement"). The Original Agreement arose out of claims asserted by the parties regarding the condemnation of land and improvements at 4712 Bolm Road and, among other things, addressed compensation for the condemned land and location requirements for future BFI recycling center sites. In April 2002, BFI began operating a recycling center at 10420 Metric Boulevard. The City contends that the Metric Boulevard location is a breach of the original agreement. BFI contends that the location is not a breach. After working closely with the North Austin Civic Association ("NACA"), the City and BFI propose to enter into the proposed Second Amended Compromise Settlement Agreement and Mutual Release of Claims (the "Amended Agreement").

Under the Amended Agreement, BFI is authorized to operate a recycling center at the Metric Boulevard location and to expand to add a bathroom, breakroom, office and storage facilities. In return, BFI releases any claim that it has under the Original Agreement to receive up to $100,000 in moving expenses from the City and to utilize

SUBJECT: Approve negotiation and execution of an amendment to the Amended Compromise Settlement Agreement and Mutual Release of Claims between BFI Waste Systems of North America, Inc., and the City of Austin regarding BFI's recycling plant operations at 10420 Metric Boulevard.

approximately $175,000 worth of credits at the City's Todd Lane Material Recovery Facility and the City's landfill, except as provided in the Amended Agreement.

After working with NACA, BFI has also agreed to certain provisions designed to make it more compatible with the neighborhood. These provisions include establishing truck routes designed to use major four lane roads and not residential roads; removing litter from the recycling center property and the adjacent street; notifying NACA and the City in advance of acting on plans to expand its operations; providing residential bulky collection and disposal services to the NACA area; providing funds to NACA to be used for neighborhood improvement projects; creating educational material; and meeting with NACA twice a year to discuss operations and other issues.

#24
2-27-03

SECOND AMENDED COMPROMISE SETTLEMENT AGREEMENT AND MUTUAL RELEASE OF CLAIMS

THIS Second Amended Compromise Settlement Agreement and Mutual Release of Claims (the "Agreement") is incident to and arises out of claims asserted or assertable among the parties relating to BFI's alleged breach of a previous agreement between the parties styled "Amended Compromise Settlement Agreement and Mutual Release of Claims" which was incident to and arose out of the condemnation of land and improvements at 4712 Bolm Road for the City of Austin's Solid Waste Services Department's Administrative site. This Agreement expressly supercedes and makes null the "Amended Compromise Settlement Agreement and Mutual Release of Claims". The undersigned parties, each in consideration of the other's promises, covenants, and performance, hereby PROMISE, COVENANT, AND AGREE as follows:

1. For the purposes of the present agreement, the following definitions will apply:
   a. "City" refers to the City of Austin, Texas, which is a Texas municipal corporation.
   b. "BFI" refers to BFI Waste Systems of North America, Inc., a Delaware corporation, successor by merger to ACCO Waste Paper, Inc., a Texas corporation.
   c. "NACA" refers to the North Austin Civic Association.

2. The only parties to this Agreement are the City and BFI. This Agreement is not intended to vest any rights in any third-party beneficiaries and no parties other than the City or BFI shall have the right to enforce this Agreement or otherwise claim any rights or privileges by virtue of this Agreement.

3. BFI contends that it did not breach the "Amended Compromise Settlement Agreement and Mutual Release of Claims" while the City alleges that BFI did breach the "Amended Compromise Settlement Agreement and Mutual Release of Claims". The parties have agreed to enter into this Agreement for the purpose of each party buying its peace from the other. The parties agree to compromise and settle all claims relating to the alleged breach of the "Amended Compromise Settlement Agreement and Mutual Release of Claims" which are known or unknown by the parties at the time of the execution of this document except as otherwise specifically set forth herein.

4. Subject to meeting its obligations under this agreement, BFI shall be allowed to continue to operate its recycling plant at 10420 Metric Boulevard and shall be allowed to expand its facilities to add bathroom, breakroom, office, and storage facilities and to expand its operations at that location subject to paragraph 8 below.

5. BFI shall forgive and no longer be entitled to receive from the City the moving expenses of up to $100,000 afforded to BFI by paragraph 11 on page 4 of the "Amended Compromise Settlement Agreement and Mutual Release of Claims".

