



Austin City Council MINUTES

AUGUST 5, 1993 - 1:00 P.M.

Mayor Todd called to order the meeting of the Council, noting that Mayor Pro Tem Urdy and Councilmember Reynolds were not yet present.

MINUTES APPROVED

1. Approval of Minutes for Regular Meeting of July 22, 1993, and Special Meetings of June 22, 30, July 1, 7, 8, 22, 28, 29 1993, on Councilmember Garcia's motion, Councilmember Shea's second, 4-0 Vote, Mayor Pro Tem Urdy and Councilmember Reynolds not yet present and Councilmember Nofziger absent.

CITIZEN COMMUNICATIONS: GENERAL

2. Ms. Charlene Shillman, to discuss "Always give credit where credit is due," and support of the Museum of Fine Arts, Austin; respect the plans by Willie Pryor which were given as a gift to the City of Austin and which are on display in Bruce Todd's office.
3. Mr. Ira Calkins, to discuss the Open Meetings Act.
4. Mr. Roger Baker, to discuss planning issues.
5. Mr. Dennis Paddie, to urge cooperation on environmental issues.
6. Mr. Paul Robbins, to discuss energy policy. Did not appear.
7. Mr. Leonard Lyons, to discuss basic services and other items the City Manager cannot deliver. Did not appear.
8. Mr. Robert Singleton, to discuss the incredibly stupid development agreement and to speculate on why Bruce Todd fetches every time Jim Bob throws a stick.
9. Mr. Ron Lane, to discuss hospital issues.
10. Ms. Dorothy Turner, to discuss employee rights.
11. Mr. Robert Thomas, to discuss Rosewood Recreation Center.

ITEMS CONTINUED FROM PREVIOUS MEETINGS

12. Approve an agreement between Neighborhood Housing Services, a private non-profit corporation, and the City of Austin for implementation of the City's HOPE 3 Program. (Funding in the amount of \$3,125,000 provided by HOPE 3 funds; and \$1,276,500 provided through local match contributions.) [Recommended by Housing Subcommittee.] On Councilmember Garcia's motion, Mayor Pro Tem Urdy's second, 5-0 Vote, Councilmember Reynolds out of the room.

ORDINANCES

13. Approve second/third readings of an ordinance amending Chapter 13-2 of the Austin City Code rezoning property locally known as 1409 Newning Avenue, Case No. C14h-91-0030, from "SF-3" to "SF-3-H", India Donovan, by Steve Dodds. First reading on December 17, 1992; Vote 7-0. There were no conditions to be met.
14. Amend Ordinance No. 920922-E, the 1992-93 operating budget, amending the Trust and Agency Fund by increasing budgeted revenue and expenditures in the amount of \$3,000 to provide supplementary funding to Elisabet Ney Museum's Opportunities for Youth program. (Funding provided by contributions to the Parks and Recreation Department's Elisabet Ney Museum Trust and Agency Account.)
15. Authorize acceptance of an increase of \$13,916 in grant funds from the Texas State Library and Archives Commission to provide Interlibrary Loan Services; amend Ordinance No. 920922-E, the 1992-93 operating budget of the Library Department, amending the Special Revenue Fund, increasing appropriations by \$13,916 to fund the grant for the period beginning September 1, 1992 and continuing through August 31, 1993. (A City match is not required.)
16. Authorize acceptance of an increase of \$4,662 in grant funds from the Texas State Library to provide Interlibrary Loan Services; amend Ordinance No. 920922-E, the 1992-93 operating budget of the Library Department, amending the Special Revenue Fund, increasing appropriations by \$4,662 to fund the grant for the period beginning September 1, 1993 and continuing through August 31, 1994. (A City match is not required.)
17. Approve annexation for full purposes, Lot 3, Old Tarlton II Subdivision, in the old Soap Creek Saloon Road area, and disannexing .11 acres (to be annexed by the City of Westlake Hills), under authority of Tex. Loc. Government Code, Section 43.031.

18. Amend Chapter 18-2, Division 2 of the Austin City Code, by amending the regulations and procedures for haulers of liquid waste.
(Recommended by Water and Wastewater Commission.)

#13-18 on Councilmember Garcia's motion, Councilmember Shea's second, 6-0 Vote, Councilmember Nofziger absent.

