



# Austin City Council MINUTES For February 1, 1990

Council Chambers, 307 West Second Street, Austin, Texas

Mayor Cooke called to order the meeting of the Council, noting the presence of all Councilmembers.

## MINUTES APPROVED

The Council, on Councilmember Humphrey's motion, Councilmember Carl-Mitchell's second, approved minutes for regular meeting of January 18, 1990 and special meetings of January 16, 1990 at 3:00 P.M. (Meeting as Electric Utility Board) and January 16, 1990 at 4:00 P.M. (Continuation of Working Retreat). (4-0 Vote, Councilmembers Urdy and Nofziger and Mayor Pro Tem Shipman out of the room.)

## NEW EMPLOYEES INTRODUCED

Mayor Cooke introduced John Dandridge, Brackenridge Hospital Administrator, and Alicia Perez, Assistant City Manager, who are new members of the City staff.

## CITIZEN COMMUNICATIONS

Mrs. Betty Redding discussed a franchise contract for Gold Cross and Lifeline Ambulance Inc. Mr. Jeremiah Branch discussed corporation and lack of trained personnel from the Black community. Mr. Daniel Llanes discussed Anti-Apartheid Ordinance and task force. Ms. Maria F. Rocha and Ms. Carol Guthrie discussed employee relations as it relates to Water and Wastewater scheduling of employee hours. Mrs. Beatrice Fincher discussed matching grant application.. Ms. Tracy Silna talked about the Capital Metro free-fare program. Mr. Rick S. Habecker discussed a complaint regarding City Police and Civil Service Commission.

## RETIREMENT SYSTEM

The Council, on Councilmember Carl-Mitchell's motion, Councilmember Humphrey's second, waived the requirement for three readings and finally passed an ordinance amending Ordinance No. 821118-G establishing an election process to select the retiree board member, change asset mix allowing international investing, and allowing the System to pay all actuarial costs. (5-0 Vote, Mayor Pro Tem Shipman and Councilmember Urdy out of the room.)

## CONSENT RESOLUTIONS

The Council, on Councilmember Carl-Mitchell's motion, Councilmember Humphrey's second, adopted the following resolutions all in one consent motion: (5-0 Vote, Councilmembers Urdy and Mayor Pro Tem Shipman out of the room.)

Easements

Authorized release of Sidewalk Easements adjacent to and parallel to the south line of East 32nd Street recorded in Volume 10680, Page 402 of the TCDR. (919 East 32nd S. and 1011 East 32nd Street) Request submitted by George Sanders on behalf of St. David's Hospital/Kermit Fox et al.)

Authorized release of a portion of the Electric Easement of record in Vol. 4408, Page 2331 and release of the Electric Easements of record in Volume 2128, Page 102, Volume 5650, Page 585 of the TCRPR (2311 Rutland Drive) Request submitted by Trammell Crow Company.

Interlocal Governmental Agreement

Approved an Interlocal Governmental Agreement with Travis County for weatherization services for the economically disadvantaged. (Total award of \$93,600.00 from Brown and Root Incentive Program - Residential Fund #765 for a twelve month contract term will allow weatherization of seventy-two homes.

Contracts

Approved a contract award for a twelve month supply agreement to Baxter Hospital Supply, P.O. Box 730080, Dallas, Texas, for EKG Pads for an annual estimated cost not to exceed \$41,974.00. Brackenridge Hospital.

Approved a contract award for a twelve month supply agreement to TRI-GAS, 3566 N. Pan Am Expressway, San Antonio, Texas, for medical use gases used in the hospital lab, surgery and respiratory therapy departments for anesthetization and patient care for a total cost not to exceed \$30,063.00. Brackenridge Hospital.

Approved a contract award for a twelve month supply agreement to Southern Safety Sales, Inc., P.O. Box 40645, Austin, Texas for Concha Water, used by Respiratory Therapy for the humidification system used for ventilated patients for an annual estimated cost not to exceed \$46,247.00. Brackenridge Hospital.

