



Austin City Council MINUTES

JUNE 3, 1993 - 1:00 P.M.

MEETING CALLED TO ORDER - 1:00 P.M.

Mayor Pro Tem Urdy called to order the meeting of the Council, noting the absence of Mayor Todd.

APPROVAL OF MINUTES

1. Approval of Minutes for Regular Meeting of May 27, 1993, and Special Meetings of May 19 (2:00 and 3:30 P.M.) and May 25, 1993.

Minutes not ready.

CITIZEN COMMUNICATIONS: GENERAL

2. Ms. Charlene Shillman, to discuss conflict of interest on Austin Arts Council, ACAP, Planning Commission and Museum of Art.
3. Mr. Ron Bartels, to discuss Texas Industries for the Blind & Handicapped - Texas Committee Legislative Report.
4. Mr. Henry Ratliff, to discuss "grow not weary in Citizen Communication".
5. Mr. Mike Workman, to comment on the SANE run-off endorsements of Krueger over Hutchison, Goodman over Tschurr, and Shea over Larson.
6. Mr. Ron Lane, to discuss Hospital issues.
7. Mr. Roger Baker, to discuss City affairs.
8. Mr. Jimmy Castro, to discuss Brackenridge Telethon. Not present.

1:30 P.M. - REVENUE REFUNDING BONDS (Items 9-10)

9. Approve a resolution providing for the redemption of certain outstanding bonds of the City of Austin.
10. Approve an ordinance establishing the issuance of City of Austin, Texas, Combined Utility Systems Revenue Refunding Bonds, Series 1993A, including approval and authorization of a Purchase Contract, Special Escrow Agreement, Paying Agent/Registrar Agreement, and Official Statement Pertaining thereto.

#9-10 on Councilmember Garcia's motion, Councilmember Epstein's second, 6-0 Vote, Mayor Todd absent.

ITEMS CONTINUED FROM PREVIOUS MEETINGS

11. Amend Ordinance No. 920922-E, the 1992-93 General Fund Contingency Reserve to transfer \$40,773 to Emergency Medical Services CIP; amend Ordinance No. 920922-A, the approved 1992-93 Capital Budget for Emergency Medical Services, to increase the appropriation from \$135,000 to \$175,773 for the Medic 3 Station located at the Brackenridge Hospital Starflight facility. (To be reviewed by Planning Commission on June 1, 1993.) (Related to Item 12)
12. Approve a construction contract award to RIZZO CONSTRUCTION, INC., Austin, Texas, for the construction of an Emergency Medical Services Medic 3 Station located at the Brackenridge Hospital Starflight facility, in the amount of \$132,773. (Funding included in the amended 1992-93 Capital Budget for the Emergency Medical Services Department.) Low bid of seven (7). 11.90% MBE, 5.71% WBE Subcontractor participation. (Related to Item 11)

ORDINANCES

13. Approve second reading of an ordinance setting the rates to be charged by Southern Union Gas Company for retail public gas utility service.
14. Approve third reading of an ordinance amending Chapter 13-2 of the Austin City Code rezoning property locally known as 11900 Stonehollow Drive, Case No. C14-93-0025, from "RR", Rural Residence, and "SF-6", Townhouse and Condominium Residence to "P", Public District and "MF-2-CO", Multifamily Residence (low density)-Conditional Overlay, BLUEBONNET SAVINGS BANK FSB (Margaret Menta), by Land Strategies, Inc. (Paul Linehan). First reading on May 6, 1993; Vote 5-0-1, Councilmember Nofziger absent and Larson abstained. Second reading on May 20, 1993; Vote 7-0. Conditions met as follows: Conditional overlay and restrictive covenant incorporate conditions imposed by Council.
15. Approve third reading of an ordinance amending Chapter 13-2 of the Austin City Code rezoning property locally known as 9100 Stonehollow, Case No. C14-93-0028, from "LO", Limited Office to "MF-2-CO", Multifamily Residence (low density)- Conditional Overlay, BLUEBONNET SAVINGS BANK FSB (Margaret Menta), by Land Strategies, Inc. (Paul Linehan). First reading on May 6, 1993; Vote 5-0-1, Councilmember Nofziger absent and Larson abstained. Second reading on May 20, 1993; Vote 7-0. Conditions met as follows: Conditional overlay and restrictive covenant incorporate conditions imposed by Council.
16. Approve second/third readings of an ordinance amending Chapter 13-2 of the Austin City Code rezoning property locally known as 5900-6000

