



## Austin City Council MINUTES

For FEBRUARY 16, 1989 - 1:00 P.M.

Council Chambers, 307 West Second Street, Austin, Texas

### Memorandum To:

Mayor Cooke called to order the meeting of the Council, noting the presence of all Councilmembers.

#### CITIZEN COMMUNICATIONS

Mr. John Timmons discussed Little Shoal Creek restoration project. Mr. Charles R. Jones talked about adult arcades. Mrs. Jan McNabb discussed public access television. Mr. Paul Stephens was not present. Mr. Paul Robbins presented some views on the South Texas Nuclear Project. Mr. James R. Carpenter discussed an open letter to City Council regarding City government and airport issues. Mr. Rick Krinboiak talked about moving Austin's airport facilities.

#### AUSTIN CABLE COMMISSION REPORT

Paul Leche reported on plans for long-term access planning.

#### ANNEXATION

Councilmember Carl-Mitchell, made a motion, seconded by Councilmember Humphrey to waive the requirement for three readings and finally pass an ordinance annexing the following: (Motion passed by a 6-0 Vote, with Councilmember Barnstone out of the room.).

- (1) Full purpose annexation of 22.43 acres of the Hermosa Office Park P.U.D.

#### ZONING ORDINANCES

The Council, on Councilmember Carl-Mitchell's motion, Councilmember Humphrey's second, passed through second/third readings of ordinances amending Chapter 13-2 of the Austin City Code (Zoning Ordinance) to cover the following changes: (6-0 Vote, Councilmember Barnstone out of the room.)

- (1) MINNESOTA MINING & MFG. 10710 R.M 2222 From "R&D-PDA"  
COMPANY, CITY OF Riverplace Blvd. To "P"  
AUSTIN ELECTRIC  
UTILITY  
By Gilbert W. Smith  
C14-86-225

First reading on January 7, 1987, (7-0). No conditions to be met.

(2) BETTY J. OLIVER  
TRUSTEE  
C14-85-288.138

8700-8710 Old Bee  
Caves Road

From "I-RR"  
To "LR"

First reading on June 18, 1986, (7-0). Conditions have been met as follows: Restrictive Covenant incorporating conditions imposed by Council has been executed.

ITEMS POSTPONED AND CONTINUED AND PULLED OFF

Postponed indefinitely is second/third readings of a zoning ordinance for Hurd Development Company, C14-84-434.

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Continued to February 23, 1989 at 6 P.M. is consideration of authorization to negotiate a contract in the amount of \$984,000.00 for implementation of the 14th year Community Development Block Grant (CDBG) for the acquisition/rehabilitation program.

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Continued to February 23, 1989 at 6:30 P.M. is consideration of authorization to negotiate a contract in the amount of \$236,010.00 of the 14th year Community Development Block Grant (CDBG) for the management and technical assistance for the Business Development Program.

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Postponed indefinitely to set a hearing is consideration of amending the Capital Recovery Fee Ordinance No. 880630-B and the Interim Land Development Code to clarify exception, exemption and refund provisions and to correct numbering.

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Postponed to March 9, 1989 is consideration of establishing fees for permits and licenses authorized by local amendments to the Uniform Fire Code, 1988 edition.

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Postponed to March 9, 1989 is consideration of establishing fees for relocation and demolition permits authorized by local amendments to the Uniform Building Code, 1988 edition.

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Pulled from the agenda is consideration of authorization and approval of contract award with CRESAP, A TOWERS PERRIN COMPANY to complete Phases 2 and 3 of the original contract, of the independent audit of electric billing issues in an amount not to exceed \$196,000.00

## CONSENT ORDINANCES

The Council, on Councilmember Carl-Mitchell's motion, Councilmember Humphrey's second, voted 7-0 to waive the requirement for three readings and finally pass the following ordinances:

Stormsewers and Waterways

Amended Chapter 4-3, Article V of the Austin City Code (Discharges to Stormsewers and Waterways)

Fees

Established fees for services of the Department of Environmental Protection.

Meetings Cancelled

Approved cancelling all regular scheduled Council meetings for the weeks of February 27-March 3 and March 20-March 24, 1989.

