



## Austin City Council MINUTES

For APRIL 27, 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 Carl-Mitchell's motion, Councilmember Humphrey's second, approved minutes for regular meeting of April 20, 1989 and special meeting of April 18, 1989 (as corrected), (5-0 Vote, Councilmember Urdy and Mayor Pro Tem Shipman out of the room.)

### CITIZEN COMMUNICATIONS

Mr. John D. Timmons discussed Little Shoal Creek. Mrs. Susan Rea discussed the Uniform Fire Code. Mr. Enrique G. Lopez Jr., Mr. Rigo Gaona and Mr. Cruz A. Riojas discussed the benefits of the Southeast Business Incubator. Mr. Sam Coronado was not present. Mr. Victor E. Reyes discussed Alameda House. Ms. Carol Guthrie discussed employee relations/testing. Mr. Akwasi Evans and Ms. Paula Traffas talked about the Divestment Ordinance.

### LEGISLATIVE UPDATE

Gwen Webb and Sandy Sanford presented the Legislative Update. Discussed were bills affecting the electric department and the proceedings with the Brackenridge Tract.

### CONSENT ORDINANCES

The Council, on Mayor Pro Tem Shipman's motion, Councilmember Carl-Mitchell's second, waived the requirement for three readings and finally passed the following ordinances all in one consent motion: (7-0 Vote)

#### Operating Budget Amendment

Amended the 1988-89 Operating Budget by accepting supplemental grants in the amounts of \$367,000.00 of FY 1987 funds and \$67,000.00 of FY 1988 funds for a total of \$434,000.00 from the U.S. Department of Housing and Urban Development, authorizing execution of the attendant grant agreements, and appropriating said amounts to the Housing and Community Services Department for the FY 1989 Rehabilitation Program.

Florarama

Approved limiting free access to Zilker Botanical Gardens for two days and to allow admission by donation of \$2 to the 32nd Annual Florarama to be held Saturday and Sunday, May 6 & 7, 1989. Proceeds to benefit the Austin Area Garden Center.

CONSENT RESOLUTIONS

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

Eminent Domain Proceedings

Authorized eminent domain proceedings as follows:

—acquire 8,812 square feet of land in fee simple out of Lot 3, Zaragosa Park Addition, an unrecorded subdivision, Travis County, Texas, owned by Annie Shelby for the Boggy Creek Channel Improvement Project, Part II. C.I.P. No. 79/60-09

—acquire a Drainage Easement containing 1,091 square feet of land and a Temporary Workspace Easement containing 1,029 square feet of land out of Lot 1, block 5 of the Chernosky Subdivision, No. 12, Travis County, Texas, owned by Rosa Ayala for the Boggy Creek Channel Improvement Project, Part II. C.I.P. No. 79/60-09

—acquire a Public Utility easement containing 1.032 acres of land and a Temporary Workspace Easement containing 2,867 square feet of land out of Lots 1 through 5, inclusive, of the Siegmund Addition, Section Four Subdivision, Travis County, Texas, owned by Marian M. Scott and MMS Properties, Ltd., for the Boggy Creek Channel Improvement Project, Part II. C.I.P. No. 79/60-09

—acquire a Public Utility Easement and a Drainage Easement containing 9,325 square feet of land and a Temporary Workspace Easement containing 27,032 square feet of land out of the J. C. Tannehill League, Travis County, Texas, owned by L. Tonnnett Byrd for the Boggy Creek Channel Improvement Project, Part II. C.I.P. No. 79/60-09

—acquire a Public Utilities Easement containing 1.2959 acres of land, a Drainage Easement containing 2,608 square feet of land and a Temporary Workspace Easement containing 13,419 square feet of land out of Outlot 30, Division A of the Government Outlots adjoining the original City of Austin, Travis County, Texas, owned by Franklin Federal Bancorp for the Boggy Creek Channel Improvement Project, Part II. C.I.P. No. 79/60-09

Contracts

Approved the following contracts:

AUSTIN ENGINEERING COMPANY, INC.  
P. O. Box 161991  
Austin, Texas  
Low Bid of 3  
0% M/WBE Participation

- CAPITAL IMPROVEMENTS PROGRAM -  
Water Main Crossings for FM 812 from  
FM 973 to the Bastrop County Line,  
Transportation and Public Services  
Department  
Total \$31,150.00 C.I.P. No.  
87/22-39  
(Included in the Budget for C.I.P.  
Project No. 227912)

TRANSIT CONTROL, INC. (MBE)  
3412 South 183  
Austin, Texas  
Low Bid of 4  
0 % M/WBE Participation

