



Austin City Council MINUTES

For OCTOBER 20, 1988 - 1:00 P.M.

Council Chambers, 307 West Second Street

CITY CLERK'S OFFICE

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

CITIZEN COMMUNICATIONS

Mr. Charles T. Waits Jr. discussed Police Department policy as it relates to expired driver's license. Mr. Wayne N. Brown and Mr. Kirk L. Waters withdrew. Mr. Larry Deuser talked about the Bikeway Plan, Austinplan Sector 14, and Duval Road.

BOARD AND COMMISSION REPORT - RECYCLING

The Recycling Committee presented a status report.

Motion

The Council, on Councilmember Humphrey's motion, Councilmember Nofziger's second, adopted a resolution concerning recycling. (6-0 Vote, Councilmember Urdy out of the room.)

CULTURAL ARTS

The Council, on Councilmember Nofziger's motion, Mayor Cooke's second, waived the requirement for three readings and finally passed an ordinance repealing Ordinance No. 880929-J and amending Ordinance No. 880915-V by appropriating \$887,857.00 from the Cultural Arts Fund for Cultural Arts Services. (6-0 Vote, Councilmember Urdy out of the room.)

ZONING ORDINANCES

The Council, on Mayor Pro Tem Shipman's motion, Councilmember Humphrey's second, passed through second/third

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readings of ordinances amending Chapter 13-2 of the Austin City Code (Zoning Ordinance) to cover the following changes: (6-0 Vote, Councilmember Carl-Mitchell out of the room)

- | | | | |
|-----|--|--|----------------------|
| (1) | WEST 24TH STREET
BRIDGE
By Transportation and
Public Service
Department
C14h-88-003 | West 24th Street
Across Shoal Creek | From "P"
to "P-H" |
|-----|--|--|----------------------|

First reading on September 29, 1988, (5-0). Councilmember Carl-Mitchell out of room at roll call and Councilmember Humphrey absent. No conditions to be met.

- | | | | |
|-----|---|-----------------------------|-----------------------------|
| (2) | HARRY E. WARD
By Robert A. Baker Jr.
C14-88-0010-CO | 607-609 Nelray
Boulevard | From "SF-3"
to "MF-3-CO" |
|-----|---|-----------------------------|-----------------------------|

First reading on May 26, 1988, (5-0). Councilmember Urdy absent. The right-of-way dedication requirement has been satisfied.

ITEM POSTPONED

Postponed to October 27, 1988 is consideration of approval of the professional services agreement between the City of Austin and Turner Collie and Braden, Inc. for Program Management Services for the new City of Austin Municipal Airport and authorization to proceed with Phase II - Program Development Services. C.I.P. No. 89/81-05. (Estimated cost \$1,419,347.00)

CDBG

The Council, on Councilmember Humphrey's motion, Councilmember Nofziger's second, adopted a resolution authorizing negotiation of the following contract for implementation of the 14th year Community Development Block Grant (CDBG) program.

- (1) Minority Procurement Assistance

CONSENT RESOLUTIONS

The Council, on Councilmember Humphrey's motion, Mayor Pro Tem Shipman's second, adopted the following resolutions all in one consent motion: (7-0 Vote)

Release of Easements

Authorized release of the following easements:

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- a. A 5' Electric and Telephone Easement dedicated by separate instrument in Volume 3759, Page 1906 and Volume 3230, Page 1891 of the Travis County Deed Records. (Request submitted by Griffin Engineering Group on behalf of the Commonwealth Financial Group)
- b. A Drainage Easement located on Lot 1, Block B, Oak Hill Industrial Park, of record in Book 75, Page 227, Travis County Plat Records, 1019 Industrial Oaks Boulevard. (Request Submitted by Dennick and Harris Engineering)
- c. A 7 1/2' Public Utility Easement reserved along the southern property line of Lot 29, Block J, Northwest Hills Lakeview III, locally known as 6002 Mountain Villa. (Request submitted by Dan Nelson on behalf of Andrew and Veronika Whinston)
- d. A 15' Sanitary Sever Easement granted by subdivision plat on the northern property line of Lot 2, Bradford Addition, locally known as 11000 Research Blvd, U.S.183. (Request submitted by Griffin Engineering Group on behalf of the Commonwealth Financial Group)
- e. A portion of the Sanitary Sever Easement of record in Volume 8133, Page 152, Travis County Deed Records located on Lot 3, Block A, Jester Estates Section 1, Phase II, 6903 Agave Cove. (Request submitted by Austin Title Company on behalf of William L. and Mary M. Rungaititis)

Contracts Approved

Approved the following contracts:

