



Austin City Council MINUTES

For November 9, 1989 - 1:00 P.M.

Council Chambers, 307 West Second Street, Austin, Texas

Mayor Cooke called to order the meeting of the Council, noting that Councilmembers Barnstone, Carl-Mitchell and Urdy had not yet arrived.

CITIZEN COMMUNICATIONS

Dr. Ann Black, M.D., Mr. James B. Marshall and Ms. Wanda Holmes all discussed RM 2222 traffic study and presented a petition to Council. Charles Murdock discussed "Austin at Large". Carl W. West discussed petition regarding Austin Regional Habitat Conservation Plan. Bernard Levitan talked about Apple Dodge auto dealer. Alice Embree discussed land acquisition for the new airport. Mr. Rick McCulley also discussed land acquisition for the new airport. Mr. Akwasi Evans was not present.

INTERLOCAL AGREEMENT

The Council, on Councilmember Carl-Mitchell's motion, Councilmember Nofziger's second, adopted a resolution approving an Interlocal Agreement between Capital Metro and the City of Austin, accepting Capital Metro funding for environmental improvements to the Dillo Parking area by the City Coliseum, in exchange for Capital Metro's access to the site for three years. (\$54,674.00 to be paid by Capital Metro.) With a 90-day cancellation clause. (6-0 Vote, Councilmember Urdy not yet present.)

CONSENT ORDINANCES

The Council, on Councilmember Carl-Mitchell's motion, Councilmember Humphrey's second, waived the requirement for three readings and finally passed the following ordinances all in one consent motion: (6-0 Vote, Councilmember Urdy absent)

Fern Bluff MUD

Authorized and approved Fern Bluff MUD to issue district bonds not to exceed \$1,280,000.00 subject to staff recommendations. (No City funding required.)

Paving

Received and accepted the work of paving Duval Road and West Cow Path.

Zoning Ordinances

Approved second/third readings of an ordinance amending Chapter

13-2 of the Austin City Code to rezone the property locally known as 4303 South First Street, Zoning Case C14-89-0021, from "SF-3" to "LO", Arlon & Marilyn Bindsell, by Arlon Bindsell. First Reading: July 27, 1989; Vote 5-0 with Councilmembers Barnstone and Humphrey out of the room. No conditions to be met.

Approved second/third readings of an ordinance amending Chapter 13-2 of the Austin City Code to rezone the property locally known as 6600 Brush Country Road, Case No. C14-89-0007, from "LO" to "GR-CO", Lexington Development Company, by Lichliter Jameson & Associates. First reading July 29, 1989; Vote 6-0, Councilmember Urdy out of the room. Conditions met as follows: (1) Conditional Overlay incorporates conditions imposed by Council restricting (a) Development to a maximum (i) floor to area ration of .04 to 1. and (ii) impervious coverage of 70%

(b) Uses of the Property to (i) the range of "LR" Neighborhood Commercial district uses that are permitted in the "GR" Community Commercial district as set forth in Sec. 13-2-221 of the Austin City Code, and (ii) Automobile washing (self service) use, and (c) Signs constructed on the property to (i) Freestanding sign/low profile signs, and (ii) conform with the sign regulations established for Neighborhood Commercial Districts as set forth in Sec. 13-2-867 of the Austin City Code. (2) Restrictive Covenant incorporating conditions imposed by Council has been executed regarding (a) Owner to construct and maintain a 3 foot high meandering landscaped berm sufficient to insure privacy between the nursing home and the proposed site, (b) Service station and car wash developed on the property to be constructed of brick similar to that used in the adjacent nursing home, and (c) A rezoning of the property to "LR" Neighborhood Commercial District, if the Land Development Code of the City of Austin is amended to permit automotive washing (self service) in the the "LR" Neighborhood Commercial District. (Applicant Requests Emergency Passage of Ordinance)

Approve second/third readings of an ordinance amending Chapter 13-2 of the Austin City Code rezoning the property locally known as 8313 Highway 71 West, Case No. C14-85-288.100B, from Interim "RR" to "LR", PAISANO, INC., by Kivlin & Associates. First Reading: October 9, 1986; Vote: 5-0, Councilmember Charles Urdy out-of-room. Conditions met as follows: Restrictive Covenant incorporating conditions imposed by Council has been executed requiring: (1) No development on slopes with a gradient of 15% or greater, (2) Maximum impervious coverage of the property shall be 65%, and (3) Maximum floor to area ratio of .20 to 1.

