



# Austin City Council MINUTES

For July 12, 1990

Council Chambers, 307 West Second Street, Austin, Texas

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

## MINUTES APPROVED

The Council, on Councilmember Nofziger's motion, Mayor Cooke's second, approved minutes for regular meetings of June 26 and June 28, 1990 and special meetings of June 21 and 22, 1990. (4-0 Vote, Councilmembers Barnstone and Carl-Mitchell out of the room, Mayor Pro Tem Urdy absent.)

## CITIZEN COMMUNICATIONS

Mrs. Willie Kirk discussed the need for air conditioners for the elderly and underprivileged. Mr. David Elliott and Ms. Sue Schorer discussed current City issues. Ms. Maria F. Rocha, Mr. William C. Steele and Ms. Carol Guthrie discussed Budget Policy Statement. Ms. Jeanette Nassour was not present but Councilmember Barnstone read her letter. Mr. Tim Hamblin discussed cable television issues. Mr. Gavino Fernandez discussed personnel matters. Jr. J.D. Porter observed the second anniversary of the cancellation of the Waste-to-Energy Plant.

## WAIVER OF FEE

The Council, on Councilmember Larson's motion, Councilmember Nofziger's second, passed through THIRD READING of an ordinance waiving a fee in the amount of \$200.00 for the use of Fiesta Gardens (east section) on Saturday, July 21, 1990, for use by Alano Fellowship. (4-2 Vote, Mayor Cooke and Councilmember Epstein voted No, Mayor Pro Tem Urdy absent)

## CHARTER BUS FRANCHISE - AMERICAN ARROW COMPANY, INC.

The Council, on Councilmember Larson's motion, Councilmember Nofziger's second, passed through THIRD READING of an ordinance granting a Charter Bus Franchise to American Arrow Company, Inc. and approved the proposed rate of fare. (6-0 Vote, Mayor Pro Tem Urdy absent)

## CONSENT ORDINANCES

The Council, on Councilmember Carl-Mitchell's motion, Councilmember Larson's second, waived the requirement for three readings and finally passed

the following ordinances all in one consent motion: (6-0 Vote, Mayor Pro Tem Urdy absent)

Speed Limits

Approved amending the Austin City Code by establishing the following speed limits:

Section 11-2-100 (d) 50 mph

Add: RM 620 from the west City limits 250 feet west of US 183 (Mile Post 2,943) to 1585 feet east of US 183 (Mile Point 3.296)

Section 11-2-100 (e) 55 mph

Add: RM 620 from 1584 east of US 183 (Mile Point 3.296) to the east City limits (Mile Point 4.690)

Operating Budget Amendment

Approved amending the 1989-90 Operating Budget by accepting \$61,919.00 from the Institute of Museum Services grant and appropriating \$61,919.00 to the Parks and Recreation Department.

Title XIII

Set a public hearing on an amendment to Title XIII (Land Development Code) to require notice to be given to identify the lien holders when an application is received for a demolition or relocation permit: August 2, 1990 at 3:30 P.M.

Budget Amendment

Amended the 1989-90 General Fund Operating Budget by transferring the Cable Office budget, in the amount of \$173,487.00, functions and three FTE positions from the Law Department to the Financial Services Department.

CONSENT RESOLUTIONS

The Council, on Councilmember Nofziger's motion, Councilmember Barnstone's second, adopted the following resolutions all in one consent motion: (6-0 Vote, Mayor Pro Tem Urdy absent)

Electric Easement

Authorized release of a Blanket Electric Easement recorded in Volume 659, Page 357, Travis County Deed Records, located on Tract I, Tract II and Tract III, James Rogers Survey No. 19. (Request submitted by Richard L. Whitley on behalf of International Business Machines Corporation)

License Agreement

Authorized a License Agreement to allow landscaping into the North Lamar Boulevard and Fairfield Drive right-of-way, locally known as 8630 North Lamar

Boulevard. (Request submitted by Caltex Foods, Inc., on behalf of Duffy and Tina Oyster)

Escrow Agreement

Authorized and approved an escrow agreement with the State Department of Highways and Public Transportation, in the amount of \$407,000.00 for the relocation of water utilities on RM 2222 from Jester Boulevard to Loop 360.

Contracts Approved

Approved the following contracts:

- INSITUFORM TEXARK, INC, 17988 Eason Avenue, Chesterfield, Missouri, for the May 1990 wastewater cured resin lining rehabilitation project, in the amount of \$405,000.00. (Funding included in Wastewater Fund for Water and Wastewater Department).

