



Austin City Council MINUTES

For OCTOBER 24, 1985 - 1:00 P.M.

Council Chambers, 307 West Second Street, Austin, Texas

City Council

Frank C. Cooksey
Mayor

John Treviño, Jr.
Mayor Pro Tem

Council Members
Mark Rose
Smoot Carl-Mitchell
Sally Shipman
George Humphrey
Charles E. Urdy

Jorge Carrasco
City Manager

Elden Aldridge
City Clerk

Memorandum To:

Mayor Cooksey called to order the meeting of the Council, scheduled for 1:00 p.m. at 1:35 p.m., noting the presence of all Councilmembers.

MINUTES APPROVED

The Council, on Councilmember Carl-Mitchell's motion, Councilmember Humphrey's second, approved the minutes for regular meeting of October 17, 1985 and special meetings of October 14 and 16, 1985. (4-0 Vote, Councilmember Urdy and Rose and Mayor Pro Tem Trevino out of the room.

RECESS

Council recessed its meeting from 1:38 p.m. to 1:40 p.m. for the Austin Development Corporation meeting.

CITIZEN COMMUNICATIONS

The following people spoke during Citizen Communications: Mr. Paul Hernandez, CDBG program; Mr. Crail Alter, Lower Watershed Moratorium; Ms. Dorothy Turner talked about prostitution and the Austin Police Department; Mr. Paul Ronda discussed the Police Department; Rev. J. Fontaine III, did not appear; Ms. Susan Richardson talked about the Austin Police Department; Mr. Marvin Wilford discussed the Police Department of Brackenridge Hospital; and Mr. Bob Garrett talked about police issues.

Ms. Rose Lancaster had appeared during proclamation reading and presented a package of Extend-A-Care Christmas cards to members of the Council.

CONSENT ORDINANCES

The Council, on Councilmember Urdy's motion, Councilmember Carl-Mitchell's second, waived the requirement for three readings and finally passed the following ordinances in one consent motion: (7-0 Vote)

Budget Amendments

Amended the FY 1985-86 Operating Budget by:

- a. Accepting a Texas Commission on the Arts Grant in the amount of \$15,000.00 for five service organizations called umbrellas (Austin Dance Umbrella, Music Umbrella, Austin Contemporary Visual Arts Association, Austin Writers League and Austin Circle of Theaters) to be used for technical assistance.

Exemption of Parking Fees by former POW's

Amended Chapter 11-2, Code of the City of Austin, by adding a new Section 11-2-153, establishing an exemption from the payment of parking fees by former prisoners of war.

Item Postponed

Postponed until October 31, 1985 consideration of amending Article IV of Chapter 8-3 and Section 9-1-4 of the Austin City Code of 1981, establishing for the issuance of permits for the operation of archery ranges and facilities where firearms are discharged authorizing the discharge of firearms at an approved facility.

Sale of Beer and Mixed Beverages

Approved an ordinance amending Section 8-2-6(a), Code of the City of Austin, 1981, relating to the hours of sale of beer and mixed beverages.

Unlawful Riding on Vehicles

Amended Section 11-2-10, Code of the City of Austin, 1981, relating to the offense of the Unlawful Riding on Vehicles.

Sign Design

Amended Section 13-13-4(a) to remove the requirement that structural members used in the construction of signs be designed for a factor of safety of six (6) and in its place, substitute wording which requires that the structural members of the sign be designed in accordance with Building Code of the City of Austin as amended.

Food Manager Certification Fee

Amended Section 6-5-5(h) of the 1981 Austin City Code to exempt public school systems from payment of the Food Manager Certification Fee.

Rate of Fare for Laidlaw Transit, Inc.

Ratified a rate of fare of \$21.32 per hour for the Laidlaw Transit, Inc. shuttle bus system.

Ratified a 5% increase in the rate of fare for the Laidlaw Transit, Inc. charter bus system.

Item Pulled

Pulled from the agenda was an ordinance enacting interim development controls along RR 2222, RR 2244, RR 620 and Highway 71 until November 14, 1985.

Lawn Sprinkling Equipment

Amended Ordinance No. 851003-J stating the method for assessing Capital Recovery Fees for separate metering for automatic lawn sprinkling equipment.

Zoning Ordinances

Amended Chapter 13-2 and 13-2(A) of the Austin City Code (Zoning Ordinance) to cover the following changes:

WEIL, BRABAND
& MUFREE
By Terry Irion
C14-84-225

7044-7118
FM 2244

From Interim "SF-2"
to "LR"

Heard and granted November 8, 1984 (6-0 Vote). Councilmember Rose out of the room at roll call. Conditions have been met as follows:
(1) Right-of-way on St. Stephens School Road has been conveyed by Street Deed; (2) Access restricted to FM 2244.

Withdrawal of ETJ

Approved withdrawing ETJ from Burnet County.

Approved disannexing land in Hays County and withdrawing ETJ in conflict with ETJ claimed by the City of Dripping Springs.

OPERATING BUDGET AMENDMENT

The Council, on Councilmember Urdy's motion, Councilmember Carl-Mitchell's second, adopted a resolution amending the FY 1985-86 Operating Budget by accepting a Texas Commission on the Arts Grant in the amount of \$25,000.00 to be used to create a week long City-wide Arts Festival. (7-0 Vote)

HARLEM CAB COMPANY

The Council, on Councilmember Urdy's motion, Councilmember Carl-Mitchell's second, adopted a resolution approving the sale of stock in the Harlem Cab Company, Inc. (7-0 Vote)

METROPOLITAN GOVERNMENT

The Council, on Mayor Pro Tem Trevino's motion, Councilmember Shipman's second, passed through FIRST READING ONLY of an ordinance amending the FY 1985-86 Operating Budget by appropriating \$95,878.00 to the Legal Department to provide the City's share of funding for the Consultant Study for Metropolitan Government Commission. (4-3 Vote, Councilmembers Carl-Mitchell, Humphrey and Rose voted No.)

