



## Austin City Council MINUTES

For FEBRUARY 9, 1989

Council Chambers, 307 West Second Street, Austin, Texas

### Memorandum To:

Mayor Cooke called to order the meeting of the Council, noting the absence of Councilmember Humphrey.

#### MINUTES APPROVED

The Council, on Councilmember Carl-Mitchell's motion, Councilmember Nofziger's second, approved minutes for regular meeting of February 2, 1989 and special meeting of January 31, 1989. (4-0 Vote, Councilmember Urdy and Mayor Pro Tem Shipman out of the room, Councilmember Humphrey absent.)

#### Later in the Day:

#### Motion to Reconsider

Councilmember Nofziger made a motion, seconded by Councilmember Carl-Mitchell to reconsider the vote. (6-0 Vote, Councilmember Humphrey absent.)

Councilmember Carl-Mitchell stated, "Referring to the minutes of the regular meeting of February 2, 1989, on the motion for disannexation under SB 962, the clarification on that is, I think the discussion part reflects it but the minutes memorandum doesn't, that in fact, there were several properties staff recommended for full purpose annexation. I believe there were two properties added to that list under the motion, but all the remaining properties are being disannexed pursuant to that Bill and that was not reflected in the minutes memorandum. I just wanted to do that and be sure it is on the record. I think we need to clarify that in the memorandum as well."

#### Motion

The Council, on Councilmember Carl-Mitchell's motion, Mayor Cooke's second, approved the minutes for the regular meeting of February 2, 1989, as corrected, and special meeting of January 31, 1989. (6-0 Vote, Councilmember Humphrey absent)

#### SPECIAL GUEST

Mayor Cooke recognized the presence of Mayor Betty Turner from Corpus Christi, who was in the audience.

## CITIZEN COMMUNICATIONS

Mr. John Haralson Carlson discussed naming the new Manor City Airport. Mr. Alan Buller discussed public access. Ms. Adela Mancias was not present. Mr. Steve Sawyer talked about Austin in concert ceremonies. Mr. Mark Weaver discussed the sale of drug paraphernalia in head shops in Austin.

## OLD BUSINESS - ZONING ORDINANCES

The Council, on Councilmember Carl-Mitchell's motion, Mayor Pro Tem Shipman's second, passed through second/third readings of ordinances amending Chapter 13-2 of the Austin City Code (Zoning Ordinance) to cover the following changes: (5-0 Vote, Councilmember Urdy out of the room, Councilmember Humphrey absent)

- |                            |                 |             |
|----------------------------|-----------------|-------------|
| 1. RALPH MCELROY CO., INC. | 2102 Rio Grande | From "MF-4" |
| C14-85-027                 | Street          | To "NO"     |

First reading on May 2, 1985, (6-0). Conditions have been met as follows: Restrictive Covenant incorporating conditions imposed by Council has been executed.

- |                         |                |               |
|-------------------------|----------------|---------------|
| 2. CLARK/COPELAND JOINT | 4810 Spicewood | From "I-SF-3" |
| VENTURE                 | Springs Road   | To "LO"       |
| By LZT Associates, Inc. |                |               |
| C14r-85-084             |                |               |

First reading on July 11, 1985, (6-0). Conditions have been met as follows: All conditions imposed by Council have been met. Restrictive Covenant incorporating conditions imposed by Council has been executed. Owners have requested deletion of site plan; staff and neighborhood are in agreement. Right-of-way has been acquired.

## ITEM POSTPONED

Postponed to February 16, 1989 is consideration of authorizing to negotiate a contract in the amount of \$984,000.00 for implementation of the 14th year Community Development Block Grant (CDBG) for the acquisition/rehabilitation program.

## OPERATING BUDGET AMENDMENT

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 1988-89 Operating Budget by:

Increasing the Municipal Court budget by \$35,226.00 and adding .75 Associate Judge position, and reducing the Police Department budget by \$35,226.00 for a net zero impact. (5-0 Vote, Councilmember Urdy out of the room, Councilmember Humphrey absent)

## INTERLOCAL JAIL CONSOLIDATION AGREEMENT

The Council, on Mayor Pro Tem Shipman's motion, Mayor Cooke's second, adopted a resolution approving an amendment to the Interlocal Jail Consolidation agreement which would allow the City to reduce its monthly payment to the County in order to offset the funding increase to the Municipal Court. (5-0 Vote, Councilmember Urdy out of the room, Councilmember Humphrey absent)

## 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: (5-0 Vote, Councilmember Urdy out of the room, Councilmember Humphrey absent)

Capital Improvements Program

Authorized the filing of eminent domain proceedings to acquire:

- a. 13,592 square feet of land for a Permanent Waterline Easement and 32,760 square feet of land for a temporary construction easement out of the Santiago Del Valle Grant, Travis County, Texas, owned by Delmo M. Pearce for the East Ben White Transmission Main. C.I.P. No. 85-22/51
- b. 8,083 square feet of land in fee simple out of the James P. Wallace Survey No. 57, Travis County, Texas, owned by Matz-Teague, Ltd., for the U.S. Highway 183 Expansion Project. C.I.P. No. 85-62/01