## CONSENT RESOLUTIONS

The Council, on Councilmember Carl-Mitchell's motion, Councilmember Nofziger's second, adopted the following resolutions all in one consent motion: (7-0 Vote)

Capital Improvements Program

Authorized the filing of eminent domain proceedings to acquire the following:

- a. 598 square feet of land for a wastewater easement out of Lot 3, Block F, Southampton Section 3-A, Travis County, Texas, owned by David C. Perez and wife, Tracy Williams Perez for the Kincheonville Wastewater Improvements. C.I.P. No. 86/23-31
- b. 45,000 square feet of land for a temporary construction easement out of the Jesse Grimes Survey No. 25, Williamson County, Texas, owned by Milburn Investments, Inc. for the Anderson Mill Transmission Main. C.I.P. No. 85/22-30
- c. 17,947 square feet of land for a waterline easement and 23,914 square feet of land for a temporary construction easement out of the Rachel Saul Survey, Abstract No. 551, Williamson County, Texas, owned by Milburn Investments, Inc., for the Anderson Mill Transmission Main. C.I.P. No. 85/22-30
- d. 10,323 square feet of land for a waterline easement and 11,238 square feet of land for a temporary construction easement out of the William Frampton Survey No. 212, Williamson County, owned by MBank Austin, N.A., for the Anderson Mill Transmission Main. C.I.P. 85/22-30

- e. 8,102 square feet of land for a waterline easement and 12,197 square feet of land for a temporary construction easement out of the Jesse Grimes Survey No. 25, Williamson County, Texas, owned by Milburn Investments, Inc., for the Anderson Mill Transmission Main. C.I.P. No. 85/22-30

#### Release of Easement

Authorized release of the following easement:

- a. The Public Utility Easement on the common lot line of Lots 7 and 8, Thoroughbred Estates, Phase 3, locally known as 11600 Moore Road. (Request submitted by Charles Villasenor)

#### Contracts Approved

Approved the following contracts:

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| L. CASTANEDA CONSTRUCTION, INC.<br>dba Lomas Construction<br>8902 Chester Forest Dr.<br>Austin, Texas | - CAPITAL IMPROVEMENTS PROGRAM -<br>Tillery Street Bridge Improvements<br>at Boggy Creek, Transportation and<br>Public Services Department<br>Total \$109,876.70 C.I.P. No.<br>79/60-09 |
| HOLLISTER, INC.<br>P. O. Box 250<br>Libertyville, Illinois  | - Ostomy Products, Brackenridge<br>Hospital<br>Twelve (12) Month Supply Agreement<br>Total \$33,108.84 BS8-286  |
| MERRY X-RAY<br>11809 Starcrest<br>San Antonio, Texas  | - X-Ray Film Cassettes and Screens,<br>Brackenridge Hospital<br>Twelve (12) Month Supply Agreement<br>Total \$268,047.57 BS8-342  |
| Bid award:  | - Tires and Tubes, General Services<br>Department<br>Twelve (12) Month Supply Agreement<br>Total \$450,185.00 89-0047-RD  |
| (1) YOUNGBLOOD GENERAL TIRE<br>506 North Lamar Boulevard<br>Austin, Texas                             | - Items 1,3,4,5,6,7,8,9,15 -<br>\$349,126.00  |
| (2) PURCELL TIRE COMPANY<br>15325 North IH-35<br>Austin, Texas  | - Item 11 - \$29,058.00   |
| (3) WALKER TIRE COMPANY<br>6926 North Lamar Boulevard<br>Austin, Texas                                | - Items 2,10,12,13,14 - \$72,001.00   |

Bid award:

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- Annual Electrical Supplies, General Services Department  
Twelve (12) Month Supply Agreement  
Total \$63,482.00 89-0010-LI

(1) GRAYBAR ELECTRIC COMPANY  
7434 N. Lamar Boulevard  
Austin, Texas

- Items 41-52, 54, 56-58, 64, 66 and 85 - \$34,443.00

(2) GENERAL ELECTRIC SUPPLY CO.  
3101 Longhorn Blvd. #116  
Austin, Texas

- Items 39, 40, 61, 62, 65, 68 - \$29,399.00

#### Landscape Liability and Maintenance

Authorized execution of an agreement for Landscape Liability and Maintenance of public right-of-way in Pecan Park Subdivision by WSLA Development Corporation, an Arizona Corporation, Williamson County and the City of Austin.