Mopac Expressway South, Case No. C14-93-0004, from "GR-CO", Community Commercial-Conditional Overlay to "MF-2-CO", Multifamily Residence (low density)-Conditional Overlay, JAMES C. PHILLIPS, by Carson Planners (Bill Carson). First reading on May 6, 1993; Vote 6-0, Councilmember Nofziger absent. Conditions met as follows: Conditional overlay incorporates conditions imposed by Council.

#11-16 on Councilmember Garcia's motion, Councilmember Epstein's second, 6-0 Vote, Mayor Todd absent.

17. Approve second/third readings of an ordinance amending Chapter 13-2 of the Austin City Code rezoning property locally known as 8440 Burnet Road, Case No. C14-93-0019, from "CS," Commercial Services to "CS-1-CO", Commercial Liquor Sales-Conditional Overlay, W.M. INVESTMENTS #4 (Ray A. Wilkerson), by Allen Nutt, Architect. First reading on May 13, 1993; Vote 6-0-1, Councilmember Epstein abstaining. Conditions met as follows: Conditional overlay and restrictive covenant incorporate conditions as imposed by Council.

Postponed to June 10, 1993.

18. Approve second/third readings of an ordinance amending Chapter 13-2 of the Austin City Code rezoning property locally known as 11912 Arabian Trail, Case No. C14-92-0066, from "SF-3", Family Residence to "GR-CO", Community Commercial-Conditional Overlay, SAMUEL PAYNE, by Brown, McCarroll & Oaks Hartline (Jerry Harris). First reading on February 25, 1993; Vote 7-0. Conditions met as follows: Conditional overlay and restrictive covenant incorporate conditions as imposed by Council.

On Councilmember Garcia's motion, Councilmember Epstein's second, 6-0 Vote, Mayor Todd absent.

19. Approve third reading of an ordinance amending Chapter 13-2 of the Austin City Code rezoning property locally known as 2300-2400 Gracy Farms Lane, Case No. C14-93-0006, from "SF-6", Townhouse and Condominium Residence to "MF-2-CO", Multifamily Residence (low density)-Conditional Overlay, GUARANTY FEDERAL SAVINGS BANK, by Strasburger & Price (Richard Suttle). First reading on April 22, 1993; vote 6-0, Councilmember Epstein absent. Second reading on May 27, 1993; vote 7-0. Conditions met as follows: Conditional overlay incorporates conditions as imposed by Council.

Approved 15 units per acre, on Councilmember Reynolds' motion, Councilmember Larson's second, 6-0 Vote, Mayor Todd absent.

20. Approve second reading of an ordinance amending Chapter 13-2 of the Austin City Code rezoning property locally known as 12100 Metric Boulevard, Case No. C14-93-0045, from "LO", Limited Office, to "MF-2-CO", Multifamily Residence-Conditional Overlay, NASH PHILLIPS/COPUS, INC., (James A. Howard), by Urban Design Group (Laura L. Touns). First reading on May 27, 1993; vote 5-2.

Conditions met as follows: Conditional overlay incorporates conditions as imposed by Council.

On Councilmember Reynolds' motion, Councilmember Epstein's second, 4-2-0 Vote, Councilmembers Garcia and Nofziger voted No, Mayor Todd absent.

21. Approve second reading of an ordinance amending Chapter 13-2 of the Austin City Code rezoning property locally known as 4200-4210 West William Cannon Drive, Case No. C14-93-0039, from "GR-CO", Community Commercial-Conditional Overlay, to "GR-CO", Community Commercial Overlay, ELI GARZA, by Minter, Joseph & Thornhill (Glen Weichert). First reading on May 27, 1993; vote 4-3. Conditions met as follows: Conditional overlay and restrictive covenant incorporate conditions as imposed by Council.

On Councilmember Larson's motion, Councilmember Reynolds' second, 4-2-0 Vote, Councilmembers Garcia and Nofziger voted No, Mayor Todd absent.