6. BFI shall forgive and no longer be entitled to utilize any credits at the City's Todd Lane Material Recovery Facility and at the City's landfill afforded to BFI by paragraph 6 on page 2 of the "Amended Compromise Settlement Agreement and Mutual Release of Claims" except that BFI shall be entitled to drop off items collected during the bulky waste pick-up conducted pursuant to paragraph 10 of this Agreement at the City's landfill located at FM 812 free of charge for so long as BFI performs the services set out in paragraph 10 of this Agreement until the balance of the remaining credits (approximately $175,000.00 at the time of the execution of this Agreement) are used. Should the City enter into an operating agreement with a third party or close or sell the FM 812 landfill prior to such time as all of the credits have been used, the City shall be required to provide relief to BFI in accord with the following: (1) If the City enters into an operating agreement it shall require the new owner or operator of the FM 812 landfill to honor BFI's right to dispose of items pursuant to the terms of this paragraph; (2) If the City sells the FM 812 landfill and secures disposal capacity in the purchaser's landfill(s) the City shall require the purchaser to reserve landfill capacity so as to honor BFI's right to dispose of items pursuant to the terms of this Agreement; and (3) If the City closes its landfill and provides no alternative disposal facility for BFI, the City shall pay BFI an amount equal to one half of the remaining credits.

7. BFI will establish approved truck routes designed to utilize major four lane roads and to avoid the use of residential roads to access its recycling facility. BFI will mandate that its own drivers use only the approved truck routes (except when collecting recyclables or waste materials from within the residential areas) and will distribute route maps to each of its customers and suppliers with a request that their drivers also use only the approved truck routes.

8. BFI will notify NACA and the City in advance of any plans to extend its property lease or expand its operations.

9. BFI will make available its operations to inspections by the City on a monthly basis during regular business hours with four hours advance notice.

10. BFI will provide residential bulky collection and disposal services to the NACA area at its own cost, subject to the provisions of paragraph 6. During the first year this agreement is in effect, BFI will collect bulky items on six different days. On each day that BFI collects bulky items, BFI will collect bulky items from ten streets within the NACA territory. BFI will consult with the City and NACA to identify the appropriate service area and days for each service event. At the end of the first year this agreement is in effect and annually thereafter, BFI and the City will evaluate whether the number of service days and the area served made for an efficient utilization of the collection system and associated manpower and BFI may adjust the number of service days and the size of the service area to increase efficiency provided that the services will not be discontinued unless the City agrees and that any changes can only be based upon reasons of improved

effectiveness and efficiency. BFI will be responsible for informing NACA of the dates when bulky waste collection will occur. In particular, BFI will pay for the printing of the door hangers which will be used to notify the residents and deliver them to NACA for distribution. BFI will not collect household hazardous wastes, devices containing freon, mercury or propane, nor any other items that the City of Austin does not collect in its bulky waste program. BFI does not intend to collect tenant personal property which has been placed at curbside by any landlord as part of an eviction of that tenant.

11. BFI will pay to NACA a host-fee based on a rate of 10 cents per ton of recyclable materials sold (approximately $450 per month at today's throughput level). NACA may use these funds as they wish for neighborhood improvement projects.

12. BFI will provide NACA Beautification Volunteers with $500.00 worth of long-handled tools to assist their litter pickup efforts.

13. BFI will create educational information, including a website, in both English and Spanish that promotes recycling, discourages litter and instructs citizens on how to prepare and market recyclables.

14. BFI will work with NACA and other appropriate parties to write a grant application for funding to conduct a multi-lingual education program for the residents in NACA. The program will focus on increasing recycling participation rates and litter reduction. BFI will contribute to this effort by providing administrative and consulting time to plan and develop the grant application.

15. BFI will institute its True Blue Looking Out For You Program, which utilizes BFI drivers to spot and report illegal activity to the Police Department via the drivers' radios. This program will be coordinated with the local police for training and procedural protocols.

16. BFI will agree to allow civic organizations and school groups to tour its facilities. BFI will create a program with Lanier High School designed to allow students to understand the basics and economics of recycling and to use mathematical skills during their site visits or to complete recycling-related exercises in their classrooms.

17. BFI will meet with the NACA Board at least twice per year to discuss operations and other issues related to the Good Neighbor Agreement. BFI will provide NACA with an annual report containing information regarding BFI's performance of its obligations under the Good Neighbor Agreement.

18. BFI will continue to patrol the property and the adjacent street for litter twice daily on days when the recycling facility is open for business and will remove any litter found.

19. BFI shall make a good faith effort to maintain its partnership with Keep Austin Beautiful and continue to sponsor Metric Boulevard from Braker Lane to Highway 183. This sponsorship involves patrolling Metric Boulevard from Braker Lane to Highway 183 for litter monthly.

20. BFI will continue to sponsor Lanier High School through the Austin American Statesman "Newspapers in Education" program to provide newspapers for instructional purposes in their classrooms.

21. The City shall notify BFI of any alleged breaches of its obligations under paragraphs 6 through 20 within 10 business days from the City's discovery of said breach. BFI shall then be given 30 days to cure the alleged breach. If, at the end of 30 days, BFI has not fully cured or undertaken reasonable measures intended to cure the breach and the breach is both significant and material, then the City shall have the right to sue BFI to have this Agreement vacated. If this Agreement is vacated, sections six, nine, and ten of the previous "Amended Compromise Settlement Agreement and Mutual Release of Claims" shall be reinstated so that BFI will retain the right to use the then-remaining portion of the landfill credits afforded to it by paragraph six as anticipated by that paragraph and the City will have the right to pursue an action against BFI for breach of sections nine and ten.