RESOLUTIONS

19. Amend the Personnel Policies to accommodate the requirements of the Federal Family and Medical Leave Act of 1993 (FMLA). [No fiscal impact.] Pulled off agenda.
20. Approve providing consent to the conversion of Travis County Rural Fire Prevention District No. 4 to an Emergency Services District.
(No fiscal impact.)
21. Express the City of Austin's official intent to reimburse eligible project costs associated with the development of the new Austin Airport from a series of future airport revenue bond sales.
(\$400,000,000 to be funded through a series of airport revenue bond issues, beginning in FY 1993-94, with cash on hand in the New Airport Construction Fund to support expenditures until the first issue.)
22. Approve the filing of eminent domain proceedings to acquire a wastewater easement containing 1,349 sq. ft. of land and a temporary workspace easement containing 1,346 sq. ft. of land out of the John Applegate Survey No. 58, the same being a portion of Lot 1, Priesmeyer - McKean Subdivision in Austin, Travis County, Texas, owned by Edwayne Priesmeyer, Anita J. Priesmeyer, Vernon McKean and Lois W. McKean for the North Lamar/Skyline Creek Wastewater Project.
(Estimated cost is \$3,506 - to be funded by the 1991-92 Capital budget of the Water and Wastewater Utility.)
23. Approve the filing of eminent domain proceedings to acquire a wastewater line easement containing 2,225 sq. ft. of land out of the West 137 feet of Lot 12, Block 15, Westfield A Subdivision in Austin, Travis County, Texas, owned by John T. Anderson and Shelley H. Anderson for the Exposition/Enfield Wastewater Rehabilitation Project. (Estimated cost is \$972 - to be funded by the 1991-92 Capital Budget of the Water and Wastewater Utility.)
24. Approve the filing of eminent domain proceedings to acquire a temporary work space easement containing 1,976 sq. ft. of land out of Lot 10-A, Resubdivision of a portion of Lot 10, block 9, Westfield A, in Austin, Travis County, Texas, owned by Lillian Mae Wilkerson, Individually and Co-Trustee of Carson R. Wilkerson Family Trust and Peggy Elaine Crow, Individually and as Independent

Executrix of the Will and Estate of Carson R. Wilkerson and as Co-Trustee of the Carson R. Wilkerson Family Trust, and Karen Wilkerson Shriver, for the Exposition Boulevard/Enfield Road Wastewater Project. (Estimated cost is \$77 - to be funded by the 1991-92 Capital Budget of the Water and Wastewater Utility.)

25. Approve negotiation and execution of a six (6) month contract with Austin Families, Inc., for the administration of the Child Care Voucher Program for City employees, in an amount not to exceed \$60,000, with the option to extend for one (1) seven (7) month period, in an amount not to exceed \$60,000, for a total amount not to exceed \$120,000. (Funding is available in the 1992-93 operating budget for the Human Resources Department.) Sole Source. No M/WBE subcontracting opportunities were identified.
26. Approve ratification of an emergency contract award to SOUTHWESTERN BELL TELEPHONE, Austin, Texas, for the installation, testing and connection of fiber optic cable, in the amount of \$89,334. (Funding is available in the 1992-93 operating budget of the Information Systems Department.) Best responsive bid of two (2) meeting specifications. No M/WBE Subcontracting opportunities were identified.
27. Approve execution of an eight (8) month service agreement with GUARDCO SECURITY, INC., Austin, Texas, to provide armed and unarmed security guard services for various Health and Human Services Department sites, in an amount not to exceed \$58,050.92. (Funding in the amount of \$14,513 is available in the 1992-93 operating budget of the Health and Human Services Department; funding for the remaining \$43,537.92 of the original contract period is contingent upon availability of funding in future budgets.) Low bid of five (5) meeting specifications. No M/WBE subcontracting opportunities were identified.
28. Approve execution of a twelve (12) month service agreement contract with each of the following: QUIK PRINT, Austin, Texas; PRO-PRINT (WBE), Austin, Texas; SPEEDY'S (MBE), Austin, Texas; AUS-TEX PRINTING; Austin, Texas; PROTO PRINT (WBE), Austin, Texas; SIR SPEEDY (MBE), Austin, Texas, to provide flat sheet printing for all City departments, in an amount not to exceed \$250,000 (\$75,000 to QUIK PRINT and \$35,000 to each of the other five (5) vendors), with additional two (2) twelve (12) month extension options, in an amount not to exceed \$250,000 each, for a total amount not to exceed \$750,000. (Funding is available in the 1992-93 operating budgets of all City departments.) Lowest and best responsive bids of six (6) meeting specifications. No M/WBE Subcontracting opportunities were identified.
29. Approve HOME Reconstruction Assistance to Mr. and Mrs. Miguel Chagoya, for the relocation and rehabilitation of a one-story

single-family dwelling from Bergstrom Air Force Base to their lot at 6801 Santos Street, in the Montopolis target neighborhood, in an amount not to exceed \$46,146. (Funding is available in HOME Year 1 Grant funds budgeted in the Special Revenue Fund of the Planning Department.) [Recommended by Housing Subcommittee]

#20-29 on Councilmember Garcia's motion, Councilmember Shea's second, 6-0 Vote, Councilmember Nofziger absent.

