



Austin City Council MINUTES

For OCTOBER 27, 1988 -

Council Chambers, 307 West Second Street, Austin, Texas

CITY CLERK'S OFFICE

Mayor Cooke called to order the meeting of the Council, noting the absence of Councilmember Urdy, who he said was ill but would be in the Council Chamber later in the day for the item concerning the airport.

MINUTES APPROVED

The Council, on Councilmember Nofziger's motion, Mayor Pro Tem Shipman's second, approved minutes for regular meetings of October 11, 13 and 20, 1988 and special meetings of October 11 and 18, 1988. (4-0 Vote, Councilmembers Carl-Mitchell and Barnstone out of the room, Councilmember Urdy absent.) With a correction on October 13, 1988.

CITIZEN COMMUNICATIONS

Mr. Jerry Lawson and Mr. David R. Horne did not appear. Ms. Lori Cervenak-Renteria discussed the homeless. Mr. Steve Sawyer talked about management of the City. Ms. Janie M. Sims discussed Halloween on Old Pecan/East 6th Street.

ITEMS POSTPONED

The Economic Development Commission report was postponed to November 3, 1988.

A resolution to consider acquisition of the Austin Chamber of Commerce Building was postponed to November 3, 1988.

An Amendment to the 1988-89 Operating Budget was postponed to November 3, 1988, concerning implementation of the 1988 Affirmative Action Plan.

Postponed to November 3, 1988 is consideration of three contracts for the turbine-generator, boiler and auxiliary maintenance projects for the Electric Utility Department.

Postponed to November 3, 1988 is consideration of the 1988 Affirmative Action Plan as submitted by the Affirmative Action Task Force.

Other items postponed to November 3, 1988 are as follows:

- Consider naming committee members to the Impact Fee Subcommittee.
- Consider expenditures of parkland dedication fund for park improvements at Northwest District Park.
- Approval of contract between the City of Austin and Peat Marwick & Company for a consultant to assist in the "Sunset" audit of the Water and Wastewater Department, \$50,000.00
- Traffic signal light at Redwood & Martin Luther King Jr. Blvd.

Postponed to November 17, 1988 is the City Manager report on Consolidated Lease Budget Impact.

REFUNDING BONDS

The Council, on Councilmember Humphrey's motion, Councilmember Nofziger's second, waived the requirement for three readings and finally passed an ordinance authorizing the issuance and sale of the "City of Austin, Texas, Combined Utility Systems Refunding Bonds, Series 1988 A and B" in the amount of \$369,901,307.50, and enacting other related provisions including approval and execution of a purchase contract and special escrow agreements and approval and distribution of official statement. (6-0 Vote, Councilmember Urdy absent.)

The Council, on Councilmember Humphrey's motion, Councilmember Nofziger's second, adopted a resolution providing for redemption of certain bonds of the City and resolving other matters incident and related to the redemption of such bonds. (6-0 Vote, Councilmember Urdy absent.)

The Council, on Councilmember Nofziger's motion, Mayor Cooke's second, adopted a resolution approving and execution of a Paying Agent/Registrar Agreement with MTrust Corp., National Association in relation to the "City of Austin", Texas, Combined Utility Systems Revenue Refunding Bonds, Series 1988 A and B". (6-0 Vote, Councilmember Urdy absent)

ZONING ORDINANCES

The Council, on Councilmember Humphrey's motion, Mayor Cooke's second, passed through second/third readings of ordinances amending Chapter 13-2 of the Austin City Code (Zoning Ordinance) to cover the following changes: (6-0 Vote, Councilmember Urdy absent)

