



## **Austin City Council MINUTES**

**JUNE 27, 1991 - 1:00 P.M.**

### **MEETING CALLED TO ORDER - 1:00 P.M.**

Mayor Todd called to order the meeting of the Council, noting the absence of Councilmember Reynolds.

1. Approved Minutes for Regular Meeting of June 20, 1991 and Special Meetings of June 15 and 19, 1991

On Councilmember Epstein's motion, Councilmember Larson's second, 5-0 Vote, Mayor Pro Tem Urdy out of the room, Councilmember Reynolds absent.

### **1:00 P.M. - CITIZEN COMMUNICATIONS**

2. Mr. Neal Tuttrup provided an update on the condition of Barton Springs and the Barton Springs Edwards Aquifer.
3. Ms. Cecilia Blanford discussed the City's responsibility for the poor, hungry and homeless.

### **BOARD AND COMMISSION REPORTS**

4. ENVIRONMENTAL BOARD - Ozone Depletion

Mr. George Avery gave the report. Council directed the City Manager to direct the City Attorney to draft an ordinance. The Mechanical, Plumbing and Solar Board will review as well as the staff and Environmental Board. The ordinance will then be brought back to Council in sixty days.

### **ITEMS CONTINUED FROM PREVIOUS MEETINGS**

5. Directed the City Manager to authorize negotiation of an agreement to lease office space to HELPING OUR BROTHERS OUT, INC., (HOB0), located at 411 West 2nd Street. (Sixth Street Subcommittee). [Continued from June 13, 1991]

On Councilmember Nofziger's motion, Councilmember Garcia's second, 6-0 Vote, Councilmember Reynolds absent.

6. Amended the 1990-91 Austin Cable Access Fund Budget by increasing expenditures by \$256,173 and increasing revenues by \$62,500.

On Councilmember Nofziger's motion, Councilmember Larson's second, 6-0 Vote, Councilmember Reynolds absent.

#### ORDINANCES

7. Approve second/third readings of an Ordinance amending Chapter 13-2 of the Austin City Code rezoning property locally known as 9200-9299 Simmons Road, Case No. C814-84-022, a request to replace fifty-three condominium residences with twenty-four single-family residences. SUNBELT SAVINGS, FSB, Richard Crank. First reading on May 23, 1991; Vote: 6-0, Councilmember Barnstone out of the room. Conditions met as follows: Development restricted to that shown on the Site Plan attached as an Exhibit to the Ordinance.

Postponed to July 11, 1991.

8. Approved second/third readings of an Ordinance amending Chapter 13-2 of the Austin City Code rezoning property locally known as 8222 Jamestown Drive, Case No. C14-91-0023, from "CS" Commercial Services to "LI-CO", Limited Industrial Services-Conditional Overlay, BAPTIST FOUNDATION OF TEXAS, Hur Enterprises, Inc. First reading on May 9, 1991; Vote 7-0. Conditions met as follows: Conditions imposed by Council have been incorporated into a Conditional Overlay and Restrictive Covenant.
9. Amended Ordinance No. 870924-H by correcting the legal description of the property zoned by said Ordinance, Case No. C14-85-288.181.
10. Amended Ordinance No. 860814-C by correcting the legal descriptions of the property zoned by said Ordinance, Case No. C14r-85-015.
- #8-10 on Councilmember Nofziger's motion, Councilmember Garcia's second, 6-0 Vote, Councilmember Reynolds absent.
11. Established Chapter 3-4 of the Austin City Code setting requirements for the keeping of bees within the City.
- On Councilmember Nofziger's motion, Councilmember Larson's second, 5-0 Vote, Councilmember Epstein out of the room, Councilmember Reynolds absent.
12. Approved first reading of an agreement between the City of Austin and Southwestern Bell Telephone Company for the purpose of operating its telecommunications business; the Telephone Company shall maintain and construct its poles, wires, anchors, fiber, cables, manholes, conduits and other physical plant and appurtenances in, along, across, on over, through, above and under all public streets, avenues, highways, alleys, sidewalks, bridges or public ways in said City.

On Councilmember Garcia's motion, Councilmember Epstein's second, 6-0 Vote, Councilmember Reynolds absent.

