



Austin City Council MINUTES

For DECEMBER 14, 1989

Council Chambers, 307 West Second Street, Austin, Texas

Mayor Cooke called to order the meeting of the Council, noting the presence of all Councilmembers except Councilmember Urdy, who he announced would arrive later.

MINUTES APPROVED

The Council, on Mayor Pro Tem Shipman's motion, Councilmember Carl-Mitchell's second, approved minutes for regular meeting of December 7, 1989. (6-0 Vote, Councilmember Urdy absent.)

CITIZEN COMMUNICATIONS

Dr. Jonathan L. Markley did not appear to speak. Ms. Alice Wightman, Ms. Beverly Kimbrough and Mr. Chip Harris discussed the North Loop Branch Library. Mr. G.B. Rand and Mr. Ron Bartels were present to talk about Legislative Bill No. 122 as it applies to cities.

REFUNDING BOND ITEMS

Councilmember Carl-Mitchell made a motion, seconded by Mayor Pro Tem Shipman to adopt resolutions and waive the requirement for three readings and finally pass ordinances concerning refunding bonds as follows:

- Adoption of a resolution approving and authorizing the execution of a paying agent/registrar agreement with MTrust Corp. National Association, Austin, Texas, for the City of Austin, Texas Public Improvement Refunding Bonds, Series 1990A.

- Adoption of a resolution approving and authorizing the execution of a paying agent/registrar agreement with MTrust Corp., National Association, Austin, Texas, for the City of Austin, Texas Public Improvement Refunding Bonds, Series 1990B.

- Adoption of an ordinance authorizing the issuance and sale of the City of Austin, Texas Public Improvement Refunding Bonds Series 1990A.

- Adoption of an ordinance authorizing issuance and sale of the City of Austin, Texas, Texas Public Improvement Refunding Bonds Series 1990B.

Substitute Motion - Died for Lack of a Second

Councilmember Barnstone made a motion to table the motion. There was no second, so motion died.

Roll Call on Motion

5-0 Vote, Councilmember Barnstone voted No, Councilmember Urdy absent.

OPERATING BUDGET AMENDMENT

The Council, on Mayor Pro Tem Shipman's motion, Councilmember Nofziger's second, waived the requirement for three readings and finally passed an ordinance amending the FY 1989-90 Operating Budget by appropriating \$179,395.00 from the General Fund balance to the Parks and Recreation Department to fund the construction of the Umlauf Gardens. (5-0 Vote, Councilmember Humphrey out of the room, Councilmember Urdy absent.)

ITEMS POSTPONED

Postponed to January 4, 1990 were two items concerning MKT railroad, a budget amendment and approval of negotiation and execution of an Interlocal Agreement for the acquisition of the MKT Railroad right-of-way for SH 130 and mass transit.

Postponed to January 4, 1990 was approval of change order No. 9 to the construction contract between the City of Austin and Cahaba Construction Co.

Postponed to January 11, 1990 is approval of the selection of professional engineering service's for the A.R. Davis Water Treatment Plant Laboratory, Electrical, Pump Station, Landscaping, Irrigation and Miscellaneous improvements at an estimated cost of \$424,800.00.

Postponed to January 4, 1990 is approval of a revised evaluation matrix for selection of professional engineers.

Postponed to January 11, 1990 is zoning case C14-89-0066.

Postponed to January 4, 1990 is discussion of the effects of the 1985 Charter amendment increasing the City Manager's authority to sign without further Council approval purchases up to \$28,000.00.

Postponed to January 4, 1990 is review of all personal services contracts under \$28,000.00 entered into, renewed, or extended for the past year.

Postponed to January 11, 1989 is discussion and approval of using the ending balance of the golf enterprise fund to fund engineering and architectural drawings for the new 18 holes at Jimmy Clay Golf Course.

Postponed to January 11, 1989 is discussion and approval of a 25% Capital Recovery Fee discount for single family homes built in the City of Austin that sell for less than \$80,000.00, and a 10% discount for homes sold for over \$80,000.00.

Postponed to January 11, 1990 is a resolution establishing the City of Austin's goals regarding the protection of the ozone layer and directing the City Manager to take the necessary steps to implement these goals.

Postponed to January 4, 1989 is approval of an ordinance amending Section 2-4-1 of the Austin City Code of 1981 and amending Section 5-6-2 to

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allow one member of the Economic Development Commission to reside outside of the city limits, but within the ETJ.

