



Austin City Council
MINUTES
For June 7, 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 Mayor Pro Tem Shipman's motion, Councilmember Barnstone's second, approved minutes for regular meeting of May 31, 1990. (4-0 Vote, Councilmembers Nofziger, Carl-Mitchell and Urdy out of the room)

CITIZEN COMMUNICATIONS

Tim Hamblin and R. Luthor Carpenter talked about cable television. Charlotte Flynn discussed recognition of the work that Sally Shipman has done to promote health care for all citizens of Austin. Sue Schorer and David N. Elliot discussed City issues. Gavino Fernandez talked about employee benefits. Paul Robbins discussed the environment. Kenneth L. Altes made comments concerning Councilmember's environmental scorecard. John Sanford asked waiving of City fees for Hyde Park Neighborhood Conservation Combining District Committee. Felix R. Rosales Jr., discussed Bergstrom Feasibility Study.

SISTER CITY WITH OITA CITY, JAPAN

The Council, on Councilmember Carl-Mitchell's motion, Mayor Pro Tem Shipman's second approved a proposal to establish a Sister City relationship between Austin, Texas and Oita City, Japan.

SPEED ZONES

The Council, on Mayor Pro Tem Shipman's motion, Councilmember Urdy's second, waived the requirement for three readings and finally passed the following ordinances, all in one consent motion, approving amendments to the Austin City Code to modify the following speed zones: (7-0 Vote)

(1) Approved an amendment to the Austin City Code to modify the following Speed Zones:

11-2-99(g): 30 mph when flashing
Delete: Congress Avenue from 469 feet north of the centerline of North Bluff Drive (STA. 300-95.7) to 375 feet south of the centerline of Eberhart Lane (STA. 300+95.7)

11-2-99(g): 30 mph when flashing
Add: South Congress Avenue (Loop275) from 465 feet north of the centerline of North Bluff Drive (Mile Point 18.452) to 340 feet south of the centerline of Eberhart Lane (Mile Point 18.654) (Pleasant Hill School).

11-2-100(f): 35 mph when flashing
Delete: South Congress Avenue from 874 feet south of Stassney Lane to 772 feet north of Bluff Springs Road.

(2) Approved an amendment to the Austin City Code to modify the following Speed Zones:

11-2-100(b): 40 mph
Add: Grove Boulevard from Hogan Avenue to East Riverside Drive

11-2-100(c) 45 mph
Add: Grove Boulevard from East Riverside Drive to Montopolis Drive

(3) Approved an amendment to the Austin City Code to modify the following Speed Zones:

11-2-100(b) 40 mph
Add: South Congress Avenue from 354 feet south of the centerline of Oltorf Street to the centerline of Ben White Boulevard (U.S. 290/S.H.71)

11-2-100(b) 40 mph
Add: South Congress Avenue (Loop 275) from the centerline of Ben White Boulevard (U.S. 290/S.H. 71; Mile Point 16.641) to 820 feet south of Sheraton Avenue (Mile Point 17.385).

11-2-100(c) 45 mph
Delete: South Congress Avenue (Loop 275) from 354 feet south of the centerline of Oltorf Street (Station 142+43) to 1311 feet south of William Cannon Drive (Station 337+80)

11-2-100(c) 45 mph
Add: South Congress Avenue (Loop 275) from 820 feet south of Sheraton Avenue (Mile Point 17.385) to the East Service Road of Interstate Highway 35, South (Mile Point 20.870).

11-2-100(d) 55 mph

Delete: South Congress Avenue (Loop 275) from 1311 feet south of William Cannon Drive (Station 337+80) to south City limits, 750 feet south of Foremost Drive (Station 381+69.92)

CONSENT RESOLUTIONS

The Council, on Councilmember Nofziger's motion, Councilmember Humphrey's second, adopted the following resolutions, all in one consent motion: (7-0 Vote)

Eminent Domain: U.S. 183

Authorized and approved the filing of Eminent Domain Proceedings to acquire Fee Simple Title to the following:

0.187 acre of land and Permanent Water and Wastewater Easement containing 1,942 square feet of land out of the James D. Goode Survey Number 30, located in the City of Austin, being partially located in Travis County and partially located in Williamson County, Texas, owned by James D. Wood, and wife, Carol Wood, for the U.S. Highway 183 Improvement Project.

0.2111 acre of land and a Permanent Water and Wastewater Easement containing 2,126 square feet of land out of the James D. Goode Survey Number 30, located in the City of Austin, Travis County, Texas, owned by Trammell Crow International Partners, for the U.S. Highway 183 Improvement Project.