(1) AMCOR INVESTMENTS CORP. By Brown, Maroney, Rose, Barber & Dye C14-87-179	11700-12400 Hwy. 71 West 10300-11100 Hwy 71 West 10900-12400 F.M. 2244	From Tr. 9 "PUD" & "DR" to "SF-2" Tr. 10 "I-RR" & "DR" to "SF-2" Tr. 11 "I-RR" & "DR" to "SF-4A"
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Trs. 12, 13, 14, 15 & 16 "I-RR"
to "SF-2"
Trs. 17 & 18 "I-RR" to "SF-4A"
Tr. 19 "I-RR" & "DR" to "GR"
Trs. 20 & 21 "I-RR" to "SF-4A"
Tr. 22 "I-RR" & "DR" to "SF-6"
Tr. 23 "I-RR" to "SF-4A"
Tr. 24 "I-RR" to "P"
Trs. 25 & 26 "I-RR" & "DR" to
"MF-1"
Tr. 27 "I-RR" & "DR" to "GR-MU"
Tr. 28 "I-RR" & "DR" to "GR"
Tr. 29 "I-RR" to "CR"
Tr. 30 "I-RR" to "RR"
Tr. 31 "I-RR" & "DR" to "SF-6"
Tr. 32 "I-RR" & "DR" to "GR"
Tr. 33 "I-RR" & "DR" to "GO"
Tr. 34 "I-RR" & "DR" to "IP"
Tr. 35 & 35A "I-RR" to "SF-1"
Tr. 36 "I-RR" to "SF-6"
Tr. 37 "I-RR" & "DR" to "SF-6"
Tr. 38 "I-RR" to "CR"
Tr. 39 "I-RR" to "GR"
Trs. 40 & 41 "I-RR" to "SF-2"
Tr. 42 "I-RR" to "DR"
Tr. 43 "I-RR" "SF-2"
Tr. 44 "I-RR" to "SF-4A"
Tr. 45 "I-RR" to "DR"
Tr. 46 "I-RR" & "DR" to "GR"
Tr. 47 "I-RR" & "DR" to "SF-6"
Tr. 48 "I-RR" & "DR" to "DR"
Tr. 49 "I-RR" & "DR" to "LO"
Tr. 50 "I-RR" to "SF-6"
Tr. 51 "I-RR" to "MF-1"
Tr. 52 "I-RR" & "DR" to "R&D"
Tr. 53 "I-RR" to "MF-1"
Tr. 54 "I-RR" to "SF-6"
Trs. 55 & 56 "I-RR" & "DR"
to "SF-6"

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Tr. 57 "I-RR" to "MF-1"
Trs. 58 & 59 "I-RR" to "P"
Tr. 60 "I-RR" to "DR"
Tr. 61 "I-RR" & "DR" to "MF-1"
Tr. 62 "I-RR" & "DR" to "SF-6"
Tr. 63 "I-RR" to "RR"
Tr. 64 "I-RR" to "DR"
Tr. 65 "I-RR" & "DR" to "P"

Each of the preceding tracts is also included in the "CO" Conditional Overlay combining district for the entire Uplands Development.

First reading on February 4, 1988, (5-0).
Councilmember Michael "Max" Nofziger out of room at roll call. Conditions have been met as follows:
Phasing Agreement incorporating conditions imposed by Council has been executed. Restrictive Covenant incorporating conditions imposed by Council has been executed.

CONSERVATION SERVICES AGREEMENT

The Council, on Councilmember Humphrey's motion, Councilmember Nofziger's second, adopted a resolution authorizing the execution of a Conservation Services Agreement between the City of Austin and Southern Union Gas Company for the implementation of gas conservation programs from the Southern Union conservation reserve funds. (6-0 Vote, Councilmember Urdy absent)

BUDGET AMENDMENT

The Council, on Councilmember Nofziger's motion, Councilmember Humphrey's second, waived the requirement for three readings and finally passed the following ordinance: (6-0 Vote, Councilmember Urdy absent)

Amended the 1988-89 Operating Budget by increasing expenditures in the Resource Management Department by \$510,808.00, and increasing expense funds by \$549,804.00.

CONSENT RESOLUTIONS

The Council, on Councilmember Humphrey's motion, Mayor Cooke's second, adopted the following resolutions all in one consent motion: (6-0 Vote, Councilmember Urdy absent)

Capital Improvements Program

Authorized the filing of Eminent Domain Proceedings to acquire the following:

- /(a) 21, 290 square feet of land in fee simple out of the James P. Wallace Survey No. 57, Travis County, Texas, owned by Baker-Duquette, Inc., A Texas Corporation for the U.S. Highway 183 Expansion Project. C.I.P. No. 85/62-01
- /(b) 7,186 square feet of land in fee simple out of the James P. Wallace Survey No. 57, Travis County, Texas, owned by Hardy Fields, a/k/a Hardy W. Fields and wife, Dorothy Fields, a/k/a Dorothy Nell Fields for the U.S. Highway 183 Expansion Project. C.I.P. No. 85/62-01
- /(c) 3,028 square feet in fee simple and a Temporary Construction Easement containing 800 square feet out of Lot 1, Block "A", of Rather Sanford Addition in Travis County, Texas, owned by Sam W. Pettigrew and Dan Gibbs for the U.S. Highway 183 Expansion Project. C.I.P. No. 85/62-01
- /(d) 2,509 square feet of land in fee simple out of Lot 1 of J. T. Ltd. No. 6, a subdivision in Travis County, Texas owned by The 220 East Anderson Lane Partnership, an Illinois Partnership for the U. S. Highway 183 Expansion Project. C.I.P. No. 85/62-01
- /(e) 2,548 square feet of land in fee simple out of the James P., Wallace Survey No. 57 in Travis County, Texas owned by A.G.I. - Austin, Ltd., a Texas Partnership, also known as American Guesthouse, Inc., of Austin, also known as American Guesthouse, Inc., - Limited for the U.S. Highway 183 Expansion Project. C.I.P. No. 85/62-01

