



Austin City Council MINUTES

For May 10, 1990

Council Chamber, 307 West 10th Street, Austin, Texas

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

CITIZEN COMMUNICATIONS

Steve Sawyer discussed the City and City Council. Sue Schorer addressed current City issues. David N. Elliott talked about the budget. R. Luthor Carpenter talked about cable television. John Nira discussed adult-oriented businesses. Maria F. Rocha talked about censorship from City's Public Information Office. Michael Monreal discussed increasing patrolmen in East Austin neighborhood. Lori Cervenak-Renteria talked about the convention center site design criteria and Henry Ratliff talked about the airport and taxi fares.

ITEMS POSTPONED

Postponed was the City Council Worksession on briefing on Personnel Issues which includes the following: Organizational Development and Training, Personnel Policies, Health Care Benefits, Classification Update, Compensation Issues, and Affirmative Action.

Postponed to May 17, 1990 is approval of selection of Acentech Incorporated, 125 Cambridge Park Drive, Cambridge, Massachusetts, and negotiation and execution of a contract, to provide engineering/architectural services for the sound insulation of three public schools near Robert Mueller Municipal Airport.

Pulled off the agenda was the Aviation Subcommittee Report.

Pulled off the agenda was appointment of a Charter Revision Commission consisting of seven members to consider and make recommendations on whether certain provisions of the City Charter should be revised.

Postponed to May 17, 1990 is discussion of adding a bilingual stipend for City employees that must utilize a second language in the performance of their job duties.

Postponed to May 17, 1990 is discussion and possible suspension, for 90 days, of the funeral detail in the Police Department and devote those resources to gangs/drug related activities and other targeted areas of the City.

No action was taken on appointments to boards and commissions.

CONSENT ORDINANCES

The Council, on Councilmember Humphrey's motion, Mayor Cooke's second, waived the requirement for three readings and finally passed the following ordinances all in one consent motion: (6-0 Vote, Councilmember Barnstone out of the room)

Parkland

Approved dedicating 3.367 acres of vacated, City-owned Barton Skyway right-of-way through Barton Creek Greenbelt as parkland.

Grant

Authorized the acceptance of a grant from the office of the Governor for energy assistance for non-profit organizations, and amended the 1989-90 Approved Financial Plan by appropriating \$89,781.00 to the Environmental and Conservation Services Department.

Grant

Approved the renewal of grant contracts with the Texas Department of Health (TDH) for ongoing Health and Human Services Department (HHSD) programs, and amended the FY 1989-90 Operating Budget for the HHSD by increasing expenditures and expense refunds by \$31,062.00 to accept additional funding from the TDH for AIDS and Sexually Transmissible Disease (STD) control programs.

CONSENT RESOLUTIONS

The Council, on Mayor Pro Tem Shipman's motion, Councilmember Urdy's second, adopted the following resolutions all in one consent motion: (6-0 Vote, Councilmember Carl-Mitchell out of the room)

Drainage Easement

Authorized release of the drainage easement on Lot 19, Blk. K, Valley View Acres Revised recorded in Volume 59, Page 35, of the Plat Records of Travis County, Texas, locally known as 6225 Chinook. (Request submitted by Deborah E. Berkey Wilder on behalf of Resolution Trust Corporation as Conservator for Savers Federal Savings and Loan Association.)

Sanitary Sewer Easement

Authorized release of a portion of a Sanitary Sewer Easement recorded in Volume 7915, Page 422, of the Real Property Records of Travis County, Texas, located on Lot 19, Blk. K., Valley View Acres Revised, locally known as 6225 Chinook. (Request submitted by Deborah E. Berkey Wilder on behalf of Resolution

Trust Corporation as Conservator for Savers Federal Savings and Loan Association)

Sanitary Sewer Easement

Authorized release of a portion of a Sanitary Sewer Easement of undefined width as record in Volume 630, Page 496, Travis County Deed Records, (TCDR), located on Lot 3, Block A, Shoal Courts, locally known as 4116 Shoal Creek Blvd. (Request submitted by GEO, a geographical land services company on behalf of James R. Boulding, et ux)

Electric and Telephone Easement

Authorized release of the 7.5 foot Electric and Telephone Easement recorded in Volume 844, Page 77 of the official records of Williamson County, Texas, located on Lot 1, Citinorth Plaza Subdivision, locally known as 13739 Research Blvd. (Request submitted by Bury & Pottman, Inc. on behalf of Wilma J. Bach)

Eminent Domain Proceedings

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

- 0,728 acre of land out of the James Rogers Survey No. 19, Abstract No. 659 in Austin, Travis County, Texas, owned by Yale University for the U.S. 183 Improvement Project.

