



Austin City Council MINUTES For

JANUARY 24, 1990

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

Mayor Cooke called to order the meeting of the Council, noting the presence of all Councilmembers.

MINUTES APPROVED

1. Approved Minutes for Regular Meeting of January 17, 1991 and Special Called Meeting of January 11, 1991

On Councilmember Larson's motion, Councilmember Nofziger's second, 5-0 Vote, Mayor Pro Tem Urdy and Councilmembers Barnstone and Carl-Mitchell out of the room.

Later, Councilmember Carl-Mitchell made a motion, seconded by Councilmember Nofziger to reconsider a roll call vote in the January 24, 1991 Minutes. Council approved re-consideration by a vote of 7-0.

Councilmember Carl-Mitchell then made a motion, seconded by Councilmember Barnstone to approve the Minutes for regular meeting of January 17, 1991 with correction and Special Called Meeting of January 11, 1991. Motion passed by a vote of 7-0.

1:00 P.M. - CITIZEN COMMUNICATIONS

2. Mr. Peter A. Dwyer urged action from the Water and Wastewater Department on approach mains pending since 1983.
3. Ms. Charlotte Flynn discussed promotion of Austin's involvement in a national initiative to improve the health of all Americans in the next ten years through a coordinated and cooperative push towards prevention.
4. Mr. Paul Robbins discussed environmental concerns.
5. Mr. David N. Elliott discussed current City issues.
6. Mr. Tim Hamblin discussed Cable T.V. issues pertaining to a feasible music channel in Austin.

7. Mr. Luthor Carpenter discussed open government and mismanagement.
8. Mr. Hank Sinatra informed the City Council of Cable franchises.
9. Mr. Leonard Lyons discussed communications to and from the City Council.
10. Mr. Thom Prentice discussed City issues.

CITY MANAGER REPORT (No Housing Finance Corporation Meeting Scheduled)

11. Monthly Housing Status Report

Report was given by Eugene Watkins, Assistant Director, Housing and Planning Development.

12. Approved negotiation and execution of a contract with ANDOC GROUP, INC., Austin, Texas, for the installation and implementation of an Integrated Tenant Billing and Lease Management System at Robert Mueller Airport, in an amount not to exceed \$76,951.00. (Funding available through a reappropriation from the FY 1989-90 Aviation Operating Budget). Successful proposal of six (6). OX M/WBE Subcontractor participation. (Continued from January 10, 1991)

On Councilmember Carl-Mitchell's motion, Councilmember Epstein's second, 7-0 Vote.

13. Approved an Ordinance repealing Ordinance No. 900913-N and amending prior ordinances to re-establish fees for engineering review and construction inspection of water and wastewater facilities and street and drainage improvements. (Continued from January 10, 1991)

On Mayor Pro Tem Urdy's motion, Mayor Cooke's second, 7-0 Vote.

14. Approve third reading of an Ordinance changing the terms of the members on the Police Retirement Board from four to three years and reducing the membership to bring the Board into compliance with Section 2-4-6 of the Austin City Code. (Councilmember Louise Epstein)

Pulled indefinitely.

15. Approve third reading of an Ordinance reducing the membership of the Employee's Retirement System to bring it into compliance with Section 2-4-6 of the Austin City Code. (Councilmember Louise Epstein) [Public Hearing held January 10, 1991 - No Citizen Sign Up]

Pulled indefinitely.

(#14-15 on Councilmember Barnstone's motion, Councilmember Nofziger's second, 7-0 Vote.)

16. Approved third reading of an Ordinance reducing the membership of the Arts Commission to bring it into compliance with Section 2-4-6 of the Austin City Code. (Councilmember Louise Epstein) [Public Hearing held January 10, 1991 - No Citizen Sign Up]

On Mayor Pro Tem Urdy's motion, Mayor Cooke's second, 4-3 Vote, Councilmembers Carl-Mitchell, Nofziger and Barnstone voted No.

17. Approved second reading of an Ordinance ordering an election to be held in the City of Austin on May 4, 1991 for the purpose of electing the Mayor and three Councilmembers of the City of Austin for a term of three years beginning June 15, 1991; and changing the date for a run-off election. (Councilmember Bob Larson) [Public Hearing held January 17, 1991 - No Citizen Sign Up]

On Councilmember Larson's motion, Mayor Pro Tem Urdy's second, 7-0 Vote.