The Council, on Mayor Pro Tem Trevino's motion, Councilmember Shipman's second, adopted a resolution approving a contract in the amount of \$147,960.00 with Wolfe and Associates, Inc. for the provision of consultant services related to the City of Austin and Travis County Services Consolidation. 4-3 Vote, Councilmembers Carl-Mitchell, Humphrey and Rose voted No.)

HOSPITAL BOARD

The Council on Councilmember Carl-Mitchell's motion, Councilmember Rose's second, waived the requirement for three readings and finally passed an ordinance amending Section 6-3-26 of the Austin City Code as approved on May 6, 1985 for the purpose of authorizing the Hospital Board to meet in closed or executive meeting or session when considering matters pertaining to medical staff membership and privileges. (7-0 Vote).

ITEM POSTPONED

Postponed until October 31, 1985 is consideration of amending the Northwest Area Land Use Guidance Plan by establishing a corridor for higher intensity uses and providing a method for determining equivalent uses.

ZONING

Council had before them for consideration the amendment of Chapter 13-2 and 13-2(A) of the Austin City Code (Zoning Ordinance) to cover the following changes:

DANNY M. WOMACK
By Brad Burns
C14-84-013

MoPac (proposed)

From Interim "I-SF-3"
to "GO"

Heard and granted on September 27, 1984 (5-2). Conditions have been met as follows: (1) Deed dedicating 20.95 acres of land as parkland has been executed and delivered; (2) letter of credit securing payment of \$50,000.00 toward construction of hike and bike trail improvements has been received; (3) applicant has executed agreement to fund equipment necessary to monitor water quality and maintain stormwater runoff control facilities; (4) development restricted to site plan attached as Exhibit "A" to ordinance.

Motion

Councilmember Rose made a motion, seconded by Mayor Pro Tem Trevino to approve the zoning change.

Substitute Motion

Councilmember Carl-Mitchell made a substitute motion, seconded by Councilmember Humphrey to grant "LO" office zoning on the 9.344 acre tract as described in the ordinance in the back-up material, first reading only, subject to a limit on the floor area ratio of no development more than .2 and that also, any proposed development will be subject to the site plan review approval as required by PRA provisions in the Austin Zoning Ordinance.

Councilmember Shipman asked the applicant to respond to the substitute motion. "I did not support the variance and I have been informed by the City Attorney that the variance is tied to the zoning and so there would be no variance in the Barton Creek Watershed Ordinance if the zoning is denied and I did not support the zoning last year when we voted on it. What is critical to me if we are to seriously consider the substitute motion is that a variance should be for either equal or better circumstances if the ordinance were enforced literally. Based on what information I have, the conditions that you have already tied to the zoning, the deed you have delivered & the letter of credit you have supplied the city and the zoning proposed by Mr. Carl-Mitchell would meet that criteria. What I would like to know, would you volunteer the same set of conditions with the "LO" zoning?"

Don Holcomb, representing the applicant, stated, "We are unwilling to agree to any different zoning or restrictions on the use of our property other than what was covered by the public hearing last September, 1984."

Conversation followed concerning the legality of changing

zoning which was approved by a previous Council, without the benefit of the whole procedure of public hearings before the Planning Commission and the City Council.

Paul Isham, City Attorney, stated: "Normally when the Council hears a zoning case and conditions are placed on the zoning, the ordinance is not brought before the Council until the conditions are met by the applicant. The meeting of the conditions amounts to providing the necessary documentation to the City, but in this case, where there is a dedication of parkland, even though the City has a deed to dedicate that land to us, we have not recorded that deed, so certainly that deed can be returned and that would not have been effectuated. Likewise the letter of credit can be returned although I am sure there has been some expenditure on behalf of the applicant for securing that letter of credit because it was effective on a certain date and has been effective for some time. Certainly the conditions would not be applicable and not be implemented. With regard to the variance, if the project requires a variance to comply with the watershed ordinance then that would still be an applicable condition.You haven't voted on this yet but if the question is really did the action of the Council in September of 1984 grant the zoning, my answer to that is no because it was not adopted on that date and therefore there has not been a change of zoning until the Council action adopts the ordinance. As you recall the applicants have made the argument that you are estopped from denying the zoning because of the action they have taken pursuant to the variances that were final action in September of 1984. We do not necessarily agree with that argument, but at the same time we cannot tell the Council that if they brought a suit and maintained that as an allegation that it would be impossible for them to win under those circumstances. We think it is difficult for them to win. We think that the current state of the law is such in regards to the argument of estoppel the courts have taken a position that has been unusual circumstances the court will declare that the City is estopped from in this case not requiring the zoning as visioned in September of 1984 but that argument was made and there is some possibility that the applicant will prevail on that argument."

Councilmember Urdy said the proposed motion "is totally inappropriate. I think to pass a zoning ordinance, by any Council, at any time and to set out the conditions that must be met by a citizen of this City and then they go out and meet these conditions and then come back, after having done that, and then without any reason as far as I know, change that. I think that is wrong for Council to take that kind of action. I do not think it does anything positive for the City or this Council." Mayor Cooksey pointed out that this is a new Council. Councilmember Rose said it was a technicality that the ordinance was not passed because conditions were not met. "It went through Planning Commission, we had a hearing, and new Councilmembers should not make a change because the former Council's word was given with the negotiated process." Councilmember Rose went on to say there has been no public hearing on "LO" zoning, that this is just the personal desire of four members on the Council and "it's not right".

Mayor Pro Tem Trevino said he agrees with Councilmember Urdy. He said the present Council hasn't even heard the case and "We need to honor the word of the City Council who was in power at the time the zoning case was heard."

Roll Call on Substitute Motion - FAILED

3-4 Vote, Councilmember Shipman, Urdy, Mayor Pro Tem Trevino and Councilmember Rose voted No.

Roll Call on Motion - FAILED

3-4 Vote, Councilmember Shipman, Mayor Cooksey, Councilmembers Carl-Mitchell and Humphrey voted No.

Since both motions failed, no action was taken by Council.

RECESS

Council recessed at 4:00 p.m. and resumed its recessed meeting at 4:20 p.m.