Approved a contract award to Dresser Industries, Inc., Roots Division, 900 West Mount Street, Connersville, Indiana, for four centrifugal compressors that were installed under a C.I.P. project at Govalle Treatment Plant in the total amount of \$43,155.00 - Water and Wastewater Department.

Approved a twelve month contract award to Omni Communication Systems, Inc., 4360 S. Congress, Suite 115, Austin, Texas, for radio repair parts for repair and maintenance of radio and communication devices manufactured by Motorola, Inc., in the annual estimated amount not to exceed \$140,000.00. General Services Department.

Public Hearings Set

Set a public hearing on an amendment to the Austin Metropolitan Area Roadway Plan for Heatherwilde Blvd. and Harris Ridge Blvd. (C2-89-02) for February 15, 1990 at 3:00 P.M.

Set a public hearing on an amendment to the Austin Metropolitan Area Roadway Plan for LaCrosse Avenue (Arterial #12) (C2-89-03) for February 15, 1990 at 3:30 P.M.

#### CONSTRUCTION OF TWO ATHLETIC PRACTICE FIELDS

The Council, on Councilmember Carl-Mitchell's motion, Councilmember Humphrey's second, waived the requirement for three readings and finally passed an ordinance authorizing appropriation of \$91,000.00 from the Contingency Reserve Fund to the Parks and Recreation Department and approved awarding a contract to Capital Excavation Company in the amount of \$195,852.00 for construction of two athletic practice fields. (5-0 Vote, Councilmember Urdy and Mayor Pro Tem Shipman out of the room.)

#### ITEMS POSTPONED

Postponed to February 8, 1990 is approval of amending Chapter 9-6 relating to lobbying by adding a fee disclosure requirement and requiring quarterly reporting of relationships.

Postponed to February 8, 1990 is approval of selection of Espey, Huston & Associates to provide professional engineering services entitled Water Quality Modeling Consulting for the Barton Creek Watershed Study.

Postponed to February 22, 1990 at 4:00 P.M. is Zoning Case C14-89-0071, Bright Banc Savings Association, on Councilmember Nofziger's motion, Mayor Cooke's second, (6-0 Vote, Councilmember Urdy out of the room.)

Postponed to February 8, 1990 is authorization of the recirculation of Bid Invitation No. 900692JJ for the Braker/Mopac Water Transmission Main.

Postponed to February 8, 1990 is approval of a construction contract award to Oscar Renda Construction Inc., Austin, Texas for the Braker Lane-MoPac Transmission Main C.I.P. No. 278-227-0550 in the amount of \$1,187,208.00 - Department of Public Works and Transportation.

Postponed to February 8, 1990 is approval of reappointment and salary adjustments for Municipal Court Judges. Not to exceed 15%.

#### ZONING CHANGE

The Council, on Councilmember Humphrey's motion, Councilmember Nofziger's second, approved second/third readings of an ordinance amending Chapter 13-2 of the Austin City Code to rezone the property locally known as 9400-9424 South IH-35, Zoning Case C14-89-0048-C0, John D. Byram by William J. Scudder, as follows: Tract 1: From "SF-2" Single Family Residence (Standard Lot) district to "LI-C0" Limited Industrial district-Conditional Overlay combining district, and Tract 2: From "SF-2" Single-Family Residence (Standard Lot) district, to "CS-C0" General Commercial Services district-Conditional Overlay combining district. First reading: October 5, 1989; Vote 6-0. Conditions have been met as follows: Conditional overlay ordinance incorporates conditions imposed by Council. Street deed satisfying right-of-way dedication requirement has been executed. (5-0 Vote, Mayor Pro Tem Shipman and Councilmember Urdy out of the room.)