Contracts Approved

Approved the following contracts:

ELLA CONTRACTING, INC.
P. O. Box 16498
Austin, Texas

- CAPITAL IMPROVEMENTS PROGRAM -
Police Emergency Driving Course
Modifications, Transportation and
Public Services Department
Total \$51,033.90 C.I.P. No.
81/87-06

CASCO INDUSTRIES, INC.
533 Rock
New Braunfels, Texas

- Firefighting Bunker Pants and
Coats, General Services Department
Twelve (12) Month Supply Agreement
Items 1 and 2 - \$45,493.00
88-0274-LI

PPG/BIOMEDICAL SYSTEMS
9910 Vidmer Road
Lenexa, Kansas

- Nine (9) Respiratory Gas Monitors
Disposable Supplies, Brackenridge
Hospital
Twelve (12) Month Supply Agreement
Total \$63,720.00 BH8-283

DAVIS TRUCK & EQUIPMENT COMPANY
4300 Highway 90 East
San Antonio, Texas

- Repair/Replacement Parts for Heil
Refuse Trucks, General Services
Total \$60,000.00 88-0318-OM

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DEN INDUSTRIES
3310 Frick Road
Houston, Texas

- Traffic Marking Paint, General
Services Department
Twelve (12) Month Supply Agreement
Items 1-4 - \$83,086.00 88-0237-DC

Literacy Training

Accepted a grant from the Department of Education for \$25,000.00 to expand literacy training in the Austin Public Library for the period October 1, 1988 through September 30, 1989.

Literacy Project

Approved accepting a grant from the Texas State Library and Archives Commission for \$41,840.00 for continuation of the Literacy Project at the Govalle Branch Library for the period September 1, 1988 through August 31, 1989.

Farmer's Market Loan Program

Approved an amendment to the City of Austin Leveraged Loan Pool (LLP) Program Operating Regulations to include a Farmer's Market Loan Program.

Roadway Plan Amendment

Approved an amendment to the Austin Metropolitan Area Roadway Plan with regard to Slaughter Lane (East) and Bluff Springs Road.

Advisory Planning Council

Approved the appointment of Tracy Watson to the Advisory Planning Council.

Grant Awards

Accepted a grant award from the State of Texas, Governor's Office Criminal Justice Division for continued funding of the Police Department's Juvenile Crime Prevention Project/2.

Accepted a grant award from the State of Texas, Governor's Office, Criminal Justice Division for continued funding of the Police Department's Greater Austin Area Organized Crime Control Unit.

Change Order

Approved the following change order: In the amount of \$30,000 to Lewis Contractors for East Austin Transmission Main Phase III. (1.24% increase of the original amount or \$2,419,224.95 - Total Change Orders to date equal 1.73%) C.I.P. No. 22/75-05

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AUSTIN CONVENTION AND VISITOR BUREAU

No action was taken on an amendment to Ordinance No. 861120-J dissolving the Austin Convention and Visitor Bureau; amending the 1988-89 operating budget to create the convention and tourism promotion division within the Department of Public Event Facilities.

Motion

The Council, on Councilmember Barnstone's motion, Councilmember Nofziger's second, passed through FIRST READING ONLY of an ordinance amending Ordinance No. 861120-J, including an amendment to Part 2b, relating to the Austin Convention and Visitor Bureau Board of Directors, with modification of selection of members to make fifteen members on the Board. (4-2 Vote, Mayor Pro Tem Shipman and Councilmember Carl-Mitchell voted No, Councilmember Urdy absent)

BUDGET FOR AUSTIN CONVENTION AND VISITOR BUREAU

The Council, on Councilmember Humphrey's motion, Councilmember Nofziger's second, adopted a resolution approving the proposed Austin Convention and Visitor Bureau budget and work program for fiscal year 1988-89. (4-2 Vote, Mayor Pro Tem Shipman, Councilmember Carl-Mitchell voted No, Councilmember Urdy absent)

CARPORTS

The Council, on Mayor Pro Tem Shipman's motion, Councilmember Carl-Mitchell's second, waived the requirement for three readings and finally passed an ordinance amending Chapter 13-1 (Land Development Procedures) of the Austin City Code relating to carports accessory to residential structures. (6-0 Vote, Councilmember Urdy absent)

SUMIKEN BUILDING

Council had before them for consideration the appropriation of \$25,000.00 from the Electric Utility to pay for the services of a Sumiken special counsel. They also had a resolution to consider the selection of a special counsel to the City Council investigation into the Sumiken transaction.

Motion

Councilmember Barnstone made a motion, seconded by Councilmember Nofziger to approve the above ordinance and resolution.