18. Approved second/third readings of an amendment to the Charter of the City of Austin providing for a City Auditor to be appointed and report directly to the City Council. (Councilmember Bob Larson) [Public Hearing held January 17, 1991 - No Citizen Sign Up]

On Councilmember Larson's motion, Councilmember Barnstone's second, 7-0 Vote.

19. Approved the creation of Tax Abatement Reinvestment Zone No. Four for Ion Implant Services on a portion of Lot 2, block A, University Business Park, in accordance with Section 312.202 of the Texas Tax Code. (Public hearing held January 17, 1991 - No Citizen Sign Up)

On Mayor Pro Tem Urdy's motion, Mayor Cooke's second, 5-2 Vote, Councilmembers Epstein and Barnstone voted No.

20. Authorized execution of Tax Abatement Agreement with Ion Implant Services, Inc. (Public hearing held January 17, 1991 - No Citizen Sign Up)

On Mayor Pro Tem Urdy's motion, Mayor Cooke's second, 5-2 Vote, Councilmembers Barnstone and Epstein voted No.

ORDINANCES

Zoning (Items 21-25)

21. Approve second/third readings of an Ordinance amending Chapter 13-2 of the Austin City Code rezoning the property locally known as 4411 Spicewood Springs Road, Case No. C814-90-0001, from "SF-3" to "PUD" Planned Unit Development, LARRY PEEL, by Land Strategies, Incorporated. First Reading: November 29, 1990; Vote 4-2-1, Councilmembers Epstein and Nofziger voted No, and Councilmember Barnstone abstained. (Public Hearing held November 29, 1990 - No Citizen Sign Up)

Postponed to February 7, 1991.

22. Approved second/third readings of an Ordinance amending Chapter 13-2 of the Austin City Code rezoning property locally known as 1402 Barclay Drive, Case No. C14-90-0019, from "DR", Development Reserve to "SF-2" Single Family Residence, PERRY LORENZ, by The Speights Company. First reading on May 10, 1990; Vote 5-0, Mayor Cooke and Councilmember Carl Mitchell out of the room. Conditions met as follows: Conditional Overlay and Restrictive Covenant incorporate conditions imposed by Council. (Public Hearing held May 10, 1990 - No Citizen Sign Up)

23. Approved second/third readings of an Ordinance amending Chapter 13-2 of the Austin City Code rezoning property locally known as 7315-7317 McNeil Drive, Case No. C14-90-0035, from "SF-3", Single-Family Residence, to "LI", Limited Industrial Services, LEWIS ARLEDGE, by Philip Stoval. First reading on September 6, 1990; Vote 6-0, Councilmember Nofziger out of the room. Conditions met as follows: Right-of-way dedication required by Council has been acquired. (Public Hearing held September 6, 1990 - No Citizen Sign Up)

24. Approved second/third readings of an Ordinance amending Chapter 13-2 of the Austin City Code rezoning property locally known as Jollyville Road and Pavilion Boulevard. Case No. C14-90-0066, from "GR Community Commercial and "LO" Limited Office to "P" Public District, FRANKLIN FEDERAL BANCORP, Mathias Company. First reading on December 6, 1990; Vote 4-0, Councilmembers Urdy, Barnstone, Nofziger out of the room. Conditions met as follows: No conditions to be met. (Public Hearing held December 6, 1990 - No Citizen Sign Up)

25. Approved second/third readings of an Ordinance amending Chapter 13-2 of the Austin City Code rezoning property locally known as 13821-14099 North F.M. 620. Case N. C14-90-0068, from "DR" Development Reserve to "GR" Community Commercial, AUSTIN WHITE LIME COMPANY, by Bury & Pittman, Incorporated. First reading on December 6, 1990; Vote 4-0, Councilmembers Urdy, Barnstone and Nofziger out of the room. Conditions met as follows: No conditions to be met. (Public Hearing held December 6, 1990 - No Citizen Sign Up)

26. Approved an amendment to the Austin City Code by establishing the speed limit on Parmer Lane (FM 734) at 55 mph

11-2-100 (e) 55 mph

Add: Parmer Lane (FM 734) from the centerline of the MoPac Expressway (Loop 1) [Station 600-00] to 995 feet west of the centerline of Silver Creek Drive [Station 550-75].

421-26 on Councilmember Epstein's motion, Mayor Pro Tem Urdy's second, 7-0 Vote.

27. Approve the release of approximately 4,672 acres of the City of Austin's extraterritorial jurisdiction to the City of Pflugerville's jurisdiction.

Postponed to February 7, 1991.