22. Notice to BFI shall be directed to Steve Shannon at _____ and notice to the City shall be directed to _____ at _____. The City shall notify NACA via post to P.O. Box 180803, Austin Texas 78718 of notices of breach filed by either party.

23. Except for the obligations preserved by, created by, or arising out of this Agreement, City hereby RELEASES and FOREVER DISCHARGES BFI, their employees, agents, and attorneys, from all known or unknown causes of action, losses, or claims of any kind whatsoever, which City may have against such person, where such cause of action, loss, or claim arises out of or is in any manner related to claims which have been asserted or which properly could have been asserted arising from the alleged breach of the "Amended Compromise Settlement Agreement and Mutual Release of Claims". Similarly, except for the obligations preserved by, created by, or arising out of this Agreement, BFI hereby RELEASES and FOREVER DISCHARGES City, its employees, agents, and attorneys, from all known or unknown causes of action, losses, or claims or any kind whatsoever, which BFI may have against such person, where such cause of action, loss, or claim arises out of or is in any manner related to claims which have been asserted or which properly could have been asserted arising from the alleged breach of the "Amended Compromise Settlement Agreement and Mutual Release of Claims".

24. Each party represents and warrants to the other that it is the sole owner of all claims and causes of action against the other, that is has not assigned or pledged

any such claims or causes of action in whole or in part to any other party and that it is fully authorized to execute the present Agreement.

25. This Agreement shall be binding upon and inure to the benefit of the parties hereto and their respective legal representatives and successors except as otherwise expressly provided herein.

26. The City hereby waives its immunity from suit for any cause of action arising out of or related to its obligations under paragraph 6 of this Agreement and further waives any sovereign immunity defenses that might otherwise be available to it in such a suit.

27. Should any litigation be commenced between the parties hereto concerning this Agreement or the rights and duties of either party in relation thereto, the prevailing party in such litigation shall be entitled to recover from the other party reasonable attorney's fees along with all costs.

28. This Agreement constitutes the sole and only agreement of the parties and supersedes any prior representations, understandings, or written or oral agreements between the parties respecting the subject matter hereof except as otherwise provided herein. This Agreement may be modified only in writing signed by all parties.

EXECUTED this ____ day of _____, _____.

kxan IN-DEPTH. INVESTIGATIVE.

Crews extinguish fire at North Austin warehouse

By Kevin Schwaller and Dave Byknish

Updated: Monday, May 5, 2014, 6:10 am

AUSTIN (KXAN)- Crews with the Austin Fire Department spent much of Sunday battling a three-alarm fire at a 90,000-square-foot warehouse in the 10000 block of Metric Boulevard, south of Kramer Lane.

AFD officials said the fire was isolated to recycled material in one of the businesses housed within the warehouse. One employee was taken to the hospital for minor smoke inhalation.

Neighbors and members of the recycling business say the company was in the process of moving out of the building.

The initial call came at 10:07 a.m. on Sunday. The call was elevated to a three-alarm fire at 10:47 a.m.

"(I saw) billowing, black smoke coming out of the back of the building. Actually, I could see it from Pflugerville. On my way over here we could see the black ball up in the air," said Dusty Womble, who works at a business next door to the fire. The fire did not damage his business.

Seven minutes after the call came out for the fire,near Mopac and Steck Avenue, an AFD truck collided with a car. No injuries were reported.

Firefighters said they were concerned Sunday because a large structure typically holds smoke and heat inside. This added to the dangerous situation.

Large specialty fans were called in to aid with blowing smoke out of the building. Ventilation holes were also poked in the metal roof.

"Our crews were aborted when they walked in," said Capt. Josh Portie, AFD PIO. "Within a mere few steps inside that door they couldn't even see their hand in front of their face. That's a very unsafe situation."

Around 75 firefighters responded to the call, a quarter of all the city's fire resources.

The fire was mostly contained as of 12:28p.m.. Crews had to work quickly early on due to the Red Flag Warning issued Sunday morning.

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NORTH AUSTIN

FIREfiGHTERS BATTLE WAREHOUSE BLAZE

Austin firefighter B. Davis takes a break from tackling a three-alarm warehouse fire Sunday at 10420 Metric Blvd. One man in his 30s who worked at the facility was transported to Round Rock hospital to be treated for mild smoke inhalation. It is unclear what business occupies the warehouse. The cause of the fire remains under investigation, and an estimate of damage was not available Sunday. RODOLFO GONZALEZ / AMERICAN-STATESMAN