



Austin City Council MINUTES

OCTOBER 14, 1993 - 1:00 P.M.

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

1. Approval of Minutes for Regular Meeting of October 7, 1993 and Special Meetings of September 13, 1993 and September 15, 1993
On Councilmember Garcia's motion, Councilmember Goodman's second, 6-0 Vote, Mayor Todd absent.

CITIZEN COMMUNICATIONS: GENERAL

2. Mr. Brent White, to discuss how Jim Bob Moffett and Freeport McMoran have helped fund genocide and ecocide in Indonesia, Irian, Jaya and East Timar; and what Freeport is doing to the Mississippi River.
3. Ms. Rachel Cywinski, to discuss the misappropriation of City of Austin funds to support Freeport-McMoran by current City Council's support of censorship of the local Hispanic media; use of City attorneys in the private lawsuit of Rachel Cywinski v. Louise Epstein. Did not appear.
4. Ms. Charlene Shillman, to discuss The Museum of Fine Arts, Austin and the commissioning of Sculptor John Cummings to make busts of Bruce Todd, Nofziger, Goodman, Shea, Garcia, Reynolds, and Dr. Charles Urdy for the entry way of the Sculpture Garden, and prospective galleries in the \$16 million Pryor Plan if it is placed on the agenda and approved.

4.a Mike Workman

PUBLIC IMPROVEMENT BONDS

5. Approve an ordinance authorizing the issuance of City of Austin, Texas, Public Improvement Refunding Bonds, Series 1993A, including approval and authorization of a Purchase Contract, Special Escrow Agreement, Paying Agent/Registrar Agreement, and Official Statement pertaining thereto, and including the redemption of certain outstanding bonds.
On Councilmember Reynolds' motion, Councilmember Garcia's second, 5-1-0 Vote, Councilmember Shea voted No, Mayor Todd absent.

BOARD AND COMMISSION REPORTS

6. REGIONAL URBAN DESIGN ASSISTANCE TEAM (RUDAT) - Mr. Chuck Davis, discussed the progress Austin is making in implementing the RUDAT recommendations.

ITEMS CONTINUED FROM PREVIOUS MEETINGS

7. Deny a request to amend Sec. 6.2 of the Moore's Crossing MUD consent agreement to extend the period during which the City will not dissolve the MUD from ten (10) or fifteen (15) years after confirmation to 25 years, to extend the ten (10) year deadline for construction of 90% of district facilities to 25 years, and of a request from the applicant to waive the \$2,300 amendment application fee.
Approved, subject to a FIVE YEAR EXTENSION, on Councilmember Reynolds' motion, Councilmember Goodman's second, 5-1-0 Vote, Councilmember Shea voted No, Mayor Todd absent.

ORDINANCES

8. Approve third reading of an ordinance amending Chapter 13-2 of the Austin City Code rezoning property locally known as 12103-12299 North IH-35, Case No. C14-92-0150, from "SF-2" to "G0-C0, GR-C0, and CS-C0", TEXAS COMMERCE BANK-AUSTIN N.A. (Doug Snyder), by Holford Group (David Holt). First reading on May 6, 1993; Vote: 5-0-1, Councilmembers Nofziger absent and Garcia abstained. Second reading on June 10, 1993; Vote: 5-0-1, Councilmember Garcia abstained, Mayor Todd absent. Conditions met as follows: conditional overlay incorporates conditions imposed by Council.

Postpone indefinitely, on Councilmember Reynolds' motion, Councilmember Goodman's second, 5-0 Vote, Councilmember Garcia abstained, Mayor Todd absent.

9. Approve issuance by North Austin Municipal Utility District No. 1 of District Unlimited Tax and Revenue Refunding Bonds, Series 1993A, in an amount not to exceed \$5,625,000; approving the terms, conditions and covenants of the Bond Order and Preliminary Official Statement. (No fiscal impact.) [The City is not responsible for payment on district bonds until annexation and dissolution of the District.] On Councilmember Reynolds' motion, Councilmember Garcia's second, 5-1-0 Vote, Councilmember Shea voted No, Mayor Todd absent.
10. Approve the Second Amendment to the Agreement concerning Creation and Operation of the Northtown Municipal Utility District; providing revised terms for dedication of land and facilities for parks;

approving an amended land plan and terms for development of land within the District. (Recommended by Parks Board and Planning Commission.)

