



Austin City Council MINUTES

For JULY 26, 1990

Council Chambers, 307 West Second Street, Austin, Texas

Mayor Cooke called to order the meeting of the Council, noting the absence of Councilmember Barnstone, who did not arrive until 5:15 P.M.

MINUTES APPROVED

1. Approved Minutes for Regular Meetings of July 17, 1990 (Electric Utility Board) and July 19, 1990, as amended, and Special Meetings of July 17 & 18, 1990.

On Councilmember Carl-Mitchell's motion, Councilmember Epstein's second, 6-0 Vote, Councilmember Barnstone absent.

1:00 P.M. - CITIZEN COMMUNICATIONS

2. Mr. Steve Sawyer, discussed the City's position on pedophilia.
3. Mr. Ronny Mack, discussed cable television issues and their impact on public access television in Austin. (Speech #2 of 4)
4. Ms. Karen McGraw, discussed the City's participation with the Hyde Park Neighborhood Association in establishing a Neighborhood Conservation Combining District.
5. Mrs. La Verne A. Redwine, discussed use of a HUD Renovation Grant for a homeless project for teenage parents.
6. Ms. Sue Schorer, discussed current City issues.

1:30 P.M. - BOARD AND COMMISSION REPORTS

7. PARKS AND RECREATION BOARD - Progress Report on Mt. Bonnell.

Commission member Louise Nivison reviewed the report. Council directed that specific directions be brought back to them on August 16, 1990.

ITEMS CONTINUED FROM PREVIOUS MEETING

8. Approved an Ordinance authorizing the issuance and sale of the City of Austin, Texas, Subordinate Lien Revenue Bonds, Series 1990. (\$6,395,000.00 - State

ITEMS CONTINUED FROM PREVIOUS MEETING (continued)

Revolving Fund No. 2065-1, Debt Service requirements payable in future years from Water and Wastewater Utility Service revenues)

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

9. Approved a Resolution authorizing the execution of a Paying Agent/Registrar Agreement with Bank One, Texas, National Association, Austin, Texas, for the City of Austin, Texas Subordinate Lien Revenue Bonds, Series 1990. (Principal sum of \$6,395,000.00 in evidence of SRF loan from the State Revolving Fund Loan - Texas Water Development Board)

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

10. Approved an Ordinance to amend the Springwoods MUD Consent Agreement to provide for the defeasance of contract revenue bonds and to authorize the distribution and use of surplus escrow funds following the defeasance of bonds.

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

11. Report and discussion on Police policies and activities relating to stops, searches, and photographing of citizens. (Councilmember Smoot Carl-Mitchell and Mayor Pro-Tem Charles Urdy)

Received a report from Police Chief Everett and discussed.

ORDINANCES

12. Approved second/third readings of an ordinance amending Chapter 13-2 of the Austin City Code rezoning property locally known as 2201 East Ben White Boulevard, Zoning Case No. C14-90-0013, Tract 1 from "SF-2" to "CS", Tract 2 from "SF-2" to "CS-1", Rosemary Pollis. First reading on April 5, 1990, 5-0 vote. Mayor Pro Tem Sally Shipman and Councilman Robert Barnstone out of room. Conditions met as follows: Restrictive Covenant incorporating conditions imposed by Council has been executed. An agreement that the development shall always provide the number of parking spaces required by the Land Development Code has been executed.

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

13. Approved second reading of an Ordinance prohibiting alcohol consumption on public property in the downtown area Zone 1, only.

On Councilmember Nofziger's motion, Councilmember Barnstone's second, 4-3 Vote, Councilmembers Carl-Mitchell and Epstein and Mayor Pro Tem Urdy voted No. Zone 2 will be voted on at a future date.

14. Approved declaring a necessity and ordering improvements to Montopolis Drive, from Ben White Boulevard to Burleson Road, A Special Assessment Project. (Estimated cost of this project is \$1,490,637.00)
15. Amended the 1989-90 Operating Budget by appropriating \$38,843.00 from the Liability Reserve Fund ending balance for the settlement of James A. Williams and Terry Page v. the City of Austin and Barney L. Knight.

#14 and 15, on Councilmember Carl-Mitchell's motion, Mayor Pro Tem Urdy's second, 6-0 Vote, Councilmember Barnstone absent.

16. Amended the 1989-90 General Fund Operating Budget by adding one position to the Law Department for an Intergovernmental Relations Officer.

On Councilmember Epstein's motion, Councilmember Carl-Mitchell's second, 5-0 Vote, Mayor Pro Tem Urdy out of the room, Councilmember Barnstone absent.