#### Loan of Gas Compressors

Authorized to loan the State of Texas General Land Office two natural gas compressors and related equipment.

#### APPOINTMENTS

Council appointed Sherwin Sanders and Janice Drake as members of the Private Industry Council, on Councilmember Nofziger's motion, Councilmember Humphrey's second, 7-0 Vote.

#### DOBBS HOUSE, INC.

The Council, on Councilmember Barnstone's motion, Councilmember Humphrey's second, deferred action on consideration of approval of an amendment to the Dobbs House, Inc. Agreement providing for increased rental rate to be paid to the City, renovation of existing facilities, construction of new facilities, MBE/WBE participation, and extension of the term of agreement, until the worksession on March 7, 1989. (4-3 Vote, Mayor Pro Tem Shipman, Councilmembers Carl-Mitchell and Nofziger voted No.)

#### APPEAL SET

The Council, on Councilmember Carl-Mitchell's motion, Councilmember Urdy's second, set a public hearing on an appeal of the decision of the Building Standards Commission on 3809 and 3811 Speedway, at the request of Mr. James Allman of the Hyde Park Neighborhood Association, for March 9, 1989 at 5:00 P.M. (5-0 Vote, Councilmembers Barnstone and Nofziger out of the room)

#### ZONING ORDINANCE

The Council, on Councilmember Humphrey's motion, Councilmember Carl-Mitchell's second, passed through second/third readings

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of an ordinance amending Chapter 13-2 of the Austin City Code (Zoning Ordinance) to cover the following changes: (5-0 Vote, Councilmember Nofziger abstained, Councilmember Barnstone out of the room)

AUSTIN COMMUNITY COLLEGE 5712 East Riverside From Trs. 1, 11, 12  
By William H. Bingham Drive "SF-3" to "GO-MU"  
C14-85-326 Trs. 1A, 2A, 7A,  
8A, 10A, 11A, and  
12A "SF-3" to "RR"  
Tr. 2 "SF-3"  
to "LO-MU"  
Trs. 4 & 7  
"SF-3" to "SF-6"  
Trs. 5, 9, 10  
"SF-3" to "MF-3"  
Tr. 6 "SF-3"  
to "LR"  
Tr. 8 "SF-3"  
to "MF-2"  
Tr. 13 "SF-3"  
to "P"

First reading on March 26, 1987, (6-0). Conditions have been met as follows: Restrictive Covenant incorporating conditions imposed by Council has been executed.

#### PUBLIC HEARING - CARRIAGE STABLE USE

Mayor Cooke opened the public hearing set for 5:00 P.M. on amending Chapter 13-2 of the Interim Land Development Code to create a new use entitled CARRIAGE STABLE.

Speaker's cards are on file in the City Clerk's office.

#### Motion

The Council, on Councilmember Carl-Mitchell's motion, Mayor Pro Tem Shipman's second, closed the public hearing and waived the requirement for three readings and finally passed an ordinance amending Chapter 13-2 of the Interim Land Development Code to create a new Use entitled CARRIAGE STABLE as recommended by the Planning Commission. (7-0 Vote)

#### PUBLIC HEARINGS - LAND DEVELOPMENT CODE AND PROCEDURES

Mayor Cooke opened the public hearings set for 6:00 P.M. on amendments to the Austin City Code of 1981 relating to adoption of the 1988 editions of various technical codes.

Speaker's cards are on file in the City Clerk's office.

Motion

The Council, on Councilmember Carl-Mitchell's motion, Mayor Pro Tem Shipman's second, closed the public hearings and passed through FIRST READING ONLY of ordinances amending the following: (5-0 Vote, Councilmembers Urdy and Barnstone out of the room)

- a. Amendments to Title XIII (Land Development Code) of the Austin City Code of 1981 relating to the adoption of the 1988 editions (together with respective local amendments) of the Uniform Building Code, Uniform Fire Code, Uniform Mechanical Code, Uniform Plumbing Code, Uniform Housing Code, and the Uniform Code for the Abatement of Dangerous Buildings; the 1986 Uniform Code for Solar Energy Installations; revisions to the Energy Code; and revisions to the adopted local amendments to the 1987 National Electric Code.