- | | |
|--|---|
| a. CONSOLIDATED TRAFFIC CONTROLS,
INC.
2707 S. Cooper #121
Arlington, Texas | - Traffic Signal Heads, General
Services Department
Item 1 - \$32,900.00 88-0272-LI |
| b. NATIONAL HEALTHCARE
2530 Fairway Park
Houston, Texas | - Disposal Internal Staple System,
Brackenridge Hospital
Twelve month Supply Agreement
Total \$43,710.70 BS8-310 |

License Agreement

Approved of a License Agreement for an underground natural gas pipeline crossing City-owned railroad right-of-way at Milepost 64.90. (Request submitted for Southern Union Gas Company)

Crime Unit

Approved a lease with Equitec Properties Company for the Organized

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Crime Unit of the Austin Police Department.

Water Quality Monitoring

Approved an agreement between the City of Austin and Amcor Investments Corporation concerning a cooperative water quality monitoring program for The Uplands.

Relocation of PARD Offices

Approved a temporary lease with Petroleum, Ltd., at 1524 South I.H. 35 for the interim relocation of the Parks and Recreation Department offices presently located at the Waterloo Center. (Total cost estimate = \$31,798.20)

Items Postponed

Postponed to October 27, 1988 is consideration of authorizing the execution of a Conservation Services Agreement between the City of Austin and Southern Union Gas Company for the implementation of gas conservation programs from the Southern Union conservation reserve funds.

Postponed to October 27, 1988 is consideration of acquisition of the Austin Chamber of Commerce building, located on City-owned park land at 901 West Riverside Drive, for the relocation of the PARD Senior Citizen Programs at a total cost of \$314,863.00.

Hearings Set

Set public hearings on the following:

a. Dedication of a permanent easement and temporary construction easement for the construction of the Skyline Creek Wastewater Main through part of Walnut Creek Metropolitan Park as required under Chapter 26, Texas Parks and Wildlife Code: December 1, 1988 at 5:30 p.m.

b. Consideration of the following annexations:

3:00 P.M. - November 10 and 17, 1988

- (1) Full purpose annexation of Milwood Subdivision, Section 12-21. (C7a-88-001)
- (2) Full purpose annexation of areas in the vicinity of Loop 360 and Bull Creek. (C7a-88-002)
- (3) Full purpose annexation of areas in the vicinity of Barton Creek, east of MoPac. (C7a-88-003)
- (4) Full purpose annexation of the Motorola site in Oak Hill. (C7a-88-004)

4:00 P.M. - November 10 and 17, 1988

- (5) Full purpose annexation of 10' wide strip in the vicinity of U.S. 290 and the Manor ETJ. (C7a-88-005)
- (6) Limited purpose annexation of Davis Hill and areas east of Brodie Lane and North of Palomino Park. (C7a-88-006)
- (7) Limited purpose annexation of certain tracts in the Davenport Ranch. (C7a-88-007)

WATER & WASTEWATER UTILITY INFORMATION & CONTROL SYSTEM

Councilmember Carl-Mitchell made a motion, seconded by Councilmember Urdy to adopt a resolution approving a supplemental amendment to professional services agreement between the City of Austin and EMA Services, Inc., for computer software development and construction phase services required for the "Information and Control System" for the Water and Wastewater Utility Department. (Total estimated cost \$2,128,000.00). Motion failed by a vote of 3-4 with Mayor Cooke, Councilmembers Humphrey, Barnstone and Nofziger voting No.

The Council, on Councilmember Humphrey's motion, Councilmember Barnstone's second, approved delaying one year the above. (4-3 Vote, Mayor Pro Tem Shipman, Councilmembers Urdy and Carl-Mitchell voted No.)

BRUSHY CREEK REGIONAL WASTEWATER SYSTEM

Councilmember Humphrey made a motion, seconded by Mayor Cooke as follows:

Adopt a resolution concerning Brushy Creek Regional Wastewater System by:

1. Accept the new phasing agreement that has been put forward.
2. Reduce Austin's share of LUE's and financial participation from 85% of the project to 40% of the project.
3. Austin shall have a minimum of 40% representation on the board.
4. Request the board to do everything that it can to reduce both capital and soft costs.
5. Pay existing landowners that have expended capital funds as soon as possible.

Amended Motion

After further discussion the Council voted on the following motion: (7-0 Vote)

1. Accept the phasing agreement as recommended by the Acting City Manager.
2. City of Austin to have 40% representation on the Board.
3. Request the Board to do everything it can to reduce both capital and soft costs.
4. Reimburse the Miburn Company as billed and verified.