- SOUTHERN SAFETY SALES, P.O. Box 4065, Austin, Texas for needles and syringes for an annual estimated cost not to exceed \$108,767.00 with one twelve month extension option. (Funding included in 1989-90 Operating Budget for Brackenridge Hospital)

- USCI, 200 Ames Pond Drive, Tewksbury, Massachusetts, for coronary catheters, for an annual estimated cost not to exceed \$31,675.00, with one twelve month extension option. (Funding included in 1989-90 Operating Budget for Brackenridge Hospital).

- AVANTI INTERNATIONAL, 16920 Texas Ave., Webster, Texas, for acrylamide chemical grout (this chemical is used to seal wastewater lines during inspection operations) in the estimated annual dollar amount not to exceed \$37,679.00, with the option to extend for one additional twelve month period in the estimated dollar amount not to exceed \$37,679.00 for an estimated grand total amount not to exceed \$75,358.

Austin Housing Finance Corporation

Designated the Austin Housing Finance Corporation (AHFC) as the "Local Urban Homesteading Agency"; authorized the Department of Planning and Development to serve as program operator for the AHFC and designate Urban Homesteading neighborhoods.

Public Hearing Set

Set a public hearing on an appeal by Ms. Dorothy Richter of the Planning Commission action on a site plan for Hyde Park Baptist Church, 3819 Speedway, Site Plan Case No. SP-89-0155C for August 2, 1990 at 3:00 P.M.

Decommissioning Certificate

Approved execution of a decommissioning certificate establishing a funding plan for decommissioning of the South Texas Project to be filed with the Nuclear Regulatory Commission pursuant to federal regulations.

**ITEMS POSTPONED**

Postponed to July 19, 1990 are the following:

- Discussion of Bergstrom Air Force Base Preliminary Economic and Fiscal Impact Assessment Study.
- Approve an ordinance amending Chapter 9-11 of the City Code relating to Aviation to clarify certain security and traffic violations and provide administrative changes.
- Approve amending the 1989-90 Operating Budget by appropriating \$240,000.00 from the Environmental and Conservation Services Fund ending balance to the Environmental and Conservation Services Department to fund personnel costs.
- Approve a twelve month supply agreement award to BROWNING-FERRIS, INC. for provision of waste collection and disposal services.
- Reconsider the Council's January 11, 1990 directive to the City Manager to hire a consultant to evaluate the feasibility of developing a program or ordinance to control the use of ozone depleting chemicals and consider a resolution repealing the 1-11-90- resolution.
- Council discussed and then postponed to July 19, 1990 reconsideration of the City Council endorsement of the TDS landfill permit application before the Texas Department of Health and adopt a resolution repealing the previous resolution and opposing the permit application.
- Consider a resolution establishing that the City of Austin will work toward placing the airport at Bergstrom as an inducement to the U.S. Air Force to retain either active duty or U.S. Air Force reserve units.
- Brief report to Council by the Texas Policy Research forum on youth gangs.

Postponed to July 17, 1990 were all Executive Session items and a related item to approve increase in wholesale rates charged by Northeast Utilities, after supply and wastewater service to the City of Austin as part of the settlement of outside city retail rate case filed by Bluebonnet Savings, FSB.

**PUBLIC HEARING SET**

Set a public hearing for July 26, 1990 at 5:00 P.M. concerning an amendment to the Building Code relating to a Registered Industrial Plant Program for July 26, 1990 at 5:00 P.M. (6-0 Vote, Mayor Pro Tem Urdy absent)

**MEETING CANCELED**

The Council, on Councilmember Epstein's motion, Councilmember Larson's second, approved canceling the regular scheduled City Council meeting of August 23, 1990 and scheduling a Budget Worksession for August 23, 1990. (6-0 Vote, Mayor Pro Tem Urdy absent)

**ISSUE PAPER: TRAFFIC/TRANSPORTATION**

Bill Stockton, Director of Public Works and Transportation, presented the Issue Paper: Traffic/Transportation to Council, illustrated by charts.

**INCREASING POSITIONS IN POLICE DEPARTMENT**

The Council, on Councilmember Epstein's motion, Councilmember Larson's second, waived the requirement for three readings and finally passed an ordinance amending the FY 1989-90 General Fund Operating Budget by increasing the number of authorized sworn positions in the Police Department from 795 to 806. (6-0 Vote, Mayor Pro Tem Urdy absent)

**REGULATION FOR BOARDS & COMMISSIONS**

The Council, on Councilmember Epstein's motion, Councilmember Larson's second, waived the requirement for three readings and finally passed an ordinance amending Chapter 2-4 of the City Code to prohibit lobbyists or employees of firms that lobby to serve on City boards and commissions. (6-0 Vote, Mayor Pro Tem Urdy absent)

**PUBLIC HEARING - AUSTIN CONVENTION CENTER DISTRICT DESIGN GUIDELINES**

Mayor Cooke opened the public hearing set for 3:00 P.M. on adoption of a resolution regarding the Austin Convention Center District Design Guidelines. Speaker's cards are on file in the resource center of the City Clerk's office.