Approve second/third readings of an ordinance amending Chapter 13-2 of the Austin City Code rezoning the property locally known as 2902 Sweeney Lane, Case No. C14-89-0014-CO, from "LR" to "GR-CO", RAYMOND EASLEY, by Raymond Easley. First Reading: July 27, 1989; Vote 4-0, Councilmembers George Humphrey and Michael "Max" Nofziger and Councilman Robert Barnstone out-of-room. Conditions met as follows: Conditional overlay incorporates the following conditions imposed by Council: (a) The building existing on the property at the date of the adoption of this ordinance shall be retained as long as the property is used for congregate living use. No additions increasing the size of the existing building in terms of site coverage, height, length, width, gross floor area, or occupancy shall be permitted. (b) Uses of the property shall be restricted to: (1) the permitted uses authorized in the "LR" Neighborhood Commercial District as set forth in Section 13-2-221 of the Austin City Code, and (2) Congregate living use. The congregate living facility shall be permitted to provide 24 hour supervision and living assistance to no more than 18 residents (clients) at any one time.

CONSENT RESOLUTIONS

The Council, on Councilmember Carl-Mitchell's motion, Mayor Pro Tem Shipman's second adopted the following resolutions all in one consent motion: (6-0 Vote, Councilmember Urdy not yet in the Chamber)

U.S. 183 Project

Authorized and approved for the State Department of Highways and Public Transportation to declare certain state-owned right-of-way as surplus so it may be traded for other needed right-of-way for the U.S. 183 project.

License Agreement

Approved a License Agreement for an Overhead CATV Cable Crossing City-owned railroad right-of-way near Milepost 20.51. The licensee will be ParCable of Elgin, Inc., 201 Parker, Taylor, Texas.

Approved a License Agreement for an Overhead CATV Cable crossing City-owned right-of-way near Milepost 26.03. The licensee will be ParCable of Elgin, Inc., 201 Parker, Taylor, Texas.

Contracts

The following contracts were approved:

Approve a contract award to ICA/ICM INTERNATIONAL, INC., 3355 Bee Cave Rd. Suite 201, Austin, Texas, for Construction of Zachary Scott Theatre Center - Phase 1, for \$1,075,914.00. C.I.P. Project No. 834 867 0595 - Public Works and Transportation Department. Low bid of four (4) bids. 19.16% M/WBE Subcontractor participation. 89-C063-JJ

Approve a contract award to INSITUFORM TEXARK INC., 9330 LBJ Freeway, Suite 900, Dallas, Texas, for the October 1989 Wastewater Rehabilitation Project in the amount of \$207,647.00 - Water and Wastewater Utility Department. (\$207,647.00 included in Fund 503, Agency 230, Organization 4500) Sole qualified bidder. .77% M/WBE Subcontractor participation. 89-C062-JJ

Approve a contract award to JEECO, INC., Austin, Texas, for Hydraulic Powered Pump Station in the total amount of \$32,305.00 (included in the FY 1989-90 budget of the Department of Public Works and Transportation. C.I.P. No. 237830, South Austin Regional (SAR) Digesters located at the Hornsby Bend Sludge Management Facility.) Sole bidder. 0% M/WBE Subcontractor participation. 89-0273-LI

Public Hearings Set

Set a public hearing to consider amending the City Code for improved regulation of shoreline construction and enhanced recreational

safety on Lake Austin, Town Lake and Lake Walter E. Long: December 14, 1989 at 5:30 P.M.

Set a public hearing to consider an ordinance amending Chapter 13-2 to permit automobile car wash (self-service) facilities in the "LR", Neighborhood Commercial, district: December 14, 1989 at 6:30 P.M.

ITEMS POSTPONED

Postponed to November 16, 1989 is the Airport Advisory Board report, with discussion of Peat, Marwick Main contract extension and land acquisition for the new airport.

Postponed to December 7, 1989 is an ordinance to authorize and approve issuance by Circle C MUD No. 4 of \$3,425,000.00 in contract revenue bonds.

Postponed to November 16, 1989 is authorization and approval of an agreement with Travis County for the relocation of water and wastewater utilities for the Dessau Road C.I.P. project and the installation of a new 36" water transmission main.

Pulled off the agenda was discussion of the City's Anti-Apartheid Ordinance.

Postponed indefinitely is staff presentation of land purchases by City Manager under authority granted by Council on November 5, 1987.

