



# Austin City Council MINUTES

NOVEMBER 5, 1992 - 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, who was out of the country, and Councilmember Epstein.

## MINUTES APPROVED

1. Approval of Minutes for Regular Meeting of October 29, 1992 and Special Meeting of October 28, 1992. With one correction, on Councilmember Reynolds' motion, Councilmember Garcia's second, 5-0 Vote, Mayor Todd and Councilmember Epstein absent.

## CITIZEN COMMUNICATIONS: GENERAL

2. Mr. Henry Ratliff, to discuss "every Thursday is important."
3. Mr. Leonard Lyons, to discuss the taxpayer's dilemma. Not present.
4. Mr. Steve Swanson, to discuss "Together - Building a Better Tomorrow."
5. Mr. Gavino Fernandez, to discuss Palm Park and Dove Springs Pool.
6. Mr. R. Luthor Carpenter, to discuss Tales of the Crystal Palace - Scene 4.

## ITEMS CONTINUED FROM PREVIOUS MEETINGS

7. Approve an Ordinance reducing the membership of the Medical Assistance Program Advisory Board from nine (9) to five (5) members. (Councilmembers Louise Epstein and Gus Garcia)

Pulled off the agenda.

## RESOLUTIONS

8. Approve execution of a contract with HILL-ROM, Batesville, Indiana, for the purchase of four (4) birthing beds to be used in the Labor and Delivery Unit of Brackenridge Hospital, in an amount not to exceed \$43,578.80. (Funding is available in the 1992-93 operating budget of Brackenridge Hospital.) Low bid of two (2) meeting specifications. No M/WBE subcontractors were identified. Reference No. BH2-338.
9. Approve execution of a twelve (12) month supply agreement with CORDIS CORPORATION, Miami Lakes, Florida, for coronary catheters, in an amount not to exceed \$34,075. (Funding in the amount of \$31,235 is available in the 1992-93 operating budget of Brackenridge Hospital; funding for \$2,840 will be requested in the 1993-94 operating budget.) Low bid of five (5) meeting specifications. No M/WBE subcontracting opportunities were identified. Reference No. BSI-158.
10. Approve negotiation and execution of a contract with PERSONAL PERFORMANCE CONSULTANTS, INC., St. Louis Missouri, for the Employee Assistance program, in an amount not to exceed \$231,005, with the option to extend the contract for two (2) twelve (12) month periods, in an amount not to exceed \$231,005, for a total amount not to exceed \$693,015. (Funding is available in the 1992-93 operating budget of the Employee Benefits Fund; funding for the extension options will be contingent upon available funding in future budgets.) Best and lowest proposal of four (4). 10% MBE, 5% WBE Subcontractor participation.
11. Approve execution of a twelve (12) month service agreement with TEJAS ELEVATOR CO., INC., Austin, Texas, for elevator maintenance services in the Public Works and Transportation, Parks, Library, Water/Wastewater and Police Departments, in an amount not to exceed \$33,720 with two (2) twelve (12) month extension options in an amount not to exceed \$33,720 per extension, for a total amount not to exceed \$101,160. (Funding in the amount of \$25,680 is available in the 1992-93 operating budget for the General Fund; \$8,040 is available in the Water/Wastewater Fund; funding for the extension options is contingent upon availability of funding in future budgets.) Low bid of five (5). No M/WBE subcontracting opportunities were identified. Reference No. 921043-3RH.
12. Approve a construction contract award to VICON CONSTRUCTION, INC., Austin, Texas, to replace a deteriorated City-owned storm sewer underneath the residence at 209 E. 35th Street, as part of the Grooms Avenue Storm Sewer Rehabilitation Project, in the amount of

\$38,910. (Funding is available in the 1992-93 operating budget of the Drainage Utility.) Low bid of six (6). 20.56% MBE, 3.86% WBE Subcontractor participation. (Recommended by Environmental Board)

13. Approve a contract award to TEXAS INDUSTRIES FOR THE BLIND AND HANDICAPPED, Austin, Texas, for vegetation control in creeks and detention/sedimentation ponds, and for hauling of excessive vegetation and debris from work performed by City crews, in the amount of \$700,000. (Funding is available in the 1992-93 operating budget of the Drainage Utility.) (Recommended by Environmental Board)
14. Approve execution of a construction contract with OLIVER ROOFING SYSTEMS, Austin, Texas, for re-roofing Building E of the Kramer Lane Service Center, in the amount of \$52,875. (Funding is available in the 1992-93 Capital Budget for the Electric Utility Department.) Low bid of two (2). No M/WBE Subcontracting opportunities were identified.