5. Report back to Council on 12/15/88 on entire service area.

CULTURAL ARTS MAJOR FACILITY POLICY

The Council, on Councilmember Nofziger's motion, Councilmember Humphrey's second, asked the City Manager to bring back an amendment to the budget amending the Cultural Arts Major Facility Policy by not taking bed tax funds for operation and management of the facility, but take the funds from PARD. (7-0 Vote)

APPEAL SET

The Council, on Councilmember Carl-Mitchell's motion, Councilmember Nofziger's second, set the following for November 17, 1988 at 5:00 P.M.: (5-0 Vote, Mayor Pro Tem Shipman and Councilmember Humphrey out of the room)

The request of Mr. Clifford J. Rainford for a public hearing on an appeal of the Sign Review Board's decision to deny a sign variance for Case No. C16-88-027.

ZONING HEARINGS

Council continued the following zoning case hearing to October 27, 1988 at 6:00 P.M.

-87	CARINO P.U.D.	1707 Bridgeway Drive	From "SF-3"
009	By Roger Duncan	(To P.U.D.

EXECUTIVE SESSION

Mayor Cooksey 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.

1. Pending Litigation - Section 2, Paragraph e

- (a) City of Austin vs. Houston Lighting and Power
- (b) City of Austin vs. Carr et al
- (c) Burlington Northern Railroad Company and Missouri-Kansas-Texas Railroad Company v. Lower Colorado River Authority and the City of Austin, C.A. No. 4-87-504-K.

2. Personnel Matters - Section 2, Paragraph g

- (a) City Manager Search
- (b) Appointment of Municipal Court Relief Judge
- (c) Appointment of Municipal Court Clerk

RECESS

Council recessed from 4:50 P.M. to 8:20 P.M. for executive session. The Mayor announced no action was taken as a result of executive session. He said John Ware will continue as Acting City Manager but withdrew from being considered for City Manager because he does not have full support of the Council.

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PUBLIC HEARING - APPEAL

Mayor Cooke opened the public hearing set for 5:30 P.M. on an appeal from Ms. M. Marjorie Menefee, of the Planning Commission's decision regarding a Use Permit Application for Woods I, Two's Company, Case No. SPC-88-0180A.

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

Motion

The Council, on Councilmember Carl-Mitchell's motion, Councilmember Urdy's second, closed the public hearing. (4-0 Vote, Councilmembers Barnstone, Nofziger and Humphrey out of the room)

Motion - Died for Lack of Second

Mayor Pro Tem Shipman moved that the appeal be upheld based on criteria 3, 7 and 9. The motion died for lack of a second.

No Motion - Appeal Denied

Mayor Cooke called for a further motion. Since there was no motion, the vote of the Planning Commission stood, and the appeal was DENIED.

PUBLIC HEARING - STREET VACATION

Mayor Cooke opened the public hearing set for 6:00 P.M. on vacating a portion of Wasson right-of-way at Stassney Lane (S.E. corner) (Request submitted by Mr. Donald R. Flournoy on behalf of Mr. M.H. Flournoy, owner)

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

Motion

The Council, on Councilmember Carl-Mitchell's motion, Councilmember Urdy's second, closed the public hearing, waived the requirement for three readings and finally passed an ordinance vacating a portion of Wasson Road right-of-way at Stassney Lane (S.E. corner). (7-0 Vote)

PUBLIC HEARING - CARPORTS

Mayor Cooke opened the public hearing set for 6:15 P.M. on continuing discussion concerning Grandfather Clause to the Zoning Ordinance re: Carports. No one appeared to be heard.

Motion

The Council, on Mayor Pro Tem Shipman's motion, Councilmember Nofziger's second, closed the public hearing and directed the City Manager to direct the staff to post for action on October 27, 1988. (6-0 Vote, Councilmember Humphrey out of the room)

PUBLIC HEARING - AUSTIN CONVENTION AND VISITOR BUREAU

Mayor Cooke opened the public hearing to consider amending Ordinance No. 861120-J, the Austin Convention and Visitor Bureau.

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

Motion

The Council, on Councilmember Humphrey's motion, Councilmember Urdy's second, closed the public hearing. (6-0 Vote, Councilmember Carl-Mitchell out of the room)

Mayor Cook stated, "We have heard the input from the community with regard to whether we want to keep the ACVB under its revised program of work and revised budget, or whether we want to revise the ordinance to make this function a City department. What is the pleasure of the Council?"

Motion

Councilmember Humphrey made a motion to keep the board independent. Councilmember Barnstone seconded the motion.