17. Approved the increasing of rates at Brackenridge Hospital by an average of 10%, and amending the FY 1989-90 Financial Plan (operating budget) by appropriating additional net patient revenues of \$612,585.00.

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

RESOLUTIONS

18. Authorized release of a portion of the Public Utility Easement on Lot 16, Block G, Circle C Ranch, recorded in Volume 10413, Page 63 of the Travis County Deed Records, locally known as 11005 Needham. (Request submitted by Lee V. Johnson and Karen Johnson - \$250.00 application fee has been paid)

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

19. Authorized release of portions of the Public Utility Easements recorded in Volume 3, Page 194, Travis County Plat Records located on Lot 53, Enfield "F", locally known as 1706 Wethersfield. (Request submitted by James M. Grant on behalf of Eunice P. Hall - \$250.00 application fee has been paid)

On Councilmember Carl-Mitchell's motion, Councilmember Epstein's second, 6-0 Vote, Councilmember Barnstone absent.

Aviation (Items 20-22)

20. Approved selection of Professional Engineering Services (RFQ) with ARE ENGINEERING CONSULTANTS, 2600 Dellana Lane, Austin, Texas for the Robert Mueller Municipal Airport Taxiway E, G, J, H, P and O overlays/reconstruction and associated lighting improvements. (Estimated cost of preliminary design and construction phase engineering services is \$440,000.00. Funding for these services are

included in the Aviation C.I.P. for 1989/90 and the proposed 1990/91 C.I.P.) 9% MBE, 16% WBE Subcontractor participation.

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

21. Authorized acceptance of a Federal Aviation Administration (F.A.A.) grant to conduct a sound insulation study of three public schools. (The work covered by this grant is in response to the Texas Legislature Senate Bill 1707; Funding of \$146,884.00 - City's share of \$36,721.00 is included in C.I.P. No. 881-817-0510 of the 1989-90 C.I.P. Budget)

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

22. Authorized acceptance of two FAA grant offers: (1) Airfield Rehabilitation at Robert Mueller Municipal Airport in the amount of \$1,370,144.00; and (2) purchase of air rescue fire fighting (ARFF) vehicle and associated equipment in the amount of \$340,125.00. (These grant funds represent the FAA's 75% share of the eligible costs associated with these programs. The City's share of \$453,500.00 for vehicle and associated equipment is included in the Aviation Department's proposed Operations and Maintenance Budget for 1990/91; the City's share of \$1,826,859.00 for the Airfield Rehabilitation Project is part of the proposed 1990/91 Aviation C.I.P.)

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

23. Appointed Mayor Lee Cooke, Mayor Pro Tem Charles E. Urdy, Councilmembers "Max" Nofziger, Smoot Carl-Mitchell, Louise Epstein, Bob Larson and Robert Barnstone as members of the Austin Housing Finance Corporation Board of Directors.

On Councilmember Carl-Mitchell's motion, Councilmember Epstein's second, 6-0 Vote, Councilmember Barnstone absent.

PUBLIC HEARINGS AND APPROVAL OF ORDINANCES/RESOLUTIONS

24. 5:00 P.M. - Amendment to the Building Code relating to Registered Industrial Plant Program; and passage of Ordinance.

Closed the public hearing, waived the requirement for three readings and finally passed an ordinance, on Councilmember Larson's motion, Councilmember Carl-Mitchell's second, 5-0 Vote, Mayor Pro Tem Urdy out of the room, Councilmember Barnstone absent.

Recessed from 4:30 to 4:32 P.M. for Austin Housing Finance Corporation meeting.

4:00 P.M. - ZONING HEARINGS AND CONSIDERATION OF ORDINANCESZONING DISTRICTSNot Recommended by the Planning Commission

25. C14-83-069 - LGF., INC., by Armbrust & Brown, 1107 West 45th Street. NOT RECOMMENDED. POSTPONED TO AUGUST 23, 1990

ZONING DISTRICTSRecommended with Conditions by the Planning Commission

26. C14-90-0020 - FRANKLIN FEDERAL CORP, by Jenkins & Gilchrist, 6415 Sanderson Avenue, from "MF-2" to "GR". RECOMMENDED to grant LR-CO, Neighborhood Commercial-Conditional Overlay subject to conditions. FIRST READING

To Be Heard by the Planning Commission on September 24, 1990, Recommendation to follow

27. C14-90-0025 - TWIN ROCK ASSOCIATES - by Land Strategies, Inc., 7700 North Capital of Texas Highway, from "DR" to "MF-2".

CONTINUED TO OCTOBER 24, 1990

#26 AND 27 on Councilmember Carl-Mitchell's motion, Councilmember Larson's second, 4-0 Vote, Councilmember Nofziger and Mayor Pro Tem Urdy out of the room, Councilmember Barnstone absent.

