



## Austin City Council MINUTES

JUNE 6, 1991

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

Mayor Cooke called to order the meeting of the Council, noting the absence of Councilmember Carl-Mitchell.

### MINUTES APPROVED

1. Approved Minutes for Regular Meeting of May 30, 1991.

On Councilmember Epstein's motion, Councilmember Larson's second, 4-0 Vote, Mayor Pro Tem Urdy, Councilmember Barnstone out of the room, Councilmember Carl-Mitchell absent.

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

2. Mr. Richard Trachtenberg discussed the budget process and the politics of skullduggery.
3. Mr. Leonard Lyons discussed communication to and from Council.
4. Mr. David Elliott discussed current City issues.
5. Ms. Bertha Means discussed transportation services.
6. Mr. Carlos Velasquez, to discuss Link Transportation Inc. shuttle service. Did not appear.
7. Mr. Harry Didehboni, to discuss consideration of grant application for federal funds by Link Transportation through Capital Metro. Did not appear.
8. Mr. Charles Johnson discussed regulation of transportation in Austin.
9. Ms. Joan Vickers provided the Council with information about the importance of

including nutrition services for women, infant and children in Austin.

10. Mr. Henry Ratliff discussed City problems.

**1:30 P.M. - MUNICIPAL UTILITY DISTRICT BOND REFUNDING (Items 11-15)**

11. Approved an Ordinance authorizing the issuance of City of Austin, Texas, Combined Utility Systems Revenue Refunding Bonds, Series 1991-A, including the approval and execution of a Purchase Contract and a Special Escrow Agreement and the approval and distribution of an Official Statement pertaining thereto.
12. Approved a Resolution authorizing redemption of certain outstanding bonds assumed by the City.
13. Approved a Resolution authorizing the execution of a Paying Agent/Registrar Agreement in an amount not to exceed \$200 annually, in relation to the "City of Austin, Texas, Combined Utility Systems Revenue Refunding Bonds, Series 1991-A."
14. Approved a Resolution authorizing the execution of a Special Escrow Agreement in relation to the defeasance of "North Central Austin Growth corridor Municipal Utility District No. 1 Waterworks and Sewer System Combination Unlimited Tax and Revenue Bonds, Series 1984."
15. Approved a Resolution authorizing redemption of certain outstanding "North Central Austin Growth Corridor Municipal Utility District No. 1 Waterworks and Sewer System Combination Unlimited Tax and Revenue Bonds, Series 1984."

#11-15 on Councilmember Larson's motion, Councilmember Nofziger's second, 5-0 Vote, Councilmember Barnstone out of the room, Councilmember Carl-Mitchell absent.

**ITEMS CONTINUED FROM PREVIOUS MEETINGS**

16. Approve negotiation and execution of a contract award with LEWIN/ICP, Washington D.C. for assistance in developing a profile of and options for addressing the health care needs of the medically uninsured and underinsured persons in Austin and Travis County, in an amount not to exceed \$189,464. 10% MBE, 5% WBE Subcontractor participation. (Continued from May 16, 1991)

No Action.

17. Discussion/approval of first reading of an Ordinance amending Chapter 2-6 of the Code of the City of Austin, 1981, to provide for the duties and responsibilities of the Presiding Judge and the Clerk of the Municipal Court. (Mayor Lee Cooke) [Continued from May 23, 1991]

Motion to approve, on Councilmember Larson's motion, Mayor Cooke's second, FAILED

by a vote of 3-3, Councilmembers Barnstone, Epstein and Nofziger voted No, Councilmember Carl-Mitchell absent.