22. Approve adjustment of the corporate boundary between the City of Austin and the City of Sunset Valley by transferring approximately 11.5 acres of land from the City of Austin's jurisdiction to Sunset Valley. (All land lies within the existing right-of-way of U.S. 290 West or Jones Road and does not include any taxable land.)
23. Amend Ordinance No. 930513-L to change voting locations and elections judges for certain precincts for the run-off election of June 5, 1993.

RESOLUTIONS

24. Approve execution of a contract with LODEL, INC., Kingsford, Michigan, for the purchase of five (5) recycling trucks for use by the Environmental and Conservation Services Department for curb side collection of recyclable materials, in an amount not to exceed \$496,025. (Funding is included in the 1992-93 Capital Budget for the Environmental and Conservation Services Department.) Single bid. No M/WBE Subcontracting opportunities were identified.
25. Approve a Standard Evaluation Matrix to be used on Requests for Qualifications (RFQ) for professional Architectural and Engineering Services on the New Airport Project at Bergstrom. (No fiscal impact.)
26. Amend the First of Designated Community Development Block Grant Target Neighborhoods by adding the Dove Springs Neighborhood and the Webberville/Springdale Neighborhood and graduate the Clarksville and Rosewood/Glen Oaks Neighborhoods to a "Sustaining Status." (Recommended by Housing Subcommittee)

ITEMS FROM COUNCIL

27. Approve a resolution supporting the "Protect Our Property" program and permitting information about the program to be placed in City facilities. (Councilmember Bob Larson)

#22-27 on Councilmember Garcia's motion, Councilmember Epstein's second, 6-0 Vote, Mayor Todd absent.

28. Request by Treemont Holdings, L.P. to amend the Austin Metropolitan Area Roadway Plan (AMARP) by deleting Barton Skyway from Loop 1 to RM 2244 from the AMARP. (Councilmembers Ronney Reynolds and Michael "Max" Nofziger)
29. Approve second/third readings of an ordinance amending Chapter 13-2 of the Austin City Code rezoning property locally known as 1300-1400 Capital Parkway and 2800 Montebello Road, Case No. C14-92-0078, from "GR", Community Commercial; "LR", Neighborhood Commercial; and "LO", Limited Office; to "SF-2-CO", Single Family Residence-Conditional Overlay; and consider rescission of the condition for compliance with some portions of the 1986 Comprehensive Watersheds Ordinance; AUSTIN TREEMONT, Inc., by Land Strategies, Inc., (Paul Linehan). First reading on April 15, 1993; vote 7-0. Conditions met as follows: Conditional overlay incorporates conditions imposed by Council, and conditions related to transportation are contained in a restrictive covenant. (Councilmembers Ronney Reynolds and Michael "Max" Nofziger).

Rescind "and consider deleting the condition requiring compliance with some portions of the 1986 CW0".

#28-29 on Councilmember Reynolds' motion, Councilmember Nofziger's second, 6-0 Vote, Mayor Todd absent.

30. Approve second reading of an ordinance amending Chapter 13-2 of the Austin City Code rezoning property locally known as Loop 360 South and Westlake Drive, Case No. C14-93-0001, from SF-2, Single-Family Residence, to SF-6, Townhouse and Condominium Residence, by Davenport Ltd. (Philip Gully), by Griffin Engineering Group (Greg Griffin). First reading on May 20, 1993; Vote 4-3 (Mayor Todd and Councilmembers Garcia and Nofziger voting "no"). Conditions met as follows: Restrictive covenant addresses the conditions imposed by Council. (Councilmembers Ronney Reynolds and Bob Larson).

On Councilmember Reynolds' motion, Councilmember Epstein's second, 4-2-0 Vote, Councilmembers Garcia and Nofziger voted No, Mayor Todd absent. (Third reading will be June 10, 1993.)

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

31. C14-93-0015 - AUSTIN CHINESE CHURCH (Leo Yeung), 11118 Dessau Road. From PUD to G0. Planning Commission Recommendation: To Grant SF-6, Townhouse and Condominium Residence.

First Reading - On Councilmember Epstein's motion, Councilmember Larson's second, 6-0 Vote, Mayor Todd absent.