INTERIM DEVELOPMENT CONTROLS

Councilmember Shipman presented to Council an ordinance enacting interim development controls in the Oak Hill/Upper Williamson Creek area. Andy Martin, Assistant City Attorney, said this will permit projects no one has any problems with to be processed.

Motion

Councilmember Shipman made a motion, seconded by Councilmember Carl-Mitchell to approved the ordinance with amendment.

John Joseph, representing Nash Phillips Copus, said there has been no public input into this and under the ordinance their property would go from "NO" to "SF-6".

Friendly Amendment - Not Accepted

Councilmember Humphrey offered a friendly amendment to show Mr. Joseph's client's property as undeveloped. Councilmember Shipman did not accept the friendly amendment.

Roll Call on Motion - FAILED

2-5 Vote, Mayor Cooksey, Mayor Pro Tem Trevino, Councilmembers Humphrey, Rose and Urdy voted No.

MAYOR'S TASK FORCE ON CHILD CARE REPORT

Jeannete Watson, chairman, Task Force on Child Care, presented their final report. She said child care costs from \$200.00 a month for a pre-school child, to \$400.00 a month for an infant. There is a large turnover of child care workers which impedes competent care for young children. "We believe Austin is faced with a challenge of taking a fragmented system of child care and making an integrated mosaic to insure the healthy growth of Austin children..... The recommendation of this task force is for a commission on child care which will carry forth the work of the task force to upgrade quality. Also the Commission would implement a plan that addresses reduction of staff turnover and allows child care to be acceptable and affordable to the parents who need it. We propose this commission would be composed of 15 members appointed by the Mayor and City Council. The Commission would be supported by an advisory committee structure whose purpose would be to broaden community involvement and provide the expertise and technical assistance to the commission made up of child care providers, educators, employers, community representatives parents, regional government, etc. In addition to advisory committees the work of the commission would be supported by staff funded through a private and public partnership. Major purpose of the commission is to implement the recommendations of the task force. Among those is to create a data base for the purpose of planning marketing support and the improvements of high quality child care. Also to authorize a training resource center which would coordinate all of the training resources in the community and make them available to not only care givers, but to parents." She said they also recommend an employer's advisory committee to help heighten employers awareness of their employees child care needs in the community. There should also be a liaison between appropriate city departments such as health, fire and police with Texas Department of Human Services licensing staff. Mrs. Watson said they recommend a way to pay for child care in Austin and for keeping quality staff. Mrs. Watson asked Council to accept the report, enabling the establishment of a child care commission. She said they have support from private sources to fund the commission the first year and perhaps for the second and third years.

Mayor Cooksey said Council would act on an ordinance next week and in the meantime, instructed the City Manager to assist the task force in anything which might be done to help them, particularly in the area of furnishing a part time person to support the commission.

BLUE RIBBON ETHICS COMMISSION REPORT

Frances McIntyre presented the Blue Ribbon Ethics Review Committee report regarding recommended ethics and financial disclosure ordinance.

TOWN LAKE CORRIDOR TASK FORCE

Ray Reece, chairman of Town Lake Corridor Task Force, presented a report on the Town Lake Corridor Study. He said they had made an in-depth presentation to Council at their work session on October 22, 1985. Mr. Reece said they had a slide presentation for Council. Mr. David Reed, of the Parks Department, narrated the slide show. Among the points made with the slides was that buildings should conform with space in regard to bulk and mass. Mr. Reece said the water should be used more and cultural facilities in the corridor need to be considered.

Mr. Reece said there are three actions they would like Council to take, hopefully in the next three or four weeks: Creation of three mandatory comprehensive planning districts within the corridor; creation of voluntary comprehensive planning district; and establishment of a permanent waterfront planning advisory board. "We have asked you in our letter of transmittal to consider three different action requests: 1. Adopt the study in principle; 2. Give us a 30 day extension of our lease on life to complete the waterfront overlay zones, including an extension of the moratorium only on waterfront properties and even there we are suggesting that developers and private interests who want to go on with projects that would be continued under the moratorium may do so if they voluntarily comply with the guidelines as they have developed thus far. We have already recommended waivers and exceptions for a couple of projects. There is no intent to hold up any seriously impending projects; 3. Instruct the City staff to continue its efforts.

Mayor Cooksey stated, "Hopefully we will be able to implement the things you have suggested and move forward based on your recommendations. I had prepared a resolution today to do some implementing right on the spot, here, but we didn't get it posted under resolutions so we will have to wait until next week. But we will move into it very quickly and rapidly."

REPORT NOT GIVEN

The Electric Utility Commission report which was scheduled, was not presented.

ITEM PULLED

Consideration of approving the action of the Austin Industrial Development Corporation modifying the "Procedures for Receiving and Approving Applications" was pulled from the agenda.

CONSENT RESOLUTIONS

The Council, on Councilmember Rose's motion, Mayor Pro Tem Trevino's second, adopted the following resolutions in one consent motion: (7-0 Vote)

Release of Easements**Authorized release of easements:**

- a. A portion of an electric and telephone easement recorded in Volume 8854, Page 896, of the Travis County Real Property Records and located on Lot 35, Copperfield Section Two-C, 1213 Silverton Court. (Request submitted by Nash Phillips/Copus, Inc.)
- b. The 10' sanitary sewer and drainage easement on Lot 2, Sweetbrush, 2402 Sweetbrush Drive. (Request submitted by McGray Lane Surveyors, Inc. on behalf of Tom & Jennie Link.)