Pulled off the agenda is appointment of a task force to review all financial disclosures and establish deadlines for the filing of such documents.

WOMEN'S COMMISSION

The Council, on Mayor Pro Tem Shipman's motion, Councilmember Humphrey's second, waived the requirement for three readings and finally passed an ordinance amending Ordinance 870319-F by designating an Asian as one of the appointments to the Women's Commission. (6-0 Vote, Councilmember Urdu not in the Council Chamber.)

ARCHITECTURAL SERVICES FOR BRACKENRIDGE CRITICAL CARE UNITS

The Council, on Councilmember Nofziger's motion, Councilmember Carl-Mitchell's second, adopted a resolution approving an agreement on selection of professional architectural services of Bower Downing Partnership and Laurie Smith Design Architects, in connection with the Brackenridge Hospital Critical Care Units expansion improvements, with a \$530,000.00 limit for the estimated maximum total basic and additional services fees to be negotiated. (7-0 Vote)

PUBLIC HEARING - TAX ABATEMENT ZONE

Mayor Cooke opened the public hearing set for 2:00 P.M. on

designation of a tax abatement reinvestment zone. Speaker's cards are on file in the City Clerk's office.

Motion

The Council, on Councilmember Humphrey's motion, Councilmember Nofziger's second, closed the public hearing and approved designation of a tax abatement reinvestment zone. (6-1 Vote, Councilmember Barnstone voted No.)

Motion

The Council, on Councilmember Humphrey's motion, Councilmember Carl-Mitchell's second, waived the requirement for three readings and finally passed an ordinance designating a tax abatement reinvestment zone number one, to include Robert Mueller Airport and adjacent property, in accordance with Section 312.202 of the Texas Tax Code. (6-1 Vote, Councilmember Barnstone voted No.)

The Council, on Councilmember Humphrey's motion, Councilmember Carl-Mitchell's second, authorized the execution of a Tax Abatement Agreement with Conquest Airlines, Inc. (Agreement requires Conquest to maintain principal office in Austin for fourteen years; contains a seven year, 100% abatement on personal property tax on commercial aircraft). (6-1 Vote, Councilmember Barnstone voted No.)

TRAINING FACILITY FOR DALLAS COWBOYS

The Council, on Councilmember Humphrey's motion, Mayor Cooke's second, approved entering into a contract with St. Edward's University relating to recreational facilities and a training facility for the Dallas Cowboys Football Team at a cost not to exceed \$191,000.00. (6-0 Vote, Councilmember Barnstone out of the room.)

RECREATIONAL RAILROAD

The Council, on Councilmember Humphrey's motion, Mayor Pro Tem Shipman's second, adopted a resolution approving a recreational railroad for Austin, Texas. (7-0 Vote)

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.

(Item (a)(Pending Litigation- Section 2, Paragraph e) City of Austin v. Public Utility Commission, appeal of PUC Docket 6520 Order, was pulled off the agenda.)

Legal Advice - Section 2, Paragraph e

- (a) Seek legal advice on Convention Center Project Management contract negotiations.
- (b) Seek legal advice on Laguna Gloria Arts Museum, Inc. contract negotiations.

Land Acquisition - Section 2, Paragraph f

- (a) Status of land acquisition for the Convention Center and exercise of options.

Postponed to December 7, 1989 was discussion of Personnel Matters - Section 2, Paragraph g - Performance evaluation and review of Municipal Court Judges.

RECESS

Council recessed its meeting at 4:40 P.M. for executive session and resumed its regular meeting at 7:20 P.M.

ITEM PULLED

Pulled from the agenda was a resolution authorizing settlement of Cause No. 401,565. City of Austin v. Public Utility Commission of Texas, et al.

LAND FOR CONVENTION CENTER PROJECT

The Council, on Councilmember Carl-Mitchell's motion, Mayor Pro Tem Shipman's second, approved the exercise of the option to purchase property owned by the Board of Regents of the University of Texas System ("Board of Regents") on Site F for the Convention Center project; Tracts 1 and 2, \$25.00 a square foot and exercise option with the University of Texas. (6-0 Vote, Councilmember Nofziger out of the room.)