Motion

The Council, on Councilmember Nofziger's motion, Councilmember Carl-Mitchell's second, closed the public hearing, and adopted a resolution regarding the Austin Convention Center District Design Guidelines, with an amendment to extend the boundary east to Waller and north one-half block from Sixth Street. (6-0 Vote, Mayor Pro Tem Urdy absent)

Motion

The Council, on Councilmember Nofziger's motion, Councilmember Carl-Mitchell's second, waived the requirement for three readings and finally passed an Ordinance approving interim development controls relating to certain development in the Central Business District around the Convention Center. (6-0 Vote, Mayor Pro Tem Urdy absent)

**HOBBS GROUP - OWNER CONTROLLED INSURANCE PROGRAM**

The Council, on Councilmember Epstein's motion, Councilmember Nofziger's second, adopted a resolution approving the negotiation and execution of a professional services agreement with Hobbs Group for the implementation and administration of an Owner Controlled Insurance Program and a Small Business Surety Assistance Program for the Convention Center at a cost not to exceed \$526,450.00 for the professional services of the Hobbs Group and its subconsultants, and a deposit premium cost of \$3,714,290.00, which is subject to

audit and subject to a maximum premium of 144% of the audited deposit premium, for the purpose of purchasing the Owner Controlled Insurance Program policy. (6-0 Vote, Mayor Pro Tem Urdy absent)

#### **PUBLIC HEARING - APPEAL**

Mayor Cooke opened the public hearing on an appeal of the decision made by the Building Standards Board for the building locally known as 1112 East 1st Street. Speaker's cards are on file in the resource center of the City Clerk's office.

#### Motion

The Council, on Councilmember Carl-Mitchell's motion, Councilmember Nofziger's second, closed the public hearing and voted to uphold the appeal with conditions as outlined by the agent. (6-0 Vote, Mayor Pro Tem Urdy absent)

#### **ZONING DISTRICTS**

The Council, on Councilmember Carl-Mitchell's motion, Councilmember Nofziger's second, passed through second/third readings of ordinances amending Chapter 13-2 of the Austin City Code rezoning the following: (6-0 Vote, Mayor Pro Tem Urdy absent)

- Property locally known as 8327-8413 South Congress Avenue, Zoning Case No. C14-89-0077 from "SF-2" to "LI-C0", subject to (1) PDFA performance standards if the property is developed for industrial or research and development purposes: (2) a 25-foot front yard setback, and (3) filtration if the Salvage Yard use is re-established after operation ceases for more than 90 days, F.G. SPILLMAN. First reading on September 25, 1985, 7-0 Vote. Conditions met as follows: Restrictive Covenant incorporating conditions imposed by Council has been executed. Street deed satisfying right-of-way dedication requirement has been executed.

- Property locally known as 3402 Glenview and 3403 Jefferson, Zoning Case No. C14-84-271, from "SF-3" to "NO", DR. THOMAS H. BARNETT by Betty Cook. First reading on September 25, 1985, 7-0 Vote. Conditions met as follows: Restrictive Covenant incorporating conditions imposed by Council has been executed. Street deed satisfying right-of-way dedication requirement has been executed.

- Property locally known as 3404 Glenview and 3405 Jefferson, Zoning Case C14-84-272 from "SF-3" to "NO", DR. THOMAS H. BARNETT by Betty Cook. First Reading on September 24, 1985 7-0 Vote. Conditions met as follows: Restrictive Covenant incorporating conditions imposed by Council has been executed. Street deed satisfying right-of-way dedication requirement has been executed.

#### **ZONING HEARINGS**

Mayor Cooke announced Council would hear the following zoning cases. Council heard, closed the public hearings and voted as follows:

C14h-90-0004 - DOHME HOUSE, 1112 East 1st Street, from "CS" to "CS-H"  
**DENIED**

(On Councilmember Larson's motion, Mayor Cooke's second, 6-0 Vote, Mayor Pro Tem Urdy absent)

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C14-90-0024 - TEXAS INVESTMENT MANAGEMENT - by Davis & Davis, 4401 SPICEWOOD Springs Road, from "LR" to "GO". RECOMMENDED to grant "GO-CO", General Office-Conditional Overlay, with the provision of the Conditional Overlay limiting construction and improvements to "LO", Limited Office, development regulations for building heights (40 feet). **EMERGENCY PASSAGE OF ORDINANCE**