30. Approve a Neighborhood Commercial Management Program Loan to Continental Concepts DBA Triumph Balloon Company for the purchase of a building located at 1804 Smith Road, in the amount of \$140,000. (Funding is available in 18th Year Community Development Block Grant (CDBG)/Neighborhood Commercial Management Program budgeted in the Special Revenue Fund of the Planning Department.) [Recommended by the Housing Subcommittee.] Pulled off agenda.
31. Approve a HOME Investment Partnerships Program loan to Kailua Village Investments, a Texas general partnership, for the rehabilitation of the Cameron Springs Apartments located at 5211 Cameron Road, in the amount not to exceed \$50,000. (Funding is available in HOME Year 1 Grant funds budgeted in the Special Revenue Fund of the Planning Department.) [Recommended by Housing Subcommittee.] Pulled off agenda.
32. Set a public hearing to obtain the views of citizens, public agencies and other interested parties on the housing needs of the City, as required by federal regulation during the development of the new Five (5) Year Comprehensive Housing Affordability Strategy for Fiscal Years 1994-95 through 1998-99. (Suggested date and time: August 19, 1993 at 7:00 p.m.)

ITEMS FROM COUNCIL

33. Approve a resolution to reinstate the Austin Bicycle Safety and Mobility Task Force. (Mayor Bruce Todd)

#32-33 on Councilmember Garcia's motion, Councilmember Shea's second, 6-0 Vote, Councilmember Nofziger absent.
34. Direct the City Manager to develop a plan to serve airport travelers by providing directory assistance of Austin, and by presenting the excitement and culture of Austin with a program for rotating pictures, prints and photographs depicting the best of what Austin has to offer. (Councilmembers Ronney Reynolds and Michael "Max" Nofziger.)

Councilmember Reynolds stated: "I'd like to make an additional direction to the City Manager. The City Manager has given us a memorandum from the Director of Aviation, what is taking place in

our back-up, it talks about the new visitor center, the hanging garden, the art in public places and photography project, and I guess the photography project is the main thing that we were talking about, Councilmember Nofziger and I. I'd like to add two things. Number one, under the potential jurist I would like to have representative from the Austin Convention Business Bureau, preferably from the marketing department or something, and then also in the resolution it says that City Council directs the City Manager to develop a plan to serve airport travelers for providing directory assistance of Austin and by presenting excitement and culture of Austin with a program of rotating pictures, prints and photographs depicting the best of what Austin has to offer. I want to include in that, we need to leave the resolution as it is, but to explain that that not only means from places to see and things to do but also include the music industry and the potential of what a billboard advertising and/or public information might be able to be added to people that are getting off the planes knowing about Austin being the live music capital of the nation (Mayor Pro Tem Urdy later corrected this to 'live music capital of the world') and if we can have that in there I just want some clarification. The resolution does not have to be changed, it just means that in given some direction that hopefully, will be added to the process."

On Councilmember Reynolds' motion, Mayor Pro Tem Urdy's second, 4-0 Vote, Mayor Todd, Mayor Pro Tem Urdy out of the room, Councilmember Nofziger absent.

35. Direct the City Manager to advise the City Council on a program and schedule related to implementation of the Barton Creek Properties Development agreement. (Mayor Bruce Todd and Councilmembers Jackie Goodman and Gus Garcia.)
36. Appoint J. Thomas Serrato as a community representative to serve with the Electric Utility Commission on the future of the Holly Power Plant and on ways to mitigate the impact of its operation on the surrounding neighborhoods. (Councilmember Gus Garcia)
37. Set a Council Worksession to provide the Charter Revision Committee direction for their review of the City Charter. (Suggested date and time: August 11, 1993 at 2:00 p.m.) [Councilmember Jackie Goodman]
38. Set a public hearing on an appeal by Jerry Oakes, Tomas Rodriguez and Chip Harris of the Planning Commission's decision to approve a Conditional Use Permit for Slick Willie's Family Pool Hall, located at 8440 Burnet Road. (Suggested date and time: August 26, 1993 at 4:30 p.m.) [Mayor Bruce Todd and Mayor Pro Tem Charles Urdy.]