On Councilmember Reynolds' motion, Councilmember Goodman's second, 5-1-0 Vote, Councilmember Shea voted No, Mayor Todd absent.

11. RESOLUTION - Authorize negotiation and execution of an Agreement for Wholesale Wastewater Service to Brushy Creek Municipal Utility District. (This is a revenue producing agreement. Upon connection, the annual revenue from the existing 1,700 customers would be approximately \$374,000.) [Recommended by Water and Wastewater Commission.]

On Councilmember Reynolds' motion, Councilmember Goodman's second, 4-1-2 Vote, Councilmember Shea voted No, Councilmember Goodman abstained, Mayor Todd absent.

12. RESOLUTION - Authorize negotiation and execution of an Agreement concerning the collection of Capital Recovery Fees within Brushy Creek MUD. (This is a revenue producing agreement. At full build-out of the District, the City would realize approximately \$4 million in wastewater Capital Recovery Fees.) [Recommended by Water and Wastewater Commission.]

On Councilmember Reynolds' motion, Councilmember Goodman's second, 4-1-1-0 Vote, Councilmember Shea voted No, Councilmember Goodman abstained, Mayor Todd absent.

13. Approve the filing of eminent domain proceedings to acquire fee simple title containing 5,944.03 square feet of land, and a temporary construction easement containing 5,223.11 square feet of land out of Lot 1 of Tract D, a resubdivision of Lot A and D, Lamar Rundberg Village in Austin, Travis County, Texas, owned by Eleanor Butt Crook for the Transportation System Management Intersection Improvements at Rutland Drive at North Lamar Boulevard Project. (Estimated cost is \$89,096 - funding was included in the 1992-93 Capital Budget of the Public Works and Transportation Department.)
14. Approve the filing of eminent domain proceedings to acquire a temporary construction easement containing 0.011 acres of land out of Lot 94 of Grant Park, a subdivision in Austin, Travis County, Texas, owned by Ollis J. Bussey for the Tannehill Branch of Boggy Creek Drainage Project. (Estimated cost is \$100 - funding was included in the 1991-92 Capital Budget of the Public Works and Transportation Department.)
15. Approve execution of a twelve (12) month supply agreement with COLORADO MATERIALS COMPANY, San Marcos, Texas, to provide crushed limestone to be used by the Street and Bridge Division of the Public Works and Transportation Department, in an amount not to exceed \$38,350, with one (1) twelve (12) month extension option, in an amount not to exceed \$38,350, for a total amount not to exceed \$76,700. (Funding is available in the 1993-94 operating budget of

the Transportation Fund; funding for the extension option is contingent upon availability of funding in future budgets.) Single bid. 0% MBE, 60.89% WBE Subcontractor participation.

New Airport (Items 16-19)

16. Approve the selection of CARTER DESIGN ASSOCIATES (MBE), Austin, Texas, and authorize negotiation and execution of a professional services agreement to provide architectural services for the Airport Rescue and Fire Fighting Station at the new Austin Airport, in an amount not to exceed \$120,000. (Funding is included in the 1993-94 Capital Budget for Aviation Department. The project is eligible for a grant reimbursement at 75% of eligible costs from the Federal Aviation Administration.) Best qualification statement of five (5). DBE Subconsultant participation: 32% (31% MBE, 1% WBE). [Reviewed by Airport Advisory Board.]

#13-16 on Councilmember Reynolds' motion, Councilmember Goodman's second, 6-0 Vote, Mayor Todd absent.

17. Approve the selection of INTERNATIONAL TECHNOLOGY CORPORATION, Austin, Texas, and authorize negotiation and execution of a professional service agreement to provide for testing of facilities for removal of asbestos, lead paint and radon in facilities, and demolition of facilities in areas planned for new airport construction, in an amount not to exceed \$1,513,000. (Funding is included in the 1993-94 Capital Budget for Aviation. The project is eligible for grant reimbursement at 75% of eligible costs from the Federal Aviation Administration.) Best qualification statement of nine (9). DBE Subconsultant participation: 33% (30% MBE, 3% WBE). [Reviewed by Airport Advisory Board.]

