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## **Austin City Council MINUTES**

**For**      **OCTOBER 12, 1989 - 1:00 P.M.**

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 Barnstone's motion, Councilmember Carl-Mitchell's second, approved minutes for regular meeting of September 19, 1989 (Meeting as Electric Utility Board) and October 5, 1989. (5-0 Vote, Councilmembers Humphrey and Urdy out of the room.)

### **ITEMS POSTPONED, WITHDRAWN**

October 19, 1989 - Authorize City Manager to determine property interest, negotiate with landowners and purchase property interest for the new Austin airport.

Pulled from the agenda is second/third readings of zoning case C14r-85-135, 7907-8007 RM 620 North.

October 19, 1989 - An ordinance and a resolution concerning Convention Center Revenue Bonds.

November 2, 1989, 10:00 A.M. - Approve Interlocal Agreement between Capital Metro and the City of Austin re Dillo parking area by the City Coliseum.

October 19, 1989 - Anti-Apartheid Task Force appointments.

Pulled off was discussion of a contract and funding of the Humane Society.

October 19, 1989 - Amending City's Financial Disclosure forms to include lobbyists.

Approve ordinance prohibiting the contingency fees on lobbying activities.

Approve appointments to the Capital Metropolitan Transit Authority Board.

**CONSENT ORDINANCES**

The Council, on Mayor Pro Tem Shipman's motion, Councilmember Nofziger's second, waived the requirement for three readings and finally passed the following ordinances in one consent motion. (6-0 Vote, Councilmember Humphrey out of the room.)

**Operating Budget Amendments**

Approved an amendment to the 1989-90 Operating Budget to accept an additional \$6,382.00 associated with the Major Urban Resource Libraries (MURL'S) federal grant administered through the Texas State Library and Archives Commission for the purchase of Library materials for the period September 1, 1989 through August 31, 1990.

Approved an amendment to the 1989-90 Operating Budget to add one full-time employee which is funded by the Project Walking Books grant.

**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 13100 U.S. Highway 183 North, Zoning Case C14-89-0002-CO, from "SF-2" to "GR", Construction Data Services, by Espey, Huston & Associates. First reading: March 30, 1989, Vote 5-0, Councilmembers Humphrey and Urdy out of the room. Conditions met as follows: (1) Restrictive Covenant incorporating conditions imposed by Council has been executed (a) requiring owner to reserve 150 feet of right-of-way from the centerline of U.S. Highway 183 for future right-of-way and (b) prohibiting restaurant (fast food, drive-in) use until U.S. Highway 183 is upgraded to a freeway. (2) Conditional overlay incorporates conditions imposed by Council.

**Operating Budget Amendment**

Approved an amendment to the 1989-90 Operating Budget for the Health and Human Services Department by accepting \$632,912.00 from Travis County for the conversion of 23 County health positions to City positions. (6-0 Vote, Councilmember Humphrey out of the room.)

**CONSENT RESOLUTIONS**

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

Authorize release of a portion of the Public Utility Easement of Lot 1 and Tract A of Bryker Woods recorded in Plat Book 3 at Page 242 of the Plat records in Travis County, Texas, 1615 Mohle Drive. (Request submitted by Leo Gordon Stearns on behalf of Jay Layden - \$250.00 application fee has been paid)

10/12/89

Authorize release of a portion of the 7.5 foot Public Utility Easement along the rear of Lot 8, Blk. G. Northwood Section Two, same being a portion of an overlapping 7.5 foot Public Utility Easement and Drainage Easement of record in Volume 5590, Page 1086 of TCDR, 3907 Burr Oak Lane. (Request submitted by Donald M. Staneslawski - \$250.00 application fee has been paid)

Authorize release of the Drainage Easement of record in Volume 10769, Page 320 of the Travis County Real Property Records, East 51st Street and Eastern Parkway. (Request submitted by Bill Faust on behalf of David K. G. Chan - \$250.00 application fee has been paid)

Authorize release of a portion of the Drainage Easement on Lot 88 of Ridgelea Subdivision, locally known as 4002 Petes Path. (Request submitted by Pat Warren - Warren Properties Realtors on behalf of Mrs. Luceil Oden - \$250.00 application fee has been paid)

Authorize release of a portion of the Electric and Telephone Easement on Lot 3, Block N, Milwood Section Three, locally known as 3713 Aspendale Cove. (Request submitted by Daniel Taft Bonnet and Sue Bonnet - \$250.00 application fee has been paid)