- 4,985 square feet (0.114 acre) of land out of the James Rogers Survey No. 19 in Austin, Travis County, Texas, owned by Robert M. Schmidt, Trustee and Richard A. Massman, Trustee, for the U.S. Highway 183 Improvement Project.

- 0.181 acre of land and a Water and Wastewater Easement containing 1,875 square feet of land out of the James D. Good Survey No. 30 and Lot 1 of the Austin Bancshares Addition, a subdivision in Austin, Travis County, Texas, owned by Austin National Bank Northwest, now known as NCNB Texas National Bank for the U.S. Highway 183 Improvement Project.

- 17,897 square feet (0.411) acre of land out of the James Rogers Survey No. 19 in Austin, Travis County, Texas, owned by Robert W. Norris, Trustee and Richard Dorrell aka Richard Edward Dorrell; title to a portion of a retail building located partially on this land and partially on the remaining property of which said tract was originally a portion; and a temporary right to enter upon the remaining property in order to remove the portion of the building for the U.S. Highway 183 Improvement Project.

- 0.183 acre of land and a Water and Wastewater Easement containing 1,891 square feet of land out of the James D. Goode Survey No. 30 and Lot 3 of M>R>I> Systems Corporation Subdivision in Austin, Travis County, Texas, owned by Scotts Food Services, Inc., a/k/a Scotts Restaurant, Inc.,; title to the main building located partially on this land and partially on the remaining property of which said 0.183 acre tract was originally a portion; and a temporary right to enter upon the remaining property in order to remove the main building for the U.S. Highway 183 Improvement Project.

- 0.316 acre of land and a waterline easement containing 2,098 square feet of land out of the James Rogers Survey No. 19 in Austin, Travis County, Texas, owned by Ray H. Schiller and Wife, Magdaline Schiller for the U.S. Highway 183 Improvement Project.

- 4,841 square feet (0.111 acre) of land out of the James Rogers Survey No. 19 in Austin, Travis County, Texas, owned by Leon Schmidt, Trustee; title to the prefabricated metal building located partially on this land and partially on the remaining property of which said tract was originally a portion; and a temporary right to enter upon the remaining property in order to remove the prefabricated metal building for the U.S. Highway 183 Improvement Project.

- 110,450 square feet (2.536 acres) of land out of the James P. Wallace Survey in Austin, Travis County, Texas, owned by the Executel Limited Partnership '83, a Washington Limited Partnership for the U.S. Highway 183 Improvement Project.

- 12,883 square feet (0.296 acre) of land out of Lot 1 of Holliday Acres, a subdivision in Austin, Travis County, Texas owned by Bobbie R. Holliday and wife LaQuita J. Holliday; title to a portion of a freestanding steel frame and metal roof canopy and title to a portion of a steel frame and metal roof canopy attached to the front of the main building located partially on this land and partially on the remaining property of which said tract was originally a portion; and a temporary right to enter upon the remaining property in order to remove the canopies for the U.S. Highway 183 Improvement Project.

- 0.052 acre of land out of the Isaac Decker League in Austin, Travis County, Texas, owned by J.F. Kramer Jr., Trustee for the U.S. Highway 290 West/SH 71 Improvement Project.

Escrow Agreement

Authorized and approved an escrow agreement with the State Department of Highways and Public Transportation, in the amount of \$783,568.86, for the relocation of water and wastewater utilities on FM 734 from FM 1325 to Loop 275. Funding included in the budget for CIP No. 388-227-0871.