18. Approve third reading of an ordinance amending Chapter 13-2 of the Austin City Code rezoning property locally known as the area between the following boundaries North: East 12th Street, Juniper Street, South of Hackberry Street; South: South of East 8th Street, West of San Marcos Street and South of East 11th Street; East: East of Navasota Street, South of Rosewood Street and West of Angelina Street; West: Interstate Highway 35, Case No. C14-88-0103 (East 11th Street NCCD), from "SF-3", Family Residence; "SF-3-H", Family Residence-Historic; "MF-3", Multifamily Residence; "LO", Limited Office; GO-CO, General Office-Conditional Overlay; "LR", Neighborhood Commercial; CS, Commercial Services; "CS-H", Commercial Services-Historic; "CS-1-H", Commercial Liquor Sales-Historic; "CS-1-CO", Commercial Liquor Sales-Conditional Overlay to "SF-3-NCCD", Family RESIDENCE-NEIGHBORHOOD CONSERVATION COMBINING DISTRICT; "SF-3-H", Family Residence-Historic-NCCD; "MF-3-NCCD", Multifamily Residence-NCCD; "LO-NCCD", Limited Office-NCCD; "GO-CO-NCCD", General Office-Conditional Overlay-NCCD; "LR-NCCD", Neighborhood Commercial-NCCD; "CS-NCCD", Commercial Services-NCCD; "CS-H-NCCD", Commercial Services-Historic-NCCD; "CS-1-NCCD", Commercial Liquor Sales-NCCD; "CS-1-H-NCCD", Commercial Liquor Sales-Historic-NCCD; "CS-1-CO-NCCD", Commercial Liquor Sales-Conditional Overlay-NCCD, EAST 11TH STREET VILLAGE ASSOCIATION, INC., by Mathias Company. First reading on April 18, 1991; Vote 7-0. Second reading on May 16, 1991; Vote 7-0. Conditions met as follows: Conditions imposed by Council have been incorporated into a Zoning Ordinance, the neighborhood plan prepared by the Mathias Company for the East 11th Street Village Association, Inc., and a restrictive covenant. Approve second/third reading of Fee Waiver Ordinance for Subdistricts 1 and 2 of E. 11th Street NCCD. (Public Hearing Closed - No Citizen Sign Up).

Postponed to June 20, 1991 at 4:00 P.M.

19. Amended the 1990-91 Special Revenue Funds by accepting \$426,443 from the Texas Department of Human Services and U.S. Department of Agriculture for a grant to administer the Summer Food Service program at 22 sites, including recreation centers, park sites and selected school sites, and appropriating \$426,443 to the Special Revenue Funds.
20. Amended Ordinance No. 900913-D by amending the Special Revenue Funds budget by accepting \$120,000 from the U.S. Department of Housing and Urban Development for a 1991 Emergency Shelter Grant Program, and appropriating the funds to the Special Revenue Funds budget for the operation and maintenance of existing shelters and to provide essential services to homeless persons.
21. Amended Chapter 10-5 of the Austin City Code of 1981 relating to barricade permits for emergency operations or unplanned repairs on private property.
- #19-21 on Mayor Pro Tem Urdy's motion, Councilmember Larson's second, 6-0 Vote, Councilmember Carl-Mitchell absent.
22. Authorize the City Traffic Engineer to designate, under certain conditions,

streets or parts of streets as "no commercial vehicle streets or zones"; repealing Section 11-2-7 and 11-2-47 of the City Code.

No action.

#### RESOLUTIONS

23. Amend the 1990-91 Austin Cable Access Fund Budget by increasing expenditures by \$123,673 and increasing revenues by \$62,500. (Not an ordinance because this was created by resolution.)

Postponed to June 13, 1991.

24. Approved execution of a contract with FLEET WASHING SYSTEMS, Ft. Worth, TX, for the purchase and installation of truck wash equipment in an existing building located at 1190 Hargrave, in an amount not to exceed \$75,295. (Funding included in the Solid Waste Fund of the Environmental and Conservation Services Department). Low bid of two (2). 0% M/WBE Subcontractor participation. The prime did not identify any subcontracting opportunities. Reference No. 910537-1RW.

On Mayor Pro Tem Urdy's motion, Councilmember Larson's second, 6-0 Vote, Councilmember Carl-Mitchell absent.

25. Approve negotiation and execution of a twelve (12) month revenue contract with CAPITAL ASSISTANCE GROUP, Arlington, TX, for the collection of delinquent traffic citations, in an estimated revenue to the General Fund of \$173,660 during FY 1990-91, with two (2) twelve (12) month extension options in an estimated revenue of \$389,110 and \$336,400 respectively, for a total three (3) year estimated revenue of \$899,170. Best proposal of three (3). 20% MBE, 0% WBE Subcontractor participation. Reference No. 900947-3SA.

Postponed to June 20, 1991.

26. Approved execution of a 12-month contract with AUSTIN PATHOLOGY ASSOCIATES, to provide pathology and reference laboratory services to Medical Assistance Program (MAP) clients at Brackenridge Hospital and Health & Human Services Department Clinics, in an amount not to exceed \$500,000, with the option to extend thereafter for two (2) additional twelve (12) month periods, in an amount not to exceed \$500,000 per extension, for a total amount not to exceed \$1,500,000. (Funding included in the 1990-91 Operating Budget of the Health and Human Services Department). Sole Source. 0% M/WBE Subcontractor participation. The prime did not identify any subcontracting opportunities.
27. Approved execution of a twelve (12) month supply agreement contract with AUSTIN CRUSHED STONE, Austin, TX, for the purchase of rip rap rock and crushed stone used in construction of wastewater lines and to prevent erosion of creek channels during excavation work, in an amount not to exceed \$37,162.15. (Funding included

in Water and Wastewater Operating funds). Low bid of three (3). 11.76% MBE, 1.18% WBE Subcontractor participation. Reference No. 910075-1JD.