#### IMMEDIATE DEATH PAYMENT

The Council, on Councilmember Humphrey's motion, Councilmember Nofziger's second, approved creation of an account within the Benefits Fund to provide a \$5,000.00 immediate death payment (which would later be subtracted from the total death benefits received) to all employees covered under City Employee Life Insurance Plan. This payment would be payable within 24 hours of notification of employee death to the named beneficiary. (5-0 Vote, Mayor Pro Tem Shipman, Councilmember Urdy out of the room.)

#### ZONING HEARING

Approved second/third readings of an ordinance amending Chapter 13-2 of the Austin City Code to rezone property locally known as 1600 Peyton Gin Road (The Settlement Home), approximately 8.77 acres of land and all three readings of an ordinance rezoning approximately 1.36 acres of land. Zoning Cases C814-89-002 and C14H-77-036, from SF-3" to "PUD" and from "SF-3-H" to "PUD" and "PUD-H". First reading March 9, 1989; Vote 6-0, Mayor Cooke out of the room. Conditions met as follows: The PUD (which includes the PUD-H SITE) incorporates conditions imposed by Council. PUD and PUD-H zoning for the site was approved by Council on March 9, 1989, however, rezoning of the historical portion of the site was not reviewed by the Historic Landmark Commission as required by Ordinance. The Commission has now reviewed and recommended approval of the rezoning. On Councilmember Carl-Mitchell's motion, Councilmember Humphrey's second, 5-0 Vote, Mayor Pro Tem Shipman and Councilmember Urdy out of the room.

#### NO ACTION ON ITEM

No action was taken on approval of resolutions authorizing real property acquisition as listed on the agenda.

#### AUSTINPLAN

Council had before them for consideration discussion of proposed amendments to the Austinplan with recommendation that the Planning Commission review such proposed amendments; and approval of third and final reading of an ordinance on implementation and complete adoption of the Austinplan.

#### Motion - Died for Lack of Second

Councilmember Barnstone made a motion to send the Austinplan and amendments back to the Planning Commission. Motion died for lack of a second.

#### Motion

Mayor Pro Tem Shipman made a motion, seconded by Councilmember Carl-Mitchell to adopt the Austinplan as recommended by the City Manager who will process transition plan in 120 days, prioritize elements and present it back to Council by July 1, 1990.

Substitute Motion

The Council, on Councilmember Barnstone's motion, Mayor Cooke's second, voted to refer to the Planning Commission for review all of the proposed amendments put forth by the City Council. (4-3 Vote, Mayor Pro Tem Shipman, Councilmembers Carl-Mitchell and Humphrey voted No.)

**CABLE ACCESS FUND**

The Council, on Councilmember Humphrey's motion, Councilmember Urdy's second, adopted a resolution to amend the 1989-90 Cable Access Fund budget by appropriating \$125,000.00 from the facility reserve account for the purchase and replacement of equipment and training of access staff; appropriating \$7,500.00 from the facility reserve account for consulting services associated with the purchase of access equipment; and designating \$200,000.00 as an unappropriated facility reserve. (5-0 Vote, Councilmembers Barnstone and Nofziger out of the room.)

**RECESS**

Council recessed its meeting from 2:18 to 2:30 P.M.

**BERGSTROM AIR FORCE BASE**

The Council, on Councilmember Carl-Mitchell's motion, Mayor Cooke's second, adopted a resolution urging the Department of Defense to exclude Bergstrom Air Force Base from its list of bases to be studied for closure; also restructure its deficit-reduction plan so that missions vital to national security are reassigned to Bergstrom Air Force Base which would preclude its closure; and direct the City Manager to work with the University of Texas Bureau of Business Research and develop an economic impact analysis concerning the potential loss of jobs with the closure of Bergstrom Air Force Base. (6-1 Vote, Councilmember Nofziger voted No.)