Grant

Authorized application for and acceptance of a grant in the amount of \$1,450.00 from the Texas Commission on the Humanities Grant Program for development and production of an exhibit at the Elizabet Ney Museum. (No fiscal impact)

Public Hearing Set

Set a public hearing to gather citizens' input on community needs to be addressed by activities funded under the 16th Year (Fiscal Year 1990-91) Community Development Block Grant Program for May 24, 1990 at 6:00 P.M.

SIGN REGULATIONS

The Council had before them for approval second/third readings of an

Ordinance amending Article VII (Sign Regulations), Chapter 13-2 (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.

Motion- FAILED

Mayor Pro Tem Shipman made a motion, seconded by Councilmember Humphrey to pass through second reading, and delete reference to sidewalk signs. Motion FAILED by a vote of 3-4 with Councilmembers Barnstone, Nofziger, Urdy and Mayor Cooke voting No.

Motion

Councilmember Carl-Mitchell made a motion, seconded by Councilmember Nofziger to pass through second reading of an ordinance amending Article VII (Sign Regulations), Chapter 13-2 (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. Motion PASSED by a vote of 4-3 with Mayor Cooke, Councilmembers Barnstone and Urdy voting No.

FINANCIAL MANAGEMENT POLICY

Motion

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 Ordinance No. 890615-E revising the Financial Management Policy for the City of Austin concerning the drainage fund and the airport fund. (7-0 Vote)

Motion

The Council, on Mayor Pro Tem Shipman's motion, Councilmember Urdy's second, referred Item #14 (decommissioning trust to be established external to the City for the said purpose to hold the proceeds for monies collected for the purpose of decommissioning the South Texas Nuclear Project. An external investment manager may be hired to administer the trust investments) back to Policy Planning and Budget for 30 days. (7-0 Vote)

FARE FOR JOINT TAXICAB TRIPS

The Council, on Councilmember Barnstone's motion, Mayor Cooke's second, waived the requirement for three readings and finally passed an ordinance amending Section 8-7-172(a) of the Austin City Code providing a new method for determining the fare for joint taxicab trips; Option 2: Individual Fare Method. (The taximeter is stopped at each destination and the departing passenger pays the recorded fare. The meter is reset for the trip to the next destination. Exception - one passenger can agree to pay the fare for all passengers. In this situation the meter is not reset at each destination and the fare recorded on the meter at the final destination is paid.) (7-0 Vote)

TAXICAB FARES AND WAITING TIME

The Council, on Councilmember Barnstone's motion, Mayor Cooke's second, waived the requirement for three readings and finally passed an ordinance providing for an increase in the taxicab fare and amending the definition of waiting time set forth in Section 8-7-61 of the 1981 Code of the City of Austin. (7-0 Vote)

AMENDMENTS - SPECIAL EVENTS AND CONVENTION CENTER DEPARTMENT

The Council, on Councilmember Barnstone's motion, Mayor Cooke's second, waived the requirement for three readings and finally passed an ordinance amending Ordinance No. 890914A by deleting the Special Events Division Enterprise Fund and all its assets and 35.5 FTEs from the Operating Budget of the Parks and Recreation Department and transferring the Special Events Division Enterprise Fund and 35.5 FTEs to the Convention Center Department to fund 42.5 FTEs. (6-0 Vote, Mayor Pro Tem Shipman out of the room)

CONTRACTS APPROVED

The Council, on Councilmember Carl-Mitchell's motion, Councilmember Urdy's second, adopted resolutions approving the following contracts: (6-0 Vote, Mayor Pro Tem Shipman out of the room)

Lake Patrol Boats

TRAVIS BOATS & MOTORS, 9185 Research Blvd., Austin, Texas, for three Lake Patrol Boats in the amount of \$55,266.46. Funding included in the 1989-90 budget for General Services Department.

AUSTIN PAVING COMPANY, 800 Shoal Creek Blvd., Austin, Texas, for the North Perimeter Road Reconstruction Project at Robert Mueller Municipal Airport in the amount of \$288,090.00. Funding included in CIP Project No. 881-817-0710.