A lengthy discussion followed and Mayor Cooke said he felt it would be more appropriate to vote on the subject next week. Mayor Pro Tem Shipman and Councilmember Carl-Mitchell both wanted to know what a special counsel would do. Mayor Pro Tem Shipman said if it was just

to go through the records of the City, which are public, then they did not need to pay someone \$25,000 to do that.

Motion Withdrawn

Councilmember Barnstone withdrew his motion and Councilmember Nofziger withdrew his second.

Motion

The Council, on Councilmember Barnstone's motion, Councilmember Nofziger's second, approved proceeding with an inquiry/investigation of the Sumiken and with staff assistance, bring back on November 3, 1988 the scope of work, acquisition of a special investigator, if the scope of work excludes the Law Department, how funded, the appropriate amount of time, the points to be researched but not necessarily to be exclusive, and the funding source from where the money will come from. (6-0 Vote, Councilmember Urdy absent)

NO ACTION

An appeal to Council from Ms. Connie Moore requesting that Council set a hearing on an appeal of the decision of the Austin-Travis County Health Department to deny a permit for a greywater system and compost toilet at 709 Bouldin was not acted upon by Council.

APPEAL SET

The Council, on Councilmember Nofziger's motion, Councilmember Carl-Mitchell's second, set a public hearing for 5:30 p.m. on November 10, 1988 at the request of Mr. Ed Wendler Sr., attorney for Mr. Bernard Lifschutz, on an appeal of the decision of the Building Standards Commission regarding Interregional Apartments. (4-0 Vote, Councilmember-Humphrey and Barnstone and Mayor Pro Tem Shipman out of the room.)

At this point, Councilmember Urdy entered the Council Chamber.

MUNICIPAL AIRPORT

Council had before them for consideration approval of the Professional Services Agreement between the City of Austin and Turner Collie and Braden, Inc., for program management services for the new City of Austin Municipal Airport and authorization to proceed with Phase II - Program Development Services. C.I.P. No. 89/81-05. (Estimated cost \$1,419,347.00)

Members of the Council asked why this was being brought back when it had already been approved. Acting City Attorney Jonathan Davis reminded

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Council that in June the negotiations were approved but the contract had to be brought back to Council.

A lengthy discussion followed with several members of the public and representatives of Turner Collie and Braden, Inc. speaking.

Motion - FAILED

Councilmember Carl-Mitchell made a motion, seconded by Councilmember Urdy to adopt a resolution to approve the Professional Services Agreement between the City of Austin and Turner Collie and Braden, Inc. for Program Management Services for the new City of Austin Municipal Airport and authorization to proceed with Phase II - Program Development Services. Motion FAILED by a vote of 3-4 with Mayor Cooke, Councilmembers Barnstone, Humphrey and Nofziger voting No.

At this point, Councilmember Urdy left the Council Chamber.
/ ZONING HEARINGS

Mayor Cooke announced Council would hear the following zoning cases. Council heard, postponed some cases, passed through first or third readings of others and closed the public hearings where applicable. Disposition of each case follows.

- (1) -86 BUFORD STEWART 6500-7000 East Ben From "DR"
047 By Meyer, Lytton, White Boulevard To "LI"
Allen, Whitaker, NOT RECOMMENDED
Inc. POSTPONED TO DECEMBER 1, 1988
(Applicant request postponement until December 1, 1988)

- (2) -88 JOHNNY HOLMES 1101 & 1103 Juniper From "SF-3"
0101 By City of Austin St. To "GO"
TPSD POSTPONED TO DECEMBER 8, 1988

RECOMMENDED "GO-CO" restricting use to surface off-site parking and to "LO", Limited Office uses and site development standards, restricting access from Juniper Street and requiring dedication of 25 feet of right-of-way from the centerline of Juniper Street and Waller Street.

- (3) -87 CARINO P.U.D. 1707 Bridgeway Drive From "SF-3"
009 By Roger Duncan To P.U.D.
FIRST READING

RECOMMENDED P.U.D. zoning, approve the site plan and preliminary subdivision plat and approve a waiver from the compact parking requirements, grant variances from the minimum 5-acre requirement for P.U.D.s, and from the cul-de-sac requirement for dead-end streets, subject to the T.I.A. recommendations. The commission recommends that: (1) the jogging trail be relocated at the south end of the site, and that it be narrowed, (2) the drainage pipe be placed as close as feasible to the south end and that it provide a connection for the entire circular jogging trail, (3) the underbrush be retained, (4) the requirement for a 6-foot fence along the southern property line be waived, and (5) allow residents of the neighborhood to serve on the governing board.

(On Councilmember Carl-Mitchell's motion, Councilmember Barnstone's second, 6-0 Vote, Councilmember Urdy absent.)