The Council, on Councilmember Carl-Mitchell's motion, Mayor Pro Tem Shipman's second, adopted a resolution instructing the City Manager to prepare a preliminary feasibility study for building an airport at Bergstrom Air Force Base site, to include the cost of building a similar facility to the proposed Manor airport and take into account all factors used to develop the master plan at the Manor facility; cost proposal should also include the cost of potential delays because of the uncertainty of the closure of Bergstrom, including additional soundproofing of buildings around the current airport site, and any cost associated with providing the same level of noise control around the Bergstrom site as is provided for at the Manor site. The City Manager is also instructed to continue all activity to build the new airport at Manor, with the exception of final Council approval of land acquisition with the results of the study to be returned to the Council within sixty (60) days. (6-1 Vote, Councilmember Barnstone voted No.)

The Council, on Councilmember Carl-Mitchell's motion, Mayor Cooke's second, adopted a resolution directing the City Manager to continue the land acquisition process for the Manor site for the new airport to include parcel identification, surveys, appraisals, review appraisals, and Federal Aviation Administration review; offers to purchase new airport land and Council approval of the corresponding purchase contracts will be held pending a preliminary feasibility or analysis report of Bergstrom Air Force Base as an alternate site for the new airport; additionally, the

Federal Aviation Administration is encouraged to complete the environmental impact statement for the Manor location in an expeditious manner. (6-1 Vote, Councilmember Barnstone voted No.)

#### LIDLAW TRANSIT INC. CHARTER BUS FRANCHISE

The Council, on Councilmember Humphrey's motion, Mayor Cooke's second, passed through FIRST READING ONLY of an ordinance renewing the Laidlaw Transit Inc. Charter Bus Franchise. Source- Charter Bus Franchise Fee of 10% of gross revenue with an expected annual revenue of \$28,000.00. (6-0 Vote, Councilmember Carl-Mitchell out of the room.)

#### PUBLIC HEARING - WATER & WASTEWATER IMPACT FEE

Mayor Cooke opened the public hearing on recommended Land Use Assumptions for the Water and Wastewater Impact Fee as required by Senate Bill 336. No one appeared to be heard.

#### Motion

The Council, on Councilmember Barnstone's motion, Councilmember Nofziger's second, closed the public hearing and approved. (6-0 Vote, Councilmember Humphrey out of the room.) Resolution will be on February 8, 1990 agenda.

#### ZONING HEARINGS

Mayor Cooke announced Council would hear the following zoning cases. Council heard, closed the public hearings and dispensed with cases as follows:

C14h-77-036 - (C814-89-0002) OLD ZIMMERMAN HOUSE, 1600 Peyton Gin Road, From "SF-3-H" to "PUD", "PUD-H". ORDINANCE

C14-89-0069 - CITY OF AUSTIN by Planning and Development, Smokey Valley & O'Henry Cove, from "SF-2" TO "SF-3". ORDINANCE

C14-89-0070 - NCNB of Texas, by Rooster O'Reilly's, 10435 Burnet Road, From "LI" to "CS-1". ORDINANCE

C814-89-0005 - MCGILL INVESTMENTS, by Jerry L. Harris, 3701-3717 Spicewood Springs Road, from "LO", LR" to "PUD". SIX MONTH EXTENSION APPROVED

C14-89-0024 - REALTY CORP. OF AMERICA, by David Bodenman, 12126 U.S. 183 North, From "SF-3", "GO" to "SF-2", "GR". SIX MONTH EXTENSION APPROVED

C14-88-0024 - INTERNATIONAL BANK OF COMMERCE OF LAREDO, by Jones, Day, Reavis & Pogue, 13409-13499 Research Blvd. From "SF-2", "I-SF-2", to "GR". SIX MONTH EXTENSION APPROVED

(On Councilmember Nofziger's motion, Mayor Cooke's second, 6-0 Vote, Councilmember Urdy out of the room.)