MCLEAN CONSTRUCTION, INC., Killeen, Texas, in the amount of \$1,075,827.00 for the Braker Lane-MoPac Transmission Main project. Funding included in CIP No. 3780227-0550.

BOWATER COMPUTER FORMS, 9001 IH-10 West, Suite 800, San Antonio, Texas, for computer paper in an amount not to exceed \$44,648.34, with one twelve month extension option. Funded included in FY 1989-90 budget for Brackenridge Hospital.

CAPITAL AREA PERFUSIONIST, INC., P.O. Box 5291, Austin, Texas, for Perfusion Services at a total cost not to exceed \$133,588.00, with the option to extend the agreement for up to two twelve month periods. Funding included in the FY 1989-90 budget for Brackenridge Hospital.

DUPONT PHARMACEUTICALS, Barley Mill Plaza, P16-2155, Wilmington, Delaware, for Hespan Hetastarch at an annual estimated cost not to exceed \$39,672.00 with one twelve month extension option. Brackenridge Hospital.

NELLCOR, 25495 Whitesell Street, Hayward, California, for Oxisensors at

an annual estimated cost not to exceed \$101,963.00, with the option to extend the contract for up to one twelve month period. Brackenridge Hospital.

Approved negotiation and execution of a Supplemental Amendment to the existing Professional Services Agreement with CH2M-HILL CENTRAL, INC., 8140 N. Myopic Expressway, Bldg. 1, Suite 200, Austin, Texas, for Hornsby Bend Sludge Digester No. 8 Repair Engineering Services. (Estimated cost of \$67,000.00 provided under C.I.P. NO. 430-237-0830. (6-0 Vote, Mayor Pro Tem Shipman out of the room)

CONTRACTS APPROVED

The Council, on Councilmember Carl-Mitchell's motion, Councilmember Urdy's second, adopted a resolution approving a construction contract award to SPAW-GLASS CONSTRUCTION SERVICES, INC., 45 N.E. Loop 410, Suite 950, San Antonio, Texas, for the Brackenridge Hospital Emergency Department Expansion and Renovation Improvements, in the amount of \$3,761,250.00. Funding included in C.I.P. 861 847 0225. (5-0 Vote, Mayor Pro Tem Shipman and Councilmember Barnstone out of the room.)

The Council, on Councilmember Nofziger's motion, Councilmember Carl-Mitchell's second, adopted a resolution approving the selection of S.A. GARZA ENGINEERS, INC., 4200 Marathon, Suite 300, Austin, Texas, and negotiate and execute a contract for professional engineering services for the Ullrich Water Treatment Plant Lime Sludge Transportation Route Alternatives Project. C.I.P. No. 385-227-0935. (6-0 Vote, Councilmember Barnstone out of the room)

The Council, on Mayor Pro Tem Shipman's motion, Councilmember Carl-Mitchell's second, adopted a resolution approving selection of SIROTA AND ALPER ASSOCIATES, 1675 Third Avenue, New York, New York, for consultant services to train City staff in survey techniques, and to develop customer service survey instruments for citizens, City employees and three service areas, in the amount of \$73,700.00. Funding included in FY 1989-90 approved budget. (4-1 Vote, Councilmember Barnstone voted No, Councilmember Humphrey and Nofziger out of the room)

PUBLIC HEARING - APPEAL

Mayor Cooke opened the public hearing set for 3:30 P.M. on an appeal of the decision made by the Building Standards Board for the building locally known as 1112 east 1st Street.

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

Motion - FAILED

Councilmember Nofziger made a motion, seconded by Mayor Cooke, to approve staff recommendation to demolish the building.

Substitute Motion

Councilmember Carl-Mitchell offered a substitute motion, seconded by Councilmember Barnstone, to continue the public hearing, send it to the Landmark

Commission for review, and bring it back to the Council in sixty (60) days, July 12, 1990. Motion passed with 5-1-0 Vote, Councilmember Nofziger voted No, Mayor Cooke out of the room.