Contracts Approved**Approved the following contracts:**

- | | |
|--|--|
| a. CBI NA-CON, INC.
P. O. Box 41146
Houston, Texas | - CAPITAL IMPROVEMENTS PROGRAM -
Construction of the Northwest A
Pressure Zone Reservoir (Martin
Hill Reservoir) Water and Waste-
water Utility Department - Total
\$6,154,000.00 C.I.P. No. 76/22-27 |
| b. FINWAY, INC.
3517 North Frazier
Conroe, Texas | - CAPITAL IMPROVEMENTS PROGRAM -
Construction of Overhead Electric
Distribution Facilities at Falwell
Lane east to the sewer plant,
Electric Utility Department -Total
\$37,760.95 C.I.P. No. 85/14-02. |
| c. POWER ENTERPRISES
Power Structures Division
2704 Engineers Road
Belle Chase, Louisiana | - CAPITAL IMPROVEMENTS PROGRAM -
Fabricated Structural Steel,
Electric Utility Department
Items 1-15 - \$82,625.00 C.I.P.
No. 85/16-08 |
| d. SIEMENS-ALLIS, INC.
12200 Northwest Freeway, Suite 415
Houston, Texas | - CAPITAL IMPROVEMENTS PROGRAM -
138 Circuit Switcher, Electric
Utility Department
Item 1 - \$29,685.00 C.I.P. No.
85/16-05 |

- e. Bid award:
- CAPITAL IMPROVEMENTS PROGRAM -
Pad Transformers, Electric
Utility Department - Total
\$455,829.00 C.I.P. No. 86/15-02
 - (1) TECHLINE, INC.
8750 Shoal Creek Boulevard
Austin, Texas - Items 1, 2, 3, - \$150,550.00
 - (2) TEMPLE, INC. (WEE)
3900-J Drossett
Austin, Texas - Item 5 - \$63,792.00
 - (3) POWER SUPPLY OF AUSTIN
1616 West 5th Street
Austin, Texas - Items 4 & 6 - \$145,583.00
 - (4) GENERAL ELECTRIC SUPPLY CO.
3101 Longhorn Boulevard, #116
Austin, Texas - Items 7 & 8 - \$95,904.00
- f. ELECTRIC UTILITY CONSTRUCTION CO. - CAPITAL IMPROVEMENTS PROGRAM -
5401 South Sheridan Construction of Overhead Electric
Tulsa, Oklahoma Distribution Facilities at Redbud
Trail Northeast to Davenport Ranch,
Electric Utility Department - Total
\$74,736.77 C.I.P. No. 85/14-02
- g. CLEARWATER CONSTRUCTORS - CAPITAL IMPROVEMENTS PROGRAM -
16021 North I.H. 35 Construction of Clearwell No. 2
Round Rock, Texas at the Albert H. Ullrich Water
Treatment Plant, Water and
Wastewater Utility Department
Total \$5,193,000.00 C.I.P. No.
73/22-98
- h. PUFFER-SWEIVEN, INC. - CAPITAL IMPROVEMENTS PROGRAM -
4230 Greenbriar Drive Two (2) Plant Performance and Data
Stafford, Texas Acquisition Systems, Electric
Utility - Total \$299,589.00 C.I.P.
No. 81/12-04
- i. AMERICAN CYANAMID - 1470 Tons of Liquid Alum, Water &
1623 Post Oak Wastewater Department
Houston, Texas Item 1 - \$242,550.00 86-0009-QM
- j. Bid award: - Tires and Tubes, Vehicle &
Equipment Services Department
Twelve (12) Month Supply Agreement
Total \$572,695.00 85-0444-JB

- (1) GOODYEAR TIRE & RUBBER CO. - Bid groups - 1, 3, 5, 7, 8, 12, 13,
c/o Walker Tire Company 14, 15, 17
6026 North Lamar
Austin, Texas
- (2) YOUNGELOOD GENERAL TIRE - Bid groups - 2, 6, 9, 10, 11, 16
506 North Lamar
Austin, Texas
- k. HAWORTH, INC. - Modular Office Furniture, Office
Houston Division of Land Development Services and
6807 One Oak Planning & Growth Management
Austin, Texas Total \$624,604.35 85-S967-FW
- l. CRAWFORD & COMPANY - Administrative Services for
2211 South IH-35, Suite 204 City of Austin Workers' Compens-
Austin, Texas ation Program, Personnel Department
Twelve (12) Month Contract
Total \$160,800.00 85-S541-LI

West Bull Creek Wastewater System

Authorized the execution of the agreement regarding the construction of improvements to the City of Austin's wastewater system in the West Bull Creek area.

State Department of Highways Agreement

Approved an amended Municipal Agreement with the State Department of Highways and Public Transportation and authorization to enter into the revised agreement, deleting Item 11 of contract.

Older Worker Employment Program

Authorized submission of a grant application to the Texas Department of Community Affairs in the amount of \$400,000.00 to fund a joint venture project entitled "The Older Worker Employment Program".

Designating a Development Area

Amended City Council Resolution dated June 13, 1985 entitled "Designating a Development Area" to meet a request to the Texas Economic Development Commission.

Designated certain areas "Development Areas" as requested by the Texas Economic Development Commission.

FLOOD DETENTION FACILITIES

Approved acquisition of a 7.548 acre tract of land located in the 9200 block of U.S. Highway 183 (Research Blvd.) for purpose of Loop 1 and Hwy. 183 interchange right-of-way and flood detention facilities. CAPITAL IMPROVEMENTS PROGRAM 85/62-01, on Councilmember Humphrey's motion, Councilmember Rose's second, (7-0 Vote).

GOLF COURSE PROJECT

(Mayor Cooksey had conflict of interest and left the dais for the discussion and vote.)

The Council, on Councilmember Humphrey's motion, Councilmember Rose's second, adopted a resolution approving Roy Bechtol and Jay Morish : professional architectural services in connection with the golf course project. CAPITAL IMPROVEMENTS PROGRAM No. 85/89-05. (\$190,800.00) (6-1 Vote, Councilmember Shipman voted No.)

TRANSPORTATION SYSTEMS MANAGEMENT STUDY

The Council, on Councilmember Rose's motion, Mayor Pro Tem Trevino's second, adopted a resolution approving Barton Aschman Associated, Inc. for professional engineering services associated with Transportation Systems Management Study (TSM) Phase II, CAPITAL IMPROVEMENTS PROGRAM No. 85/62-56 (\$170,000.00). (7-0 Vote)

SUPPLEMENTAL AMENDMENT TO CONTRACT

Approved a proposed Supplemental Amendment No. 3 to the existing Professional Services Agreement between the City of Austin and Espey, Huston & Associates, Inc. CAPITAL IMPROVEMENTS PROGRAM No. 85/13-06, 85/13-03, 85/13-10, 85/13-15, 85/13-03, 85/13-11, 85/13-12, 85/13-04, 85/13-08, 85/13-09 (\$1,044,000.00) by adopting a resolution on Councilmember Rose's motion, Mayor Pro Tem Trevino's second, 7-0 Vote.