- Precoat Aggregate, Grades 4 and 5,  
Type PD, Transportation and Public  
Services Department  
Item Nos. 1.0 & 2.0 - \$352,680.00  
89-0041-DC (Included in the Budget  
for Street & Bridge Division of  
TPSD)

GOLDTHWAITE'S OF TEXAS  
10751 Sentinel Drive  
San Antonio, Texas  
Low Bid of 20  
0% M/WBE Participation

- Original Equipment Manufacturer  
Repair parts for Toro Riding Mowers,  
Parks and Recreation Department  
Twelve (12) Month Supply Agreement  
Total \$50,000.00 89-0064RD  
(Included in 1988/89 Operating  
Budget for PARD)

DATAPLEX INFORMATION SERVICES  
7801 North Lamar, suite E-194  
Austin, Texas  
Low Bid of 2  
0% M/WBE Participation

- Microfiche Production from  
Computer-Produced Magnetic Tape,  
Various City Departments  
Twelve (12) Month Contract  
Total \$99,888.12 89-S047-EC  
(Included in Operating Budget of  
various Departments)

Crime Control Unit

Authorized the submission and acceptance of a grant award from the State of Texas, Governor's Office, Criminal Justice Division to continue the Greater Austin Area Organized Crime Control Unit. (Grant request: \$219,346.00, Agencies contributions \$690,772.00, in-kind match satisfied by salaries and benefits of 7 sworn employees.)

Anti-Drug Abuse Task Force

Accepted a grant award from the State of Texas, Governor's Office, Criminal Justice Division for continued funding of the Regional Anti-Drug Abuse Task Force of the Police Department. (Grant award: \$77,554.00, Agencies contributions \$1,500.00 25% match for

confidential funds supplied through generated income)

Community Facilities Contract

Approved an amendment to Community Facilities Contract with Realtex Funding Corporation to allow for fiscal security, in lieu of a Letter of Credit, in reduced amount of \$152,350.00 to cover the cost of the construction of the remaining improvements (+10% retainage). [No fiscal impact to Operating Budget]

Cholesterol Screening

Authorized and approved a contract award for equipment and supplies to conduct a cholesterol screening in the amount of \$48,000.00 to Boehringer Mannheim of Indianapolis, Indiana.

Public Hearing Set

Set a public hearing on General Topic Areas for the 15th Year (FY 1989-90) Community Development Block Grant (CDBG) Program: May 11, 1989 at 5:00 P.M.

Set a public hearing on an amendment to the transition (C20-89-001) to allow all site plans and development permits approved prior to January 1, 1988, to request phasing approval of site plan extensions pursuant to Sections 13-1-607 and 609 for May 25, 1989 at 6:00 P.M.

NEW AUSTIN AIRPORT

The Council, on Councilmember Carl-Mitchell's motion, Councilmember Humphrey's second, adopted a resolution authorizing and approving distribution of a Request for Proposal (RFP) for property acquisition and relocation assistance services for the new Austin airport. (6-1 Vote, Councilmember Barnstone voted No.)

ITEMS POSTPONED AND WITHDRAWN

Postponed consideration of approval of Braker Lane Community Facility Contract to May 4, 1989.

Withdrawn at applicant's request is Zoning Case No. C14-88-0148, R. Duane Miller, 1101 Enfield Road from "LO" to "GO".

Pulled off the agenda is consideration of an ordinance amending the FY 1988-89 Operating Budget by appropriating \$10,200.00 from the ending balance to fund the programs of the AMEGO Committee; \$1,000 for intern for current semester, \$7,200.00 for two interns for this coming summer, and \$2,000.00 for an intern for next fall.

Postponed consideration of adoption of a proposed set of selection criteria to be used for the evaluation of engineering professional services to May 4, 1989 at 4:00 P.M.

Postponed to May 11, 1989 at 6:00 P.M. is consideration of passage of an ordinance prohibiting, restricting, or limiting certain business transactions between the City and individuals or business entities which have business or financial relations with South Africa or Namibia or with firms doing business in those nations; providing for exceptions based upon degrees of financial risk; amending the Austin City Code of 1981; providing a severability clause; and providing an effective date.

No action was needed on request for waiver of additional parking spaces at Cattleman's State Bank so the item was pulled off the agenda.

#### BRIDGE LIGHTING DESIGN COMPETITION

Passed through third reading of an ordinance amending the 1988-89 Financial Plan by appropriating \$25,000.00 from the ending balance to fund the Town Lake Committee Bridge Lighting Design Competition, on Mayor Pro Tem Shipman's motion, Councilmember Nofziger's second, (4-3 Vote, Mayor Cooke, Councilmembers Barnstone and Urdy voted No.)

