



# Austin City Council MINUTES

For NOVEMBER 2, 1989

Council Chambers, 307 West Second Street, Austin, Texas

Mayor Cooke called to order the meeting of the Council, noting that Councilmembers Humphrey, Urdy and Barnstone were not yet in the Council Chamber.

## MINUTES APPROVED

The Council, on Councilmember Carl-Mitchell's motion, Mayor Pro Tem Shipman's second, approved minutes for regular meetings of October 17, 1989, meeting as the Electric Utility Board, and October 19, 1989 and special meetings of October 19, 23, and 24, 1989. [4-0 Vote, Councilmembers Humphrey, Urdy and Barnstone not yet in the Council Chamber.] Councilmember Nofziger requested some information be added to the meeting of October 24, 1989 with the Capital Metro Board, concerning bikeways.

## CITIZEN COMMUNICATIONS

Dr. Jacque Lytle and Mr. Edward H. Willard did not appear. Ms. Tina Moore discussed staff recommendation of funding request for Teenage Parent Council. Ms. Lori Renteria discussed update on "Housing Now!" activities in Washington, D.C. from October 4 - 7, 1989. Mr. Roger Kintzel discussed U.S. Memories, Inc. Ms. Susan Engelking also discussed U.S. Memories, Inc. as well as Ron Davis.

## TAXI FRANCHISES

The Council, on Councilmember Carl-Mitchell's motion, Mayor Pro Tem Shipman's second, passed through third reading of ordinances approving the following: [6-0 Vote, Councilmember Urdy absent]

- Renewal of the Airline Taxi Taxicab Franchise.
- Renewal of Roy's Taxi, Inc. Taxicab Franchise.
- Renewal of the Yellow Checker Cab Company, Inc. Taxicab Franchise

## ZONING ORDINANCE

The Council, on Councilmember Carl-Mitchell's motion, Mayor Pro Tem Shipman's second, passed through second/third readings of an ordinance amending Chapter 13-2 of the Austin City Code to rezone the property locally known as 7907-8807 RM 620 North, Zoning Case C 14r-85-135, Tract 1 from Interim "RR" Rural Residence District to "LO-CO" Limited Office District-Conditional Overlay Combining District; and Tract 2 from Interim "RR" Rural Residence District to "LO-CO" Limited Office District-Conditional Overlay Combining District. First reading: May 19, 1986; Vote 6-0, conditions met as follows: {a} Conditional

Overlay incorporates conditions imposed by Council as follows: (1) Development of the property shall be restricted to a floor to area ratio of .25 to 1. If the floor to area ratio is exceeded, then the site plan will require Planning Commission and City Council approval. However, the site plan will still retain its exemption from the Hill Country Roadway Corridor Ordinance. (2) Development of the property shall be restricted to a maximum impervious coverage of 50%. In the event the 50% impervious cover is exceeded, all reasonable alternatives must be exhausted by the applicant before a variance is approved. (b) Site Plan. Development restricted to that shown on the site plan attached as an exhibit to the ordinance. Comments: Planning and Development Department has advised that (1) the letter of credit for left turn storage on RM 620 is no longer applicable, since the State Department of Highway and Public Transportation has already constructed a turn lane on that segment of RM 620, and (2) the proposed collector street which would have intersected Sweet Basil Drive, was deleted by Council. (6-0 Vote, Councilmember Urdy absent)

#### CONSENT RESOLUTIONS

The Council, on Councilmember Carl-Mitchell's motion, Councilmember Humphrey's second, adopted the following resolutions all in one consent motion: (5-0 Vote, Councilmember Barnstone out of the room, Councilmember Urdy absent)

#### License Agreement

Approved a License Agreement for an existing private roadway crossing City-owned railroad right-of-way near Milepost 136.77 in Llano County. (Request submitted by Wanda Scott, Ralph Scott and David Scott)

#### Leasing Agreement

Approve leasing 5,520 square feet of shopping center space for the operation of a Utility Customer Services Field Office at 2011-E Riverside Drive.

#### Item Pulled

Pulled off the agenda was an item amending the Youth Sports resolution to limit participation to youth organizations utilizing fields within City limits or on City-owned land and authorizing the City Manager to enter into a special service contracts with designated youth organizations.

#### Contracts

Mallinckrodt, Inc. 675 McDonnell Blvd., St. Louis, Missouri, for contrast media for a total cost not to exceed \$36,849.00.