<p>(4) -88 ELI J. GARZA 0068 By: Oak Hill Properties, Inc.</p>	<p>South MoPac Expressway and West William Cannon</p>	<p>From "DR", "SF-2" To Tr. 1 "GR-CO" Tr. 2 "GR-CO", "RR" Tr. 5 "GR-CO" Tr. 6 "MF-2-CO", "RR"</p>
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<p>- <u>THIRD READING TRACTS 1,2,5,6</u> <u>AS RECOMMENDED & WILL NOT SET</u> <u>A PRECEDENT FOR MOPAC</u></p> <p>- <u>FIRST READING, "LO" TRACT 4</u> <u>WITH 50' VEGETATION BUFFER</u> <u>BETWEEN THE NEIGHBORHOOD AND</u> <u>TRACT 4</u></p>	<p>NO RECOMMENDATION Not a Quorum Vote Tr. 4 "LR"-CO" as amended</p>
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RECOMMENDED subject to staff's recommendation on all tracts except Tract 4. (5-3) Tract 4 - no recommendation. Subject to neighborhood agreement and letter from Mr. Curtis Villians dated 9/13/88; delete fiscal requirement.

Motion

The Council, on Councilmember Carl-Mitchell's motion, Councilmember Nofziger's second, waived the requirement for three readings and finally passed an ordinance to approved Tracts 1,2,5,6 as recommended. (6-0 Vote, Councilmember Urdy absent)

Ordinance will be held until Tract 4 is approved on all three readings.

Motion

Councilmember Carl-Mitchell made a motion, seconded by Mayor Pro Tem Shipman to zone "LO" on Tract 4.

Friendly Amendment

Mayor Pro Tem Shipman offered a friendly amendment to have a minimum of a 50' vegetation buffer between the neighborhood and Tract 4, Councilmember Carl-Mitchell accepted the friendly amendment.

Substitute Motion-FAILED

Councilmember Barnstone made a substitute motion to zone "LR" on Tract 4 and restrict activity to 11:00 P.M. Councilmember Humphrey seconded the motion, with a friendly amendment to restrict buildings to one story, all lighting will be toward the street, operation will be from 7 A.M. to 9 P.M. with no gas pumps and no restaurant. The friendly amendment was accepted. Motion FAILED by a vote of 3-3 with Councilmember Carl-Mitchell, Mayor Cooke and Mayor Pro Tem Shipman voting No, Councilmember Urdy absent.

Roll Call on Motion

4-2-0 Vote, Councilmembers Barnstone & Humphrey voted No, Councilmember Urdy absent.

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- (5) -88 CITY OF AUSTIN U.S. Hwy. 290 West From "SF-2"
090 By: Water and and Travis Country To "P"
Wastewater Dept. Blvd. ORDINANCE

RECOMMENDED to grant "P-CO": sidewalks to be installed after HWY 290 WEST frontage roads are constructed; utility to investigate improvement of access to the site.

(On Councilmember Carl-Mitchell's motion, Mayor Pro Tem Shipman's second, 5-0 Vote, Councilmember Barnstone out of the room, Councilmember Urdy absent.)

- (6) -88 E.T.B. 2005 Wheless Lane From "GR"
0108 (ECKERD'S CORP.) To "CS-1"
By Minassian & ORDINANCE
Associates

RECOMMENDED "CS-1-CO" with the following conditions:
(1) uses shall be limited to GR uses plus the sale of beer and wine in unopened containers for off-premise consumption; (2) revenue from the sale of non-alcoholic products shall comprise at least 51% of the gross income of the establishment; and (3) at least 51% of the total display or shelf space shall be devoted to items other than beer and wine.

- (7) -88 E.T.B. 900 East Braker Lane From "GR"
0110 (ECKERD'S CORP.) To "CS-1"
By Minassian & ORDINANCE
Associates

RECOMMENDED "CS-1-CO" with the following conditions:
(1) uses shall be limited to "GR" uses plus the sale of beer and wine in unopened containers for off-premise consumption; (2) revenue from the sale of non-alcoholic products shall comprise at least 51% of the gross income of the establishment; and (3) at least 51% of the total display or shelf space shall be devoted to items other than beer and wine.

- (8) -88 E.T.B. 9515 North Lamar From "GR"
0111 (ECKERD'S CORP.) Blvd. To "CS-1"
By Minassian & ORDINANCE
Associates

RECOMMENDED "CS-1-CO" with following conditions: (1) uses shall be limited to "GR" uses plus the sale of beer and wine in unopened containers for off-premise consumption; (2) revenue from the sale of non-alcoholic products shall comprise at least 51% of the gross income of the establishment; and (3) at least 51% of the total display or shelf space shall be devoted to items other than beer and wine.