CONTRACT POSTPONED

Postponed until October 31, 1985 consideration of a contract to CBI NA-CON, INC. for construction of the Northwest A Pressure Zone Reservoir (Martin Hill Reservoir) Water and Wastewater Utility Department - Total \$6,154,000.00 C.I.P. No. 76/22-27.

APPROACH MAINS

The Council, on Councilmember Rose's motion, Councilmember Carl-Mitchell's second, approved the following approach mains:

NOTE: The amount of LUE's approved for wastewater commitment does not guarantee service in the event that the flows to affected Treatment Plants exceed legally permitted flows; and does not imply commitment for land use. (Water and Wastewater Commission Recommended Approval)

- a. 637 Beard Ranch Water A.M.
- b. 638 Beard Ranch Wastewater A.M.
- c. 691 Park West Water A.M.
- d. 692 Park West Wastewater A.M.
- e. 700 FM 2222 Joint Venture Tract Water A.M.
- f. 701 FM 2222 Joint Venture Tract Wastewater A.M.
- g. 702 Park 22 Water A.M.
- h. 703 Park 22 Wastewater A.M.
- i. 719 Bella Vista Office Park Wastewater A.M.
- j. 729 Glen Lake IV Water A.M.
- k. 730 Glen Lake IV Wastewater A.M.
- l. 738 McAdams Tract Wastewater A.M.
- m. 746 Jim Beard Tract Water A.M.
- n. 747 Jim Beard Tract Wastewater A.M.
- o. 764 Hart Tract & Montandon Ranch Water A.M.
- p. 765 Hart Tract & Montandon Ranch Wastewater A.M.
- q. 776 Canyon Park Water A.M.
- r. 777 Canyon Park Wastewater A.M.
- s. 793 Engeling Tract Water A.M.
- t. 794 Engeling Tract Wastewater A.M.
- u. 845 Red Oak Plaza Water A.M.
- v. 846 Red Oak Plaza Wastewater A.M.

EXECUTIVE SESSION

Mayor Cooksey announced Council would recess for executive session to discuss the following. No official action of the City Council will be taken on any of these matters unless item is specifically listed on the agenda.

- a. Pending Litigation, including but not limited to:
 - (1) United South Austin vs. City of Austin - Section 2, Paragraph e.
 - (2) City of Austin vs. City of Bastrop, CA 18,056, 21st Judicial District Court, Bastrop County, Texas - Section 2, Paragraph e, (Resolution on this matter may be considered by the City Council in this public meeting after the conclusion of the Executive Session.)
 - (3) Lease of Real Property - Municipal Office Complex - Section 2, Paragraph f.
 - (4) Land Acquisition - Section 2, Paragraph f.

RECESS - Council recessed for executive session at 6:35 p.m. and resumed its recessed meeting at 7:55 p.m.

COOPERATION AGREEMENT WITH BASTROP

The Council, on Councilmember Rose's motion, Councilmember Carl-Mitchell's second, waived the requirement for three readings and finally passed an ordinance withdrawing ETJ in conflict with ETJ claimed by the City of Bastrop. (6-0 Vote, Mayor Cooksey out of the room.)

The Council, on Councilmember Rose's motion, Councilmember Carl-Mitchell's second, adopted an inter-local cooperative agreement with the City of Bastrop. (6-0 Vote, Mayor Cooksey out of the room.)

PUBLIC HEARING - OFF STREET PARKING LOADING REQUIREMENTS

Mayor Cooksey opened the public hearing set for 3:00 p.m. on an amendment to Chapter 13-2(A) (Zoning Ordinance) Table 5790, Off-Street Parking and Loading requirements for Public and Private Secondary Educational Facilities. Marie Gaines said this is to provide for 1½ spaces for each member of faculty and staff and one space for every three students.

No one appeared to be heard.

Motion

The Council, on Councilmember Shipman's motion, Councilmember Rose's second, closed the public hearing, waived the requirement for three readings and finally passed an ordinance amending Chapter 13-2(A) (Zoning Ordinance) Table 5790, Off-Street Parking and Loading Requirements for Public and Private Secondary Educational Facilities. (6-0 Vote, Mayor Cooksey out of the room.)

PUBLIC HEARING - REVISED ZONING REGULATIONS

Mayor Cooksey opened the public hearing set for 3:30 p.m. on an amendment to Section 4702 of Chapter 13-2(A) (Revised Zoning Regulations) to provide for the application to compatibility standards to property adjoining property with both residential and non-residential uses.

No one appeared to be heard.

Motion

The Council, on Councilmember Rose's motion, Councilmember Humphrey's second, closed the public hearing, waived the requirement for three readings and finally passed an ordinance amending Section 4702 of Chapter 13-2(A) (Revised Zoning Regulations) to provide for the application to compatibility standards to property adjoining property with both residential and non-residential uses. (6-0 Vote, Mayor Cooksey out of the room.)

CITY MANAGER REPORTS

City Manager Carrasco told Council they had his written report on Halloween on 6th Street and there was no further discussion. The report on Social Services Office Facility/Complex Feasibility Study will be given on November 7th, 1985 and the report on CBD Parking Management Study will be given on November 7, 1985.

PUBLIC HEARING - TRANSFER OF DEVELOPMENT RIGHTS IN THE CAPITOL VIEW CORRIDORS

Mayor Pro Tem Trevino opened the public hearing set for 3:45 p.m. on amendment of zoning ordinance providing for transfer of development rights in the Capitol View Corridors.