39. Set a public hearing to consider renaming First Street (from MoPac Boulevard to Highway 183) to Cesar Chavez Boulevard. (Suggested date and time: September 9, 1993 at 4:30 p.m.) [Councilmember Jackie Goodman]

#35-39 on Councilmember Garcia's motion, Councilmember Shea's second, 6-0 Vote, Councilmember Nofziger absent.

40. Consider giving direction to the City Manager and the Planning Commission regarding the processing of development applications. (Councilmember Jackie Goodman) on Councilmember Goodman's motion, Councilmember Shea's second, 6-0 Vote, Councilmember Nofziger absent.

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

41. C14-93-0042 - ELI GARZA, by Minter, Joseph & Thornhill (Glenn Weichert). From DR to MF-2. Planning Commission Recommendation: To grant MF-2, Multi-family (low density) zoning, with overlay of SOS with no exception clauses. Postponed to August 12, 1993.
42. C14-84-247 - F.D.I.C. (Charles Clark), by Charles Sisk, Trustee (Pat Scudder), 2426 Riverside Farms Road, 5000-5400 Blocks of East Oltorf (north side). From SF-2 to MF-3, GR, and LI. Planning Commission Recommendation of 1984 was to grant SF-2, MF-2, MF-3, and GR, only. (LI zoning was not included as part of the original request.) Referred back to the Planning Commission.
43. C14-86-098 - GREG BIEHLE, 1501 West 35th Street. From LO to LR. Planning Commission Recommendation in 1986: To grant LR subject to (1) a restrictive covenant which requires retention of the structure, and prohibited development of the site with adjoining properties, (2) all signs (or lettering) will be mounted flat against the building wall or the wall surrounding the building and will be in the following locations and of the following sizes: (a) a sign no larger than two and one-half feet high by eight feet long may be mounted on the north side of the building. The signs shall be illuminated by indirect lighting only; (3) if a site plan is required, notes may address site specifics and limit use to a veterinary clinic with no outside kennels or runs, and (4) conditions of zoning shall be addressed through restrictive covenant or site plan notes. Approved Second Reading Only; subject to pet services as the only "LR" use and permitted "NO" uses.
44. C14-93-0070 - ASOMA TOWER, INC. (E. B. King), by Sherrill Riley, 11665-11671 Jollyville Road. From LO to LI-PDA. Planning Commission Recommendation: To grant LI-PDA zoning as requested, subject to the provisions of the Bell Office Tower Planned Development Area Agreement and a rollback to LO, zoning, if the

LI-PDA use should cease for more than 180 days. The provisions of the PDA Agreement will limit the permitted uses to those allowed in the LO zoning district, and "Light Manufacturing" uses permitted in the LI zoning district. First Reading.

#43-44 on Mayor Pro Tem Urdy's motion, Councilmember Reynolds' second, 6-0 Vote, Councilmember Nofziger absent.

45. C14-93-0080 - EAST 12TH STREET NCCD, Subdistrict #3, City of Austin, by Department of Planning and Development, Area bounded by East 12th Street, IH-35, Branch Street, San Marcos Street, and an alley north of 7th Street. From CS-1-CO/NCCD, CS-1/NCCD, CS/NCCD, SF-3/NCCD to CS-1-CO, CS-1, CS, and SF-3. Planning Commission Recommendation: To rollback the NCCD rezoning.

Public hearing closed, on Mayor Pro Tem Urdy's motion, Councilmember Garcia's second, 4-0 Vote, Councilmember Nofziger absent, Councilmembers Reynolds and Shea out of the room. Action postponed to August 19, 1993.