ITEMS FROM COUNCIL

28. Discussed and directed the City Manager to negotiate a contract with Austin Aqua Festival, Inc. and Aqua Festival Park Development, Inc. for the long term use of Auditorium Shores, and bring back for Council approval and public input on August 30, 1990, with a friendly amendment by Mayor Pro Tem Urdy to have a fifteen year contract and comply with the Sound Ordinance. (Mayor Lee Cooke introduced this item to Council)

On Councilmember Nofziger's motion, Councilmember Larson's second, 6-0 Vote, Councilmember Barnstone absent.

29. Set a public hearing on major changes to the City's Development Process. [Date and time: August 16th at 5:30 p.m.] (Mayor Lee Cooke)

On Councilmember Nofziger's motion, Mayor Cooke's second, 6-0 Vote, Councilmember Barnstone absent.

30. Approved a resolution outlining an economic incentive package for Applied Materials, Inc. (Mayor Lee Cooke, Mayor Pro-Tem Charles Urdy and Councilmember Smoot Carl-Mitchell)

On Councilmember Carl-Mitchell's motion, Councilmember Urdy's second, 6-0 Vote, Councilmember Barnstone absent.

31. Approved directing the City Manager to answer the petition for review of the Barton Creek PUD filed before the Texas Water Commission. (Councilman Robert Barnstone)

On Councilmember Barnstone's motion, to ratify action taken by the City Manager, Councilmember Carl-Mitchell's second, 7-0 Vote.

Action for Metropolitan Government (AMEGO) (Items 32-34)

32. Set a public hearing to discuss preparation of an Interlocal contract for Parks consolidation. [Date and time: July 31, 1990 at 4:30 p.m.] (Councilmember Michael "Max" Nofziger)
33. Set a public hearing to discuss establishing a joint Austin/Travis County Vehicle Maintenance Committee composed of City and County staff and authorizing the City of Austin General Services Department to conduct an analysis of joint vehicle maintenance operations. [Date and time: July 31, 1990 at 4:30 p.m.] (Councilmember Michael "Max" Nofziger)
34. Set a public hearing to discuss establishing a joint Austin/Travis County Information Systems Group to oversee Information System cooperation and planning. [Date and time: July 31, 1990 at 4:30 p.m.] (Councilmember Michael "Max" Nofziger)

#32,33 and 34 on Councilmember Nofziger's motion, Councilmember Carl-Mitchell's second, 7-0 Vote)

EXECUTIVE SESSION

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.

35. Land Acquisition - Section 2, Paragraph f
- (a) Review and discussion of real property acquisitions for:
- (1) U.S. Highway 183/290 Project
 - (2) Account #64
36. Pending/Contemplated Litigation - Section 2, Paragraph e
- (a) Appeal by applicants for the Barton Creek P.U.D. to the Texas Water Commission.

- (b) Pauline Wolbrueck and Mackie McDonald vs. City of Austin, CA 478, 169 (disannexation petition).
- (c) State of Texas v. Glenn Neans, Cause No. 479,539 (Valley View Wastewater Treatment Plant)
- (d) Staker Construction of Texas, Inc., v. City of Austin, Cause No. 89-353-C277 and 89-352-C26 (breach of contract).

RECESS - Council recessed its meeting from 5:29 to 6:33 P.M. for executive session

ACTION ON THE FOLLOWING

- 37. Authorized City of Austin participation with the State of Texas property acquisition for the U.S. 183/290 projects. City Cost is:
 - (a) Account #64 - \$48,000.00On Councilmember Carl-Mitchell's motion, Councilmember Nofziger's second, 7-0 Vote.
- 38. Authorized approval of the receivership order in State of Texas v. Glenn Neans, Cause No. 479,539 (Valley View Wastewater Treatment Plant).On Councilmember Carl-Mitchell's motion, Councilmember Nofziger's second, 7-0 Vote.
- 39. Authorized approval of settlement in Cause No. 89-353-C277 and 89-352-C26, both entitled Staker Construction of Texas, Inc., v. City of Austin.On Councilmember Carl-Mitchell's motion, Councilmember Epstein's second, 7-0 Vote.

1:00 P.M. - CITIZEN COMMUNICATIONS (continued)

- 40. Ms. Hope Martinez, discussed help on revitalization of home.
- 41. Mr. Gavino Fernandez, Jr., discussed closing of Palm Swimming Pool.
- 42. Mr. David N. Elliott, discussed current city issues.
- 43. Mr. George Avery, discussed environmental matters facing city.

ADJOURN

The Council adjourned its meeting at 7:01 P.M.