- (9) -88 E.T.B. 5619 Airport Blvd. From "CS"
0115 (ECKERD'S CORP.) To "CS-1"
By Minassian & ORDINANCE
Associates

RECOMMENDED "CS-1-CO" with the following conditions: (1) uses shall be limited to "CS" uses plus the sale of beer and wine in unopened containers for off-premise consumption; (2) revenue from the sale of non-alcoholic products shall comprise at least 51% of the gross income of the establishment; and (3) at least 51% of the total display or shelf space shall be devoted to items other than beer and wine.

- (10) -88 E.T.B. 5335 Burnet Road From "CS"
0116 (ECKERD'S CORP.) To "CS-1"
By Minsassian & ORDINANCE
Associates

RECOMMENDED "CS-1-CO" with following conditions: (1) uses shall be limited to "CS" uses plus the sale of beer and wine in unopened containers for off-premise consumption; (2) revenue from the sale of non-alcoholic products shall comprise at least 51% of the gross income of the establishment; and (3) at least 51% of the total display or shelf space shall be devoted to items other than beer and wine.

- (11) -88 E.T.B., INC. 1105 North I.H. 35 From "CS"
0118 (ECKERD'S CORP.) Service Road NB To "CS-1"
By Minassian & ORDINANCE
Associates

RECOMMENDED "CS-1-CO" with the following conditions: (1) used shall be limited to "CS" uses plus the sale of beer and wine in unopened containers for off-premise consumption; (2) revenue from the sale of non-alcoholic products shall comprise at least 51% of the gross income of the establishment; and (3) at least 51% of the total display or shelf space shall be devoted to items other than beer and wine.

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- (12) -88 DIAMOND SHAMROCK 8205 Brodie Lane From "LR"
0106 By Bury & Pittman To "GR"
POSTPONED NOVEMBER 3, 1988

RECOMMENDED "GR-"LO"-CO" limited to car wash for "GR" use and "LR" uses only. No driveway on Plantation Road; no operation of car wash between midnight and 6:00 p.m.; require an 8' privacy fence along the development side of the buffer subject to compliance with sect. 13-2-208; to "LO" District site development regulations, and in the event right-of-way is the applicant will be required to dedicate up to 50' of right-of-way from the centerline of Brodie Lane.

- (13) -88 MARTHA HILL 11751 Jollyville From "SF-2"
0069 PROPERTY Road To "LO-CO"
By SPE Associate EMERGENCY PASSAGE OF ORDINANCE
(Applicant requests emergency passage of ordinance)

RECOMMENDED "LO-"CO" subject to (1) limiting uses to medical, dental and professional offices, (2) access to be limited to one driveway on Jollyville Road, (3) the site plan to provide appropriate landscaping along Secrest Drive, (4) maximum 1-1/2 stories or 35-foot building height, (5) building footprint not to exceed 4,000 sq. ft.

- (14) -88 QUALLO INVESTMENTS 809 Stark Street From "SF-3"
0098 By REO Builders To "NO"
NOT RECOMMENDED
DENIED

- (15) h-88 HUCK'S SLOUGH 3300-3400 Mt. Bonnell From "P"
0014 BRIDGE Road To "P-H"
By City of Austin NO RECOMMENDATION
ORDINANCE

- (16) h-75 PEASE SCHOOL 1106 Rio Grande From "UNZ"
017 By City of Austin To "UNZ-H"

POSTPONED TO DECEMBER 1, 1988

(On Councilmember Shipman's motion, Councilmember Nofziger's second, 5-0 Vote, Councilmember Barnstone out of the room, Councilmember Urdy absent)

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Amendment to Restrictive Covenant

(1) r-85 LAKELINE MALL
178 COMPANY
372 PARTNERSHIP
LAKELINE JOINT
By Armbrust &
Brown

Hwy. 183 North &
F.M. 620 North

RECOMMENDED to approve deletion of the pervious paver requirement from the restrictive covenant and to include requirements regarding recharge enhancement systems and compliance with the environmental criteria manual.

APPROVED AS FOLLOWS: to reduce the pervious
(Changes under- paver requirement to
lined) 3% and to include require-
ments regarding recharge
enhancement systems and
compliance with the
environmental criteria
manual.

(On Councilmember Humphrey's motion, Councilmember Barnstone's second, 5-0 Vote, Councilmember Carl-Mitchell out of the room, Councilmember Urdy absent)

Pending Cases

(1) r-86 WEBBERVILLE 6500-6700 F.M.
236 INDUSTRIAL, INC. 969

From "SF-2", "LO"
To "IP"

RECOMMENDED DISMISSAL
APPROVED DISMISSAL

(On Mayor Pro Tem Shipman's motion, Councilmember Nofziger's second, 5-0 Vote, Councilmember Barnstone out of the room, Councilmember Urdy absent)

PUBLIC HEARING - DISANNEXATION

Mayor Cooke opened the public hearing set for 5:00 P.M. on disannexation from Mr. Tommy Nowotny et al.