#8-14 on Councilmember Reynolds' motion, Councilmember Nofziger's second, 5-0 Vote, Mayor Todd and Councilmember Epstein absent.

15. Authorize and approve an Escrow Agreement with the Texas Department of Transportation for the construction of water and wastewater utility relocations on U.S. 290 from Westgate Boulevard to Fortview Road, in the amount of \$1,991,400. (Funding in the amount of \$1,509,700 included in CIP 388-227-0933-Water Relocation; \$481,700 included in CIP 439-237-0922-Wastewater Relocation). Recommended by Water and Wastewater Commission.

On Councilmember Garcia's motion, Councilmember Nofziger's second, 5-0 Vote, Mayor Todd and Councilmember Epstein absent.

16. Approve Change Order No. 4 to SCHROEDER CONSTRUCTION COMPANY, Austin, Texas, for concrete barriers and pipe underdrain construction on Afton Lane as part of the East St. Elmo Wastewater Improvements Project, in the amount of \$5,400, for a total contract of \$179,833.95. (Funding included in CIP 439-237-0769.) (Recommended by Water and Wastewater Commission.)
17. Authorize the selection of HARUTUNIAN ENGINEERING, INC., Austin, Texas, to provide professional engineering services for the Green Water Treatment Plant Low Service Pump Station Electrical Renovation Project, in the amount of \$225,000. (Funding included in CIP 376-227-0900.) Best qualification statement of eleven (11). 10% MBE, 7% WBE Subcontractor participation. (Recommended by Water and Wastewater Commission)

#16-17 on Councilmember Reynolds' motion, Councilmember Nofziger's second, 5-0 Vote, Mayor Todd and Councilmember Epstein absent.

18. Approve Supplemental Amendment #2 to the Professional Services Agreement to HDR ENGINEERING, Austin, Texas, to provide professional engineering services for the Safe Drinking Water Act Modifications required for the Davis Water Treatment Plant, in the amount of \$995,000, for a total contract amount of \$1,702,700. (Funding included in CIP 378-227-0961.) (Recommended by Water and Wastewater Commission.)
19. Approve Supplemental Amendment #2 to the Professional Services Agreement to TURNER COLLIE AND BRADEN, INC., Austin, Texas, to provide professional engineering services for the Safe Drinking Water Act and Modifications required for the Green Water Treatment Plant, in the amount of \$425,000, for a total contract amount of \$753,500. (Funding included in CIP 376-227-0954.) (Recommended by Water and Wastewater Commission.)

#18-19 on Councilmember Reynolds' motion, Councilmember Larson's second, 5-0 Vote, Mayor Todd and Councilmember Epstein absent.

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

20. C14-92-0086 - NATIONSBANC F/K/A/NCNB (Jack Ambach), by Jeffery K. Canfield, 1101 Enfield. From LO to SF-3, Planning Commission Recommendation: To grant SF-3, Family Residence.

EMERGENCY PASSAGE OF ORDINANCE - On Councilmember Garcia's motion, Councilmember Larson's second, 5-0 Vote, Mayor Todd and Councilmember absent.

21. C14-92-0090 - FIRST CITY ASSET SERVICES (Bill Romney), by Bury & Pittman (James Knight), 3201 Duval Road. From CS-1 and LI to MF-3 and GR. Planning Commission Recommendation: To grant MF-3, Multifamily Residence (medium density) for Tract 1 and GR, Community Commercial for Tract 2.

Postponed to November 19, 1992.

22. C14-92-0084 - YU-PENG LIU, by Patrick Snapp, 8312 South Congress Avenue. From SF-2 to GR. Planning Commission Recommendation: To grant GR-CO, Community Commercial-Conditional Overlay, subject to: (1) prohibition of access to Hubach Lane; and (2) the Floor-to-Area Ratios limited to - 0.36 for Retail, 0.06 for Restaurants, 0.08 for Food Sales, and 0.20 for Financial Services.  
First Reading
23. C14-92-0085 - MARGARET KNIPPA, ET AL, by Wise Enterprises (Tom Wissman), 2409 San Gabriel Street. From MF-4 to GR-MU. Planning Commission Recommendation: To grant GR-MU-CO, Community Commercial-Mixed Use-Conditional Overlay, with Floor-to-Area Ratios limited to:

0.84 for General Retail Sales (Convenience/General), 0.16 for Restaurants (Fast Food/Limited/General), 0.16 for Food Sales, and 0.49 for Financial Services.

