



## Austin City Council MINUTES

APRIL 2, 1992 - 1:00 P.M.

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

Mayor Pro Tem Urdy called to order the meeting of the Council, noting the absence of Mayor Todd.

1. Approval of Minutes for Regular Meeting of March 26, 1992 and Special Meetings of March 23 and 25, 1992.

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

### CITIZEN COMMUNICATIONS: GENERAL

2. Ms. Rachel Cywinski, to discuss zoning in east Austin.
3. Mr. Henry Ratliff, to discuss Austin paralysis.
4. Mr. Jerry Bell, to invite Council members to a steak and burger dinner fundraiser to be held Wednesday, April 18, 1992 at 6:00 p.m. at the Capitol Marriot Hotel.
5. Mr. Leonard Lyons, to discuss pertinent and relevant information. Was not present.
6. Mr. John Lewis, to discuss the City budget.
7. Mr. David Van Os, to give a progress report on Austin Cablevision labor issues.
8. Mr. David Elliott, to discuss costly City management and Austin's horrendous bond debt.
9. Mr. Doug Fike, to discuss development along Barton Creek.

### 1:30 P.M. - BOND SALES

10. Authorize the issuance of City of Austin, Texas, Public Improvement Refunding Bonds, Series 1992, calling for redemption prior to maturity of certain outstanding obligations of the City, enacting other provisions relating thereto.

Postponed to April 9, 1992.

11. Authorize the execution of a Paying Agent/Registrar Agreement and a Letter of Representations for issuance of book-entry obligations, with respect to the City of Austin, Texas, Public Improvement Refunding Bonds, Series 1992.

Postponed to April 9, 1992.

12. Authorized the issuance of City of Austin, Texas Combined Utility Systems Revenue Refunding Bonds, Series 1992, the execution of a purchase contract and Special Escrow Agreement, and approve and authorize distribution of an Official Statement pertaining thereto.
13. Authorized the execution of a Paying Agent/Registrar Agreement in relation to the City of Austin, Texas, Combined Utility Systems Revenue Refunding Bonds, Series 1992.
14. Authorized the redemption of certain outstanding bonds of the City of Austin.

#12-14 on Councilmember Reynolds' motion, Councilmember Garcia's second, 6-0 Vote, Mayor Todd absent.

#### CERTIFICATION REPORT

15. City Clerk review of the results of the S.O.S. Initiative Petition.

The City Clerk, City of Austin, read the following into the record: "I, James E. Aldridge, City Clerk of the City of Austin, Texas, do hereby certify that, pursuant to the provisions of Article IV of the Charter of Austin, Texas, I have examined that certain petition styled "Save Our Springs Initiative Petition" filed in my office on February 4, 1992 and the Supplementary Petition filed in my office March 5, 1992. Said petition appears to have been signed by the requisite number of voters; that 24,889 equals ten percent (10%) of the qualified voters of the City; that said petition appears to contain the names and residences of 36,812 persons; that there were on said petition 26,835 persons who were found to appear qualified to vote; that there were on said petition the names and residences of 8,902 persons who were not qualified to vote; that there were 809 duplicate names; and that on the remaining pages of said petition there appear the names and residences of 266 other persons whose qualifications to vote have not been determined. Based upon the foregoing examination, I hereby certify said Petition to be sufficient. Given under my hand and seal of office at Austin, Texas, this 13th day of March 1992."

Members of the Council asked some questions of Mr. Aldridge concerning the method used to count the petitions and appeared to be satisfied with the answers.

## BOARD AND COMMISSION REPORTS

### 16. ARTS COMMISSION - To discuss Cultural Contract Funding Guidelines

Report given by Bruce Villensik, chairperson of the Arts Commission; and Marilyn Goode, chairperson of guidelines for the Commission.

## ORDINANCES

17. Approved second/third readings of an ordinance amending Chapter 13-2 of the Austin City Code rezoning property located at the southwest corner of Escarpment Blvd. and Convict Hill Road, Case No. C14-91-0036, from "LR", "MF-1" & "RR" to "SF-2", BENCHMARK LAND DEVELOPMENT, INC. By: Bruce Aupperle. First reading on July 11, 1991; Vote 6-0. Conditions met as follows: Fiscal for traffic signalization for William Cannon at Escarpment and for Escarpment at Convict Hill Road has been posted. (Public Hearing Closed - No Citizen Sign-Up)

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

18. Amended Ordinance No. 910912-A, the Operating Budget, by transferring \$112,500 from the General Fund Contingency Reserve to the Law Department budget for legal services provided by outside counsel in connection with the Save Our Springs Coalition et al v. City Council of Austin, Texas, et al. (Related to Item 19)

Council divided the question and made the following motions:

### Motion

The Council, on Councilmember Garcia's motion, Councilmember Nofziger's second approved \$47,500, 5-1 Vote, Councilmember Epstein voted No, Mayor Todd absent.