Byron Neely, M.D., 711 West 38th Street, Austin, Texas; Donald Patrick, M.D., Michael Dorsen, M.D., Edwin R. Buster, III, M.D., Marvin Cressman, M.D. and Ron Wilson, M.D. for neurosurgical services, for a total cost of \$300,000.00, for Brackenridge Hospital.

Contract award to University of Texas at Austin, College of Pharmacy, Austin, Texas, for clinical pharmacy services for a total cost of \$50,400.00.

Contract award to Weatherite of Austin, 4606 Burleson Lane, Suite 1, Austin Texas, Valdez Remodeling Co, 3702 Munson, Austin, Texas, Conservation Enterprise of Texas, Inc. 8304 Bridgetown Drive, Austin, Texas and AWG Construction, 4700 Loyola Lane, for weatherization assistance for low income electric utility customers in the total amount of \$360,000.00 - Environmental and Conservation Department.

Joe McDaniel Construction Company, Inc. 15203 Highway 71 East, Austin, Texas for the U.S. Hwy. 290 Segment of the F.M. 1826-U.S. Hwy. 290 Water Transmission Main project in the amount of \$317,371.00 - Department of Public Works and Transportation. C.I.P. No. 227774.

O'Neal Construction, Inc., 8711 Burnet Road, Suite A-19, Austin Texas for the construction of Fire Station No. 17 at 4128 South 1st Street in the amount of \$660,000.00 - Department of Public Works and Transportation. C.I.P. Project No. 837075.

Vicon Constructors, Inc, 509-B West Lynn, Austin, Texas for repair of the low water crossing bridge/Mansfield Dam in the amount of \$58,515.00 - Department of Public Works and Transportation.

Arnold Oil Company, 16176 E. 6th Street, Austin, Texas, for 6,000 gallons of antifreeze not to exceed \$37,800.00.

UEC Equipment Company, 341 N.W. 122nd Street, Oklahoma City, Oklahoma, for two utility Van Aerial Towers in the amount of \$73,966.00 - General Services Department.

American Darling Valve, Birmingham, Alabama, for Gate/Butterfly Valves in an amount not to exceed \$140,927.00 - Public Works and Transportation.

Erisa Administrative Services, Inc., 12325 Hymeadow Drive, Bldg. 4, Austin, Texas for Benefits Third Party Administrator - Law Department.

Approve \$34,236.00 to Cahaba Construction Co., for the Robert Mueller Municipal Airport Interim Terminal Improvements: Phase III.

(This passed on a 4-0 Vote with Mayor Pro Tem Shipman abstaining due to a conflict of interest, Councilmember Barnstone out of the room, Councilmember Urdy absent.)

#### Texas Legislature

Approved special City of Austin services for Texas Legislature. Mayor Cooke noted for the record: "Those services will be on an on-going basis with our Travis County delegation."

Grants

Authorized application for and acceptance of a grant for City of Austin Workplace Literacy Program from the Department of Education for the period October 1, 1990 through September 30, 1991 in the amount of \$24,290.00 - Federal grant funds.

Authorized application for and acceptance of a grant for Carver Library Intergenerational Literacy Project from the Department of Education for the period October 1, 1990 through September 30, 1991 in the amount of \$25,000.00 - Federal grant funds.

**FOOD AND BEVERAGE CONCESSION AT PALMER AUDITORIUM**

Council had before them for consideration a resolution to award a contract (RFP) to Volume Services, Inc., 222 N. LaSalle, Chicago, Illinois, for a food and beverage concession at Palmer Auditorium and City Coliseum - Parks and Recreation Department.

After hearing discussion and questions as to whether or not to hire a local firm or one from out of state, and just what the criteria should be, the following motion was made:

Motion

The Council, on Councilmember Barnstone's motion, Councilmember Humphrey's second, voted to rebid the contract and restructure criteria for restaurant and catering and not just concession experience. (7-0 Vote)

**CONTRACT - ABANDONED AND JUNKED VEHICLES**

The Council, on Mayor Pro Tem Shipman's motion, Councilmember Carl-Mitchell's second, adopted a contract award to Jimmy's Towing Service, 2800 East 1st Street, Austin, Texas for removal services of abandoned and junked vehicles not to exceed \$44,080.00. (7-0 Vote) (There was a tie bid and contract was awarded after the casting of lots.)

**PUBLIC HEARING - TAX ABATEMENT**

Mayor Cooke opened the public hearing set for 2:00 P.M. on establishment of guidelines and criteria governing tax abatement agreements and 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, Mayor Pro Tem Shipman's second, closed the public hearing on the guidelines and criteria. (6-1 Vote, Councilmember Barnstone voted No.)