Bring back for second/third readings March 9, 1989.  
Defer for 90 days the Plumbing, Mechanical and Solar Codes.

- b. Amendments to Chapter 13-1 (Land Development Procedures) of the Austin City Code of 1981 relating to adoption of the 1988 editions of the various technical codes, local amendments to such technical codes, and an amnesty for building uses in existence on March 1, 1986.

Bring back for second/third readings March 9, 1989.

**SOUTH FIRST STREET BRIDGE**

The Council, on Mayor Pro Tem Shipman's motion, Councilmember Carl-Mitchell's second, adopted a resolution to approve an agreement with the State Department of Highways and Public Transportation to provide for improvements to the South First Street Bridge, as recommended by the Parks Board, at a total cost to the City of \$145,278.04; this is Option 2; with a friendly amendment from Councilmember Barnstone to spend money on improvements on the bridge but turn back the design to concentrate on the railing, lighting and other features to benefit the community. (6-0 Vote, Councilmember Urdy out of the room.)

Clarification of the motion was requested as to whether it included the arches as well as the aesthetic treatment of the guard rail and lighting.

Councilmember Barnstone said, "The amendment is that money is to be spent on the bridge, but not on the false arches and what we need to do is come back with a design that is acceptable to the Council and that includes a new treatment on the guard rail."

Mayor Cooke said, "the way some of us voted we did not think the arches were still in there."

Council discussed and decided to reconsider the motion.

Motion to Reconsider

The Council, on Councilmember Carl-Mitchell's motion, Councilmember Nofziger's second, voted to reconsider the motion. (6-0 Vote, Councilmember Urdy out of the room)

Motion

The Council, on Mayor Pro Tem Shipman's motion, Councilmember Carl-Mitchell's second, adopted a resolution to approve an agreement with the State Department of Highways and Public Transportation to provide for improvements to the South First Street Bridge at a total cost to the City of \$145,878.04 for Option 2, as recommended by the Parks Board. (4-2 Vote, Mayor Cooke and Councilmember Barnstone voted No, Councilmember Urdy out of the room.)

CONTRACT APPROVED

The Council, on Councilmember Barnstone's motion, Councilmember Carl-Mitchell's second adopted a resolution approving the following contract: (6-0 Vote, Councilmember Urdy out of the room)

THE ARGEE CORPORATION  
7979 East Tufts Avenue Parkway,  
Suite 810  
Denver, Colorado

- CAPITAL IMPROVEMENTS PROGRAM -  
Albert H. Ullrich Water Treatment  
Plant Expansion, Phase II,  
Transportation and Public Services  
Department  
Total \$16,824,000.00 C.I.P. No.  
85/22-55

STEINER RANCH

The Council, on Councilmember Barnstone's motion, Councilmember Nofziger's second, adopted a resolution approving termination of the traffic phasing agreement for Steiner Ranch. (4-1-1-0 Vote) Mayor Pro Tem Shipman voted No, Councilmember Humphrey abstained, Councilmember Urdy was out of the room.)

PUBLIC ACCESS FUNDING

The Council, on Mayor Pro Tem Shipman's motion, Councilmember Humphrey's second, adopted a resolution supporting Public Access funding from Austin CableVision. (7-0 Vote)

CITY MANAGER REPORTS

Elaine Hart reported on Status Report on the City's Divestment Ordinance.



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Jan Crow presented the Status Report on Mortgage Lending.

Joe Canales gave the Affirmative Action Update.

Dr. Murphy reported on Central Texas Medical Foundation Contract.

EXECUTIVE SESSION

Mayor Cooke announced Council would go into executive session pursuant to Article 6252-17, Texas Revised Civil Statutes Annotated, to discuss matters of land acquisition, litigation and for personnel matters. No final action, decision or vote by the City Council will be taken on any subject or matter unless specifically listed on the agenda for this meeting.

Personnel Matters - Section 2, Paragraph g  
(b) Appointment of Municipal Court Clerk

RECESS & ADJOURNMENT - Council recessed its meeting at 8:00 and adjourned its recessed meeting at 8:03 P.M.