Approve a License Agreement to allow encroachment of landscaping, irrigation and pavers into the William Cannon Drive West right of way. (Request submitted by Richardson Verdoorn, Inc. on behalf of Motorola, Inc. - The required application fee has been paid)

Authorize the filing of Eminent Domain Proceedings to acquire in fee simple - One Hundred Four and One Half (104.5) feet of land off of North end of Lot No. 61 in Subdivision of Outlot No. 55, Division "B", in the City of Austin, Texas, owned by James H. Means and wife, Bertha Means, for the East Eleventh Street offsite parking project. C.I.P. No. 83/62-80

Authorize the filing of Eminent Domain Proceedings to acquire a Wastewater Easement containing 801 square feet of land out of and a part of Lot 2-B, Resubdivision of Lot 2, Towne Oaks a subdivision in the City of Austin, Travis County, Texas, owned by Matz Teague, Ltd. for the U.S. Highway 183 Expansion project. C.I.P. No. 85/62-01

Authorize the filing of Eminent Domain Proceedings to acquire a Wastewater Easement containing 1,988 square feet of land out of Lot 1, 1st resubdivision of Shindler-Cummins subdivision in the City of Austin, Texas, Travis County, Texas, owned by Frost Bank North, N.A. for the improvement and expansion of U.S. Highway 183 project. C.I.P. No. 85/62-01

Authorize the filing of Eminent Domain Proceedings to acquire a Permanent Wastewater Easement containing 1,542 square feet of land out of and a part of Lot 1, Northgate Terrace Annex, a subdivision in the City of Austin, Travis County, Texas, owned by Griffith and Rose Investments, Inc. formerly known as G.C.R. Stores, Inc. for the U.S. Highway 183 expansion project. C.I.P. No. 85/62-01

Authorize the filing of Eminent Domain Proceedings to acquire a Permanent Wastewater Easement containing 802 square feet of land out of Lot 2-A, resubdivision of Lot 2, Towne Oaks, a subdivision in the City of Austin, Travis, County, Texas, owned by Hardy Fields, a/k/a Hardy W. Fields and Dorothy Nell Fields, for the U.S. Highway 183 expansion project. C.I.P. No. 85/62-01

Authorize the filing of Eminent Domain Proceedings to acquire a Wastewater Easement containing 434 square feet of land out of the George W. Davis Survey No. 15, in the City of Austin, Travis County, Texas, owned by Randolph N. Doyer and Jonathan N. Doyer, also known as Jonathan M. Doyer, for the improvement and expansion of U.S. Highway 183. C.I.P. No. 85/62-01

Authorize the filing of Eminent Domain Proceedings to acquire 1,629 square feet of land in fee simple out of the Santiago Del Valle Grant in the City of Austin, Travis, County, Texas, owned by Nellie B. Moehring, Testamentary Trustee of the Estate of Vernone Boothe, deceased, for the Montopolis Drive Street Improvement project. C.I.P. No. 85/62-27

Authorize the filing of Eminent Domain Proceedings to acquire 282 square feet (0.006 acre) of land in fee simple and a wastewater easement containing 597 square feet of land out of the George W. Davis Survey No. 15, Travis County, Texas, owned by Tanden Properties, Ltd. for the U.S. Highway 183 Expansion Project. C.I.P. No. 81/62-01

Approve a contract award to CAPITOL AGGREGATES, INC. Bolm Road, P.O. Box 6230, Austin, Texas, for a twelve (12) month supply agreement for Fill Sand and Loam in the total amount not to exceed \$180,000.00 for various City Departments: (Electric Fund 36027/11458; Department of Public Works and Transportation Fund 00100; Water and Wastewater Utility Fund 23597; Parks and Recreation Department Fund 86453/86466/86467/86725) Low bid of eight (8) bids. 0% M/WBE Subcontractor participation.