Councilmember Shea stated for the record: "Preserve as many residential units as possible." City Manager Barnett told her it was being done.

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

18. Approve Amendment No. 1 to a contract with SOUTHWESTERN LABORATORIES, INC., Austin, Texas, for the remainder of the professional services agreement to provide geotechnical testing and engineering services for the redevelopment of Bergstrom as Austin's new airport, in the amount of \$1,100,000, for a total amount of \$1,400,000. (Funding is included in the 1993-94 Capital Budget for Aviation. The project is eligible for grant reimbursement at 75% of

eligible costs from the Federal Aviation Administration.) DBE Subconsultant participation: 20% (5% MBE, 15% WBE) [Reviewed by Airport Advisory Board.]

19. Approve execution of four (4) twelve (12) month service agreements with EVERGREEN LANDSCAPE, INC., Austin, Texas, in an amount not to exceed \$34,667.50; LANDGUARD, INC., dba TERRA SYSTEMS (MBE), Austin, Texas, in an amount not to exceed \$63,660; PREMIUM CUTS LAWN SERVICE AND MAINTENANCE INC., (MBE), Austin, Texas, in an amount not to exceed \$47,520; and RED & WHITE GREENERY, Georgetown, Texas, in an amount not to exceed \$36,400, with two (2) twelve (12) month extension options, in an amount not to exceed \$34,667.50, \$63,660, \$47,520, and \$36,400 respectively per extension, for a total amount not to exceed \$546,742.50, to provide grounds maintenance at Bergstrom. (Funding is available in the 1993-94 operating budget of the Department of Aviation; funding for the extension options is contingent upon availability of funding in future budgets.) Low bids of thirteen (13). No M/WBE Subcontracting opportunities were identified.

Brackenridge Hospital (Items 20-24)

20. Approve execution of a twelve (12) month supply agreement with GENERAL MEDICAL CORPORATION, Austin, Texas, for internal surgical instruments to be used for surgical procedures at Brackenridge Hospital, in an amount not to exceed \$252,882.06, including an option to extend thereafter for up to one (1) additional twelve (12) month period, in an amount not to exceed \$252,882.06, for a total amount not to exceed \$505,764.12. (Funding is available in the 1993-94 operating budget of Brackenridge Hospital; funding for the extension option is contingent upon availability of funding in future budgets.) Low bid of four (4). No M/WBE Subcontracting opportunities were identified.
21. Approve execution of a twelve (12) month supply agreement with SOUTHERN SAFETY SALES, INC., Austin, Texas, for equipment used in the treatment of patients with respiratory diseases, in an amount not to exceed \$41,551.63, including an option to extend thereafter for up to two (2) additional twelve (12) month periods, in an amount not to exceed \$41,551.63 per extension, for a total amount not to exceed \$124,654.89. (Funding in the amount of \$38,088.99 is available in the 1993-94 operating budget of Brackenridge Hospital; funding for the final one (1) month of the original contract period and the extension options is contingent upon availability of funding in future budgets.) Low bid of nine (9) meeting specifications. No M/WBE Subcontracting opportunities were identified.
22. Approve execution of a contract to NETWORK MEDIA SERVICES, INC., Austin, Texas, for installation of a nurse call system to be installed on the eighth floor of Brackenridge Hospital, in an amount

not to exceed \$110,025.36. (Funding is available in the 1993-94 operating budget of Brackenridge Hospital.) Sole Source. .66% MBE, 0% WBE Subcontractor participation.