Marie Gaines, OLDS, stated, "The purpose of this amendment is to allow proposed projects located within the CDB and DMU zoning districts to transfer gross floor area to another site. The receiving site must be located within the Central Business District or downtown in a mixed use zoning district. In addition the FAR and height can exceed no more than 30% of the base district regulations either the CBD or DMU zones. Projects falling under this proposed ordinance also must apply for the transfer by November 30, 1985. Approvals must be obtained by December 31st. This date is the same as State Legislation. In addition the owner has, under this ordinance, up to 36 months to utilize the transfer. The Planning Commission and staff recommend to you the approval of this ordinance. The Commission had recommended that the filing date be extended to the 31st. At that time they were not given the necessary information to point out to them that the State legislation is December 31 when those things expire, so we would recommend that the ordinance remain November 30. In addition to that, today Mr. Jerry Weintraub and Mr. Terry Bray pointed out to us language that would clarify this amendment and it is minor. We have no problems with the proposed amendments, the first of which is on page 2 of the proposed draft. It would add the third paragraph, last sentence, receiving lot may also be part of the donor lot. In other words, the transfer could occur on the receiving lot as well so it would be just an adjustment within the building. The second change would be on page 3, on which there are five changes noted. They are minor but would clarify the intent. It would be to delete under the paragraph following Item 5, the first sentence reads, 'The director shall deny the application for transfer development rights if an application for a conforming building', and we would like to delete 'conforming building' and add the words 'transfer development right as defined in the provisions 1-5 above'. The other two items would be in Paragraph C, noting that the section may be used to increase the gross floor area and height. The final one is, under designation of receiving lot, the owner or authorized agent of the owner of proposed receiving lot shall file the application required by Section 6131 and 6132. Those provisions have not yet been adopted. They are proposed under the new 90 day ordinance amendments that are being considered by the Commission and we will delete those provisions and say 'applicable sections' when and if they come forward

to you and you approve them for consideration."

Councilmember Shipman made a motion to approve with amendments as read by Ms. Gaines. Ms. Gaines said there were two people who had wanted to appear and were out of the Council Chamber. Mayor Pro Tem Trevino said the Council would come back to this subject later.

LATER IN THE DAY:

Terry Bray said he was happy Ms. Gaines had clarified the ordinance. "We have three additional items we wanted to bring to your attention. This is all growing out of the Capitol View Corridors which was heard last year and is intended to address the opportunity to mitigate damages to those people whose properties are located within the view corridors and who are impacted so they cannot develop those properties as they otherwise would be allowed under existing rules and regulations, solely because of the view corridor impact. Our feeling was that impacted land owners should have an opportunity to be mitigated and the City should aggressively try to mitigate that impact. The three changes are intended to address the concern. First, we would suggest in Paragraph C a concept that would allow in the event a single site is impacted by the view corridor, in part, and in part not impacted by the view corridor, that you allow a site development agreement to be brought to you that might permit increases in both height and FAR on the portion of the lot that is not impacted by the view corridor so as to allow a transfer on that same site that would accomplish the same overall development right that otherwise existed but simply re-arrange those development rights in a way that protected the Capitol view corridor. It would be subject to a site development agreement that would be processed through the Planning Commission and to the Council so that it would not be a blank check it would be an opportunity for an impacted owner to bring that plan to you to show how the existing approved development rights of that site could be re-arranged so that additional height and FAR of one part would offset the loss of height and FAR on the other part. We have discussed this with staff and understand staff has no problems with the concept but did not feel they could recommend that as part of the original package since it was not in the original ordinance for you tonight. The other two items involve a provision in the definition that excludes as a receiving lot any lot that is located within a national register district. We understand the concern there has primarily been one from the Landmark Commission. We think a more appropriate approach would be to require that any transfer into a lot that was within that district meet all requirements of the district and again be reviewed and subject to a site development agreement. But we could not see any reason to exclude that class of lots being receiving lots by definition as distinct from examining them on a case by case basis. Many of those lots are caught within a district that those lots have no particular direct relation to the district other than being within it. It may be a problem, often it will not be a problem to allow that as a receiving lot, therefore our suggestion is that a provision be added that would allow the transfer to a receiving

lot located in a national register district. If that were subject to a site development agreement, which had been recommended, or reviewed by the Landmark Commission prior to coming to Planning Commission and Council. And the last paragraph of your proposed ordinance, Paragraph E, now has an absolute cut-off date. Any transfer rights which are not used within three years terminate and go. The justification for that is that State law presently provides an expiration date of three years. It is possible that mitigation will become something of importance and the State law will be extended. We had suggested that staff consider making that consistent with State law, whatever it was and provide that those rights would terminate on such date as is provided by State law so that if there is an extension to the State law your mitigation techniques would still be available to someone impacted by the Capitol View Corridor. Your staff felt this was not discussed sufficiently and it was a policy decision whether this Council would have an interest in taking that beyond the 36 months, even if State law were amended. Our feeling was, as a mitigation technique, it should be used to its fullest unless it was demonstrated that formed the public good and by definition we are taking care of the view corridor and therefore it did not seem to us that it was a good reason to deny the mitigation. With these three exceptions we feel we have worked out all the questions we had about the language of the ordinance with the changes that are before you."

Councilmember Shipman expressed concerns because "the State legislation passed in the House and Senate and we lobbied the Governor, we found the people lobbying against the legislation were some of the local people that had overwhelming support from outside legislators and outside investors who were investing in downtown Austin and who had property involved in the Capitol views were there in support of the legislation which is something this community can be pleased with. The word mitigation was strongly refuted in the legal study we had done. It pointed out other states have view protection ordinances and that mitigation was not necessary of any sort. So when the word mitigation is used I think we need to understand that it is used from the viewpoint of person referencing the mitigation. The legal study does not say that. Market study said there are enough properties in the central business district zoned outside of any view corridor existing zoning, to meet market demand for construction in the central business district for the next 30 years. The 36 month period was a compromise. There were people that were working that only wanted one year. Some wanted 2½ years and there were some who wanted five years. The 36 months was a compromise which was reached during the legislative process. I do not think we should preempt what might happen in the next session.....I need a clarification of the last amendment under Item C. That is, if the donor lot and the receiving lot comprise a single site the FAR and height limitation otherwise permitted herein may be increased for the receiving subject lot to an approved site development agreement between the City of Austin and the owner of the receiving lot." Ms. Gaines explained, "If an applicant proposes to go more than 30% that as long as the Commission and Council

have an opportunity to review it and sign off on it then that certainly is reasonable. ...If they want to go more than 30% in FAR and height then they need to come to Council with an agreement and a site plan and say this is what we are going to do subject to conditions may be identified in traffic impact, analysis and site plan review at the public hearings.