Motion

The Council, on Councilmember Humphrey's motion, Mayor Pro Tem Shipman's second, voted to continue the public hearing on the reinvestment zone to November 9, 1989. (6-1 Vote, Councilmember Barnstone voted No.)

Motion

The Council, on Councilmember Humphrey's motion, Mayor Pro Tem Shipman's second, waived the requirement for three readings and finally passed an ordinance adopting the guidelines and criteria for tax abatement. (6-1 Vote, Councilmember Barnstone voted No.)

Motion

The Council, on Councilmember Humphrey's motion, Mayor Pro Tem Shipman's second, adopted a resolution electing to become eligible to participate in tax abatement. (6-1 Vote, Councilmember Barnstone voted No.)

**ITEM POSTPONED**

Postponed to November 11, 1989 is consideration of a resolution approving an agreement for selection of professional architectural services 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.

**PUBLIC HEARING - AMENDMENTS TO LAND DEVELOPMENT PROCEDURES**

Mayor Cooke opened the public hearing on adoption of amendments to the Land Development Procedures (Chapter 13-1) governing additions to buildings owned by independent school districts; revising notice and appeal provisions governing relocation and demolition permits.

No one appeared to be heard.

Mayor Pro Tem Shipman stated, before making a motion, "to direct the City Manager to direct staff to work with all of our school districts in setting forth a development process. It's very clear the likelihood of AISD having another bond election in the near future is very real. Eanes is expanding. Round Rock is expanding, Pflugerville is expanding and Manor will expand. All these school districts are within the corporate limits of the City of Austin and there seems to be confusion about the development process and jurisdiction issues. I think it would be helpful if we develop an agreement with each of the school districts, separately, because they are unique."

Motion

The Council, on Mayor Pro Tem Shipman's motion, closed the public hearing, waived the requirement for three readings and finally passed an

ordinance adopting amendments to the Land Development Procedures (Chapter 13-1) governing additions to buildings owned by independent school districts; revising notice and appeal provisions governing relocation and demolition permits. (5-0 Vote, Councilmembers Humphrey and Nofziger out of the room.)

**RECESS**

Council recessed from 3:36 to 3:47 P.M.

**PUBLIC HEARING - APPEAL**

Mayor Cooke opened the public hearing set for 3:15 P.M. on an appeal of the Electrical Board's decision to deny a request by Fred E. Martin for renewal (with penalty) of Master Electrical License.

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

**Motion**

The Council, on Mayor Pro Tem Shipman's motion, Councilmember Urdy's second, closed the public hearing and granted the reinstatement of Fred E. Martin for renewal (with penalty) of his Master Electrical License. (6-0 Vote, Councilmember Carl-Mitchell out of the room.)

**PUBLIC HEARING - AMARP AMENDMENT OF HARRIS BRANCH ROADWAYS**

Mayor Cooke opened the public hearing on Austin Metropolitan Area Roadway Plan (AMARP) AMENDMENT FOR HARRIS BRANCH ROADWAYS (C2-89-01). No one appeared to be heard.

**Motion**

The Council, on Councilmember Urdy's motion, Councilmember Nofziger's second, closed the public hearing and approved the amendment for Harris Branch Roadways as recommended by the Planning Commission. (6-0 Vote, Councilmember Humphrey out of the room.)

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

**ZONING DISTRICTS**

**Item Continued From Previous Meeting**

C14-89-0040 - MICHAEL McHONE, 611 West 22nd Street, from "GO-H" to "GO-MU-H".  
**RECOMMENDED. POSTPONED TO DECEMBER 7, 1989**

**Recommended by the Planning Commission, As Requested:**

C14-89-0046 EMERALD WRAY, by Planning and Development Department, 4605-4609 IH-35 North, from "GR" to "GR-CO". **RECOMMENDED** to grant "GR-CO". (This item is related to

case number C14r-87-087) ORDINANCE - Councilmember Carl-Mitchell's motion, Mayor Pro Tem Shipman's second, 7-0 Vote.

C14-89-0049 - DAVID CABELL, by Jeryl Hart, 2809-2903 Montopolis Drive, from "LI" to "GR". RECOMMENDED. ORDINANCE PASSED - Councilmember Urdy's motion, Councilmember Humphrey's second.