Postponed to January 4, 1990 is recognition and support of the creation of a foundation for the benefit of the City of Austin by the Mayor and Austin City Councilmembers.

The Executive Session was not held.

SECOND READINGS OF TAXICAB ORDINANCES

The Council, on Councilmember Carl-Mitchell's motion, Councilmember Nofziger's second, passed through second reading of an ordinance for the renewal of the Harlem Cab Company Taxicab Franchise. (6-0 Vote, Councilmember Urdy absent.)

The Council, on Councilmember Carl-Mitchell's motion, Councilmember Nofziger's second, passed through second reading of an ordinance for the renewal of the Greater Austin Transportation Company dba American Cab Company. (6-0 Vote, Councilmember Urdy absent.)

ZONING ORDINANCE

The Council, on Councilmember Carl-Mitchell's motion, Councilmember Nofziger's second, passed through second/third readings of an ordinance amending Chapter 13-2 of the Austin City code to rezone C14-89-0057 - Texas Motor Transportation, by Fred Robinson Development, 5236-5316 Ed Bluestein Blvd. from "GR" to "LI". RECOMMENDED to grant "LI-CO", zoning prohibiting "Basic Industry" as defined in Sec. 13-2-4 of Land Development Code, and subject to reservation of 150 feet of right-of-way from the future centerline of U.S. 183. First reading December 7, 1989; Vote 6-0 with Councilmember Humphrey out of the room. (6-0 Vote, Councilmember Urdy absent.)

CONSENT ORDINANCES

The Council, on Councilmember Carl-Mitchell's motion, Councilmember Humphrey's second, waived the requirement for three readings and finally passed the following ordinances all in one consent motion: (6-0 Vote, Councilmember Urdy absent.)

Financial and Policy Planning Items (Some of these are resolutions)

Approved an ordinance consolidating various existing ordinances and policies into one comprehensive ordinance providing for financial oversight and controls.

Adopted a resolution establishing Policy Objectives, Planning Process and Schedule for FY 1989-90.

Approved amending the FY 1989-90 Operating Budget by appropriating \$50,000.00 from the General Fund ending balance to the City Manager's office in order to fund the activities of the AMEGO Committee.

Approved amending the FY 1989-90 Operating Budget by appropriating \$57,876.00 from the General Fund ending balance to the Municipal Court's Operating Budget to fund the refiling of complaints and the reissuing of warrants for the years 1988-89.

Health Department Items

Approved a contract award to Caritas of Austin for employment services to homeless persons in the amount of \$100,000.00.

Approved a contract award to Austin-Travis County Mental Health and Mental Retardation Center for health services to homeless persons in the amount of \$50,000.00.

Approved a contract award to the Center for Battered Women for shelter services to homeless battered women in the amount of \$50,000.00.

Insurance for Private Refuse Haulers

Approved an amendment to Section 6-6-93(a) and 6-6-95(b) of the Austin City Code of 1981, updating insurance requirements for private refuse haulers.

Nature Conservancy

Authorized and approved a letter of agreement for the payment of \$100,000.00 to the Nature Conservancy for work associated with the development of the Austin Regional Habitat Conservation Plan.

Speed Zones

Approved an amendment to the Austin City Code to modify the following reduced speed zones: (to enhance pedestrian safety at several schools and at A.B. Dittmar Park)

11-2-99(d) 20 mph

Add: Northcrest Boulevard from 75 feet north of West Crestland Drive to 186 feet south of West Croslin Street

11-2-99(d) 20 mph

Add: Garden Villa Lane from 80 feet south of South Center Street to 220 feet north of Banister Lane (Galindo School)

11-2-99(d) 20 mph

Delete: Justin Lane from Woodrow Avenue to Yates Avenue (Brentwood School)

11-2-99(d) 20 mph

Add: Justin Lane from 375 feet west of Yates Avenue to 250 feet east of Arroyo Seca (Brentwood School)

11-2-99(d) 20 mph

Delete: Eskev Drive from Leaffield Drive to Croftwood Drive

11-2-99(d) 20 mph

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Add: Eskew Drive from Leaffield Drive to 435 feet west of Croftwood Drive
(Boone School)