#26-27 on Mayor Pro Tem Urdy's motion, Councilmember Larson's second, 6-0 Vote, Councilmember Carl-Mitchell absent.

28. Authorized execution of an Interlocal Agreement by and among the City of Austin, the Austin Independent School District, Austin Community College and Travis County for the purpose of determining the feasibility of constructing a shared fiber optic telecommunications network. (No fiscal impact)

On Councilmember Nofziger's motion, Councilmember Larson's second, 5-0 Vote, Councilmember Barnstone out of the room, Councilmember Carl-Mitchell absent.

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

##### ZONING DISTRICTS

29. C14r-81-129 - TWO RESTAURANTS, by Austin Permit Services, 6511, 6523, 6601-6623 and 6701-6703 I.H. 35 North. (Request for deletion of a portion of a condition of zoning site plan). Planning Commission Recommendation: Approve as recommended by staff.

Ordinance passed, on Councilmember Larson's motion, Councilmember Nofziger's second, 5-0 Vote, Mayor Pro Tem Urdy out of the room, Councilmember Carl-Mitchell absent.

30. C14-91-0031 - CITY OF AUSTIN - PARD, 5601-5809 Ainez Drive, from MF-3, SF-3 and RR to P, Public District. Planning Commission Recommendation: To grant P, Public District zoning.

Ordinance passed on Councilmember Larson's motion, Councilmember Nofziger's second, 5-0 Vote, Mayor Pro Tem Urdy out of the room, Councilmember Carl-Mitchell absent.

31. C14-91-0027 - BILL ELLISON, GEORGE BAUER & ERROL KNIGHT, by W.B. Howell, 6274-6282 & 6300-6306 U.S. Hwy. 290 West, and 6207-6225 Patton Lane, from SF-2 to CS. Planning Commission Recommendation: To grant CS-CO subject to conditions.

First Reading, as recommended by the Planning Commission, allowing service stations without fueling capabilities and dedication of a 25-foot radius for Patton Lane, on Councilmember Epstein's motion, Councilmember Larson's second, 5-0 Vote, Councilmember Nofziger out of the room, Councilmember Carl-Mitchell absent.

32. C14-91-0032 - MRS A.M. DEBERRY, by Site Specifics, 5916-5920 Bolm Road, from MF-3 to CS. Planning Commission Recommendation: To grant CS-CO subject to conditions.

Ordinance

33. C14-91-0033 - ELI GARZA, by Minter, Joseph & Thornhill, 6800-6900 MoPac Expressway

South, from GR-CO to CS. Planning Commission Recommendation: To grant CS-CO, subject to conditions.

**Ordinance**

#32-33 on Councilmember Larson's motion, Councilmember Nofziger's second, 5-0 Vote, Mayor Pro Tem Urdy out of the room, Councilmember Carl-Mitchell absent.

34. C14-91-0028 - JERRY K. & REJINA SOUTHARD, 1104 & 1109 Blanco Street, from SF-3 to MF-3. Planning Commission Recommendation: To deny MF-3.

Postponed to July 11, 1991.

35. C14-91-0035 - OPTIMIST CLUB OF NORTH AUSTIN, by Clark, Thomas & Winters, 2100 Polaris Avenue, from SF-3 to LI. Planning Commission Recommendation: No recommendation due to lack of a quorum vote.

First Reading - Approved "CS-CO" as recommended by staff, on Councilmember Larson's motion, Mayor Pro Tem Urdy's second, 5-0 Vote, Councilmember Barnstone out of the room, Councilmember Carl-Mitchell absent.

36. C814-89-0006 - CANYON RIDGE PHASE B, by The Hutton Company, 8100 F.M. 2222, from DR, SF-2 to PUD. Planning Commission Recommendation: No recommendation due to lack of a quorum vote.

First Reading - approved PUD zoning, subject to the provisions of the Land Use Plan dated 4/22/91 (Exhibit A); the Land Use Report (Exhibit B); recommendation No. 3 of the 4/26/91 transportation memo; and with the condition that no construction be permitted until Phase II improvements to F.M. 2222 are complete except for one single family dwelling on Tract 1 and a maximum of 75 condominium units on Tracts 6 and 7. Council also granted variances/waivers to:

1. Section 13-2-430 of the Land Development Code, which requires a maximum of 2,000 feet for commercial block lengths, and
2. Section 13-5-85, which permits a maximum of two direct access approaches to a Hill Country roadway.