C14-89-0050 - YALE UNIVERSITY, by The Greater Austin Company, 11120 Research Boulevard, from "GR" to "CS-1". RECOMMENDED (Applicant Requests Emergency Passage of Ordinance) WITHDRAWN BY APPLICANT

C14-89-0051 - CROW-GOTTESMAN-SHAFFER #4, by Site Specifics, 3407 Wells Branch Parkway, from "GR" to "CS-1". RECOMMENDED (Applicant Requests Emergency Passage of Ordinance) EMERGENCY PASSAGE OF ORDINANCE - Councilmember Urdy's motion, Councilmember Humphrey's second, 7-0 Vote.

C14-89-0053 - CITY OF AUSTIN, by Parks and Recreation Department, 2910 Enfield Road, from "UNZONED" to "P". RECOMMENDED ORDINANCE PASSED - COUNCILMEMBER URDY'S MOTION, COUNCILMEMBER HUMPHREY'S SECOND, 7-0 VOTE.

C14-89-0054 - HAGOOD COMPANY, 7801 F.M. 969 Rd., from "CS" to "CS-1". RECOMMENDED PASSAGE OF ORDINANCE - Councilmember Urdy's motion, Councilmember Humphrey's second, 7-0 Vote.

C14-89-0055 - FAITH PRESBYTERIAN CHURCH, 1314 East Oltorf Street, from "SF-3" to "LO". RECOMMENDED ORDINANCE PASSED - Councilmember Urdy's motion, Councilmember Humphrey's second, 7-0 Vote.

Recommended by the Planning Commission, As Requested, With Conditions:

C14-89-0047 - DIAMOND SHAMROCK, by Bury & Pittman, Inc., 4415 Manchaca Road, from "LR" to "GR-CO". RECOMMENDED to grant "GR-CO" subject to the following conditions: (1) A limitation on uses to the range of LR, Neighborhood Commercial, uses allowed in the GR district plus a one-bay automatic car wash (a GR use); (2) An agreement authorizing a roll back to LR should one-bay automatic car washes become allowed in the LR district; (3) A 25-foot minimum set back, from the adjacent SF-3 property, for associated mechanical equipment and a 50-foot set back, from the SF-3 property, for the building; and (4) Car Wash operating hours will be from 7 a.m. to 10 p.m. PASSED ON FIRST READING ONLY - Councilmember Urdy's motion, Councilmember Humphrey's second, 7-0 Vote.

AMENDMENTS TO RESTRICTIVE COVENANTS

Recommended by the Planning Commission; As Requested

C14-80-192 - TEXAS COMMERCE BANK, by Clark, Thomas, Winters & Newton, 6001-6013 Techni Center Drive, RECOMMENDED. APPROVED - Councilmember Urdy's motion, Councilmember Humphrey's second, 7-0 Vote.

Not Recommended; Alternate Recommendation

C14-82-185 - AUSTIN FOREIGN LANGUAGE STUDIOS, by Scudder Properties, 4401 Gillis Street, NOT RECOMMENDED, ALTERNATE RECOMMENDATION to deny the request to amend a section of the restrictive covenant which provides for a roll-back to A, 1st H&A (SF-3) in the event the property is sold or the office use discontinues. AMEND RESTRICTIVE COVENANT BY DELETING CONDITIONS OF ROLL BACK RELATING TO SALE OF PROPERTY. (ROLL BACK TO SF-3 REMAINS IF OFFICE USE DISCONTINUES. APPROVE PLANNING COMMISSION RECOMMENDATION, ELIMINATE 90 DAY ROLL BACK. - Councilmember Carl-Mitchell's motion, Mayor Pro Tem Shipman's second, 5-1 Vote, Mayor Cooke voted No, Councilmember Humphrey out of the room.

Not Recommended

C14r-87-087 - EMERALD WRAY, 4605-4609 IH-35 North, NOT RECOMMENDED. (To be heard with C14-89-0046) To deny the proposed amendment to a restrictive covenant, which proposes to include uses that are currently prohibited. APPROVED - Councilmember Carl-Mitchell's motion, Mayor Pro Tem Shipman's second, 7-0 Vote.

Postponed Indefinitely

C14-89-0044 - CITY OF AUSTIN, by Planning and Development Department, 12188 Jollyville Road, from "PUD" to "NO", "SF-6". POSTPONED INDEFINITELY WITHDRAWN BECAUSE THE FOLLOWING CASE WAS TERMINATED

C814s-86-029 (C14-86-059) - SOUTHWEST SAVINGS, by Jim Nias, 12188 Jollyville Road, (To be heard with C14-89-0044) RECOMMENDED. TERMINATION APPROVED BY COUNCIL - Councilmember Carl-Mitchell's motion, Councilmember Urdy's second, 6-0 Vote, Councilmember Humphrey out of the room.