23. Approve execution of a twelve (12) month supply agreement with BAXTER V. MUELLER, McGaw Park, Illinois, for catheters to be used in the Surgery Department of Brackenridge Hospital, in an amount not to exceed \$36,534, including an option to extend thereafter for up to two (2) additional twelve (12) month periods, in an amount not to exceed \$36,534 per extension, for a total amount not to exceed \$109,602. (Funding is available in the 1993-94 operating budget of Brackenridge Hospital; funding for the extension options is contingent upon availability of funding in future budgets.) Sole source. No M/WBE Subcontracting opportunities were identified.
24. Correct previous Council action for award of two supply agreements with ABBEY HOME HEALTHCARE, Austin, Texas, for the purchase and rental of durable medical equipment and supporting supplies, in an amount not to exceed \$50,000, and with SUN BELT PROFESSIONAL SUPPLIES, Austin, Texas, for the purchase of disposable medical supplies, in an amount not to exceed \$80,000, with two (2) twelve (12) month extension options, in amounts not to exceed \$50,000 and \$80,000 respectively, for a total estimated amount not to exceed \$150,000 and \$240,000 respectively. (Funding in the amount of \$32,500 was included in the 1992-93 operating budget of the Health and Human Services Department; funding for the remaining \$97,500 is available in the 1993-94 operating budget of the Health and Human Services Department; funding for the extension options is contingent upon availability of funding in future budgets.) M/WBE Subcontractor participation: Abbey Home Healthcare: 0%; Sun Belt Professional Supplies: 0% MBE, 4.61% WBE.
25. Approve execution of a contract with BILL MUNDAY PONTIAC, INC., Austin, Texas, for the purchase of four (4) full-size 1994 model four-wheel drive utility trucks for use by the Police Department's new License/Weights Program, in an amount not to exceed \$81,784. (Funding is available in the 1993-94 operating budget of the Police Department.) Low bid of four (4) meeting specifications. No M/WBE Subcontracting opportunities were identified.
26. Approve the selection of ALAN PLUMMER AND ASSOCIATES, INC., Austin, Texas, for negotiation and execution of a contract to provide professional services for the Wastewater Effluent Toxicity Reduction Evaluation, in the estimated amount of \$150,000. (Funding is available in the 1992-93 operating budget of the Water and Wastewater Utility.) Best qualification statement of eight (8). 10% MBE, 6% WBE Subcontractor participation. (Recommended by Water and Wastewater Commission.)

27. Approve a construction contract award to J.C. EVANS CONSTRUCTION CO., INC., Austin, Texas, for construction of water transmission main and appurtenances from Bell Mountain Drive to approximately 900' west of Jester Boulevard to accommodate construction of RM 2222 Phase II improvements by the Texas Department of Transportation, in the amount of \$335,494.50. (Funding was included in the 1991-92 Capital Budget of the Water and Wastewater Utility.) Low bid of six (6). 3.18% MBE, 9.44% WBE Subcontractor participation. (Recommended by Water and Wastewater Commission.)
28. Approve execution of a contract amendment with ROMINE GROUP, Austin, Texas, for employee-paid supplemental life and dependent life coverage, to increase the 1993 contract in an estimated amount of \$205,000, for a total estimated contract amount of \$832,500 for the 1993 calendar year. (Funding is available in the 1993-94 budget of the Employee Benefits Fund; the contract is funded by employee contributions.) No M/WBE Subcontracting opportunities were identified.
29. Approve street name change of CENTRUM DRIVE to RENFERT WAY, from the intersection of Park Bend Drive and Centrum Drive, northeasterly to the intersection of Centrum Drive and Cedar Bend Drive. (Funding in the amount of \$240 paid by applicant.)
30. Set public hearings on the full purpose annexation of the following areas: Milwood Sections 12-21, River Place at FM 620/FM 2222; Forest Ridge; Pioneer Farm Area; Commons Ford Park; Mary Searight Park; Barton Creek Greenbelt Access at MoPac. (Suggested dates and times: November 4 and November 18, 1993 at 6:30 p.m.) in the City Council Chambers, and November 9, 1993 at 6:30 p.m. at the intersection of Garfield and Huntsville Drive for Milwood Sections 12-21.)

ITEMS FROM COUNCIL

31. Direct the City Manager to prepare, by November 18, 1993, a report with recommendations for Council on the current criteria and policy for conditional overlay and restrictive covenants, including City of Austin's participation in enforcement of Restrictive Covenants. (Councilmember Jackie Goodman)
Planning Commission to review the criteria after the City Manager prepares her recommendation.