Zoning Ordinance

Approved second/third readings of an ordinance amending Chapter 13-2 of the Austin City Code to rezone the property locally known as 6200-6400 Johnny Morris Road, Case No. C14-88-0137, from "SF-3" to "LI-CO", DR. G.R.G. Leggett, by Rod Arend. First reading February 23, 1989; vote 6-0, First extension was granted on October 5, 1989. Conditions met as follows: 1) Conditional Overlay incorporates conditions imposed by Council restricting (a) Uses of the property to the range of "IP" Industrial Park uses permitted in the "LI" district, (b) Requiring the conformance with "IP" site development regulations, except that the minimum lot size shall be 10,000 square feet, (c) Development to a FAR of .096 to 1, and (d) Requiring development to conform to Planned Development Area standards as defined in Section 13-2-269. (2) Restrictive Covenant incorporating the conditions imposed by Council requiring that development of the property be designed to minimize traffic conflicts with the "SF-3" zoned tract across Johnny Morris Road and to reserve 125 feet of future right-of-way of Mogan Expressway has been executed. (3) Required right-of-way has been dedicated.

Steam Train Locomotive

Approved an ordinance waiving the fees relating to the relocation of Steam Train Locomotive #786.

Zoning Ordinance

Approved second/third readings of an ordinance amending Chapter 13-2 of the Austin City Code to rezone property locally known as 1400 South Lamar Boulevard, Case No. C14-88-0094, from "SF-3" to "CS-CO", Charles B. Maufrais II, et al, by Campbell, Morgan and Black. First reading May 25, 1989; Conditions met as follows: 1) Conditional Overlay incorporates conditions imposed by Council restricting (a) Development to a maximum floor or area ratio of .30 to 1, and (b) Prohibiting the following uses: Building maintenance services, construction sales and services, equipment sales, vehicle storage, campground, convenience storage, kennels and limited warehousing and distribution as defined in Sec. 13-2-5 of the Austin City Code. (2) Restrictive covenant incorporating conditions imposed by Council has been executed requiring owners to collectively post fiscal in the amount of \$3,365.00 to cover 5.6% of the cost of signalization improvements at the intersection of Collier/Evergreen and South Lamar Boulevard.

CONSENT RESOLUTIONS

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

Purchase and Sale of Land

Authorized and approved the purchase of 12.225 acres of land along Dawson Road for park and recreational purposes. (\$75,000.00 in Parks and Recreation Department's two C.I.P. accounts.)

Authorized and approved sale of 6.007 acres of excess City-owned railroad right-of-way near Milepost 148 in Llano County, Texas.

Drainage Easement

Authorized release of the drainage easement of record in Volume 8517, Page 694 of the Travis County Real Property Records located on William Cannon Drive 3900-4000 Blocks.

License Agreements

Approved a license agreement for a private roadway crossing City-owned railroad right-of-way near Milepost 147.5 in Llano County to Indian Bend Subdivision, P.O.A. Society, Inc.

Approved a license agreement to allow the encroachment of parking onto the public right-of-way of Oak Springs Drive 3000 Block.

Approved a license agreement for a private roadway crossing City-owned railroad right-of-way near Milepost 148.06 in Llano County to Indian Bend Subdivision, P.O.A. Society, Inc.

Approved Austin Cablevision to spend up to the balance of the equipment fund on a contract for turn key acquisition and installation of equipment for the main and mini control rooms of the access studio facility.

Approved a license agreement for a 16-inch refined petroleum products pipeline crossing under City-owned railroad right-of-way near milepost 49.32.

Branch Library

Approved leasing of 5,000 square feet of shopping center space for the operation of a branch library at 2139 W. Anderson Lane in the North Village Shopping Center.

Eminent Domain Proceedings

Authorized and approved the filing of the following Eminent Domain Proceedings:

- to acquire title to two signs located partially on a tract comprised of 0.239 acre (10,433 square feet) of land out of the George W. Davis Survey No. 15, in Austin, Travis County, Texas, owned by Centennial Mortgage Corporation f/k/a Grand Central Station Shopping Center, Ltd., as further described in Exhibit "A" and partially on the remaining property of which said tract described in Exhibit "A" was originally a portion and a temporary right to enter upon the property remaining for the sole purpose of removing all of said signs for the improvement and expansion of the U.S. Highway 183 Project.

- to acquire title to all that 1,891 square foot stone building located partially on a tract comprised of 0.029 acres (1,280 square feet) of land out of the George W. Davis Survey No. 15, in Austin, Travis County, Texas, owned by Randolph Doyer and Jonathan N. Doyer, as further described in Exhibit "B" and

partially on the remaining property of which said tract described in Exhibit "B" was originally a portion and a temporary right to enter upon the remaining property for the sole purpose of removing all of said building for the improvement and expansion of the U.S. Highway 183 Project.