Motion - Withdrawn

Councilmember Shipman made the following motion, seconded by Councilmember Humphrey:

"We adopt the ordinance as presented this evening with the amendments presented by the staff earlier and reiterated by Mr. Bray, including this amendment at the bottom of Item 5 and at the bottom of Item C. It is included as the last sentence, donor lot and receiving lot comprise a single site, the floor to area ratio and height limitation site permitted may be increased at the discretion of the Council for the receiving lot subject to an approved site development agreement between the City of Austin and the owner of the receiving lot."

Discussion and questions followed. Councilmember Shipman said it is a question of disallowing a gigantic building in an area where it would not ordinarily be allowed. We could ask staff to work on appropriate wording of the amendment and act on it next week. We have to act on this now otherwise we will lose TDR by the first of the year. That is State law, it is not at our discretion.

Mr. Bray said, "If you can act on the ordinance as a whole, staff said they can work on the amendment and let you see what we develop next week. If you are comfortable we will act on it."

Councilmember Shipman withdrew her motion and went back to her original motion:

Original Motion Re-Stated and Amended

Councilmember Shipman made a motion, seconded by Councilmember Carl-Mitchell, to close the public hearing, waive the requirement for three readings and pass as an emergency an amendment of zoning ordinance to provide for transfer of development rights in the Capitol View Corridors including the refined wording mentioned by Ms. Gaines, with the understanding an amendment will be on Council's agenda on October 31, 1985 for action. (6-0 Vote, Mayor Cooksey out of the room.)

PUBLIC HEARING - AMENDMENTS TO THE NORTHWEST AREA LAND USE GUIDANCE
PLAN

Mayor Pro Tem Trevino opened the public hearings set for 4:30 p.m. on amendments to the Northwest Area Land Use Guidance Plan.

Postponed for one week was hearing to change plan map from residential to non-residential on tract in Northwest Travis County MUD No. 1. (NW-85-2)

No one appeared to be heard on the other two hearings.

Motion

The Council, on Councilmember Shipman's motion, Councilmember Carl-Mitchell's second, closed the public hearing and DENIED amending the plan to permit continuation of industrial use (cement plant) on 2-acre site. (NW-85-8) (6-0 Vote, Mayor Cooksey out of the room, but due to conflict of interest the Mayor would not have voted if he were in the Council Chamber.)

Motion

The Council, on Councilmember Shipman's motion, Councilmember Carl-Mitchell's second, closed the public hearing and DENIED amending the plan to permit continuation of industrial use (cement plant) at 11816 Windy Ridge Road. (NW-85-11) (6-0 Vote, Mayor Cooksey out of the room, but due to conflict of interest the Mayor would not have voted if he were in the Council Chamber.)

ZONING HEARINGS

Mayor Pro Tem Trevino announced Council would hear zoning hearing scheduled for 4:00 p.m.

-85 V.P.H., INC.
230 By Elizabeth Conti

605 Deen Street

From "LR"

To "GR"

RECOMMENDED subject to restrictive covenant limiting access to Deen for emergency vehicles only.

GRANTED AS RECOMMENDED
AND ORDINANCE PASSED

(On Councilmember Humphrey's motion, Councilmember Carl-Mitchell's second, 6-0 Vote, Mayor Cooksey out of the room.)

ZONING HEARINGS POSTPONED

Mayor Pro Tem Trevino announced the following zoning hearings were postponed until November 14, 1985 at 4:00 p.m.:

r-85 ALFRED LEHTONEN
044 By Miguel
Guerrero

5610-5800 Capital
of Texas North

From "I-SF-2 & SF-2"
To "GO"
RECOMMENDED

-85 LOOP 360 JOINT
140 VENTURE
By David B. Holt

6901 Capital of
Texas Highway

From "I-SF-2"
To "LO"

Mayor Pro Tem Trevino announced the following zoning case scheduled for hearing at 5:00 p.m. would be continued on November 7, 1985 at 7:00 p.m.:

-84 NORTH LAMAR
149 STUDY
(Part)

An area generally
bounded by Howard
Lane on the north,
IH-35 on the east,
Braker Lane and Kramer
Lane on the south, and
Burnet Road on the west.

From "I-RR", "I-SF-2"
"I-SF-3"
To appropriate zoning

-85 HRH AUSTIN NO. 1 7500 FM 969
036 By Myrick-Newman 6400-Sandshof Drive
7200 Loyola Lane

From "I-SF-3"
To Tr. 1 "LR"
Tr. 2 "SF-3"
Tr. 3 "MH"

RECOMMENDED subject to
dedication of up to 60
feet right-of-way from
centerline of Loyola and
75 feet right-of-way
from centerline of FM
969 subject to TIA.

GRANTED "SF-3" & "SF-4" ON TRACT 3, "LR" ON TRACT 1 AND
SENT THE OTHERS BACK TO PLANNING COMMISSION

Marie Gaines, Office of Land Development Services, reviewed the application by stating: "This request triggered some questions the Council had about mobile home zoning. At that time you instructed staff to prepare a mobile home zoning report which we forwarded to you a month ago. In that we requested that if you so desired to instruct us to begin some amendments to address some design considerations. The main issue, we felt, after inventory of building codes, subdivision code and zoning code were those provisions that generally defined mobile home zoning somewhat distasteful because of the design or lack thereof of design considerations. We found the state of the art in mobile home development has increased tremendously. They have added a number of provisions. This applicant's request, as I understand it, they are going to amend to "SF-4" and we would have no problem with that request. It is much more restrictive and they would need to file the necessary subdivision platting information and go through that procedure. With that in mind, if you do approve the zoning we request you instruct us to proceed with the recommended amendments identified in the mobile home zoning report and bring those to you at a later date." Councilmember Carl-Mitchell asked if they would need to return to the Planning Commission. Ms. Gaines replied, "I understand on two of the tracts they are asking for zoning that is much less restrictive and yes, they will have to refer those back for consideration but the major tract is Tract 3 & they are asking for "SF-4" zoning."