35. Amend the North Austin MUD consent agreement to revise the MUD land plan changing 12 acres of multi-family and 34 acres of single-family to 46 acres of "GR" uses and to delete the requirement for the dedication of a five acre solid waste transfer site.

On Councilmember Epstein's motion, Mayor Pro Tem Urdy's second, 6-0-1 Vote, Councilmember Epstein abstained. (This was part of the consent motion for ordinances. Item had erroneously been placed under resolutions on the agenda.)

RESOLUTIONS

28. Approved extension of a contract with HITACHI DATA SYSTEMS (HDS), Austin, Texas, for a 60 day rental of an HDS XL T90 (256 megabytes/64 channels) central processing unit, in an amount not to exceed \$180,000 with a 30 day extension option in an amount not to exceed \$90,000 for a total estimated amount not to exceed \$270,000. (Funding included in Utility Customer Service Office Billing System Project Fund). Low bid of three (3). 0% M/WBE Subcontractor participation. The prime did not identify any subcontracting opportunities.

29. Approved execution of a contract with JESSIE LEE COBURN, WBE, Austin, Texas, for court reporter services at Municipal Court, in an amount not to exceed \$42,000 with two (2) twelve (12) month extension options in an amount not to exceed \$42,000 per extension option, for a total amount not to exceed \$126,000. (Funding included in the 1990-91 Operating budget for Municipal Court). Low bid of two (2). 0% M/WBE Subcontractor participation. The prime did not identify any subcontracting opportunities. Reference File No. 900815-3RW.

#28-29 on Councilmember Carl-Mitchell's motion, Councilmember Epstein's second, 7-0 Vote.

30. Approve a variance from the right-of-way dedication for construction of a Short Stop Restaurant in a shopping center at 3001 West Anderson Lane, Case No. SP-90-0233C.

Pulled from agenda by applicant.

31. Approved an Interlocal Agreement for two years with the Lower Colorado River Authority for the purchase of Xeriscape brochures and posters in an amount not to exceed \$23,928. (Funding included in 1990-91 Operating Budget for Environmental and Conservation Services Department).

On Councilmember Nofziger's motion, Mayor Pro Tem Urdy's second, 7-0 Vote.

Councilmember Barnstone stated for the record: "This is part of the agreement reached with LCRA and we are fulfilling that obligation."

32. Approved an Interlocal Agreement for one (1) year with Travis County for Weatherization Services for the economically disadvantaged in an amount not to exceed \$97,200. (Funding included in the Brown and root Incentive Program).

33. Authorized negotiation and execution of an agreement with Travis County

for the relocation of an existing water system for the County's Brodie Lane CIP Project, in an amount not to exceed \$316,000. (Funding included in Water Utility CIP No. 388-227-0924.

34. Authorized negotiation and execution of an Interlocal Agreement with Travis County, in an amount not to exceed \$20,000 for the relocation/adjustment of existing water and wastewater systems for the County's Howard Lane C.I.P. Project. (Funding in the amount of \$10,000 included in Water Utility CIP Number 388-227-0996, and \$10,000 included in Wastewater Utility CIP Number 439-237-0918).

#32-34 on Councilmember Carl-Mitchell's motion, Councilmember Epstein's second, 7-0 Vote.

36. Approved the creation of a Joint Subcommittee of the City Council and Capital Metro Board to consider planning, funding, and management of a downtown marketplace in conjunction with transit uses at the Capital Metro site on the east side of 400 block of I.H. 35.

Appointed Mayor Pro Tem Urdy and Councilmember Barnstone, on Councilmember Barnstone's motion, Mayor Pro Tem Urdy's second, 6-0-1 Vote, Councilmember Epstein abstained.

37. Set a public hearing to approve creation of Tax Abatement Reinvestment Zone No. Five for Applied Materials, on 84.241 acres fronting 9640-9770 U.S. Hwy. 290 East within the Harris Branch industrial area, in accordance with Sec. 312.202 of the Texas Tax Code. Date and time: January 31, 1991 at 6:00 p.m.

On Councilmember Larson's motion, Mayor Pro Tem Urdy's second, 7-0 Vote.

38. Set a public hearing to approve a temporary construction and two permanent drainage easements (0.053 and 0.318 acres) across the Walnut Creek/Colorado River greenbelt in accordance with Sec. 26.001 et seq. of the Texas Parks and Wildlife Code. Date and time: February 28, 1991 at 5:00 p.m.

On Councilmember Carl-Mitchell's motion, Councilmember Epstein's second, 7-0 Vote.