32. C14-93-0055 - TEXAS COMMERCE BANK (John W. Doyle), by Bury & Pittman (Greg Strmiska), 14401 Owen-Tech Boulevard. From SF-2 to GR. Planning Commission Recommendation: To Grant GR, Community Commercial, zoning as requested.

Ordinance - On Councilmember Epstein's motion, Councilmember Larson's second, 5-0-1 Vote, Mayor Todd absent, Councilmember Garcia abstained due to conflict of interest.

33. C14-93-0048 - CITY OF AUSTIN PARKS (Stuart Strong), 2111-2209 Blue Meadow Drive. From SF-3 to P. Planning Commission Recommendation: To Grant P-CO, Public District-Conditional Overlay, subject to prohibition of parking.

Ordinance

34. C14-93-0056 - TED SIFF, 604 West 11th Street. From GO to DMU-H. Planning Commission Recommendation: To Grant DMU-H, Downtown Mixed Use-Historic, zoning based on designation criteria Items (1), (4), (6), (8), (9), (11), (12), and (13); subject to that if the use changes, parking and driveways will comply with City standards.

Ordinance

35. C14-93-0050 - AUSTIN SPEED WASH COMPANY, by Gordon Dunaway, 2407 Lake Austin Boulevard. From LR to GR. Planning Commission recommendation: To grant GR-CO, Community Commercial-Conditional Overlay, zoning subject to the prohibition of automotive washing and access to Foster Avenue.

Ordinance

#33-35 on Councilmember Epstein's motion, Councilmember Larson's second, 6-0 Vote.

36. C14-93-0033 - ANDERSON MILL CENTER, LTD. (David Roberts), by Eurotex (Andrew Ozuna), 13500-13600 Research Boulevard. From LO to GR. Planning Commission Recommendation: To deny GR-CO, Community Commercial-Conditional Overlay zoning.

Postponed to July 1, 1993 on Councilmember Reynolds' motion, Councilmember Garcia's second, 6-0 Vote, Mayor Todd absent.

37. C14-92-0133 - FIRST CITY TEXAS, by Campbell Engineering (Barry Campbell), 11610 and 11648 Jollyville Road, 11311 and 11333 Taylor Draper Lane. From SF-2, SF-3, SF-6, LO, & GO to MF-2. To grant MF-2-CO, Multifamily Residence (low density)-Conditional Overlay, zoning subject to the following conditions: (1) a maximum of 224

units (15 units per acre); (2) no buildings shall be built within 50 feet of the rear property line of single-family properties which front along Ladera Vista Drive; (3) no building shall be built within 220 feet of the property line along Taylor Draper Lane; (4) access to Taylor Draper Lane shall be limited to emergency vehicles only; (5) no building built within 300 feet of the Taylor Draper Lane right-of-way or within 400 feet of the Ladera Vista Drive shall exceed a height of 32 feet; (6) a six foot privacy-fence shall be built along Taylor Draper Lane, but shall be setback a minimum of 50 feet from the property line along Taylor Draper Lane. Existing vegetation within the 50 foot setback shall remain undisturbed (present natural state) except for any construction required to provide emergency access. A Restrictive Covenant will require posting of \$15,000 fiscal for the cost of installing an additional signal head at the intersection of Duval Road and Jollyville Road. Posting of fiscal must occur prior to release of the site plan.

First Reading - On Councilmember Epstein's motion, Councilmember Larson's second, 6-0 Vote, Mayor Todd absent. (Applicant requested second and third readings to be scheduled for June 10, 1993.)

38. C14-84-178 - FIRST CITY TEXAS, by Campbell Engineering (Barry Campbell), 11610 and 11648 Jollyville Road, 11311 and 11333 Taylor Draper Lane. Request for Termination of Restrictive Covenant. Planning Commission Recommendation: to approve the request for termination of the restrictive covenant.

Postponed to June 10, 1993, on Councilmember Epstein's motion, Councilmember Larson's second, 6-0 Vote, Mayor Todd absent.