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Approved of a twelve month contract on an Interlocal Cooperation Agreement basis between Travis County and the City of Austin to provide direct weatherization services and repairs for homes of the economically disadvantaged in the amount of \$100,800.00. C.I.P. No. 86/52-01

Contracts

Approved the following contracts:

- |   |  |
|---|--|
| a. J.R. SHELDON COMPANY<br>4341 Linberg, Ste. 100<br>Dallas, Texas  | - Anthracite Filter Media, Water and Wastewater Department<br>Item 1 - \$43,416.00 89-0028-DC                                  |
| b. BAXTER EDWARDS<br>17221 Red Mill Avenue<br>Santa Ana, California | - "Swan Ganz" Catheters and Related Items, Brackenridge Hospital<br>Twelve Month Supply Agreement<br>Total \$29,989.00 BS8-322 |

Item Postponed

Postponed to February 16, 1989 is consideration of approval of an amendment to the Dobbs House, Inc. Agreement providing for increased rental rate to be paid to the City, renovation of existing facilities, construction of new facilities, MBE/WBE participation and extension of the term of agreement. (Estimated additional revenue for Fiscal Year 1988-89 \$204,703.00)

ESG Grant

Authorized submission of and acceptance from the U.S. Department of Housing and Urban Development (HUD) fiscal year 1988-89 Emergency Shelter Grant (ESG) funds in the amount of \$78,000.00.

Item Postponed

Postponed to February 16, 1989 is consideration of authorization to negotiate a contract in the amount of \$236,010.00 of the 14th Year Community Development Block Grant (CDBG) for the Management and Technical Assistance for the Business Development Program.

Public Hearings Set

- a. Amendments to Title XIII (Land Development Code) of the Austin City Code of 1981 relating to the adoption of the 1988 editions (together with respective local amendments) of the Uniform Building Code, Uniform Fire Code, Uniform Mechanical Code, Uniform Plumbing Code, Uniform Housing Code, and the Uniform Code for the Abatement of Dangerous Buildings; the 1986 Uniform Code for Solar Energy Installations; revisions to the Energy Code; and revisions to the adopted local amendments to the 1987 National Electric Code. FEBRUARY 16, 1989 AT 6:00 P.M.
- b. Amendments to Chapter 13-1 (Land Development Procedures) of the Austin City Code of 1981 relating to adoption of the 1988 editions of the various technical codes, local amendments to such technical codes, and an amnesty for building uses in existence on March 1, 1986. FEBRUARY 16, 1989 AT 6:00 P.M.
- c. An ordinance establishing fees for permits and licenses authorized by local amendments to the Uniform Fire Code. 1988 editions.  
FEBRUARY 16, 1989 AT 6:30 P.M.
- d. An ordinance establishing fees for relocation and demolition permits authorized by local amendments to the Uniform Building Code, 1988 edition. FEBRUARY 16, 1989 AT 6:30 P.M.

## EXECUTIVE SESSION

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

1. Pending Litigation - Section 2, Paragraph e
  - (c) Potential litigation regarding Electricity Supply Agreement
  - (d) Sierra Club vs. FAA #88-1820
2. Personnel Matters - Section 2, Paragraph g
  - (a) City Manager Search
  - (b) Appointment of Municipal Court Clerk

## RECESS

Council recessed for executive session from 2:46 p.m. to 3:30 p.m.

## VALLEY VIEW CONTRACT

Council had before them for consideration revisions to the Valley View Contract.

Motion

Councilmember Carl-Mitchell made a motion, seconded by Councilmember Urdy as follows:

"I resolve the City Manager direct the staff to work out an agreement with Valley View Energy Corporation that covers the following points: 1. Valley View Energy Corporation agree to terminate the contract with the City of Austin, relieving both the City of Austin and the Corporation from any further obligation, and that; 2. All penalty payments due the City of Austin from the Corporation would terminate immediately. (Let me make a clarification, if all points of the agreement are agreed to by both parties.) 3. The City of Austin shall pay Valley View Energy Corporation \$4,000,000.00 over five years, with payments beginning in February 1990 and that further, the City shall pay no interest during this period on this sum. "

Friendly Amendment

Mayor Cooke offered a friendly amendment to offer \$3,500,000.00. The friendly amendment was accepted by Councilmembers Carl-Mitchell and Urdy.

Substitute Motion - DIED FOR LACK OF SECOND

Councilmember Barnstone offered a substitute motion "that you provide us the evidence we need ...agreements that we appoint a committee of our staff to examine. (There was no second to the motion.)

Roll Call on Main Motion - With Clarification

To buy out Valley View with a \$3.5 million ceiling, with payments over a five-year period, beginning February, 1990.

4-2 Vote, Councilmembers Barnstone and  
Nofziger voted No, Councilmember  
Humphrey absent.

ADJOURNMENT

Council adjourned its meeting at 5:50 P.M.