Friendly Amendment - Not Acceptable

Councilmember Barnstone offered a friendly amendment that all appointees be made directly by the Austin City Council.

Acting City Attorney Jonathan Davis told Councilmember Barnstone that because he seconded the main motion, he cannot offer a friendly amendment and said the amendment could be done if Councilmember Humphrey wanted to add it to his motion.

Second to Motion Withdrawn

Councilmember Barnstone withdrew his second to the motion.

Main Motion Seconded

Councilmember Nofziger seconded the motion.

Friendly Amendment - NOT ACCEPTED

Councilmember Barnstone offered a friendly amendment that members of the Council each appoint two members to the board and the remainder shall be by consensus with representation as follows: one from Austin Chamber of Commerce, three from Hotel/Motel Association, one from Austin Restaurant Association, one from transportation, one from music, one from arts, one from film, one from Capital Chamber, one from the Hispanic Chamber and four members at-large.

Mayor Cooke stated, "Council, I think that we have a posted action tonight to really change the whole way we are doing business. That is to create a City Department for the convention and visitor bureau. The motion to maintain the status quo may be more appropriate with these two points, and I'm not sure it would help clarify the City Attorney's concerns or not. In trying to follow through with what George is trying to do would be to deny the modified ordinance and to

approve the program of work, modified program of work, as presented. I don't know if that is where you are trying to go, George."

Councilmember Humphrey said that is the point he is trying to put across.

Acting City Attorney Jonathan Davis told Council the ordinance that is on the agenda is one which would change the Austin Convention and Visitor Bureau into a City department.

Mayor Cooke said the way to get at the action Councilmember Humphrey wants is to deny the change and to approve the modified program of work as presented and that would probably be a more appropriate motion to comply with what is posted.

Councilmember Urdy asked if it would be all right to vote on the program of work. Mr. Davis said he was unaware of a program being submitted and the ordinance before the Council is the new ordinance. It did not include any reference to the program of work. Mr. Davis said he would feel more comfortable if the Council had an item to approve the program of work submitted by the ACVB under the 1986 ordinance on a future agenda.

Mayor Cooke told Council, "If you want to deny the creation of a new City department, then you need to make that motion. And that is the only action we would take tonight."

Motion

Councilmember Humphrey made a motion to deny the creation of a new City department. Councilmember Barnstone seconded the motion.

After further discussion, Mayor Cooke said he thought this should be brought back at the October 27, 1988 Council Meeting. He said both options should be presented on the agenda. Council agreed.

BUDGET REDUCTIONS

The Council, on Councilmember Nofziger's motion, Mayor Cooke's second, passed through SECOND READING ONLY of an ordinance amending the 1988-89 Operating Budget by incorporating budget reductions proposed by the City Manager at City Council direction. (4-3 Vote, Mayor Pro Tem Shipman, Councilmembers Urdy and Carl-Mitchell voted No.)

MUNICIPAL OFFICE SPACE

Council had before them for consideration a resolution to approve lease contracts for municipal office space with Two Commodore Plaza. After discussion and public comments, the following motion was made:

Motion

Councilmember Barnstone made a motion, seconded by Mayor Cooke, to lease 75,000 square feet of space in Two Commodore Plaza, negotiate on year to year for 30,000 square feet additional space in Two Commodore and proceed with 28,500 square feet in the Brown Building under the terms which have been presented. Motion passed by a vote of 4-1 with Mayor Pro Tem Shipman voting No, Councilmembers Urdy and Carl-Mitchell abstained due to conflict of interest.

WATER SUPPLY WITH PFLUGERVILLE

The Council, on Councilmember Carl-Mitchell's motion, Councilmember Urdy's second, adopted a resolution authorizing a water supply agreement with the City of Pflugerville. (6-0 Vote, Councilmember Humphrey abstained.)

GOOD ROAD AMENDMENT

The Council, on Councilmember Urdy's motion, Mayor Cooke's second, adopted a resolution supporting the Good Road Amendment, Proposition One. (7-0 Vote)

ITEMS FROM COUNCIL POSTPONED

The seven items from Council were postponed until October 27, 1988.

CITY MANAGER REPORT POSTPONED

Postponed to October 27, 1988 is the City Manager Report on Parkland Dedication Fees.

NATIONAL BUSINESS LEAGUE

The Council, on Councilmember Urdy's motion, Councilmember Nofziger's second, adopted a resolution approving interim funding for the National Business League until the new RFP for the 14th year is reviewed. (6-0 Vote, Councilmember Humphrey out of the room.)

ADJOURNMENT

Council adjourned its meeting at 12:30 A.M. October 21, 1988.