- to acquire title to all that wood frame with brick veneer main building and shingle and brick canopy, located partially on a tract comprised of 8,083 square feet of land out of the James P. Wallace Survey No. 57, in Austin, Travis County, Texas, owned by Matz Teague, Ltd., as further described in Exhibit "C" and partially on the remaining property of which said tract described in Exhibit "C" was originally a portion, and a temporary right to enter upon the remaining property for the sole purpose of removing all of said wood frame with brick veneer main building, and shingle and brick canopy for the improvement and expansion of the U.S. Highway 183 project.

- to acquire title to all that sheet metal on frame sign located partially on a tract comprised of 0.048 acre (2,099 square feet) of land out of the George W. Davis Survey No. 15, in Austin, Texas, owned by First Federal Savings and Loan Association, as further described in Exhibit "D" and partially on the remaining property of which said tract described in Exhibit "D" was originally a portion and a temporary right to enter upon the remaining property for the sole purpose of removing all of said sign for the improvement and expansion of U.S. Highway 183 Project.

- to acquire 0.025 acre (1,067 square feet) of land in fee simple out of the George W. Davis Survey No. 15, in Austin, Travis County, Texas, owned by Smith, Ltd. for the U.S. Highway 183 Expansion Project.

- to acquire 0.205 acre of land in fee simple, a waterline easement containing 1,426 square feet of land, title to the retail/warehouse located partially on the retaining property of which the tract described in Exhibit "B" was originally a portion and a temporary right to enter upon the property remaining for the sole purpose of removing all of said retail/warehouse out of the James Rogers Survey No. 19, in Austin, Travis County, Texas, owned by Gallagher Equipment Company, a Texas Corporation for the U.S. Highway 183 Expansion Project.

- to acquire 8,222 square feet of land in fee simple and a waterline easement containing 1,989 square feet of land out of the James P. Wallace Survey No. 57, in Austin, Travis County, Texas, owned by Chase National Bank, for the U.S. Highway 183 Expansion Project.

- to acquire a waterline easement containing 1,581 square feet of land out of Lot C, Arroyo de Oro, a subdivision in Austin, Travis County, Texas, owned by Bekins Moving and Storage Company for the U.S. Highway 183 Expansion Project.

- to acquire a waterline easement containing 4,487 square feet of land out of Lot B, Anderson Square Business Park, Section Two, a subdivision in Austin, Travis County, Texas, owned by Santa Fe Capital Corporation for the U.S. Highway 183 Expansion Project.

- to acquire 0.264 acre (11,483 square feet) of land in fee simple, a waterline easement containing 704 square feet of land, title to all of that

apartment building including laundry room, patios, balconies, located partially on the remaining property of which the tract described in Exhibit "B" was originally a portion and a temporary right to enter upon the property remaining for the sole purpose of removing all of said building, including laundry room, patios and balconies out of the George W. Davis Survey No. 15, in Austin, Travis County, Texas, owned by La Plaza Investment Company for the improvement and expansion of U.S. Highway 183 Project.

- to acquire a drainage easement containing 0.029 acre of land out of Lot 1, Barton Ridge in Austin, Travis County, Texas, owned by Gill Savings Association for the 2901 State Highway 71 Expansion Project.

Relocation of Water and Wastewater Utilities

Approved an agreement with Travis County, in an amount not to exceed \$255,329.00 for the relocation of water and wastewater utilities for the County's Bluff Springs Road C.I.P. project. C.I.P. No. 388 227 0943 - \$244,088.00; C.I.P. No. 439 237 0943 - \$11,241.00.

Intergovernmental Agreements

Approved an intergovernmental agreement with the State Purchasing and General Services Commission Austin, Texas for intercity long distance voice telephone service. Total estimate contract amount: \$45,000.00.

Approved an intergovernmental agreement with State Purchasing and General Services Commission, 1711 San Jacinto Boulevard, Austin, Texas, in an amount not to exceed \$49,600.00 for the purchase of laser printers, related accessories, chemicals and maintenance agreements.

Wastewater Treatment Alternatives

Approved authorization for the Center for Environmental Research to submit a proposal for Texas Water Development Board research funds in the amount of \$200,000.00 for on-site wastewater treatment alternatives, authorized acceptance of grant funds and approved execution of the research contract.

Contracts

Approved the following contracts:

- Baxter Hospital Supply , P.O. Box 730080, Dallas, Texas for a twelve month supply agreement for medical/surgical-packs in an amount not to exceed \$247,777.00 for 27 line items - Brackenridge Hospital.