GILBANE BUILDING COMPANY

The Council, on Councilmember Carl-Mitchell's motion, Councilmember Humphrey's second, authorized a contract with the Gilbane Building Company for project management services for Phases III and IV of the Austin Convention Center Project. (7-0 Vote)

ITEM TABLED

The Council, on Mayor Pro Tem Shipman's motion, Councilmember Nofziger's second, tabled a resolution on an agreement between the City of Austin and engineer/architect in connection with the City Art Museum project. (6-0 Vote, Councilmember Urdy out of the room)

PUBLIC HEARING - APPEAL

Mayor Cooke opened the public hearing set for 5:00 P.M. on the continuation of an appeal of the Planning Commisison's decision to deny an appeal of an approved site plan for New Apostolic Church, 1906 Miles Avenue.

Motion

The Council, on Councilmember Carl-Mitchell's motion, Councilmember Nofziger's second, closed the public hearing. (5-0 Vote, Councilmembers Humphrey and Urdy out of the room.)

Motion

The Council, on Mayor Pro Tem Shipman's motion, Councilmember Carl-Mitchell's second, granted the appeal. (4-3 Vote, Mayor Cooke, Councilmembers Barnstone and Urdy voted No.)

STRATOSPHERIC OZONE PROTECTION ACT

The Council, on Councilmember Nofziger's motion, Councilmember Humphrey's second, adopted a resolution endorsing the Stratospheric Ozone Protection Act of 1989. (7-0 Vote)

TRAFFIC SIGNAL HEADS

The Council, on Councilmember Barnstone's motion, Councilmember Urdy's second, adopted a resolution approving a contract award to Doerr Associates, 2171 S. Trenton Way, Denver, Colorado, for traffic signal heads, in an amount not to exceed \$45,192.00. (5-2 Vote, Councilmembers Humphrey and Nofziger voted No.)

Councilmember Humphrey had made a motion to rebid the contract but there was no second to the motion.

TRAVIS COUNTY APPRAISAL DISTRICT APPOINTMENTS

Motion

Mayor Pro Tem Shipman made a motion, seconded by Councilmember Carl-Mitchell to appoint Eleanor Powell. Motion was held while information was obtained.

Later in the Meeting

Motion

Mayor Pro Tem Shipman made a motion, seconded by Councilmember Nofziger to appoint Eleanor Powell to the Travis County Appraisal District.

Substitute Motion

Councilmember Urdy offered a substitute motion, seconded by Councilmember Barnstone to appoint Bettye White. Motion passed by a vote of 4-3 with Mayor Pro Tem Shipman, Councilmembers Carl-Mitchell and Nofziger voting No.

Motion

Councilmember Barnstone made a motion, seconded by Councilmember Humphrey to appoint Michael Loreda as a member of the Travis County Appraisal District.

Substitute Motion

Mayor Pro Tem Shipman offered a substitute motion, seconded by Councilmember Nofziger to appoint Eleanor Powell. Motion passed by a vote of 4-3 with Mayor Cooke, Councilmember Barnstone voting No and Councilmember Urdy abstaining.

Motion

The Council, on Councilmember Carl-Mitchell's motion, Councilmember Nofziger's second, appointed Kathy Vasquez as a member of the Travis County Appraisal District. (7-0 Vote)

Substitute Motion- FAILED

A substitute motion to appoint Michael Loreda made by Councilmember Barnstone and seconded by Councilmember Humphrey, FAILED by a vote of 2-5 with Mayor Cooke, Mayor Pro Tem Shipman, Councilmembers Carl-Mitchell, Nofziger and Urdy voting No.

ANTI-APARTHEID TASK FORCE

The Council, on Mayor Pro Tem Shipman's motion, Councilmember Humphrey's second, approved the creation of an Anti-Apartheid Task Force. (7-0 Vote)

APPOINTMENTS TO ANTI-APARTHEID

The Council, on Councilmember Humphrey's motion, Mayor Pro Tem Shipman's second, appointed the following individuals to an Anti-Apartheid Committee: (7-0 Vote)

Iris Jones, Gary Bledsoe, Paula Traffas, Hilton Mokaka and Beverly Davis as an advisor.

AMENDMENTS TO ANTI-APARTHEID ORDINANCE

The Council, on Mayor Pro Tem Shipman's motion, Councilmember

Humphrey's second, passed through FIRST READING ONLY of an ordinance amending the Anti-Apartheid Ordinance, except the emergency clause. (4-3 Vote, Mayor Cooke, Councilmembers Barnstone and Carl-Mitchell voted No.)

ADJOURNMENT

Council adjourned its meeting at 11:50 P.M.