### Motion

The Council, on Councilmember Garcia's motion, Councilmember Reynolds' second, approved, on FIRST READING ONLY, the amount of \$65,000. 4-2 Vote, Councilmembers Nofziger and Epstein voted No, Mayor Todd absent.

## RESOLUTIONS

19. Approved an agreement with BICKERSTAFF, HEATH & SMILEY for legal services as outside counsel in connection with Save Our Springs Coalition, et al v. City Council of Austin, Texas, et al. in the amount of \$85,000. (Funding included in the General Fund Contingency Reserve.) Pulled off agenda.

20. Approved the filing of eminent domain proceedings to acquire 1.414 acres of land in fee simple out of the Thomas Anderson Survey, the Thomas Anderson Labor No. 90 and the T.W. Moore survey situated in the City of Austin, Travis County, Texas, owned by Motorola, Inc. for the U.S. Highway 290/SH 71 Improvement Project.
  21. Approved the filing of eminent domain proceedings to acquire a drainage and detention pond easement containing 18,899 square feet (0.434 acre) of land and a temporary workspace easement containing 7,237 square feet (.166 acre) of land out of the Santiago Del Valle grant in Austin, Travis County, Texas, owned by Delmo M. Pearce, Alameda Investments, Inc. and G. Pearl Flache, Independent Executrix of the Estate of John A. Flache, Trustee, for the Vargas Road Drainage Project.
  22. Approved negotiation and execution of a contract with AMERICAN TELEPHONE AND TELEGRAPH (AT&T), Austin, Texas, for the purchase and installation of an AT&T Definity PBX Telephone system for the Austin Convention Center, in the amount of \$168,032.17. (Funding included in the 1991-92 Convention Center Operating Budget.) Best proposal of four (4). The prime did not identify any subcontracting opportunities. Reference No. 920268-3VC.
  23. Authorized negotiation and execution of six (6) month contracts totaling \$109,543 with the following agencies for HIV Prevention and Education Programs: Peoples Community Clinic \$15,127; CEACO/Informe-SIDA \$28,998; and AIDS Services of Austin \$65,418, for a total amount of \$109,543; and authorize renewal options for two (2) additional twelve (12) month periods to Peoples Community Clinic \$22,722; CEACO/Informe-SIDA \$42,196; AIDS Services of Austin \$96,376; in a total amount not to exceed \$162,294, for a total contract amount of \$434,131. (Funding included in the 1991-92 Operating Budget of the Health and Human Services Department; funding for the renewals will be included in the proposed budgets for each respective fiscal year.) Best offers of four (4). The primes did not identify any subcontracting opportunities. Reference No. 920376-3SA.
- #20-23 on Councilmember Nofziger's motion, Councilmember Garcia's second, 6-0 Vote, Mayor Todd absent.**
24. Approved execution of Supplemental Amendment No. 1 with KPMG Peat Marwick, San Mateo, California, for additional planning services required for the development of an air carrier airport at Bergstrom Air Force Base, in an amount not to exceed \$205,300, for a total

contract amount of \$1,203,534. (Funding included in CIP 488-817-0901 - Aviation Department.) [Recommended by Airport Advisory Board and Aviation Subcommittee]

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

25. Approved execution of six month service agreement with DX DISTRIBUTION, San Antonio, Texas, for the supply of swimming pool chemicals for all City swimming pools, in the amount of \$56,290.04. (Funding included in the 1991-92 Operating Budget of Parks and Recreation Department.) Low bid meeting specifications; three (3) bids received. The prime did not identify any subcontracting opportunities. Reference No. 920371-3SS.

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

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

##### ZONING DISTRICTS

26. C14-92-0015 AMANDA VAN ORDEN, By: Site Specifics, 3810 Todd Lane. From SF-2 to P. Planning Commission Recommendation: To grant P, Public District, zoning as requested.

##### ORDINANCE

27. C14-92-0011 EBENEZER CHILD DEVELOPMENT, 1010 East 10th Street. From MF-2-CO to MF-3. Planning Commission Recommendation: To grant MF-3-CO, Multi-Family Residence-Conditional Overlay zoning, limited to 7 units per acre.