#18-31 on Councilmember Reynolds' motion, Councilmember Goodman's second, 6-0 Vote, Mayor Todd absent.

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

32. C14-93-0094 - Slumberland Memorial Park, Martha Rieger, ET AL (Frank Scofield), by Strasburger & Price (David B. Armbrust), IH-35 North and Dessau Road. From SF-2, IP to CS-1, GR. Planning Commission Recommendation: To grant CS-1-CO for Tract 1 and GR-CO for Tract 2. Floor-to-area ratios (FARS) shall be limited to: (1) 0.045 to 1.0 FAR (or 13,269 square feet) for General Retail Sales (General) and General Retail Sales (Convenience); (2) 0.0108 to 1.0 FAR (or 3,163 square feet) for Restaurant (drive-in, fast food); (3) 0.033 to 1.0 FAR (or 9,735 square feet) for Restaurant (General); (4) 0.038 to 1.0 FAR (or 11,259 square feet) for Food Sales; and (5) 0.043 to 1.0 FAR (or 12,500 square feet) for Financial Services. In addition, the developed portion of CS-1 (for Tract 1) to be used for Commercial Liquor Sales shall not exceed 15,000 square feet. Both tracts are subject to the condition that the applicant enter into an agreement at the site plan stage limiting fertilizer use as acceptable by ECSD.

Applicant requested indefinite postponement. Approved on Councilmember Nofziger's motion, Councilmember Garcia's second, 5-0 Vote, Councilmember Shea out of the room, Mayor Todd absent.

33. C14H-93-0007 - BRIZENDINE HOUSE, 507 West 11th Street. From GO to GO-H. To grant GO-H, General Office-Historic zoning based on designation criteria items 1, 2, 6, 8, 9, 11, 12 and 13.

ORDINANCE - On Councilmember Nofziger's motion, 5-0 Vote, Councilmember Shea out of the room, Mayor Todd absent.

To be heard by Planning Commission on October 12, 1993;
Recommendation to Follow

34. C14-93-0100 - WARREN M. BEAMAN, by Regis Matejcik, 505-507 East Riverside Drive. From GO to MF-4.

Postponed to November 4, 1993.

35. C14-93-0103 - KLINGEMAN-PATTON PARTNERSHIP (Raymond Klingemann), by Travis & Associates (Chase Maromeo, Jr.), 5635 U.S. Hwy. 290 West. From DR to GR.

Postponed to November 4, 1993.

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

36. C14H-93-0015 - UN-NAMED STRUCTURE, 1009 East 8th Street. From SF-3 to SF-3-H.

Pulled off agenda.

37. C14H-93-0016 - B.J. SMITH HOUSE, 700 West 6th Street. From CBD to CBD-H.

Postponed to November 18, 1993.

#34-37 on Councilmember Nofziger's motion, Councilmember Garcia's second, 5-0 Vote, Councilmember Shea out of the room, Mayor Todd absent.

PUBLIC HEARINGS AND APPROVAL OF ORDINANCES/RESOLUTIONS

38. 4:15 p.m. - Amend Title XIII (Land Development code) of the Austin City Code of 1992 to allow columbariums (a vault with niches for urns containing ashes of the deceased) as a permitted use, under Section 13-2-3-6, "Accessory Uses: Civic Use Types" when affiliated with religious assembly providing regular organized religious worship and religious education incidental thereto. (Recommended by Planning Commission.)

Motion

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

Motion

The Council, on Councilmember Garcia's motion, Councilmember Nofziger's second, voted to approve, 5-0 with Councilmember Shea out of the room and Mayor Todd absent.

39. 4:30 p.m. - Amend Title XIII (Land Development Code) of the Austin City Code of 1992 to allow Software Development as a permitted use in the NO, Neighborhood Office; LO, Limited Office; GO, General Office; LR, Neighborhood Commercial; GR, Community Commercial; CS, Commercial Services; CS-1, Commercial-Liquor Sales; CH, Commercial Highway; IP, Industrial Park; LI, Limited Industrial, and MI, Major Industrial zoning districts and Electronic Prototype assembly as a permitted use in the W/LO Warehouse Limited Office; CS, Commercial Services, CS-1, Commercial-Liquor Sales; CH, Commercial Highway; IP,

Industrial Park; LI Limited Industrial; and MI, Major Industrial Districts. (Recommended by Planning Commission.)