At the time of site plan review, if staff recommends, the applicant should provide sand traps at F.M. 2222 and Jester Blvd.

On Councilmember Larson's motion, Mayor Cooke's second,, 5-1 Vote, Councilmember Nofziger voted No, Councilmember Carl-Mitchell absent.

37. C14-91-0014 - FRANKLIN FEDERAL BANCORP, by Land Strategies, Inc., 9501 N. Capital of Texas Hwy., from LO to MF-3.

Postponed to June 13, 1991.

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

38. 5:00 P.M. - Rate change request filed by Southern Union Gas Company; and passage of Ordinance on first reading. (Speaker's cards on file in City Clerk's Office.)

**Motion - Died for Lack of Second**

Councilmember Barnstone made a motion to increase rates by \$1.00. There was no second to the motion.

**Motion**

The Council, on Councilmember Epstein's motion, Mayor Pro Tem Urdy's second, closed the public hearing. (5-0 Vote, Councilmember Nofziger out of the room, Councilmember Carl-Mitchell absent.)

**Motion - Failed**

Councilmember Nofziger made a motion, seconded by Mayor Cooke to continue the public hearing to June 13, 1991 at 6:30 P.M. Motion FAILED by a vote of 2-4 with Mayor Pro Tem Urdy, Councilmembers Barnstone, Epstein and Larson voting No, Councilmember Carl-Mitchell absent.

39. Requests for party status in Southern Union Gas Company rate change request filed by Leonard P. Lyons, Jack Hopper and Texas Citizen Action.

DENIED on Councilmember Barnstone's motion, Councilmember Nofziger's second, 6-0 Vote, Councilmember Carl-Mitchell absent.

40. 5:30 P.M. - (a) Approve a Resolution requesting that the Capital Metropolitan Transit Authority (CMTA) use the currently uncollected 1/4 cent in sales tax to fund a multi-year Mobility Plan for eliminating the \$41 million backlog in street maintenance, to provide ongoing preventive maintenance on bus route streets, and to authorize the City Manager to negotiate and execute the terms of the agreement with Capital Metro.

(b) Amend Ordinance No. 900913-D by reducing the General Fund Contingency Reserve by \$75,000, creating a Transportation Fund as depository for dedicated street funding, and appropriating \$75,000 to the Transportation Fee Fund.

Approved (a) and reduced (b) to \$10,000.00, on Councilmember Larson's motion, Mayor Pro Tem Urdy's second, 4-2 Vote, Councilmembers Barnstone and Epstein voted No, Councilmember Carl-Mitchell absent; FIRST READING ONLY on (b).

**ITEMS FROM COUNCIL**

41. Approved third reading of an Ordinance amending the Code of the City of Austin,

1981, by regulating the placement and maintenance of newsracks on public streets, sidewalks, and right-of-way. (Sixth Street Subcommittee)

On Councilmember Nofziger's motion, Councilmember Larson's second, 5-0 Vote, Councilmember Barnstone out of the room, Councilmember Carl-Mitchell absent.

42. Approved second reading of an Ordinance waiving admission fees to Barton Springs Pool for June 7, 1991. Councilmember Michael "Max" Nofziger)

On Councilmember Nofziger's motion, Councilmember Larson's second, 4-0 Vote, Councilmember Epstein abstained, Councilmember Barnstone out of the room, Councilmember Carl-Mitchell absent.

43. Approved negotiation and execution of a contract with Escuela Montessori de Montopolis, Inc., 1704 Montopolis Drive, for the construction of a child care facility in Montopolis, in an amount not to exceed \$261,000. (Mayor Lee Cooke)

Approved with staff conditions, on Councilmember Nofziger's motion, Mayor Cooke's second, 6-0 Vote, Councilmember Carl-Mitchell absent.

44. Approved an Ordinance prohibiting false statements before Council. (Councilman Robert Barnstone)

Pulled off agenda.

45. Report on final status of Legislation included in the City of Austin's Legislative program. (Legislative Subcommittee)

Report given by Janice Cartwright, Legislative Liaison.

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

**COUNCIL DID NOT HAVE AN EXECUTIVE SESSION**

The City Council will announce that it will go into Executive Session, if necessary, 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.

46. Land Acquisition - Section 2, Paragraph f

Review and discuss the acquisition and or lease of real property for the City of Austin.

Pulled off agenda.

**ADJOURN** - The meeting was adjourned at 9:04 P.M.