#### MOBILE INCINERATORS

The Council, on Mayor Pro Tem Shipman's motion, Mayor Cooke's second, waived the requirement for three readings and finally passed an ordinance regulating the use and operation of mobile incinerators. (7-0 Vote)

#### AIDS COMMISSION

The Council, on Mayor Pro Tem Shipman's motion, Councilmember Carl-Mitchell's second, adopted a resolution endorsing the establishment of the Austin-Travis County AIDS Commission. (7-0 Vote)

#### CLEAN AIR WEEK

The Council, on Councilmember Humphrey's motion, Councilmember Carl-Mitchell's second, adopted a resolution declaring May 1-7, 1989 as Clean Air Week. (7-0 Vote)

#### PUBLIC UTILITY EASEMENT

The Council, on Councilmember Barnstone's motion, Councilmember Carl-Mitchell's second, adopted a resolution authorizing release of a portion of the 10' public utility easement on the rear portion of Lot 12, Block 10, North West Hills, Cat Mountain, recorded in Volume 52, Page 57, of the TCPR, locally known as 4203 Cat Mountain Drive. (Request submitted by David L. and Martha B. Harrington) (6-0 Vote, Mayor Cooke out of the room)

## CONVENTION CENTER PROJECT

The Council, on Councilmember Carl-Mitchell's motion, Mayor Cooke's second, passed through second and third readings of an ordinance transferring \$42,700 from the Convention Center Reserve Fund to the Convention Center CIP Fund for the services of Coopers & Lybrand for updating the Market, Financial, and Economic Impact Analysis in connection with the Convention Center Project. (6-1 Vote, Councilmember Barnstone voted No.)

## 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.

- a. City of Austin vs. Houston Lighting and Power
- b. Fru-Con Construction Corp. and City of Austin. No. 71-110-0489 88K (American Arbitration Association)
- c. Curington Associates, Inc. vs. City of Austin, Cause No. 461,100 (147th Judicial District, Travis County)

## RECESS

Council recessed its meeting for executive session at 2:59 P.M. and resumed its recessed meeting at 3:45 P.M.

## BEE CAVE ETJ

Council had before them for consideration an ordinance relating to extra-territorial jurisdiction (ETJ) of the City of Bee Cave, Texas.

Motion

Mayor Pro Tem Shipman made a motion, seconded by Mayor Cooke to release ETJ as outlined, prepare the framework for interlocal agreement and bring back an ordinance on the rest.

Substitute Motion

Councilmember Barnstone offered a substitute motion, seconded by Councilmember Carl-Mitchell to send this back to the related boards and commissions for review. Motion passed by a vote of 4-3 with Mayor Cooke, Councilmember Urdy and Mayor Pro Tem Shipman voting No.)

## ZONING CHANGE

The Council, on Mayor Pro Tem Shipman's motion, Councilmember

Carl-Mitchell's second, passed through second/third readings of an ordinance amending Chapter 13-2 of the Austin City Code Land Use Ordinance to cover 5108-5919 Boston Lane from Tract 1 "RR" and "SF-1" to "SF-2", Tract 2 "RR" and "SF-6" to "SF-2", Tract 3 "RR" and "SF-1" to "SF-2", Tract 4 "RR" and "SF-1" to "SF-2", Tract 5 "RR" and "SF-6" to "RR", Guaranty Federal Savings Bank by Terrence Irion, C14-88-0052. First reading on July 28, 1988 (7-0). Conditions have been met as follows: Restrictive Covenant incorporating conditions imposed by Council has been executed. (7-0 Vote)

#### NORWOOD PARKLAND RENOVATION

The Council, on Councilmember Nofziger's motion, Mayor Pro Tem Shipman's second, adopted a resolution to reserve Norwood Parkland for renovation activities and construction of a sculpture garden by the Women's Chamber of Commerce of Texas for five years. (7-0 Vote)

#### PUBLIC HEARING - LAND DEVELOPMENT CODE

Mayor Cooke opened the public hearing set for 6:00 P.M. on an amendment to the Land Development Code regarding impervious cover limitations in the SF-2 and SF-3 Zoning Districts and passage of ordinance.

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

#### Motion

The Council, on Councilmember Carl-Mitchell's motion, Mayor Pro Tem Shipman's second, closed the public hearing, waived the requirement for three readings and finally passed an ordinance amending the Land Development Code regarding impervious cover limitations in the SF-2 and SF-3 Zoning Districts. (6-0 Vote, Councilmember Nofziger out of the room.)