- Southwest Medical Packaging, P.O. Box 700112, San Antonio, Texas for a twelve month supply agreement for custom open heart kits for a total not to exceed \$33,468.00, included in the FY 1989-90 budget for Brackenridge Hospital.

- Baxter Operating Room Division, P.O. Box 1505, Grand Prairie, Texas, for a twelve month supply agreement for gloves in an amount not to exceed \$90,646.00 and to Pandaros International, Inc., for a total estimate cost of \$49,649.00. Total cost not to exceed \$140,285.00 - Brackenridge Hospital.

- Abbott Critical Care, 1212 Terra Bella Ave., Mountain View, California, for a twelve month supply agreement for transducers and administration kits not to exceed \$48,408.00, included in the budget for Brackenridge Hospital.

- Kendall, 15 Hampshire Street, Mansfield, Massachusetts, for a 12 month supply agreement for bandages, sponges and gauze not to exceed \$41,509.00 - Brackenridge Hospital.

- Capitol Aggregates. Inc., Austin, Texas, for a twelve month supply agreement for sixteen tons of gem sand in the total estimated amount not to exceed \$118,000.00 - Water and Wastewater Department.

Public Hearings Set

Set a public hearing to consider an ordinance amending the Land Development Code relating to fees paid in lieu of required parkland: January 4, 1990 at 2:30 P.M.

The Council, on Councilmember Carl-Mitchell's motion, Mayor Pro Tem Shipman's second, directed public hearings to be set approving amendments to streamline building permit process for homeowners and small businesses. (6-0 Vote, Councilmember Urdy absent.)

Set a public hearing to consider an ordinance amending Chapters 13-1 and 13-2 of the Land Development Code relating to subdivision regulations: January 4, 1990 at 2:45 P.M.

Set a public hearing for the recommended land use assumptions for the water and wastewater impact fee as required by Senate Bill 336: February 1, 1990 at 5:00 P.M.

WESTERN OAKS BOULEVARD RESURFACING

Council unanimously approved directing the City Manager to direct staff to complete resurfacing work on Western Oaks Blvd. as promptly as possible.

TRAFFIC STUDY FOR RM 2222

The Council, on Mayor Pro Tem Shipman's motion, Mayor Cooke's second, directed the City Manager to direct staff to conduct 90 day traffic safety study on RM 2222. (6-0 Vote, Councilmember Urdy absent.)

GENERAL WAGE INCREASE

The Council, on Councilmember Humphrey's motion, Mayor Cooke's second, waived the requirement for three readings and finally passed an ordinance approving an order granting final approval of the 1989-90 Financial Plan by appropriating funds to departmental budgets for the 3.5% General Wage Increase. (5-0 Vote, Councilmember Barnstone out of the room, Councilmember Urdy absent.)

LITIGATION RE WHOLESALE WATER & WASTEWATER CUSTOMERS

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The Council, on Councilmember Humphrey's motion, Mayor Cooke's second, adopted a resolution authorizing approval of pending litigation and other matters associated with wholesale water and wastewater customers. (5-0 Vote, Councilmember Barnstone out of the room, Councilmember Urdy absent.)

NO ACTION ON FOLLOWING ITEMS

Council took no action on approving the real property acquisition for U.S. Highway 183/290; approving the execution of purchase agreements for real property acquisitions for the new airport and C.I.P.'s. Nor, did they consider a resolution authorizing the Austin Industrial Development Corporation to apply to the Texas Department of Commerce for an allocation up to \$22 million of the Industrial Revenue Bond limitation for the State of Texas.

PUBLIC HEARING SET ON APPEAL

The Council, on Councilmember Humphrey's motion, Mayor Cooke's second, set a public hearing on an appeal of the Planning Commission's denial of an appeal of a site plan for Texas Pipeline Phase III for January 4, 1990 at 6:00 P.M.. (5-0 Vote, Councilmember Barnstone out of the room, Councilmember Urdy absent.)

ITEM POSTPONED

Postponed to January 4, 1990 is approval of the settlement of lawsuit styled James A. Williams and Terry Page v. City of Austin and Barney L. Knight.

PUBLIC HEARING ON APPEAL

Mayor Cooke opened the public hearing set for 3:30 P.M. on an appeal of the Planning Commission's decision regarding site plan for National Church Residences, 808 Eberhart Lane. SPC-89-0178C. Speaker's cards are on file in the City Clerk's office.