(On Councilmember Carl-Mitchell's motion, Councilmember Nofziger's second, 6-0 Vote, Mayor Pro Tem Urdy absent)

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PENDING CASES

Recommended for dismissal

C14-85-141 - MAC SPELLMAN, JR. - by Texas Trust Savings Bank, Spicewood Springs Road  
**APPROVED**

C14-85-355 - ESTATE OF W.J. JOHNSON - by Martin H. Boozer, 515 Hearn Street and 2305-23-7 Johnson Street  
**APPROVED**

C14-86-037 - THOMAS WATKINS JR. - by Colleen and Melody Barnes, 1501 and 1503 West 39 1/2 Street  
**APPROVED**

C14-87-020 - THREE POINTS PARTNERSHIP, 1608 Century Lane

Recommended for six-month extension

C14-89-0065 - BRIGHT BANC SAVINGS ASSOCIATION, 5736-5908 N. Mopac Expressway for "LO" to "GR"  
**APPROVED**

(On Councilmember Carl-Mitchell's motion, Councilmember Nofziger's second, 6-0 Vote, Mayor Pro Tem Urdy absent)

**PUBLIC HEARINGS - GLASS CONTAINERS AND ALCOHOL CONSUMPTION ON PUBLIC PROPERTY IN DOWNTOWN AREA**

Mayor Cooke opened the public hearings set for 5:00 P.M. and 5:30 P.M. on adoption of an ordinance prohibiting glass containers on public property in the downtown area; and adoption of an ordinance prohibiting alcohol consumption on public property in the downtown area. Speaker's cards are on file in the resource center of the City Clerk's office.

Motions on Glass Containers

Motion

The Council, on Councilmember Nofziger's motion, Councilmember Carl-Mitchell's second, closed the public hearing and approved adoption of an ordinance prohibiting glass containers on public property in the downtown area. (5-1-0 Vote, Councilmember Epstein voted No, Mayor Pro Tem Urdy absent)

Motion to Reconsider

The Council, on Councilmember Carl-Mitchell's motion, Councilmember Nofziger's second, reconsidered the motion. (6-0 Vote, Mayor Pro Tem Urdy absent)

Motion

The Council, on Councilmember Nofziger's motion, Councilmember Carl-Mitchell's second, closed the public hearing, waived the requirement for three readings and finally passed an ordinance prohibiting glass containers on public property in the downtown area. (6-0 Vote, Mayor Pro Tem Urdy absent)

Motions Concerning Alcohol Consumption

Motion

The Council, on Councilmember Barnstone's motion, Mayor Cooke's second, closed the public hearing. (6-0 Vote, Mayor Pro Tem Urdy absent)

Motion

Councilmember Barnstone made a motion, seconded by Councilmember Nofziger to adopt an ordinance prohibiting alcohol consumption on public property in the downtown area.

Substitute Motion

Councilmember Epstein offered a substitute motion, seconded by Councilmember Carl-Mitchell to postpone action to July 19, 1990. Motion passed by a vote of 6-0, Mayor Pro Tem Urdy absent.

**SOUTH TEXAS DECOMMISSIONING**

The Council, on Councilmember Epstein's motion, Mayor Cooke's second, waived the requirement for three readings and finally passed an ordinance amending Ordinance No. 890615-E, establishing a Decommissioning Trust external to the City for the purpose of holding funds from the Electric Utility, both principal and interest and any other income accruing therefrom, for the ultimate purpose of decommissioning the South Texas Nuclear Project. An external investment manager may be hired to administer the trust investment. (6-0 Vote, Mayor Pro Tem Urdy absent)

The Council, on Councilmember Epstein's motion, Mayor Cooke's second,



adopted a resolution approving execution of a five year contract to Bank One, Texas, NA, 221 West 6th Street, Austin, Texas 78701, to administer the City's nuclear plant decommissioning trust fund. (6-0 Vote, Mayor Pro Tem Urdy absent)

**ITEMS FROM COUNCIL**

Councilmember Larson introduced an item to Council to direct the City Manager to direct staff to re-examine the applicability of the Comprehensive Watershed Ordinance to the Texas Disposal Systems landfill site near Creedmore and report back in 30 days. Council approved by acclamation.

Councilmember Larson introduced an item to Council to direct the City Manager to direct staff to re-examine the contract for use of the City of Austin's FM 812 sanitary landfill for large volume haulers/dumpers with Texas Disposal Systems and report back in 30 days. Council approved by acclamation.

**ADJOURNMENT**

Council adjourned its meeting at 1:45 A.M. July 13, 1990.