0.181 acre of land, Fee Title to the Main Building and porches located on the same 0.181 acre of land and a Permanent Water and Wastewater Easement containing 1,874 square feet of land out of the James D. Goode Survey Number 30, located in the City of Austin, Travis County, Texas, owned by Thomas J. Moulson and Wife, Touran Moulson, for the U.S. Highway 183 Improvement Project.

Contracts

Approved a construction contract award to J.C. EVANS CONSTRUCTION CO., P.O. Box 9647, Austin, Texas, for the construction of a clay liner at the City landfill, located at F.M. 812 at F.M. 973, in the amount of \$317,789.20 (Funding included in FY 1989-90 budget for Environmental and Conservation Services Dept.)

Approved a twelve month supply agreement to UNIFORMS OF TEXAS, 1712 Fredericksburg Rd., San Antonio, Texas, of uniform shirts and trousers in an amount not to exceed \$36,509.00 and to Martin's Uniforms, 3606 Fredericksburg Rd., San Antonio, Texas, in an amount not to exceed \$101,591.00, with the option to extend for up to one additional twelve month period, at an annual dollar amount not to exceed \$138,100.00, for a grant total amount not to exceed \$276,200.00.

Public Hearings Set

Set a public hearing to amend Title XIII (Land Development Code)

relating to the procedures and standards for approval of the construction of public school facilities by an independent school district: June 28, 1990 at 3:00 p.m.

Set a public hearing on an appeal of the Building and Fire Code Board's decision to uphold the decision of the building official to revoke a building permit at 3113 Edgewater Drive; June 28, 1990 at 3:30 P.M.

Real Property Acquisition

Authorized City of Austin participation with the State of Texas in Real Property acquisition for the U.S. 183/290 projects. City cost is: (a) Account #71 - \$1,600,000.00.

Park

Authorized the negotiation and execution of a contract for the acquisition of 29.075 acres of land in the Dove Springs Neighborhood in the amount of \$300,000.00 for park and recreational purposes. (Funding for parkland acquisition is provided in two accounts: \$197,000.00 from zone 10 fund and \$103,000.00 from Williamson Creek Greenbelt fund)

ITEMS POSTPONED

Postponed to June 14, 1990 is consideration of the following ordinances:

- Adopt an ordinance amending Chapter 10-2 of the Code of the City of Austin, 1981, as amended, redefining the scope of the functions of the Arts Commission.

- Adopt an ordinance ratifying the establishment of the Design Commission, and setting forth its responsibilities and duties; amending Ordinance No. 861009-A, the Art in Public Places Ordinance; transferring the role of the Austin Arts Commission to the Design Commission; and clarifying the roles of the Art in Public Places Panel and the Design Commission.

- Pulled off the agenda was consideration of approval of a request from James T. Watson for a variance from right-of-way dedication requirements at 9100 Highway 290 East.

PALMA PLAZA PARK

The Council, on Councilmember Humphrey's motion, Councilmember Nofziger's second, approved waiving Capital Recovery fees for water services at Palma Plaza Park. (7-0 Vote)

MEETING RE-SCHEDULED

The Council, on Councilmember Humphrey's motion, Councilmember Nofziger's second, approved canceling the regularly scheduled Electric Utility Board meeting of June 19, 1990, and rescheduled it for June 26, 1990. (7-0 Vote)

BALCONES DRIVE

The Council, on Mayor Pro Tem Shipman's motion, Councilmember Carl-Mitchell's second, approved reconsideration of the agreement with the State Department of Highways and Public Transportation, approved by the City Council on January 18, 1990, to exclude the installation of a center turn lane on Balcones Drive between RM 2222 and Parkcrest Drive. (7-0 Vote)

IMPACT FEES FOR CAPITAL IMPROVEMENTS & WATER AND WASTEWATER

Council had before them for approval an Ordinance adopting Impact Fee Capital Improvements Plan and Impact Fee for Water and Wastewater.

Motion

Councilmember Carl-Mitchell made a motion, seconded by Councilmember Humphrey to waive the requirement for three readings and finally pass an ordinance repealing the current fee ordinance and approving the Impact Fee Capital Improvement Plan and establishing the maximum allowable fee for water at \$3463 per service unit, \$1860 per service unit for wastewater and establishing the assessed fee for water at \$1700 per service unit and \$1300 per service unit for wastewater, establishing the collected fee at \$1308 for water and \$787 for wastewater and establishing an additional exemption fee for City of Austin CDBG projects and establishing a discount of 25% for construction within the corporate limits of Austin.