#### PUBLIC HEARING - ZONING

Mayor Cooke opened the public hearing on the following zoning case. Council heard and approved EMERGENCY PASSAGE OF ORDINANCE, on Councilmember Urdy's motion, Mayor Pro Tem Shipman's second, 6-0 Vote, Councilmember Barnstone out of the room.

C14-89-006 - Star Enterprises by Carson & Associates, 5600 South 1st Street from "LR" to "GR".

#### PENDING CASE DISMISSED

The Council, on Councilmember Carl-Mitchell's motion, Mayor Pro Tem Shipman's second, recommended the following zoning case for dismissal: (6-0 Vote, Councilmember Barnstone out of the room)

C14r-84-042 - TD Realty, Inc., 4700-4708 Switch Willo from "SF-2" to "SF-3"

**BOARD AND COMMISSION APPOINTMENTS**

The following board and commission appointments were voted upon.

**AIRPORT ADVISORY BOARD**

**KATHERINE PATMAN** - On Councilmember Barnstone's motion, Mayor Pro Tem Shipman's second.  
7-0 Vote

**AUSTIN "150" COMMITTEE**

**MILDRED OYSTON** - On Councilmember Humphrey's motion, Mayor Cooke's second, 7-0 Vote

**CHILD CARE COMMISSION**

**PAT FORD** - On Mayor Pro Tem Shipman's motion, Councilmember Carl-Mitchell's  
**LINDA RUIZ** second, (Eleanor Thompson); Councilmember Humphrey's motion, Council-  
**ELEANOR THOMPSON** member Carl-Mitchell's second, (Pat Ford); Councilmember Barnstone's  
**DESIGN COMMISSION** motion, Councilmember Carl-Mitchell's second, (Linda Ruiz) TERMS ENDING  
3/7/91

**DONETTA GOODALL** - Councilmember Nofziger's motion, Councilmember Urdy's second, 7-0 Vote

**ELISABET NEY MUSEUM BOARD OF DIRECTORS**

**KENNETH LOCKERMAN** - Councilmember Humphrey's motion, Mayor Cooke's second, 7-0 Vote

**IMPACT FEE ADVISORY BOARD**

**MEREDITH CANNON** - Mayor Pro Tem Shipman's motion, Mayor Cooke's second, 7-0 Vote

**MINORITY AND WOMEN-OWNED BUSINESS PROCUREMENT ADVISORY COMMITTEE**

**MICHELLE PYE** - Mayor Pro Tem Shipman's motion, Councilmember Nofziger's second, 7-0 Vote

**PARKS AND RECREATION BOARD**

**NEIL ISCOE** - Councilmember Nofziger's motion, Councilmember Barnstone's second, 7-0 Vote

**RESOURCE MANAGEMENT COMMISSION**

**GLEE INGRAM** - Councilmember Nofziger's motion, Councilmember Humphrey's second, 7-0 Vote

**URBAN TRANSPORTATION COMMISSION**

**JOHN F. HICKMAN** - Mayor Pro Tem Shipman's motion, Mayor Cooke's second, 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.

Pending Litigation - Section 2, Paragraph e

- (b) Fru-Con Construction Corp. and City of Austin, No. 71-110-0489 88K (American Arbitration Association)
- (c) Curington Associates, Inc. vs. City of Austin, Cause No. 461,100 (147th Judicial District, Travis County)

RECESS

Council recessed its meeting from 6:17 to 6:50 P.M. for executive session.

PROFESSIONAL SERVICES AGREEMENT

The Council, on Councilmember Humphrey's motion, Mayor Cooke's second, adopted a resolution authorizing Supplemental Amendment No. 1 to the Professional Services Agreement with Heery Program Management, Inc. for Construction Claim Consultant Services. A.R. Davis WTP Hydraulic Improvements. (C.I.P. Project No. 227910-Phase II and III for \$200,000.00) 4-0 Vote, Mayor Pro Tem Shipman, Councilmembers Barnstone and Urdy out of the room.

FRU-CON CONSTRUCTION CORP.

The Council, on Councilmember Humphrey's motion, Mayor Cooke's second, adopted a resolution to authorize the settlement of Fru-Con Construction Corp. and City of Austin, No. 71-110-0489-88K (American Arbitration Association). 4-0 Vote, Mayor Pro Tem Shipman, Councilmembers Barnstone and Urdy out of the room.

ADJOURNMENT

Council adjourned its meeting at 6:51 P.M.