##### ORDINANCE

28. C14-92-0013 LAKE CREEK CENTER, LTD. By: David Hutton, 12115-12213 F.M. 620 North. From LR to GR. Planning Commission Recommendation: To grant GR-CO, Community Commercial-Conditional Overlay subject to limitations for additional Restaurant (General) to no more than 9,700 sq. ft. and Restaurant (Fast-Food) to no more than 2,600 sq. ft. and excluding the following uses: (a) automotive rentals, (b) automotive repair, (c) automotive sales, (d) automotive washing, (e) commercial off-street parking, (f) exterminating services, (g) funeral services, (h) hotel-motel, (i) outdoor sports and recreation, noting that the applicant and neighborhood will have

private agreement regarding limitation of hours for Indoor Entertainment and Indoor Sports and Recreation.

**ORDINANCE**

#26-28 on Councilmember Garcia's motion, Councilmember Larson's second, 6-0 Vote, Mayor Todd absent.

29. C14-92-0014 SOUTH AUSTIN MEDICAL CENTER, By: Kent Ferguson, 901 West Ben White Boulevard. From SP-3 to GO. Planning Commission Recommendation: To grant GO-CO, General Office-Conditional Overlay subject to the following conditions: (1) dedication of 35' of right-of-way from existing centerline; (2) prohibiting "GO" uses except the following: administrative and business offices, (b) hospital services (General & Limited), medical office, professional office, religious assembly, family home, Group Home Class I (General and Limited), Group Home Class II, and local utility services; (3) Hospital services (General and Limited) limited to a maximum .24 FAR, Medical offices to a maximum .19 FAR and Administrative and Business Offices to a maximum .59 FAR.

**FIRST READING**

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

30. C14H-89-0010 DABNEY HORNE HOUSE, UNIVERSITY CO-OPERATIVE SOCIETY, By: University Co-operative Society, 507 W. 23rd Street. From GO-CO to GO-CO-H. Planning Commission Recommendation: To grant GO-CO-H, General Office-Conditional Overlay-Historic.

**ORDINANCE**

31. C14-92-0016 TRANSACTION FUNDING, By: Graves, Dougherty, Hearon, 12330 Metric Boulevard. From MF-3-CO to MF-4. Planning Commission Recommendation: To grant MF-3-CO, Multi-family Residence-Conditional Overlay limited to 30 units per acre.

**ORDINANCE**

#30-31 On Councilmember Garcia's motion, Councilmember Larson's second, 6-0 Vote, Mayor Todd absent.

32. C14-92-0018 AUSTIN BELL TOWER INVES. CO. INC. By: Brock Consulting Group, 3200 Red River Street. From GO to GR. Planning Commission Recommendation: To grant GR-CO, Community Commercial-Conditional Overlay, limited to GO uses and one GR use, "Research Services"

within the proposed 17,000 sq. ft. space of the existing building, subject to rollback to GO should the "Research Services" use cease for more than 90 days.

#### **FIRST READING**

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

33. C14-88-0094 CHARLES B. MAUFRAIS, ET AL By: Morgan & Black, 1400 South Lamar Boulevard. (Amendment to Restrictive Covenant/termination of Restrictive Covenant) Planning Commission Recommendation: To terminate the restrictive covenant.

#### **APPROVED**

On Councilmember Garcia's motion, Councilmember Larson's second, 6-0 Vote.

The following zoning case will be postponed to a future date.  
Posting of this case on this agenda is required due to a previous advertisement for a public hearing on this date.

34. C14-92-0017 CARLSON ENGINEERING CO., 3415 West Slaughter Lane. From I-SF-2 to GR.

**POSTPONED TO APRIL 23, 1992**

#### **FINAL CITIZEN COMMUNICATIONS**

Robert Singleton, John Corey, Charlie Waits and Matt Layman spoke.

#### **ITEMS FROM COUNCIL**

35. Consider a Resolution directing the City Manager to review the issues and possible options regarding mitigation of pollution and environmental concerns associated with the gasoline tanks located near Springdale Road and Airport Boulevard, and other options that may be identified by the community. (Councilmembers Michael "Max" Nofziger and Gus Garcia, and Mayor Pro Tem Charles Urdy)

Council approved the addition of the ten highlighted words and set a public hearing for April 14, 1992 at 6:30 P.M., on Councilmember Garcia's motion, Councilmember Nofziger's second, 6-0 Vote, Mayor Todd absent.

36. Set a public hearing and approval of an Ordinance to increase fees for City cemeteries burial spaces and related services. Date and time: April 9, 1992 at 6:45 p.m. (Mayor Pro Tem Charles Urdy)

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

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

Council did not go into 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 receive advice from Legal Counsel, to discuss matters of land acquisition, litigation and personnel matters. No final action will be taken on any subject or matter unless specifically listed on the agenda for this meeting.

37. Pending Litigation, Section 2, Paragraph e

Save Our Springs Coalition, et al v. City Council of Austin, et al.

**ADJOURN** - The meeting was adjourned at 5:55 P.M.