HYDE PARK BAPTIST CHURCH, by Armbrust & Brown - Case Numbers & addresses are as follows:

C14-87-141 - 3907 Avenue D, from "SF-3" to "GO". FIRST READING  
C14-89-0072 - 3805-3815 Speedway, from "MF-4" to "GO" FIRST READING  
C14-89-0073 - 4006-4014 Avenue F, from "SF-3" to "CS" POSTPONED  
C14-89-0074 - 3802-3804 Speedway, from "MF-4" to "GO" FIRST READING  
C14-89-0075 - 4003-4007 Avenue F, from "SF-3" to "GO" POSTPONED  
C14-89-0076 - 4011-4013 Avenue F, from "SF-3" to "GO" POSTPONED

Motion

The Council, on Councilmember Barnstone's motion, Councilmember Carl-Mitchell's second, closed the public hearing. (7-0 Vote)

Motion - Died for Lack of Second

Councilmember Barnstone made a motion to refer the zoning cases to committee which would be set up next week. There was no second to the motion.

Motion

The Council, on Mayor Pro Tem Shipman's motion, Councilmember Carl-Mitchell's second, passed through FIRST READING ONLY, ordinances for the above listed cases concerning Hyde Park Baptist Church as follows: (6-1 Vote, Councilmember Barnstone voted No)

"I move we deny the zoning request on the Tannehill House and that we postpone action on the remainder of the zoning requests north of 40th Street; that we grant the zoning request south of 40th Street as recommended by the Planning Commission, on First Reading Only. On February 8, the City Council will appoint a planning team of ten (10), five representatives of the church, five representatives of the neighborhood to develop standards for a Neighborhood Combining District, or Special District, by August 2, 1990. The postponed zoning and the zoning being acted upon on First Reading will be scheduled for action no later than August 2, 1990. Hopefully we will have a Special District proposal at that time. The planning team shall meet regularly and with a member of the Dispute Resolution Center. The Council requests that there be no picketing or demolition while the planning team works over the next six months."

**PUBLIC HEARING - CDBG**

Mayor Cooke opened the public hearing set for 4:00 P.M. on reprogramming \$1,231,907.00 in unexpended CDBG funds from Fiscal Years 1986-87 through 1988-89 to Fiscal Year 1989-90 and to reallocate \$2,250,000.00 in 15th year funds to create new and revised CDBG housing and commercial revitalization programs. (CDBG Entitlement Program FY 1989-90 (15th Year) \$2,250,000.00; 1988-89 (14th year) \$1,060,000.00; 1987-88 (13th year) \$84,095.00; and 1986-87 (12th year) \$87,812.00. Speaker's cards are on file in the City Clerk's office.

Motion

The Council, on Councilmember Carl-Mitchell's motion, Councilmember Urdy's second, closed the public hearing. (7-0 Vote)

Motion

Councilmember Urdy made a motion, seconded by Mayor Cooke, to waive the requirement for three readings and finally pass an ordinance approving the staff recommendation.

Friendly Amendment

Councilmember Carl-Mitchell offered a friendly amendment that the numbers stay the same under the program but that staff come to the Housing Sub-Committee and explain why they want to change those numbers. The friendly amendment was accepted.

Roll Call on Motion with Friendly Amendment

7-0 Vote

SETTLEMENT

The Council, on Councilmember Barnstone's motion, Councilmember Nofziger's second, approved settlement of Cause No. 424,673, S.A. Healy v. City of Austin and Parson, Brinckerhoff, Quade and Douglass, Inc. (6-1 Vote, Councilmember Humphrey voted No.

CIVIL ACTION

The Council, on Councilmember Humphrey's motion, Councilmember Nofziger's second, approved involvement, as friend of the court, in Civil Action No. A 89 CA 719, Save Barton Creek Association, We Care Austin, and Austin Crossroads, Plaintiffs, Barton-Springs/Edwards Aquifer Conservation District, Intervenor v. Federal Highway Administration United States Environmental Protection Agency and Texas State Department of Highways and Public Transportation, Defendants, Mopac South Transportation Corporation, Intervenor (Civil Action No. A 89 CA 719)

ADJOURNMENT

Council adjourned its meeting at 9:55 P.M.