Roll Call on Motion

4-3 Vote, Mayor Cooke Councilmember Urdy and Councilmember Barnstone voted No. After some discussion Councilmember Barnstone changed his vote to Yes, making the vote 5-2 with Mayor Cooke and Councilmember Urdy voting No. This passed the Ordinance through all three readings and canceled the need for the special called meetings which had been posted for June 8 and 9, 1990 for second and third readings of the ordinance.

SIGNS

The Council, on Mayor Pro Tem Shipman's motion, Councilmember Nofziger's second, passed through third reading an ordinance amending Article VII (Sign Regulations), Chapter 1302 (land use), Title XIII (Land Development Code) of the Austin City Code of 1981 relating to the regulation of signs in Austin's planning jurisdiction; and containing other provisions relating to the foregoing subject. (4-2 Vote, Mayor Cooke and Councilmember Barnstone voted No, Councilmember Urdy out of the room)

AIRPORT

The Council, on Councilmember Carl-Mitchell's motion, Mayor Pro Tem Shipman's second, waived the requirement for three readings and finally passed an ordinance amending Chapter 9-11 of the Code of the City of Austin relating to ground transportation services and off-airport businesses at Robert Mueller

Airport. The ordinance sets permit fees for commercial vehicles, off-airport rent-a-car and parking lot businesses. (6-1 Vote, Councilmember Barnstone voted No.)

The Council, on Councilmember Carl-Mitchell's motion, Councilmember Urdy's second, adopted a resolution to award contracts to nine companies to operate rent car concessions at Robert Mueller Municipal Airport, approving staff recommendation, check compliance on Avis, Budget and Hertz. (6-1 Vote, Councilmember Humphrey voted No.)

The Council, on Councilmember Carl-Mitchell's motion, Councilmember Urdy's second, waived the requirement for three readings and finally passed an ordinance transferring \$60,000.00 from the Aviation Capital Fund to the Bergstrom Air Force Base Feasibility project to provide funding for other city departments' participation in the Bergstrom Air Force Base feasibility study and new airport site selection process. (7-0 Vote)

The Council, on Councilmember Carl-Mitchell's motion, Councilmember Urdy's second, adopted a resolution offering an incentive package for Continental Airlines maintenance facility. (6-1 Vote, Councilmember Barnstone voted No.) (A friendly amendment by Councilmember Barnstone to add deannexation was not accepted)

PUBLIC HEARING - CHARTER BUS FRANCHISE TO AMERICAN ARROW COMPANY, INC.

Mayor Cooke opened the public hearing on approving the first reading of an ordinance granting a Charter Bus Franchise to American Arrow Company, Inc. and approving a proposed rate of fare. Speaker's cards are on file in the City Clerk's office.

Motion

The Council, on Councilmember Nofziger's motion, Mayor Pro Tem Shipman's second, passed through FIRST READING ONLY an ordinance granting a Charter Bus Franchise to American Arrow Company, Inc. and approved a proposed rate of fare. (5-0 Vote, Mayor Cooke and Councilmember Humphrey out of the room)

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.

Personnel Matters - Section 2, Paragraph g

(a) Discuss the appointment of a Relief Judge for Municipal Court.

RECESS

Council recessed its meeting for executive session.

MUNICIPAL COURT RELIEF JUDGE APPOINTED

The Council, on Councilmember Carl-Mitchell's motion, Mayor Pro Tem Shipman's second, approved the appointment of Charles Wood as Relief Judge for Municipal Court. (4-0 Vote, Councilmembers Humphrey, Nofziger and Urdy out of the room)

NO ACTION ON ITEM RE COMPARISON OF MANOR AND BERGSTROM SITES FOR AIRPORT

Council had before them for consideration a resolution outlining the procedure and criteria for comparison of the Manor and Bergstrom sites for the City of Austin Municipal Airport.

Motion-FAILED

Councilmember Barnstone made a motion, seconded by Mayor Cooke to table the resolution. Motion FAILED by a vote of 3-4 with Mayor Pro Tem Shipman, Councilmembers Carl-Mitchell, Humphrey and Urdy voting No.