DEMOLITION OF STRUCTURES POSTPONED

Council had before them for consideration a resolution for the enforcement of an order of demolition of structures located at 800 Newcastle Drive. After discussion, the following motion was made:

Motion

Mayor Pro Tem Shipman made a motion to continue for 20 days and place back on the Council May 31, 1990 at which time Council will review the owner's financial commitment. Councilmember Nofziger seconded the motion.

Friendly Amendment - Accepted

Councilmember Carl-Mitchell said he "I would much rather see the house fixed up than torn down and the key thing is, can he get the financing to effectively repair and I think that has to happen in some time frame, like this, can we go ahead and pass a resolution that if he has not demonstrated evidence of permanent financing in getting a building permit, etc. in some time frame that the demolition order is carried out? In other words, it does not have to come back to us? and then just say, 'we order demolished in 30 days unless there is demonstration of permanent financing that the owner will fix the property up.'" Mayor Pro Tem Shipman accepted the friendly amendment.

Motion - Re-stated

The Council, on Mayor Pro Tem Shipman's motion, Councilmember Nofziger's second, adopted a resolution for the enforcement of an order of demolition of structures located at 800 Newcastle Drive unless the owner has proof of financing for repairs by June 8, 1990. (6-1 Vote, Mayor Cooke voted No.)

ZONING HEARINGS

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

C14-90-0015 - TEXWOOD FURNITURE CORPORATION, by Fulbright & Jaworski, 3505 East 1st Street, from "CS" to "LI". RECOMMENDED ORDINANCE

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

C14-90-0002 - NCNB-TEXAS NATIONAL BANK, by Integrated Real Estate, 12002 North Lamar Blvd., from "NO" to "W/LO". RECOMMENDED to grant "W/LO", Warehouse/Limited Office, subject to compliance with alternate landscape requirements prior to third reading. FIRST READING

(On Councilmember Carl-Mitchell's motion, Mayor Pro Tem Shipman's second, 6-0

Vote, Mayor Cooke out of the room.)

C14-90-0019 - PERRY LORENZ, by The Speights Company (Randy Speights), 1402 Barclay Drive, from "DR", to "SF-2". RECOMMENDED to grant "SF-2-CO", Single Family Residence-Conditional Overlay, subject to: 1) 9,200 square feet minimum lot size, 2) No subdivision identification sign 3) A minimum of 2,200 square feet building size for houses, excluding porch and garage structures, 4) The subdivision street shall be a cul-de-sac, 5) A \$1,500.00 maintenance fund to be deposited in the account of the Woods of Westlake Neighborhood Association for general maintenance, 6) Houses shall include 66 2/3 percent stone or masonry in the first floor, except for corner houses which shall have a minimum of 75% masonry or stone exteriors on first floor walls facing streets, 7) The Declaration of Covenants and Restrictions for the Woods of Westlake will become the Declaration of Covenants for the proposed Barclay Woods subdivision with the following exceptions: (a) setback requirements are those permitted in SF-2, (b) names and locations specifically dealing with the Woods of Westlake subdivision may be modified. 8) No resubdivision shall be permitted 9) An Architectural Review Committee shall be established, and shall include membership from the Woods of Westlake.

GRANTED POINTS 1 AND 2 AS RECOMMENDED BY THE PLANNING COMMISSION, WITH ADDITIONAL CONDITION THAT DENSITY BE 2.5 UNITS PER ACRE AND THAT REMAINDER OF THESE CONDITIONS BE PART OF AN AGREEMENT BETWEEN THE NEIGHBORHOOD AND THE OWNER OF THE PROPERTY
FIRST READING

(On Councilmember Barnstone's motion, Councilmember Nofziger's second, 5-0 Vote, Mayor Cooke, Councilmember Carl-Mitchell out of the room)

C14-90-0016 - WHITESIDE MOTORS, INC., 1400 West Koenig Lane, from "LR" to "GR". NOT RECOMMENDED. POSTPONED TO JUNE 28, 1990 AT 4:00 P.M.