39. C14-93-0038 - FRANKLIN FEDERAL BANCORP., (Vera D. Massaro), by Minter, Joseph & Thornhill (Glenn Weichert), 6403 to 6511 Sanderson Avenue. From MF-2 to GR. Planning Commission Recommendation: To LR-CO, Neighborhood Commercial-Conditional Overlay, subject to the following conditions: (1) Items no. 2, 4, 5, 6, and 9 of the Westcreek Neighborhood Association letter dated May 10, 1993; (2) development on the combined tracts will not exceed 0.21 FAR; (3) allow erection of a six foot tall solid concrete, cinder block, or other masonry fence on top of a two-foot earthen berm on the 75 foot setback line from the Westcreek Neighborhood properties, with native vegetation on the Westcreek neighborhood side (this fence is to define the 75 foot buffer zone between the development and the neighborhood and the fence shall have no breaks to allow for pedestrian traffic to enter the buffer zone from the development); (4) Sanderson Avenue will be vacated at the southernmost section of Westcreek to allow for construction of a new cul-de-sac south of this boundary for school bus turnaround; (5) no vehicular access will be allowed from Sanderson Avenue to the development; (6) a minimum of 175 feet building setback and the prohibition of arts and crafts (limited) and service station. (FOR ACTION ONLY. Public Hearing closed on May 27, 1993.)

Postponed to June 10, 1993, on Councilmember Reynolds' motion, Councilmember Garcia's second, 6-0 Vote, Mayor Todd absent.

To be heard by Planning Commission on June 1, 1993; Recommendation to Follow

40. C14-93-0049 - BURNET ROAD LAND JOINT VENTURE, by Strasburger & Price, Armbrust, West Farmer Lane and North MoPac Expressway. From DR to MF-2.

Postponed to July 8, 1993, as requested by applicant, on Councilmember Reynolds' motion, Councilmember Garcia's second, 6-0 Vote, Mayor Todd absent.

To be heard by Planning Commission on June 1, 1993; Recommendation to Follow

41. C14-93-0052 - STRIPLING-BLAKE LUMBER COMPANY (Alec Beck), by Minter, Joseph, & Thornhill (Glenn Weichert), 1509 to 1607 West William Cannon Drive and 6800 to 7100 Woodhue Drive. From CS & LO to MF-2. Planning Commission recommendation - to grant MF-2-CO, subject to (1) Joint access to West William Cannon Drive and no access to Mathews Lane (2) Limit density to 302 units (3) private screening agreement between owner and adjacent property owners. Vote 5-0.

First Reading - On Councilmember Epstein's motion, Councilmember Larson's second, 6-0 Vote, Mayor Todd absent.

The following items will be postponed to a future date. Posting of these items on this agenda is required due to a previous notification for this date.

42. C14-93-0042 - ELI GARZA (Earl McComis), by Minter, Joseph & Thornhill (Glenn Weichert), 6363 to 6411 MoPac Expressway South. From LR to MF-2.

Postponed to July 1, 1993.

43. C14-82-121 - PARKSIDE LODGE OF TEXAS, INC. (Frances Ham), by Paul Smith, 809 West Martin Luther King Jr. Blvd. and 1809 Pearl Street. Restrictive Covenant Amendment.

Postponed to July 1, 1993.

PUBLIC HEARINGS AND APPROVAL OF ORDINANCES/RESOLUTIONS

44. 5:00 P.M. - Appeal of Planning Commission approval of a Conditional Use Permit for a Campus Center for the Episcopal Theological Seminary.

Motion

The Council; on Councilmember Epstein's motion, Councilmember Garcia's second, closed the public hearing. 6-0 Vote, Mayor Todd absent.

Councilmember Epstein made a motion to deny. There was no second to her motion. No action was taken by Council, therefore the appeal was denied.

45. 5:30 P.M. - Appeal by Mr. I.T. Gonzalez, representing the New Jerusalem Pentecostal Church, of the Planning Commission's decision of February 23, 1993, to deny a request for a compatibility standards waiver setback for a proposed church at 9005 Capital Drive.

Motion

The Council, on Councilmember Garcia's motion, Councilmember Epstein's second, closed the public hearing. 5-0 Vote, Councilmember Nofziger out of the room, Mayor Todd absent.