Approve a contract award to TURNER SUBSCRIPTION AGENCY, INC., New York, New York, for Serial Subscriptions for a one (1) year supply agreement not to exceed \$78,400.00 - FY 1989-90 Operating Budget of the Austin Public Library fund 85414 & 85418. Low bid of two (2) bids. 0% M/WBE Subcontractor participation. 89-0249-80

Authorize and approve application for and acceptance of grant funding in the amount of \$2,000.00 from Southwestern Bell Telephone Company Foundation through Texas Department on Aging to fund a twelve (12) month Senior Adult Literacy Project targeting low-income minority elderly students to be housed at Conley-Guerrero Senior Activity Center. Proposal based upon cooperative partnership between Travis County Adult Literacy Council and City of Austin. (25% match in-kind services required)

Set a public hearing on an appeal of the Planning Commission's decision to deny an appeal of an administratively approved site plan for Jehovah's Witness Temple.

November 2, 1989 at 5:00 P.M.

**RENAISSANCE MARKET ACTIVITIES**

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 1989-90 Parks and Recreation Department budget by allocating \$7500 from the 1989-90 Ending Balance to the Parks and Recreation Department for Renaissance Market activities. (7-0 Vote)

**UMLAUF GARDENS**

The Council, on Mayor Pro Tem Shipman's motion, Councilmember Nofziger's second, authorized the City Manager to appoint a staff liaison to facilitate work on the City-owned Umlauf Gardens. (7-0 Vote)

**EXECUTIVE SESSION**

Mayor Cooke announced Council would enter 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.

43. Legal Advice - Section 2, Paragraph e
  - (a) Seek legal advice on convention center project management contract negotiations.
44. Land Acquisition - Section 2, Paragraph f
  - (a) Status of land acquisition for the convention center and exercise of options.
45. Personnel Matters - Section 2, Paragraph g
  - (a) Municipal Judge Appointments

**RECESS**

Council recessed its meeting from 1:30 to 3:35 P.M.

**MUNICIPAL JUDGE APPOINTMENTS**

Mayor Cooke stated, "We did, in a previous meeting, establish a Council sub-committee to work with the Municipal Court and Municipal Court Judges and to have closer working ties because the six judges and their relief judges as well as the Municipal Court Clerk, report directly to the City Council and we feel there needs to be stronger working relationships and ties and I have asked Mayor Pro Tem Shipman and Councilmember Barnstone to join me in a sub-committee and we will be doing and following up on a number of actions and working more closely with the Municipal Court in the months and the years ahead."

Motion

The Council, on Councilmember Carl-Mitchell's motion, Councilmember Barnstone's second, appointed Jim Coronado as Municipal Judge and David Garza as Relief Judge. (7-0 Vote)

INTERLOCAL COOPERATION AGREEMENT

The Council, on Mayor Pro Tem Shipman's motion, Councilmember Carl-Mitchell's second, adopted a resolution approving an amendment to the Interlocal Cooperation Agreement with Travis County to convert vacant Travis County health positions to City position. (7-0 Vote)

CITIZEN COMMUNICATION CHANGE IN TIME

The Council, on Councilmember Barnstone's motion, Councilmember Urdy's second, approved changing the time for Citizen Communications to 1:00 P.M. (5-2 Vote, Councilmembers Humphrey and Carl-Mitchell voted No.) (Effective date is October 19, 1989.)

JOINT PURCHASE OF FUEL

The Council, on Mayor Pro Tem Shipman's motion, Councilmember Carl-Mitchell's second, adopted a resolution approving purchasing procedures for Joint Purchase of fuel with the Austin Independent School District. (A.I.S.D.) (7-0 Vote)

BOARD AND COMMISSION APPOINTMENTS

Council made the following board and commission appointments:

ARTS COMMISSION

CECILIA BUSTAMANTE  
WILLIAM CHURCHILL  
MERCEDES DEURIARTE  
ROBERT DONLEY  
SHARON JUDGE  
DAVID RODRIGUEZ  
SHANNON SEDWICK  
ALBERT VALLE  
BRUCE WILLENZIK

- On Councilmember Nofziger's motion, Councilmember Carl-Mitchell's second, 7-0 Vote, to REAPPOINT SIX
- On Councilmember Carl-Mitchell's motion, Councilmember Barnstone's second, to appoint Mercedes Deuriarte, Sharon Judge and William Churchill, 6-1 Vote, Mayor Cooke voted No

CONSTRUCTION ADVISORY COMMITTEE

MARY GUERRERO PELZEL

- On Mayor Pro Tem Shipman's motion, Councilmember Humphrey's second, 7-0 Vote

DOWNTOWN COMMISSION

SIMON ATKINSON  
JAMES COOLEY  
MICHAEL GARRISON  
BARBARA HANKINS

- On Mayor Pro Tem Shipman's motion, Councilmember Carl-Mitchell's second, 6-0 Vote, Councilmember Barnstone out of the room