No motion was made so the Planning Commission's decision to grant the appeal was upheld.

ZONING CASE EXTENSIONS

The Council, on Councilmember Carl-Mitchell's motion, Councilmember Nofziger's second, approved requests for six-month extensions on the following: (5-0 Vote, Mayor Pro Tem Shipman and Councilmember Humphrey out of the room.)

C14-88-0070 - Oak Hill Joint Venture, by CRE, Inc., 5500 Hwy. 290 West from "DR" to "GR".

C14-88-0094 - Charles B. Maufrais, et al by Campbell, Morgan & Black, 1400 South Lamar Blvd. from "SF-3" to "CS".

MOTION RE AD VALOREM TAX FAILED

Councilmember Carl-Mitchell's motion, seconded by Councilmember Nofziger to approve authorizing continued ad valorem taxation of personal property temporarily in the State of Texas for manufacturing or other commercial

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purposes, FAILED by a vote of 3-4 with Councilmember Urdy, Mayor Cooke and Mayor Pro Tem Shipman voting No.

CIRCLE C MUD

Council had before them the adoption of an ordinance approving issuance by Circle C Municipal Utility District (MUD) No. 4 of \$3,300,000.00 in contract revenue bonds. After discussion, the following motions were made:

Motion

Councilmember Urdy made a motion, seconded by Mayor Cooke, to waive the requirement for three readings and finally pass an ordinance approving issuance by Circle C Municipal Utility District (MUD) No. 4 of \$3,300.00 in contract revenue bonds.

Substitute Motion - FAILED

Councilmember Humphrey made a motion, seconded by Councilmember Nofziger, to downsize the line west and south of Ben McCullough Road. Motion FAILED by a vote of 2-5 with Councilmember Urdy, Mayor Cooke, Mayor Pro Tem Shipman, Councilmembers Barnstone and Carl-Mitchell voting No.

Substitute Motion - FAILED

Councilmember Barnstone made a motion, seconded by Councilmember Nofziger, to create a Council sub-committee to study and report back in 60 days. Motion FAILED by a vote of 2-5 with Councilmember Urdy, Mayor Cooke,, Mayor Pro Tem Shipman, Councilmembers Barnstone and Carl-Mitchell voting No.

Roll Call on Main Motion

6-1 Vote, Councilmember Barnstone voted No.

LAGUNA GLORIA ART MUSEUM

Council had before them three items concerning Laguna Gloria Art Museum:

- Approve adopting a resolution for the Board of the Laguna Gloria Art Museum to join in with the City of Austin to ask NCNB to remove the reverter clause and to resolve other outstanding issues.

- Adopt a resolution stating the City's position on the downtown art museum project.

- Adopt a resolution authorizing the implementation of the City's position on the downtown art museum project.

Motion

Councilmember Carl-Mitchell made a motion, seconded by Mayor Cooke to approve adopting a resolution stating the City's position on the downtown art museum project; and adopt a resolution authorizing the implementation of the City's position on the downtown art museum project.

Friendly Amendment - Accepted

Mayor Cooke offered a friendly amendment as follows: "Should the City Council decide that it is to the best interest of the City to use the balance of the bond proceeds from the downtown art museum project for an alternative project, the City Council then, in that event, hereby authorizes and commences of that action appropriate time in the Travis County Courts under Vernon Statutes, Article 7-17 M-1, to determine the validity of the use of said bond proceeds for the desired purpose." My amendment would say before we used any proceeds in ending the arrangement with Laguna Gloria before we decide to use it for any other purpose, we would have to get a court ruling to make that determination, which is in conformance with the bond covenant. Councilmember Carl-Mitchell accepted the friendly amendment.

Councilmember Humphrey asked what the specific amount will be to settle. Councilmember Carl-Mitchell told him \$702,401.25.

Friendly Amendment

Mayor Pro Tem Shipman offered a friendly amendment to add to the resolution, "The use of the City-owned Venturi, Rauch & Scott Brown, Inc. can be used by Laguna Gloria if we see fit". Councilmember Carl-Mitchell accepted the friendly amendment.

Friendly Amendment

Councilmember Urdy offered a friendly amendment to add: "within a one year period after execution of this agreement, so long as Laguna Gloria Art Museum, Inc. maintains access to the museum facilities for local artists as envisioned by contract negotiations conducted during the summer of 1989". Councilmember Carl-Mitchell accepted the friendly amendment to the statement concerning the use of architectural drawings.