Richard Suttle, representing the applicant, told Council, "The major tract, Tract 3, which was originally designated as mobile homes, we are here to amend our request for "SF-4" to do an affordable housing small lot detached home subdivision. Because the "SF-4" is more restrictive than the mobile home that we had previously requested. I feel that, and I have talked to Andy Martin (Assistant City Attorney) about this, we can pass on that tonight. The bulk of the tract was Tract 3 and designated as mobile home. There is a core of "SF-4" in the middle of it, surrounded by "SF-3". The retail site that was originally requested in the zoning application is still part of the application. We are still asking for the retail at that site. The two tracts that will have to come back after going back to Planning Commission are the area which is presently Interim "SF-3". We are requesting "SF-4". And the site which was originally also mobile home, we are requesting a retail site at this end also.....There is also some parkland being dedicated in the subdivision. The developer wants to provide some affordable housing in the area and decided the

mobile home route was not the way he wanted to go. I should say, manufactured housing. We will need to go back to Planning Commission on the two tracts that are more intensive, the "SF-4" and the retail." Councilmember Urdy asked some questions. Mr. Suttle stated, "Because we won't be actually passing the ordinance tonight, we will get back with staff with field notes and we will need those field notes to also go back to Planning Commission for the other two tracts."

Motion

Councilmember Urdy moved approval of the proposal "that is what was Tract 3, part "SF-3" and part "SF-4" and with what was Tract 1 still "LR". That is all we can do at this point. The others will go back to Planning Commission. That's the motion to approve as recommended according to the site plan which was presented." Councilmember Rose seconded the motion and stated, "I just want to make it clear because there was some concern that the Council stood ready, in fact last week we almost passed out the manufactured home zoning in your absence. I just want to make it clear, for the record, that the Council had included manufactured homes zoning in its affordable housing scheme. I still remember the lecture I got from the Mayor Pro Tem on this zoning case." (Mayor Pro Tem said, "Oh it wasn't a lecture, it was advice.") Motion passed by 6-0 Vote with Mayor Cooksey out of the room.

PUBLIC HEARING - AMENDMENT TO WATER & WASTEWATER UTILITY SERVICE AREA ORDINANCE

Mayor Pro Tem Trevino opened the public hearing set for 5:00 p.m. on an amendment to the Water and Wastewater Utility Service Area Ordinance (810820-B) to include the Northwest Quadrant as identified by the Water and Wastewater Utility.

Jim Thompson, Director of Water and Wastewater, told Council they recommend Option 5.

Motion

The Council, on Councilmember Rose's motion, Councilmember Humphrey's second, closed the public hearing, waived the requirement for three readings and finally passed an ordinance amending the water and wastewater utility service area ordinance (810820-B) using Option 5, to include the Northwest Quadrant as identified by the Water and Wastewater Utility. (5-0 Vote, Mayor Pro Tem Trevino and Mayor Cooksey out of the room.)

PUBLIC HEARING - ANNEXATIONS

Mayor Pro Tem Trevino opened the public hearings on the following annexations:

- a. Tract I-VII, X for limited purposes. C7a-85-034
- b. Conversion from full to limited purpose annexation, 2.6 acres out of the James D. Goode Survey No. 30 in Travis County, Texas. C7a-85-001.
- c. Limited purpose annexation of 68 acres of land out of the J.C. Brooks Survey No. 53 and the John Applegate Survey No. 58 (North Park Estates Subdivision) in Travis County, Texas. C7a-85-003.

Frank Milstead said he owns 1½ acres in Rollingwood West and said with the annexation one-half of his land would be in the City and one-half would be in no-man's land. He asked Council to not limit purpose annex the Milstead Subdivision.

John Meder spoke against annexation. Wayne Foss who owns land in Tract III, Loop 360, opposes limited purpose annexation.

Councilmember Rose stated the City Manager has recommended the delay of all limited purpose annexation in the southwest of the City.

Motion

The Council, on Councilmember Shipman's motion, Councilmember Carl-Mitchell's second, closed the public hearings on the above listed annexations. (6-0 Vote, Mayor Cooksey out of the room.)

PUBLIC HEARING - PROPOSED BOND PACKAGE

Mayor Cooksey opened the public hearing on the proposed bond package. City Manager Carrasco explained the proposals.

Enrique Lopez, United East Austin Coalition, wants parks put on the ballot for 200 acres between Longhorn Dam and Montopolis Bridge. Ron T. Davis also requested parks in east Austin as a ballot item. Janet Polk, representing Wild Basin, wants 217 acres of Davenport Ranch in a park and showed slides. Mark Burner, executive director of Wild Basin, also talked about the park. Alfred Stanley, Sierra Club, discussed parks and Felix Rosales Jr. talked about all of the proposed parks. Glenna Balch, far south Austin, wants more parks.

Roland Ortiz spoke for more parks in Montopolis and Jack Goodman says there should be an item for \$2.1 million for parklands in south Austin on the ballot.

Dave Moriarity showed slides and asked for a Metropolitan Park. Melinda Longtain Austin Executive Air Park, wants their area put on the ballot. David Elliott discussed City management and said he would not support the bonds. City Manager Carrasco told him to evaluate the facts. David Orr supports parks so the birds can be protected.

Motion

The Council, on Mayor Pro Tem Trevino's motion, Councilmember Carl-Mitchell's second, closed the public hearing. (7-0 Vote)

No action was taken on the ordinance included in the agenda to set the ballot for a December 14, 1985 bond election.

ADJOURNMENT

Council adjourned its meeting at 11:20 p.m.