WHIT BANKS  
DOUG MATTHEWS  
MATTHEW REPPERT  
ALBERT VALLE  
JAMES WILSON

ECONOMIC DEVELOPMENT COMMISSION

KARIN RICHMOND - On Councilmember Humphrey's motion, Councilmember Nofziger's second, 6-0 Vote, Councilmember Barnstone out of the room

ELECTRIC UTILITY COMMISSION

MARILYN JONES - On Councilmember Carl-Mitchell's motion, Councilmember Humphrey's second, 6-0 Vote, Councilmember Barnstone out of the room

ETHICS REVIEW COMMISSION

JOEL BENNETT - On Councilmember Urdy's motion, Councilmember Carl-Mitchell's second, 6-0 Vote, Councilmember Barnstone out of the room

HUMAN RIGHTS COMMISSION

SYLVIA CEDILLO - Mayor Pro Tem Shipman's motion, Mayor Cooke's second, 6-0 Vote  
DEANNA JAIME - Councilmember Carl-Mitchell's motion, Mayor Pro Tem Shipman's second, 6-0 Vote - Councilmember Barnstone out of room for both votes

MECHANICAL, PLUMBING AND SOLAR BOARD

THOMAS ALEXANDER - Mayor Pro Tem Shipman's motion, Mayor Cooke's second, 6-0 Vote, Councilmember Barnstone out of the room

MH/MR BOARD OF TRUSTEES

ROBERT HERNANDEZ - Mayor Pro Tem Shipman's motion, Mayor Cooke's second, 6-0 Vote,  
RON MULLEN Councilmember Barnstone out of the room

EXTENSION OF ZONING CASE

The Council, on Councilmember Carl-Mitchell's motion, Councilmember Nofziger's second, approved a six-month extension for C14-89-0002, W.H. McCarty, 13100 Block of U.S. Hwy. 183 North. (5-0 Vote, Councilmembers Urdy and Barnstone out of the room.)

RECESS

Council recessed its meeting from 4:10 to 5:00 P.M.

PUBLIC HEARING - APPEAL

Council agreed to continue its public hearing on an appeal of the Planning Commission's decision to deny an appeal of an approved site plan for New Apostolic Church, 1906 Miles Avenue, to November 2, 1989 and/or November 9, 1989 at 5:00 P.M.

## CITIZEN COMMUNICATIONS

Luthor Carpenter discussed ethics and the Cable Commission and the report on an ethics hearing. Eduardo Vera discussed the Arts Commission and cultural arts support for the Austin community. Linda Sykes did not speak. Jost Craig Von Steiger talked about an incident regarding a former City employee. Paul Robbins talked about energy issues and energy conservation.

## TREES

The Council, on Councilmember Humphrey's motion, Councilmember Carl-Mitchell's second, adopted a resolution supporting Austin's trees and the planting of one million new trees by the year 2000. (7-0 Vote)

## RECESS

Council recessed its meeting from 5:50 to 6:25 P.M.

## PUBLIC HEARING - WASTEWATER EASEMENT

Mayor Cooke opened the public hearing to approve dedication of a 20 foot wide by approximately 65 feet long permanent wastewater easement out of dedicated parkland known as Dittmar Park. When it had been determined there was no feasible alternative and that all steps would be taken to preserve the park in its natural state, the following motion was made: (There were no speakers.)

Motion

The Council, on Councilmember Barnstone's motion, Councilmember Nofziger's second, closed the public hearing and approved dedication of a 20 foot wide by approximately 65 feet long permanent wastewater easement out of dedicated parkland known as Dittmar Park. (5-0 Vote, Councilmembers Carl-Mitchell and Humphrey out of the room.)

## PUBLIC HEARING - ANNEXATION

Mayor Cooke opened the public hearing on annexation of 9.95 acres into the Northwest Travis County MUD No. 2. There were no speakers.

Motion

The Council, on Councilmember Barnstone's motion, Mayor Pro Tem Shipman's second, closed the public hearing, waived the requirement for three readings and finally passed an ordinance annexing 9.95 acres into the Northwest Travis County MUD No. 2. (7-0 Vote)

## ADJOURNMENT

The meeting was adjourned at 6:32 P.M.