## RESOLUTIONS

13. Authorized the filing of Eminent Domain Proceedings to acquire the following: 0.435 of an acre of land in fee simple and a 15.00 feet wide water and wastewater easement containing 5,257 square feet of land out of and a part of Lot A, Balcones Woods Commercial No. 21, a subdivision within the City of Austin, Travis County, Texas, owned by B.W. Associates, Ltd., for the U.S. Highway 183 Improvement Project.
14. Approved execution of a construction contract award to JALCO, INC., Austin, Texas, for the installation of 8-inch and 10-inch wastewater main, and an 8-inch water main to provide wastewater and upgrade water service for the Slaughter Lane Area II (Ford Oaks) Annexed Area, in the amount of \$757,873.08. Low bid of six (6). 14.9% MBE, 3.33 % WBE Subcontractor participation.

#13-14 on Councilmember Epstein's motion, Mayor Pro Tem Urdy's second, 6-0 Vote, Councilmember Reynolds absent.

15. Approved execution of a construction contract award to JAVALINA CONSTRUCTION, INC., New Braunfels, Texas, for the milling of asphalt concrete pavement streets for the Capital Metropolitan Transit Authority (CMTA) Overlay Program, in the amount of \$32,571.47. (Funding included in Capital Metro's 1991 Public Transportation Mobility Fund). Low bid of three (3). 0% M/WBE Subcontractor participation. The prime did not identify any subcontracting opportunities.

On Councilmember Garcia's motion, Councilmember Nofziger's second, 6-0 Vote, Councilmember Reynolds absent.

16. Approved execution of a contract award with DEL MAR AVIONICS, 1304 Langham Creek Drive, Houston, Texas, for the purchase of a Holter monitoring system with recorders used to monitor heart rate and/or pacemaker analysis and to digitize and store the rate of pulse blood flow, including a one year warranty, in an amount not to exceed \$65,000. (Funding provided by the issuance of Contractual Obligations approved by Council on February 28, 1991). Best proposal of five (5). 0% M/WBE Subcontractor participation. The prime did not identify any subcontracting opportunities.

On Councilmember Garcia's motion, Mayor Pro Tem Urdy's second, 5-0 Vote, Councilmember Nofziger out of the room, Councilmember Reynolds absent.

17. Approve execution of a twelve (12) month contract with W.E.T., Inc., Austin, Texas, for the supply of flashlight and lantern batteries for use by various departments, in an estimated amount not to exceed \$32,673, including the option to extend thereafter for up to one (1) twelve (12) month period in an estimated amount not to exceed \$32,673, for a total amount not to exceed \$65,346. (Funding included in the 1990-91 Operating Budget of the General Services Department). Low bid of eleven (11). 0% M/WBE Subcontractor participation. The prime did not identify any subcontracting opportunities. Reference No. 910457-1RF.

Postponed to July 11, 1991.

18. Approved application for and acceptance of a grant in the amount of \$500,000 from the Texas Parks and Wildlife Department for the development of recreational facilities at Dove Springs Park. (City's match is \$500,000 - Funding available in C.I.P. No. 823-867-5006).

On Councilmember Epstein's motion, Mayor Pro Tem Urdy's second, 6-0 Vote, Councilmember Reynolds absent.

#### 4:00 P.M. - ZONING HEARINGS AND APPROVAL OF ORDINANCES

##### ZONING DISTRICTS

19. C14-90-0057 - CROW GOTTESMAN SHAFER NO. 2, by Consort Inc., 3800-3900 Duval Road and 3801-3903 Dorsett Road, from SF-2 to G0. Planning Commission Recommendation: To grant L0-C0, subject to conditions.

##### FIRST READING

20. C14-91-0030 - HALF-VAST ENTERPRISES, INC., 6109-6211 South Congress Avenue, 100-110 North Bluff Drive. From: SF-3 to GR. Planning Commission Recommendation: To grant GR-C0 subject to conditions.

##### FIRST READING

#19-20 on Councilmember Larson's motion, Councilmember Garcia's second, 5-0 Vote, Councilmember Epstein out of the room, Councilmember Reynolds absent.

To be Heard by Planning Commission on June 25, 1991; Recommendation to Follow

21. C14-91-0015 - JOSIE CHAMPION, by Planning Consultants, 5619-5719 FM. 2222. From: SF-2 to GR, for Tract D1 and RR for Tract D2.

Postponed to July 11, 1991.

22. C14-91-0016 - JOSIE CHAMPION, by Planning Consultants, 5600-5720 FM. 2222, 6200-6210 Lakewood Drive, 6101-6409 S. Capitol of Texas Hwy. From: SF-2 to GR for Tract E1, RR for Tract E2, and RR for Tract E3.

Postponed to July 11, 1991.