Motion

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

Motion

The Council, on Councilmember Nofziger's motion, Councilmember Goodman's second, voted to approve. 6-0 Vote, Mayor Todd absent.

40. 4:45 p.m. - Amend Title XIII (Land Development Code) of the Austin City Code of 1992 to add a definition, under Section 13-2-3 "Special Use Historic" and to amend Section 13-2-221 to modify Use Tables to make "Special Use Historic" a conditional use in the GR, Community Commercial, and more restrictive districts. (Recommended by Historic Landmark Commission and Planning Commission.)

Postponed to November 4, 1993 at 5:00 P.M. on Councilmember Goodman's motion, Councilmember Reynolds' second, 6-0 Vote, Mayor Todd absent.

41. 5:00 p.m. - Amend Section 13-1-406 of the Land Development Code in order to establish an expiration date for zoning applications filed before January 1, 1988. (Recommended by Planning Commission.)

Motion

Councilmember Reynolds made a motion, seconded by Councilmember Goodman, to accept the recommendation of the Planning Commission, with an amendment that reads as follows: An application for zoning or rezoning is invalidated by the provisions of this ordinance may submit, within 30 days of the effective date of this ordinance, and application for the same zoning or rezoning (as was invalidated by the provisions contained in Part 1 herein) at a fee for review and processing of said application to be established by the City Council by separate ordinance for such application. No application for which a fee has been established by the City Council shall be accepted for filing until the required fee has been paid in full.

Amendment to Motion

Councilmember Goodman offered an amendment to the motion, seconded by Councilmember Shea, as follows: PART 2. That the provisions of Section 13-1-406(f) as set forth in this ordinance shall be suspended for 30 days from the effective date of this ordinance for the purpose of allowing any application for zoning or rezoning filed

before January 1, 1988 and not enacted by ordinance before September 30, 1993, but for which advertisement has been made between October 1, 1993 and October 14, 1993 for consideration by the City Council for second and third reading. An application, as specified in Part 2 of this ordinance, shall be deemed invalid and may not be acted upon by the City Council, of said application is not enacted by an ordinance zoning or rezoning the respective subject property no later than 30 days from the effective date of this ordinance. Roll call vote, 5-0-1-0 Councilmember Reynolds abstained, Mayor Todd absent.

Roll Call on Main Motion with Amendments

6-0 Vote, Mayor Todd absent.

42. 5:15 p.m. - Appeal by Lenore E. Newsom of the Planning Commission's decision to deny an application for a conditional use permit site plan for a kennel to be located at 6004 City Park Road.

Motion

Councilmember Garcia made a motion, seconded by Councilmember Shea to close the public hearing. 6-0 Vote, Mayor Todd absent.

Motion

Councilmember Goodman made a motion, seconded by Councilmember Garcia to postpone action to November 4, 1993 at 5:30 P.M. and direct staff to develop standards of criteria. 6-0 Vote, Mayor Todd absent.

EXECUTIVE SESSION (No Public Discussion on These Items)
Session held at 10:00 A.M. in the Mayor's office.

Advice from Counsel - Section 551.071

43. Discussion of contractor's performance under "Agreement between the City of Austin, Texas and Austin Music Channel Co. for Austin Music Channel Management Services," dated March 24, 1993.

44. APPOINTMENTS

BOARD OF ADJUSTMENT - Dorothy Richter, on Councilmember Reynolds' motion, Councilmember Goodman's second, 6-0 Vote, Mayor Todd absent.

ADJOURN - The meeting was adjourned at 8:45 P.M. During the meeting the Council had recessed from 3:10 to 4:10 P.M. on Councilmember Garcia's motion, Councilmember Shea's second, 6-0 Vote, Mayor Todd absent; from 4:15 to 4:30 P.M. on Councilmember Garcia's motion, Mayor Pro Tem Urdy's second, 5-0 Vote Councilmember Shea out of the Mayor Todd absent; and 4:45 to 5:00 P.M.