PUBLIC HEARINGS AND APPROVAL OF ORDINANCES/RESOLUTIONS

39. 5:00 P.M. - Approve vacation of a portion of Edgecliff Street (1409-1410 Edgecliff Street). [\$250 application fee has been paid].

Closed public hearing and approved vacation, on Councilmember Carl-Mitchell's motion, Mayor Pro Tem Urdy's second, 6-0 Vote, Councilmember Epstein out of the room.

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

ZONING DISTRICTS

Recommended as Requested, With Conditions

40. C14-90-0070 - ALAMO BANK OF TEXAS, by Sasser Properties, 707-715 East 1st Street, 704-716 Driskill Street, 98 IH 35 South, from "LR", "MF-4" to "GR".

Postponed on applicant's request until February 28, 1991 at 4:00 P.M.

41. GHW-90-002 - NEW LIFE RENEWAL CENTER, by Erick W. Evans, 2904 Sweeney Lane, (Group Home Waiver). [Planning Commission recommendation: To deny the group home waiver.]

Motion by Councilmember Barnstone, seconded by Councilmember Larson, to grant the waiver FAILED by a vote of 3-4 with Mayor Pro Tem Urdy, Councilmembers Carl-Mitchell, Epstein and Nofziger voting No.

ITEMS FROM COUNCIL

42. Appoint members to the Charter Revision Committee and approve a Charter Revision proposal for the May 4, 1991 election. (Continued from January 17, 1991 and is to be considered in conjunction with Items 17 and 18.)(Mayor Pro Tem Charles Urdy and Councilman Robert Barnstone)

Motion to POSTPONE INDEFINITELY by Councilmember Carl-Mitchell, seconded by Councilmember Nofziger, was approved by a vote of 5-2 with Councilmembers Barnstone and Larson voting No.

43. Approve a Resolution opposing H.B. 373 regarding an airport authority. (Councilman Robert Barnstone)

44. Approve a Resolution opposing H.B. 374 regarding Bergstrom Air Force Base. (Councilman Robert Barnstone)

#43-44 - A motion to REFER BACK TO THE LEGISLATIVE SUB-COMMITTEE passed by a vote of 4-3 with Councilmembers Barnstone, Epstein and Larson voting No.

45. Approved an Ordinance canceling the regular scheduled City Council meetings of March 28, May 2, July 4, August 22, September 26, October 24, November 28, December 26, 1991 and January 2, 1992 (Mayor Lee Cooke)

On Councilmember Carl-Mitchell's motion, Mayor Cooke's second, 7-0 Vote.

46. Consider an Ordinance establishing rules of order for meetings of the Austin City Council. (Councilmember Michael "Max" Nofziger)

Postponed to February 7, 1991.

EXECUTIVE SESSION (No Public Discussion on These Items)

Mayor Cooke announced that 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.

47. Land Acquisition - Section 2, Paragraph f

(A) Review and discussion of right-of-way acquisition for:

- (1) U.S. Highway 183/290 Project
 - (a) Account #8014-1-75
 - Parcel 21

48. Pending/Contemplated Litigation - Section 2, Paragraph e

(a) Discussion of Houston Lighting and Power v. City of Austin, CA: 87-S0403-C, in 130th Judicial District Court, Matagorda County, Texas.

(b) Discussion of Houston Lighting and Power v. City of Austin, CA: 87-2-0616-C, in 130th Judicial District Court, Matagorda County, Texas.

(c) Discussion of City of Austin v. Houston Lighting and Power, CA: 05-89-01354-CV, in the 5th District Court of Appeals, Dallas, Texas.

(d) Discussion of The City of San Antonio, Texas, et al. v. Westinghouse Electric Corporation, et al., No. 90-5-0684-C, in the 130th District Court of Matagorda County, Texas.

(e) Discussion of City of Austin v. International Association of Firefighters, Local 975, and Barney Oldham, No. 3-89-255-CV, in the Third Court of Appeals, Austin, Texas.

RECESS - Council recessed its meeting from 5:45 to 7:40 P.M.

ACTION ON THE FOLLOWING

49. Approved resolutions authorizing right-of-way acquisitions for:

- (1) U.S. 183/290 Expansion Project
 - (a) Account No. 8014-1-75
 - Parcel 21

On Councilmember Carl-Mitchell's motion, Mayor Pro Tem Urdy's second, 7-0 Vote.

SPEAKER AT END OF MEETING

There was one speaker at the end of the meeting.

ADJOURN

Council adjourned its meeting at 7:53 P.M.