##### PUBLIC HEARINGS AND APPROVAL OF ORDINANCES/RESOLUTIONS

23. 4:30 P.M. - Amend Chapter 13-2-1 of the Land Development Code to provide a definition for a solid fence or wall; and amend Chapter 8-4 of the Austin City Code which require screening of junk yards.

Public Hearing closed, and Ordinance passed, on Councilmember Larson's motion, Councilmember Nofziger's second, 6-0 Vote, Councilmember Reynolds absent.

#### ITEMS FROM COUNCIL

24. Discussed/Approved the City of Austin's co-sponsorship with the Austin Chapter of the AFL-CIO of the Labor Day Parade. (Mayor Pro-Tem Charles Urdy)

On Mayor Pro Tem Urdy's motion, Councilmember Nofziger's second, 6-0 Vote, Councilmember Reynolds absent.

25. Discussed/Approved a Resolution directing the City Manager to explore designating or establishing policy to apply for Federal Anti-Drug Grants for which Austin is eligible. (Councilmember Bob Larson)

On Councilmember Epstein's motion, Councilmember Garcia's second, with a friendly amendment by Mayor Todd to report back to Council within thirty days, and a friendly amendment by Councilmember Larson to coordinate with other governmental departments, 6-0 Vote, Councilmember Reynolds absent.

26. Approved a Resolution offering certain incentives to Custom Golf Clubs, Inc. to assist their expansion within the City of Austin. (Incentives include tax abatement on the new investment, waiver of building and development fees, and water and wastewater upgrades). [Mayor Pro Tem Charles Urdy and Councilmember Bob Larson].

On Mayor Pro Tem Urdy's motion, Councilmember Larson's second, 5-0 Vote, Councilmember Nofziger out of the room, Councilmember Reynolds absent.

27. Approved a Resolution allowing mobile vending on Congress Avenue for the Governor's Salute to the Troops Parade on Sunday, June 30, 1991, under certain terms and conditions. (Mayor Bruce Todd)

On Councilmember Larson's motion, Councilmember Epstein's second, 6-0 Vote, Councilmember Reynolds absent.

28. Discussion/Approval of a Resolution expanding the scope of the Ethics Commission study of financial disclosure requirements. (Councilmember Bob Larson)

Postponed to July 11, 1991.

#### EXECUTIVE SESSION (No Public Discussion on These Items)

Mayor Todd 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.

29. Land Acquisition - Section 2, Paragraph f

a. Review and discussion of fee simple acquisition for: South First Street (Drake Bridge) Project, parcel #3125 (2,526 SF)

b. Review of Real property acquisition and lease space.

**30. Pending/Contemplated Litigation - Section 2, Paragraph e**

- a. Texas Water Commission's enforcement actions against Travis Country Utility District.**
- b. Everett Charles Price, Jr., v. College houses, Inc.,; the City of Austin, Texas; et al. Postponed to July 11, 1991.**

**RECESS**

Council recessed for executive session from 5:30 to 6:31 P.M.

**ACTION ON THE FOLLOWING**

- 31. Approved a Resolution authorizing fee simple acquisition for: South First Street (Drake Bridge) Project, Parcel #3125 (2,526 SF of Right of Way).**

**On Mayor Pro Tem Urdy's motion, Councilmember Nofziger's second, 5-0 Vote, Councilmember Reynolds absent, Councilmember Epstein out of the room.**

- 32. Approved a settlement agreement between the Texas Water Commission, Guarantee Federal Savings Bank, The Bankruptcy Estate of the Travis County Utility District, and the City of Austin concerning certain enforcement actions pursuant to Chapter 26 of the Texas Water Code against the Travis Country Utility District.**

**On Mayor Pro Tem Urdy's motion, Councilmember Garcia's second, 5-0 Vote, Councilmember Epstein out of the room, Councilmember Reynolds absent.**

- 33. Authorized negotiation and execution of a lease for office space for the various City Departments presently located in the Brown Building.**

**Directed the City Manager to negotiate a ten year lease with Norwood Tower for the Legal Department. On Councilmember Larson's motion, Councilmember Nofziger's second, 5-0 Vote, Councilmember Epstein out of the room, Councilmember Reynolds absent.**

- 34. Approved the following City Council Committee Assignment - Capital Area Planning Council (CAPCO), Councilmember Larson**

**On Mayor Pro Tem Urdy's motion, Councilmember Garcia's second, 5-0 Vote, Councilmember Epstein out of the room, Councilmember Reynolds absent.**

**ADJOURN - The meeting was adjourned at 6:40 P.M.**