Ordinance

#22-23 on Councilmember Garcia's motion, Councilmember Larson's second, 5-0 Vote, Mayor Todd and Councilmember Epstein absent.

24. C14-92-0073 - THE AUSTIN DIAGNOSTIC CLINIC (Joan P. Sligh), by Bury & Pittman (Gregory Strmiska), 12100-12222 Centrum Drive. From MF-2 to G0. Planning Commission Recommendation: To grant G0, General Office, subject to compliance with requirements of the traffic impact analysis.  
First Reading

On Councilmember Reynolds' motion, Councilmember Garcia's second, 5-0 Vote, Mayor Todd and Councilmember Epstein absent.

25. C14-92-0070 - MELLON PROPERTIES (Blake Magee), by Graves, Dougherty, Hearon (R. Alan Haywood), North Lamar Boulevard and Howard Lane. From G0, GR, LO, MF-3 & P to LI, MF-3, RR & SF-6. Planning Commission Recommendation: To Grant: (1) LI-CO for Planning Areas 9, 23, and 24; (2) MF-3-CO Multifamily-Conditional Overlay limited to 28 units-per-acre for Planning Areas 8 and 42 and SF-6 for Planning Area 20; and (3) RR for Planning Area 25B. The Conditional Overlay for the LI-CO imposes the following conditions: (a) The following LI uses shall be prohibited: Automotive Repair, Automotive Washing, Campground Commercial Parking, Drop-off Recycling Collection, Equipment Sales/Repair, Funeral Services, Hotel-Motel, Kennels, Laundry Services, Monument Sales, Railroad Facilities, Recycling Center, Resource Extraction, Scrap and salvage, Vehicle Storage, Veterinary Services; (b) The following additional uses shall be prohibited: Above ground fuel storage tanks of Class I (Gasoline) and Class II (Diesel) as defined in the Unified Fire Code, any activity involving the storage and utilization of materials or products which decompose by detonation as set forth in Sec. 13-2-269(8), food and material process from animal or vegetable wastes or fats, slaughtering of animals, poultry or fish; (c) compliance with the Planned Development Areas (PDA) performance standards; (d) subject to the IP site development standards as set forth in Sections 13-2-630 and 13-2-675 except the maximum building coverage shall be 75%; (e) a minimum of a 25 ft. greenbelt/natural buffer area shall be required along Lamar Boulevard. Development within this 25 ft. area will be limited to landscaping in accordance with the Land Development Code, pedestrian paths/sidewalks, and any drainage, underground utility improvement, sinage or other improvements that may be otherwise required by the City of Austin;

(f) vehicular access along North Lamar is governed by the Principal Roadway area requirements Sec. 13-5-84 of the Land Development Code; (g) development of the property shall not exceed 23,119 trips per day.

First Reading

On Councilmember Garcia's motion, Councilmember Nofziger's second, 4-0 Vote, Mayor Todd and Councilmember Epstein absent, Councilmember Reynolds out of the room.

26. C14-85-149.100.1 - MELLON PROPERTIES (Blake Magee), by Graves, Dougherty, Hearon (R. Alan Haywood), Metric Boulevard, North Lamar Boulevard and West Howard Lane. Planning Commission Recommendation: Exhibit "B" of the Restrictive Covenant, Scofield Conceptual Composite Land Use Plan filed with Zoning Case C14-85-149.100 is recommended to be modified as follows: (1) Planning Areas 9, 23, and 24 shall be modified to reflect the LI-CO zoning recommended under zoning case C14-92-0070; (2) Planning areas 8 and 42 shall be modified to reflect the MF-3-CO zoning recommended under zoning case C14-92-0070 limiting the density to 28 units-per-acre; (3) Planning area 20 shall be amended to reflect the SF-6 zoning recommended under zoning case C14-92-0070; (4) Planning Area 25B shall be amended to reflect the RR zoning recommended under zoning case C14-92-0070; (5) The following additional uses shall be prohibited: Above ground Fuel storage tanks of Class I (Gasoline) and Class II (Diesel) as defined in the Unified Fire Code; any activity involving the storage and utilization of materials or products which decompose by detonation as set forth in Sec. 13-2-269(8); food and material process from animal or vegetable wastes or fats, slaughtering of animals, poultry or fish is prohibited; (5) development of the property shall not exceed 23,119 trips per day.
- Approved

On Councilmember Garcia's motion, Councilmember Larson's second, 5-0 Vote, Mayor Todd and Councilmember Epstein out of the room.