46. C14-93-0065 - ROBERT C. ENGLISH, DDS, AND JAMES W. GLENN, DDS, by LZT Architects, Inc. (Herman Thun, Jr.), 3810-3812 Manchaca Rd. From LO to MF-3. Planning Commission Recommendation: To grant MF-2, Multi-family (low density) zoning. Ordinance passed, on Mayor Pro Tem Urdy's motion, Councilmember Reynolds' second, 6-0 Vote, Councilmember Nofziger absent.
47. C14-93-0077 - TEXAS COMMERCE BANK (Scott Kriger), 10401 Jollyville Road. From GO to GR. Planning Commission Recommendation: To grant GR-CO, Community Commercial-Conditional Overlay zoning, limiting the Floor-to-Area Ratio as follows: Retail (General and Convenience) 0.42; Restaurants (General, Limited, Fast-Food) 0.07; Food Sales 0.07; Financial Services 0.23. Ordinance passed, on Mayor Pro Tem Urdy's motion, Councilmember Reynolds' second, 5-0-1 Vote, Councilmember Nofziger absent, Councilmember Garcia abstained due to conflict of interest.
48. C14-93-0033 - ANDERSON MILL CENTER, LTD. (David Roberts), by Eurotex (Andrew Ozuna). From LO, SF-2 to GR. Planning Commission Recommendation: To deny GR-CO, Community Commercial-Conditional Overlay zoning. Postponed to August 12 at 4:00 P.M. on Councilmember Garcia's motion, Mayor Pro Tem Urdy's second, 4-0 Vote, Councilmember Nofziger absent, Councilmembers Goodman and Shea out of the room.

To be heard by Planning Commission on August 3, 1993; Recommendation to Follow

49. C14-93-0073 - JAMITCH ENTERPRISES, INC. (James Conquest), by Carter Design Associates (Bob Ogorzaly), 1613-1623 East 3rd Street. From

MF-4 to CS. Planning Commission Recommendation: Grant "CS" zoning, staff to initiate rollback to "P" zoning on remainder of block, vote 7-0. Postponed to August 19, 1993 on Councilmember Garcia's motion, Mayor Pro Tem Urdy's second, 5-0 Vote, Councilmember Reynolds out of the room, Councilmember Nofziger absent.

50. C14-93-0069 - H. C. BYLER, by LZT Architects (Herman Thun, Jr.), 2402-2406 South 4th Street. From LO to MF-3. Postponed to August 26, 1993.
51. C14-93-0071 - TROJAN INVESTMENTS, INC. (M. A. Bohsali), by Tetco Stores, Inc. (Carl D. Voelkel), 12513-12535 Amherst Drive, 3801-3823 West Farmer Lane. From LO to LR. Planning Commission recommendation: Grant "LR" zoning, vote 8-0. Ordinance approved, granted LR with a conditional overlay limiting FARS as follows: Overall - FAR 0.058, food sales - FAR 0.034, & prohibit financial services use, on Mayor Pro Tem Urdy's motion, Councilmember Reynolds' second, 6-0 Vote, Councilmember Nofziger absent.
52. C14-93-0074 - F.D.I.C., by Hussain Malik, 2400 Pearl Street. From MF-4 to GO-MU. Planning Commission recommendation: Grant GO-MU zoning, 8-0 Vote. Ordinance approved, on Mayor Pro Tem Urdy's motion, Councilmember Reynolds' second, 6-0 Vote, Councilmember Nofziger absent.

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

53. C14-93-0075 - ST. LOUIS CATHOLIC CHURCH (Sylvia Mosqueda), by Maricopa Southern, Inc. (Richard Harris), 7601 Burnet Road. From SF-2 to GR. Postponed to August 26, 1993.

PUBLIC HEARINGS AND APPROVAL OF ORDINANCES/RESOLUTIONS

54. 4:30 P.M. - Amend Section 13-1-363 of the Land Development Code regarding procedures for the administrative approval of revisions to MUD land use plans and criteria for approval. Continued to August 12, 1993 at 4:30 P.M., on Councilmember Garcia's motion, Councilmember Goodman's second, 6-0 Vote, Councilmember Nofziger absent.
55. 5:00 P.M. - Public Hearing on 1993-94 Operating and Capital Budgets. Continued to August 19, 1993 at 6:45 P.M., on Councilmember Garcia's motion, Councilmember Goodman's second, 6-0 Vote, Councilmember Nofziger absent. (The time was changed, later, to 5:00 P.M.)

EXECUTIVE SESSION (No Public Discussion on These Items)

The session was held the morning of this date in the Mayor's office.

Land Acquisition, Section 2 - Paragraph f

56. Discuss real property acquisition for park and recreational purposes.

57. **APPOINTMENTS**

CHARTER REVISION COMMITTEE - 1 (No action.)

11:55 P.M. - ADJOURN - On Councilmember Garcia's motion, Councilmember Shea's second, 5-0 Vote, Councilmember Nofziger absent, Councilmember Reynolds out of the room.