Substitute Motion-Failed

Councilmember Humphrey's substitute motion, seconded by Councilmember Barnstone, to ask Laguna Gloria to remove the reverter clause, be in partnership with the City and identify how to raise money for construction and operations and report to Council with this information by January 11, 1990 Failed by a vote of 3-4 with Mayor Pro Tem Shipman, Councilmembers Carl-Mitchell and Urdy and Mayor Cooke voting No.)

Roll Call on Main Motion

4-3 Vote, Councilmembers Barnstone, Humphrey and Nofziger voted No.

PUBLIC HEARING - SHORELINE CONSTRUCTION & RECREATIONAL SAFETY

Mayor Cooke opened the public hearing on approval of amendment to the City Code for improved regulation of shoreline construction and enhanced

recreation safety on Lake Austin, Town Lake and Lake Walter E. Long. Speaker's cards are on file in the City Clerk's office.

Motion

The Council, on Mayor Pro Tem Shipman's motion, Mayor Cooke's second, waived the requirement for three readings and finally passed an ordinance amending the City Code for improved regulation of shoreline construction and enhanced recreation safety on Lake Austin, Town Lake and Lake Walter E. Long. (6-0 Vote, Councilmember Barnstone out of the room.)

PUBLIC HEARING - AUSTINPLAN

Mayor Cooke opened the public hearing on implementation and complete adoption of AustinPlan. Speaker's cards are on file in the City Clerk's office.

Motion

Mayor Pro Tem Shipman made a motion, seconded by Councilmember Carl-Mitchell to approve an ordinance adopting the AustinPlan as the Comprehensive Plan as required by the City Charter on First Reading Only.

Substitute Motion - Failed

Councilmember Barnstone offered a substitute motion, seconded by Mayor Cooke, to submit the plan to voters for approval on some future date. Motion FAILED by a vote of 2-5 with Mayor Pro Tem Shipman, Councilmembers Carl-Mitchell, Humphrey,, Nofziger and Urdy voting No.

Roll Call on Main Motion

6-1 Vote, Councilmember Barnstone voted No. First reading only.

PUBLIC HEARING - USE CHANGE, ZONING

Mayor Cooke opened the public hearing to approve amending Chapter 13-2 to permit automobile car wash (self-service) facilities in the "LR" Neighborhood Commercial District. Speaker's cards are on file in the City Clerk's office.

Motion

The Council, on Mayor Pro Tem Shipman's motion, Councilmember Carl-Mitchell's second, closed the public hearing and did not approve the amendment. (5-2 Vote, Mayor Cooke and Councilmember Barnstone voted No.)

INCENTIVE PACKAGE FOR U.S. MEMORIES

The Council, on Councilmember Urdy's motion, Mayor Cooke's second, adopted a resolution amending the incentive package offered to U.S. Memories on September 14, 1989 to provide for 80% abatement of the City of Austin ad valorem taxation for a ten year period. (6-1 Vote, Councilmember Barnstone voted No.)

FOOD BEVERAGE CONCESSION RFP

The Council, on Councilmember Humphrey's motion, Councilmember Nofziger's second, authorized issuance of an RFP for a food beverage concession at Palmer Auditorium and City Coliseum, as amended. (7-0 Vote)

ORDINANCE AMENDMENTS

Council had before them for consideration approval of an ordinance amending Ordinance No. 890914-A by appropriating \$14,609,760.00 from the General Fund ending balance to establish a \$10,609,760.00 Emergency Reserve in the General Fund, to establish a \$2,352,297.00 Contingency Reserve in the General Fund and to transfer from the General Fund \$2,000,000.00 to partially fund a Working Capital Reserve for Brackenridge Hospital. After some discussion, the following motion was made:

Motion

The Council, on Councilmember Carl-Mitchell's motion, Mayor Cooke's second, waived the requirement for three readings and finally passed an ordinance amending Ordinance No. 890914-A by appropriating \$14,609,760.00 from the General Fund ending balance to establish a \$10,078,068.00 Emergency Reserve in the General Fund. (7-0 Vote) Council directed the City Manager to direct staff to put items on the January 4, 1990 agenda to set public hearings on establishing a \$3,531,692.00 Contingency Reserve in the General Fund, and to transfer from the General Fund \$2,000,000.00 to partially fund a Working Capital Reserve for Brackenridge Hospital. Council also directed that a contingency fund be set up with no additional funds.