To be heard by Planning Commission on November 3, 1992;  
Recommendation to Follow

27. C14-92-0088 - O MESA LLC (John H. Greenfield), by Nathan B. Smith, 9200 to 9220 Jollyville Road and 9000 to 9024 Mesa Drive. From LO and SF-3 to SF-4A.
28. C14-84-378 - O MESA LLC (John H. Greenfield), by Nathan B. Smith, 9200 to 9220 Jollyville Road and 9000 to 9024 Mesa Drive.

#27-28 Postponed to December 3, 1992.

**FINAL CITIZEN COMMUNICATIONS**

Speakers were Robert Singleton and Al St. Louis.

**PUBLIC HEARINGS AND APPROVAL OF ORDINANCES/RESOLUTIONS**

29. 4:30 P.M. - Approve a 7,243 sq. ft. (0.17 acre) permanent wastewater easement and an approximately 4,350 sq. ft. (0.10 acre) temporary construction easement, to allow the construction of a replacement wastewater line through dedicated parkland known as Rosewood Park in accordance with Sec. 26.001 of the Texas Parks and Wildlife Code. (To be postponed indefinitely)

**Postponed Indefinitely**

30. 5:00 P.M. - Appeal by Mr. Paul J. Viktorin of Bury & Pittman, Inc., representing Bluebonnet Development, Ltd., regarding the Planning Commission's decision to deny a variance request to Section 13-7-19 of the Land Development Code (LDC), allowing the transfer of filtration requirements for the Edwards Mountain Subdivision to the Lakeview Subdivision.

**Postponed to December 3, 1992 on applicant's request.**

31. 5:30 P.M. - Appeal of the Planning Commission's decision to deny a conditional use permit site plan for Child Inc. - Twin Crest Day Care, located at 7202-7204 Twin Crest Drive.

**To be continued to November 12, 1992 at 5:30 p.m.**

32. 6:30 P.M. - Full purpose annexation of the South Lamar area, Parmer Lane right-of-way, Burleson Road right-of-way, FM 2222 right-of-way, River Oaks/Tanglewild area, Coxville area, Brodie Lane South area.

**Public hearing was closed, on Councilmember Garcia's motion, Councilmember Reynolds' second, 5-0 Vote, Mayor Todd and Councilmember Epstein absent.**

**EXECUTIVE SESSION (No Public Discussion on These Items)**

Mayor Pro Tem Urdy announced that Council would go into Executive Session, 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

33. Discussion of land acquisition for North Lamar Boulevard/Rutland Drive intersection improvements and regional water quality ponds to retain the non-point source pollutants.
34. Discussion of proposed land acquisition of 3.19 acres located along West First Street near Sand Beach Reserve.

Postponed to November 12, 1992

Advice from Counsel, Section 2, Paragraph e

35. Discussion of Sand Beach Reserve Property

Postponed to November 12, 1992.

Pending/Contemplated Litigation, Section 2, Paragraph e

36. Discussion of State of Texas v. City of Austin, Cause No. 477,213

RECESS

Council recessed for executive session from 2:35 to 2:42 P.M. and then recessed until 4:10 P.M.

VISITORS FROM ARGENTINA

Mayor Pro Tem Urdy and members of the Council welcomed visitors from Argentina who were visiting in the Council Chambers. The visitors were members of the legal profession who had been lecturing at the University of Texas School of Law.

ACTION ON THE FOLLOWING

37. Authorize real property acquisition for North Lamar Boulevard/Rutland Drive intersection improvements and regional water quality ponds to retain the non-point source pollutants.

Authorized in the amount of \$66,400.00, on Councilmember Garcia's motion, Councilmember Nofziger's second, 5-0 Vote, Mayor Todd and Councilmember Epstein absent.

ADJOURN - The meeting was adjourned at 7:42 P.M., on Councilmember Reynolds' motion, Councilmember Nofziger's second, 5-0 Vote, Mayor Todd and Councilmember Epstein absent.