Speaker's cards are on file in the City Clerk's office.

Councilmember Carl-Mitchell suggested limited purpose annexation which might solve the concerns of the residents who feel they are paying taxes but not receiving the services.

Council unanimously agreed to continue the public hearing on November 3, 1988 at 3:30 after the neighborhood has talked among themselves concerning disannexation vs. limited purpose annexation.

PUBLIC HEARING - APPEAL

Mayor Cooke opened the public hearing on an appeal from Mr. Terrance Lang Irion of the Planning Commission's decision to deny variances to Barton Creek Watershed Amendments Section 13-3-305 (a) (4) and 13-2-306(a)(2) of the Travis Country Preliminary Subdivision Plan C8-83-29.01(85).

Speaker's cards are on file in the City Clerk's office.

Motion

Councilmember Humphrey made a motion to approve variances to Barton Creek Watershed Amendments Section 13-3-305(a)(4) and 13-2-306(a)(2) of the Travis Country Preliminary Subdivision Plan C8-83-29.01(85).

Second to Motion

Councilmember Carl-Mitchell seconded the motion, "but I want to make sure we have lot size changes as part of the exhibit on Page 3 that the number of lots are noted shall be after .85 units per acre, that's 74 lots and 3.95 units per acre, that's 471 lots." Councilmember Humphrey approved this for inclusion in the motion.

Mayor Cooke asked Tracy Watson if this has been through any process with the Planning Commission. He was referring to the site plan as changed. Mr. Watson said one had been and one had not been through the Planning Commission, "So we are having a little procedural problem now trying to figure out how we attach a variance to something that hasn't actually been submitted yet."

Councilmember Carl-Mitchell said, "What I suggest is that Mr. Watson brings up a good point and this has been an unusual case because we usually get variances with the overall subdivision planning reviewed by the Planning Commission. But, considering all of the work that everyone has put in, my request would be that it does go back through, i.e. the environmental variances are as outlined and the other points of this agreement are as outlined, but then it has to go back through the subdivision process..." Mr. Watson said, "That would be all boards and commissions." Mayor Cooke asked how much that would cost everybody. Discussion followed.

Mr. Watson stated, "What we can do with Council direction, if you so desire, this would not go back to the Environmental Board. The variance direction you provide, unless the Legal Department tells me otherwise, would be incorporated into the revised plan, go to the Planning Commission only and they will act upon it." Mayor Cooke said that would be fine.

Vote on Motion

6-0 Vote, Councilmember Urdy absent

(The definitive copy of the resolution and letters from the neighborhood associations are on file in the City Clerk's office.)

EXECUTIVE SESSION

Mayor Cooke announced Council would go into executive session pursuant to Article 6252-17, Texas Revised Civil Statutes Annotated, to discuss matters of land acquisition, litigation and for personnel matters. No final action, decision or vote by the City Council will be taken on any subject or matter unless specifically listed on the agenda for this meeting.

1. Pending Litigation - Section 2, Paragraph e

- (a) City of Austin vs. Houston Lighting and Power
- (b) ETSI Pipeline Project, et al. vs. Burlington Northern, Inc., et al., C.A. No. B-84-979-CA
- (c) Burlington Northern Railroad Company and Missouri-Kansas-Texas Railroad Company vs. Lower Colorado River Authority and the City of Austin, C.A. No. 4-87-504-K.
- (d) City of Austin vs. Carr et al.
- (e) Water Rate Case at Texas Water Commission
- (f) City of Austin vs. 244 Joint Venture

RECESS

Council recessed for executive session from 9:05 to 10:40 P.M. and then resumed its recessed meeting.

BUDGET REDUCTIONS

Council had before them for consideration the third reading of an ordinance amending the 1988-89 Operating Budget by incorporating budget reductions proposed by the City Manager at City Council reductions.

Speaker's cards are on file in the City Clerk's office.

Motion

Councilmember Nofziger made a motion to approve on THIRD READING the ordinance amending the 1988-89 Operating Budget incorporating the budget reductions proposed by the City Manager as amended on FIRST and SECOND readings with this additional amendment:

- Raise mileage reimbursement for construction inspectors from 20¢ to 25¢ per mile
- All others will be raised from 20¢ to 21¢

Mayor Cooke seconded the motion. He asked for a clarification of the cost and Councilmember Nofziger said the amount will be \$27,779.00 to the General Fund. Councilmember Nofziger proposed the money be taken from the "much heralded, what used to be \$477,000.00".

Councilmember Humphrey asked how much it would be to reimburse construction inspectors 28¢ a mile, all other City employees 25¢ and the City Council 20¢. He was told the two of them together would be approximately \$106,000.00.