Motion

The Council, on Councilmember Garcia's motion, Councilmember Larson's second, granted the appeal, 5-1-0 Vote, Councilmember Epstein voted No, Mayor Todd absent.

EXECUTIVE SESSION (No Public Discussion on These Items)

The City Council will announce that it will go into Executive Session, if necessary, pursuant to Article 6252-17, Texas Revised Civil Statutes Annotated to receive advice from Legal Counsel, to discuss matters of land acquisition, litigation and personnel matters. No final action will be taken on any subject or matter unless specifically listed on the agenda for this meeting.

Land Acquisition - Section 2, Paragraph f

46. Discussion of land acquisition for office purposes.

Pending/Contemplated Litigation - Section 2, Paragraph e

47. Discussion of City of Austin v. CBI-Walker, Inc., et al, No. 9305611 (353rd Judicial District.)

Advice from Counsel - Section 2, Paragraph e

48. Discuss negotiation of Barton Creek Properties Development Agreement.

RECESS - Council recessed for executive session from 3:34 to 4:20 P.M. No action was taken as a result of discussion.

ACTION ON THE FOLLOWING

49. Ratify legal services in an amount not to exceed \$15,000 and approve a professional services agreement with Scott, Douglass & Luton, L.L.P. to represent the City in City of Austin v. CBI-Walker, Inc., No. 93056111, in an amount not to exceed \$91,000, for a total contract amount of \$140,000.

On Councilmember Garcia's motion, Councilmember Epstein's second, 6-0 Vote, Mayor Todd absent.

50. Approve hiring of mediators for mediation of Barton Creek Properties Development Agreement.

No action.

51. **APPOINTMENTS**

(NO APPOINTMENTS WERE MADE)

AIRPORT ADVISORY BOARD - 1
ANIMAL ADVISORY BOARD - (2 TO EXPIRE 6/1/95)
ARTS COMMISSION - (1 INTERESTED CITIZEN TO SERVE AS ARTS & RECREATION SUBCOMMITTEE REP.)
BUILDING AND STANDARDS COMMISSION - 2 ALTERNATES
CABLE COMMISSION - 1 (VACANCY TO EXPIRE 7/1/94)
CHARTER REVISION TASK FORCE - 5
CONSTRUCTION ADVISORY COMMITTEE - 1 (NON-AFFILIATED)
DESIGN COMMISSION - 1 (TO EXPIRE 10/1/93)
ECONOMIC DEVELOPMENT COMMISSION - 2 VACANCIES TO EXPIRE 10/31/93
HISTORIC LANDMARK COMMISSION - (4 TO EXPIRE 6/1/95; 1 UT SCHOOL OF ARCHITECTURE REP.; 1 AMERICAN INSTITUTE OF ARCHITECTS REP.; 1 TRAVIS COUNTY HISTORICAL COMMISSION REP. AND 1 HERITAGE SOCIETY REP.)
HUMAN RIGHTS COMMISSION - (2 TO EXPIRE 11/1/94)
MEDICAL ASSISTANT PROGRAM ADVISORY BOARD - 5 (2 CITIZEN AT LARGE REPS. TO EXPIRE 12/1/94; 2 CONSUMER-MEDICAL ASSISTANCE PROGRAM REPS., 1 TO EXPIRE 12/1/93 AND 1 TO EXPIRE 12/1/94 AND 1 SERVICE PROVIDER IN A PHARMACEUTICAL CAPACITY TO EXPIRE 12/1/94)
MINORITY & WOMEN OWNED BUSINESS PROCUREMENT ADVISORY BOARD - 2 (1 HISPANIC CHAMBER OF COMMERCE REP. & 1 CAPITAL CITY CHAMBER REP.)
PARKS AND RECREATION BOARD - (4 TO EXPIRE 6/1/95)
RENAISSANCE MARKET COMMISSION - (3 TO EXPIRE 6/1/95)
SOLID WASTE ADVISORY BOARD - 1 (VACANCY TO EXPIRE 7/1/93)
URBAN FORESTRY - 5 (1 TO EXPIRE 6/1/94 AND 4 TO EXPIRE 6/1/95)
URBAN TRANSPORTATION - 1 (TO EXPIRE 1/1/95)

6:50 P.M. - ADJOURN