FINANCIAL MANAGEMENT POLICY

The Council, on Councilmember Carl-Mitchell's motion, Mayor Cooke'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 to provide for an emergency reserve and a contingency reserve. (7-0 Vote)

BUDGET AMENDMENTS

The Council, on Councilmember Carl-Mitchell's motion, Mayor Cooke's second, waived the requirement for three readings and finally passed an ordinance amending the FY 1989-90 Operating Budget by reappropriating \$3,590,647.00 from ending balances authorizations to certain departments to fund certain expenditures that, although planned for expenditures in FY 1988-89, were not spent during that fiscal period. (7-0 Vote)

The Council, on Councilmember Carl-Mitchell's motion, Mayor Cooke's second, waived the requirement for three readings and finally passed an ordinance amending the 1989-90 Operating Budget by appropriating \$140,123.00 to the departments listed below in order to fund monthly automobile allowances for certain senior executive's positions as determined by the City Manager; and \$20,496.00 in net expenditures to the Public Works and Transportation Department in order to fund an increase in the mileage reimbursement rate for construction

inspectors from 28 cents per mile to 37.5 cents per mile.. (Effective with pay period beginning December 17, 1989 with the increase in mileage retroactive to October 1, 1989. (5-0 Vote, Councilmember Barnstone and Mayor Pro Tem Shipman out of the room.) Council directed the City Manager to come back to them with recommendations concerning mileage for Health Inspectors.

HOB0, INC.

The Council, on Mayor Pro Tem Shipman's motion, Councilmember Carl-Mitchell's second, waived the requirement for three readings and finally approved contract awards to HOB0, Inc. in the amount of \$60,000.00 and to Foundation for Texas Children in the amount of \$40,000.00 for basic services to homeless persons, contingent on awardees' satisfactory performance of certain pre-requisites. (6-0 Vote, Councilmember Barnstone out of the room.)

SOCIAL SERVICE AGENCIES CONTRACT AWARDS

The Council, on Councilmember Carl-Mitchell's motion, Mayor Cooke's second, waived the requirement for three readings and finally passed an ordinance approving 14-month contract awards to 54 Social Service Agencies in the amounts recommended by the Human Services Review Team; a Social Services Contingency Fund in the amount of \$8,624.00; and an allocation of \$300,000.00 for Homeless Services Requests for Proposals for an overall total of \$5,765,844.00. (7-0 Vote on all except Austin Women's Center and Capital Area Food Bank, which were approved by a vote of 6-0, with Councilmember Carl-Mitchell abstaining, due to a conflict of interest.)

INTERGOVERNMENTAL AGREEMENTS

The Council, on Councilmember Humphrey's motion, Mayor Pro Tem Shipman's second, adopted a resolution approving intergovernmental agreements with the State of Texas through State Purchasing and General Services Commission, Austin, Texas, in the amount not to exceed \$727,020.00 per year for rental of office photocopier machines for all departments. (5-0 Vote, Councilmembers Nofziger and Urdy out of the room.)

PARKING PERMITS

The Council, on Councilmember Barnstone's motion, Mayor Cooke's second, asked the City Manager to direct the staff to look into authorizing the issuance of parking permits to certain board and commission members. (6-1 Vote, Councilmember Humphrey voted No.)

PREVIOUS ACTION ON SITE PLAN RESCINDED

The Council, on Councilmember Humphrey's motion, Councilmember Nofziger's second, approved rescinding "the November 9, 1989 City Council action, granting appeal denying the site plan as already approved by the Planning Commission and approve the site plan with an update to include a berm and swale along the eastern boundary of the site, divert overland flow to the right-of-way on Miles Avenue after the completion and repair of Miles Avenue drainage ditch from the site to Cannonleague and acknowledge that the church's agreement to restrict the use of land to prohibit day care of any type primary or secondary schools or gymnasium". (6-0 Vote, Councilmember Urdy out of the room.)

room.)

SETTLEMENT

The Council, on Councilmember Barnstone's motion, Mayor Cooke's second, adopted a resolution authorizing settlement of Cause No. 405,565 City of Austin v. Public Utility Commission of Texas, et al. (6-0 Vote, Councilmember Urdy out of the room.)

HOUSING AUTHORITY OF THE CITY OF AUSTIN

Mayor Cooke designated Lodis Rhodes and Fidel Estrada as members of the Housing Authority of the City of Austin.

ADJOURNMENT

Council adjourned its meeting at 10:30 P.M.