Motion- FAILED

Councilmember Carl-Mitchell made a motion, seconded by Councilmember Urdy to adopt a resolution outlining the procedure and criteria for comparison of the Manor and Bergstrom sites for the City of Austin Municipal Airport. Motion FAILED by a vote of 3-4 with Mayor Cooke, Councilmembers Barnstone, Humphrey and Nofziger voting No.

PUBLIC HEARING - LAND DEVELOPMENT CODE

Mayor Cooke opened the public hearing on amending the Land Development Code by authorizing college and university uses in "LI" (Limited Industrial) districts. Speaker's cards are on file in the City Clerk's office.

Motion

The Council, on Mayor Pro Tem Shipman's motion, Councilmember Barnstone's second, closed the public hearing, waived the requirement for three readings and finally passed an ordinance amending the Land Development Code by authorizing college and university uses in "LI" (Limited Industrial) districts. (7-0 Vote)

ZONING HEARINGS

Mayor Cooke announced Council would hear the following zoning cases. Council heard, closed the public hearings and took action as follows: (Speaker's cards are on file in the City Clerk's office.)

C814-89-0008 - Britain Creek PUD by Lichliter, Jameson & Associates. 8212 Barton Club Drive, from "DR, GO, LR" to "PUD".

Motion

Mayor Pro Tem Shipman made a motion to close the public hearing and DENY

the zoning change, recognize the Planning Commission variances and Environmental Board.

Substitute Motion

Councilmember Barnstone offered a substitute motion to DENY, with a friendly amendment by Mayor Pro Tem Shipman to oppose incorporation. Motion passed by a vote of 7-0.

C14-90-0021 - PRESBYTERIAN CHURCH OF THE HILLS, by Gele & Associates, 11672 Jollyville Road, from "SF-2" to Tract 1: "LO", Tract 2: "SF-6" recommended to grant "LO-CO", Limited Office, for Tract 1 and "SF-6", Townhouse and Condominium Residence, for Tract 2, with the provision that the portion of Tract 2 along Ladera Vista Drive (for a depth of 210 feet and a length of approximately 422 feet parallel with the street) will roll back to "SF-2" if the applicant does not construct a facility for religious assembly. FIRST READING

(On Mayor Pro Tem Shipman's motion, Councilmember Nofziger's second, 7-0 Vote)

C14-90-0020 - FRANKLIN FEDERAL CORP., by Jenkins & Gilchrist, 6415 Sanderson Avenue, from "MF-2" to "GR" POSTPONE TO 7/26/90

Termination of Restrictive Covenant

C14-80-076 - BLUEBONNET SAVINGS BANK FSB, by Deby Bell, 1717 West 6th Street POSTPONE TO 6/14/90

C14-83-069 - LFG., INC., by Armbrust & Brown, 1107 West 45th Street POSTPONE TO 7/26/90

Pending Cases Recommended for Dismissal

C14-84-032 - Spicewood Baptist Church, by Gary W. Smith, 4320 Spicewood Springs Road DISMISSED

C14-84-156 - Pivot Joint Venture, by O.D. Bradsher Jr., 7001-7033 Riverside Drive DISMISSED

C14-84-161 - Lucy Colvin, by Tom Curtis, 1930-1942 Mariposa DISMISSED

C14-84-214 - A.H. Neighbors, by Jimmy Nassour, 6907-7001 E. Riverside Drive DISMISSED

C14-84-268 - Robert A. Wiggins, 4215 Marathon Blvd. DISMISSED

C14-84-271 - Dr. Thomas H. Barnett, 3402 Glenview, 3403 Jefferson Street PULLED OFF

C14-84-272 - Dr. Thomas H. Barnett, 3404 Glenview, 3405 Jefferson Street PULLED OFF

C14-84-303 - Charles Ray Tuggle, by James A. Brady, 1000-1006 East 47th Street.

C14-84-515 - Western Livestock & Timber Co., by Robert Small, 3320-2400 South Lamar DISMISSED

C14-85-048 - David Honeycutt, Trustee, by John Bolt Harris, 3109 Burleson Road DISMISSED

(On Mayor Pro Tem Shipman's motion, Councilmember Nofziger's second, 7-0 Vote)

Ordinance Amendment

C814-82-006.01 (83) - LAKE AUSTIN COMMONS PUD, (Bluebonnet Savings Bank FSB)
1717 West 6th Street POSTPONED TO 6/14/90

ADJOURNMENT

Council adjourned its meeting at 5:55 A.M. on June 8, 1990. (Public testimony for Zoning Case C814-89-0008 lasted for 13 and one half hours.)