Friendly Amendment - Accepted

Councilmember Humphrey stated, "As of September 21, 1988 there were 219 vacant positions in the General Fund. Of these, 67% or 30.6% are proposed for elimination. That means there are 152 vacant positions being funded. I propose we take out five positions and be able to take care of our own folks." Councilmember Humphrey offered this as a friendly amendment, Councilmember Nofziger accepted the friendly amendment.

Acting City Manager John Ware said if the Council wants to eliminate five vacant positions, that can be done. Councilmember Humphrey said they should be eliminated from upper and middle management.

Roll Call on Motion with Friendly Amendment

4-2 Vote, Mayor Pro Tem Shipman and
Councilmember Carl-Mitchell
voted No, Councilmember Urdy
absent

COMPUTER MAINTENANCE

The Council, on Councilmember Nofziger's motion, Mayor Cooke's second, approved the professional service agreement between the City of Austin and Control Data Corporation for maintenance of IBM mainframe computer hardware and related peripherals for Information Systems, Brackenridge Hospital and Police Departments. (5-0 Vote, Councilmember Urdy absent, Councilmember Barnstone abstained.)

CONTRACT

The Council, on Mayor Pro Tem Shipman's motion, Councilmember Carl-Mitchell's second, adopted a resolution approving the following contract: (6-0 Vote, Councilmember Urdy absent)

QUALITY MANUFACTURING, INC.
1420 Nimitz Avenue
Talladega, Alabama

- Emergency Repair and Refurbish
Damaged 1987 Custom Pumper
Truck, General Services Department
Total \$118,079.00

ITEM POSTPONED

Postponed to November 3, 1988 is consideration of a contract to Mac Roofing & Supplies, Inc. for reroofing of Rosewood Zaragoza Health Clinic.

HALLOWEEN ON SIXTH STREET

Councilmember Barnstone introduced to Council discussion of alternative public safety mechanisms on Sixth Street for Halloween. Chief of Police Everett outlined a plan for public safety which would call for control of traffic and 200 Police Officers on duty and no cars to be allowed to park on the street. He said his outline would be the best crowd control if Council eliminates one-way pedestrian traffic.

Both Mayor Pro Tem Shipman and Councilmember Carl-Mitchell stated for the record their opposition to elimination of one way pedestrian traffic on 6th Street Halloween night.

Motion to Reconsider

Councilmember Humphrey made a motion, seconded by Councilmember Carl-Mitchell to reconsider the motion made on December 20, 1988 concerning Halloween pedestrian patterns on 6th Street. Motion passed unanimously.

Motion

Councilmember Carl-Mitchell made a motion to adopt the public safety mechanism on Sixth Street for Halloween as originally proposed by the City's public safety officer which is the one-way system used in 1987. Mayor Cooke seconded the motion.

Acting City Attorney Jonathan Davis told Council a motion to reconsider can only be taken up at the meeting where the original action took place. Mr. Davis said the appropriate motion would be to rescind the earlier motion made two weeks ago.

Motion Restated

Councilmember Humphrey made a motion, seconded by Councilmember Carl-Mitchell to rescind previous action of the Council and restore the one-way traffic pattern on Halloween on 6th Street. (4-2 Vote, Councilmembers Barnstone and Nofziger voted No.)

✓ WORKSESSION SCHEDULE FOR NOVEMBER, DECEMBER 1988 & JANUARY 1989

Mayor Cooke distributed the worksession schedule for Council for November & December, 1988 and January 1989. A copy of the proposed schedule and proposed cancellation of meetings is on file in the City Clerk's office.

✓ REPORT POSTPONED

Postponed indefinitely is a City Manager Report on Parkland Dedication Fees.

TECHNOLOGY INCUBATOR

Joe James, Director of EDIT, presented the City Manager's Status Report on the proposed Austin Technology Incubator.

CONTRACTS APPROVED

The Council, on Councilmember Carl-Mitchell's motion, Councilmember Nofziger's second, adopted resolutions approving the following contracts: (6-0 Vote, Councilmember Urdy absent)

Bid Award:

- | | |
|--|--|
| | - Natural Gas Boiler Fuel, City's Power Plants Operations, Electric Utility Department
Total \$59,847,000.00 88-0304-OM |
| (1) NATURAL GAS MARKETING STORAGE
1400 Smith Street
Houston, Texas | - \$30,630,000.00 plus
\$8,751,000.00 for two additional twelve (12) month periods = \$17,502,000.00 |
| (2) HOUSTON PIPE LINE COMPANY
1400 Smith Street
Houston, Texas | - \$4,900,000.00 plus
\$1,400,000.00 for two additional twelve month periods - \$2,800,000.00 |
| (3) MOBIL NATURAL GAS, INC.
Nine Greenway Plaza, Ste.2700
Houston, Texas | - \$4,015,000.00 |

ADJOURNMENT

Council adjourned its meeting at 12:20 A.M., October 28, 1988.