(On Councilmember Nofziger's motion, Mayor Pro Tem Shipman's second, 4-0 Vote, Mayor Cooke, Councilmember Carl-Mitchell and Humphrey out of the room)

C14-90-0006 - J.HARRIS, INC., by James Allman, 2513 West Anderson Lane, from "GR" to "CS-1". NOT RECOMMENDED.

GRANTED STAFF RECOMMENDATION WITH PARKING CALCULATED ON ENCLOSED AREA
FIRST READING

(On Councilmember Barnstone's motion, Councilmember Nofziger's second, 4-1 Vote, Councilmember Carl-Mitchell voted No, Mayor Cooke and Mayor Pro Tem Shipman out of the room.)

Request for Extension (to 10/2/90)

C14-89-0047 - DIAMOND SHAMROCK CORPORATION, by Bury & Pittman, Inc., 4415 Manchaca Rd., from "LR" to "GR-CO". APPROVED EXTENSION TO OCTOBER 28, 1990

(On Councilmember Carl-Mitchell's motion, Councilmember Barnstone's second, 5-0 Vote, Councilmembers Humphrey and Nofziger out of the room.)

BANNER FEES

The Council, on Councilmember Humphrey's motion, Councilmember Carl-Mitchell's second, approved waiving banner fees in the amount of \$197.00 for the Austin Peace Project. (6-0 Vote, Mayor Cooke out of the room.)

ZONING CHANGE APPROVED

The Council, on Councilmember Carl-Mitchell's motion, Councilmember Nofziger's second, approved initiating a zoning change for property located in the Woods of Westlake. (6-0 Vote, Mayor Cooke out of the room)

RETIREE HEALTH CARE TASK FORCE

Council heard a report from the Retiree Health Care Task Force, given by Janet Bartles, Finance Department, and a member of the Task Force.

LEGISLATIVE PROGRAM FOR 72ND REGULAR SESSION

Gwen Webb, Assistant City Attorney, presented the Legislative Subcommittee's Draft of City of Austin Legislative Program for the 72nd Regular Session of the Texas Legislature. Ms. Webb said they are asking Council to adopt the draft program at this time, they will do further work and identify further issues as necessary and bring it back for finalization in October of 1990.

Councilmember Barnstone discussed the addition of an item to the draft of the legislative program and made the following motion:

Motion

The Council, on Councilmember Barnstone's motion, Councilmember Humphrey's second, voted to add to the draft as Item C, in the Legislation to Oppose section, the following: "Legislation creating additional liabilities for the City of Austin associated with land acquisition or other construction activities needed to provide a replacement airport". (6-0 Vote, Mayor Cooke out of the room)

Mayor Pro Tem Shipman introduced an item to Council to adopt a resolution requesting that the State of Texas increase the penalty for minors in possession of alcohol.

Motion

Councilmember Carl-Mitchell made a motion to approve the entire draft of City of Austin Legislative Program for the 72nd Regular Session of the Texas Legislature, with the amendment concerning Item C, and adoption of a resolution requesting that the State of Texas increase the penalty for minors in possession of alcohol. Councilmember Humphrey seconded the motion.

Friendly Amendment

Councilmember Nofziger added a friendly amendment to "delete E (2) and

E (3) on page 3". The amendment was accepted by Councilmembers Carl-Mitchell and Humphrey.

Roll Call

(6-0 Vote, Mayor Cooke out of the room)

EXECUTIVE SESSION

Mayor Pro Tem Shipman 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.

Land Acquisition - Section 2, Paragraph f

(a) Review and discussion of real property acquisitions for:

- 1) Convention Center Project
- 2) U.S. Highway 183/290 Project, Parcel 58-14

RECESS

Council recessed its meeting from 6:35 to 6:40 P.M. for executive session.

REAL PROPERTY ACQUISITION

The Council, on Councilmember Nofziger's motion, Councilmember Carl-Mitchell's second, adopted a resolution authorizing real property acquisition for U.S. Highway 183/290 Project, Parcel 58-14 at the appraised value. (4-1-0 Vote, Councilmember Humphrey voted No, Mayor Cooke and Councilmember Barnstone out of the room.)

ADJOURNMENT

Council adjourned its meeting at 6:45 P.M.