**EXECUTIVE SESSION**

Mayor Cooke announced Council would enter into executive session, pursuant to Article 6252-17, Texas Revised Civil Statutes Annotated, to discuss matters as follows. 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.

Pending Litigation - Section 2, Paragraph e

(b) City of Austin v. Dripping Springs, Texas

(c) Currington Associates, Inc. v. City of Austin

(d) International Association of Fire Fighters, Local 975 v. City of Austin

Legal Advice - Section 2, Paragraph e

(a) Seek legal advice on Convention Center Project Management contract negotiations

Land Acquisition - Section 2, Paragraph f

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



RECESS

Council recessed its meeting from 4:34 to 5:15 P.M.

INTERLOCAL AGREEMENT

The Council, on Councilmember Carl-Mitchell's motion, Mayor Cooke's second, approved an amendment to the Interlocal Agreement between the City of Austin and City of Dripping Springs, Texas. (6-0 Vote, Councilmember Nofziger out of the room.)

SETTLEMENT

The Council, on Councilmember Carl-Mitchell's motion, Mayor Cooke's second, Council, on Councilmember Carl-Mitchell's motion, Mayor Cooke's second, approved settlement for Currington Associates, Inc. v. City of Austin. (6-0 Vote, Councilmember Nofziger out of the room.)

ITEM TO BE CONTINUED

Mayor Cooke opened the public hearing to continue an appeal of the Planning Commission's decision to deny an appeal of an approved site plan for New Apostolic Church, 12906 Miles Avenue. After some discussion, Council unanimously approved continuing the public hearing to November 9, 1989 at 5:00 P.M.

PUBLIC HEARING - APPEAL

Mayor Cooke opened the public hearing set for 5:30 P.M. on an appeal of the Planning Commission's decision to deny an appeal of an administratively approved site plan for Jehovah's Witness Temple. Speaker's cards are on file in the City Clerk's office.

Motion

The Council, on Councilmember Carl-Mitchell's motion, Councilmember Urdy's second, closed the public hearing and DENIED the appeal. (7-0 Vote)

ITEM POSTPONED

Postponed to November 9, 1989 is the appointment of a task force to review financial disclosures and establish deadlines for the filing of such documents.

COMPREHENSIVE WATERSHED WAIVER

The Council, on Councilmember Carl-Mitchell's motion, Councilmember Humphrey's second, approved rescinding the Comprehensive Watershed Waiver for the Shellberg Tract. (7-0 Vote)

#### COMMUNITY GRANTS

Council received an update from staff on requested performance standards for community grants.

#### PUBLIC HEARING - NON-PHYSICAL ELEMENTS OF AUSTINPLAN

Mayor Cooke opened the public hearing on Non-physical elements of the AustinPlan. Speaker's cards are on file in the City Clerk's office.

#### Motion

The Council, on Councilmember Carl-Mitchell's motion, Councilmember Urdy's second, voted to close the public hearing. (4-0 Vote, Councilmembers Humphrey, Barnstone and Nofziger out of the room.)

#### CONVERSION OF MUELLER AIRPORT AFTER CLOSURE

The Council, on Councilmember Carl-Mitchell's motion, Mayor Cooke's second, instructed the City Manager to develop an action plan for Council consideration to address the conversion of Robert Mueller Airport after closure. (5-0 Vote, Councilmmbers Urdy and Nofziger out of the room.)

#### MANOR AIRPORT PROJECT

The Council, on Councilmember Carl-Mitchell's motion, Mayor Cooke's second, instructed the City Manager regarding the public/private joint venture for financing selected portions of the Manor airport project. (4-0 Vote, Councilmembers Urdy, Barnstone and Nofziger out of the room.)

#### EXECUTIVE SESSION

Mayor Cooke announced Council would enter into Executive Session, pursuant to Article 6252-17, Texas Revised Civil Statutes Annotated, to discuss the following matter. 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  
(a) Performance evaluation and review of Municipal Court Judges.

#### RECESS AND ADJOURNMENT

Council recessed its meeting from 6:45 to 9:08 P.M. No action was taken as a result of the executive session and the meeting was adjourned at 9:09 P.M.