



**Austin City Council
MINUTES
For April 5, 1990**

Council Chambers, 307 West Second Street, Austin, Texas

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

MINUTES APPROVED

The Council, on Councilmember Carl-Mitchell's motion, Councilmember Humphrey's second, approved minutes for March 22, 1990. (6-0 Vote, Councilmember Urdy not yet in the Council Chamber)

CITIZEN COMMUNICATIONS

Sam Griswold discussed aviation related topics. David W. Samuelson talked about the new airport at Manor. Concerns with the Humane Society was the topic of Doyle Nordyke's remarks. David N. Elliott talked about City finance and debt service. Sue Schorer addressed current City issues. Steve Sawyer talked about the City Council. Hank Sinatra wants the creation of a music channel on Access T.V. R. Luthor Carpenter talked about cable television. Rebecca M. Doerfler presented the Governor's proclamation concerning Child Abuse Prevention Month in April. Don W. Kersey withdrew his request to speak.

URBAN TRANSPORTATION COMMISSION REPORT (RAPID TRANSIT SYSTEM)

Jim O'Donnell presented the Urban Transportation Commission Report concerning development of a rapid transit system.

Motion

The Council, on Councilmember Humphrey's motion, Mayor Pro Tem Shipman's second, adopted a resolution requesting the Capital Metro Transportation Authority give high priority to the development of a rapid transit service plan and to transmit the details of the plan to the City Council by June 1, 1990. (6-0 Vote, Councilmember Urdy out of the room.)

CONSENT ORDINANCES

The Council, on Councilmember Carl-Mitchell's motion, Councilmember Humphrey's second, waived the requirement for three readings and finally passed the following ordinances in one consent motion: (6-0 Vote, Councilmember Urdy out of the room.)

Ambulance Fees

Approved revising fees charged in the provision of advanced life support

ambulance transportation services and supplies by the Emergency Medical Services Department to conform with updated Medicare charges. (Increase Emergency Medical Services revenues by \$6,200.00)

Emergency Shelter Grant

Approved acceptance of a FY 1990 Emergency Shelter Grant from the U.S. Department of Housing and Urban Development in the amount of \$123,000.00 and amend the 1989-90 Health and Human Services Department Budget by increasing expenditures by \$123,000.00 and expense refunds by the same amount. (No impact on the General Fund)

Construction Permit

Amended Ordinance No. 860508-A to adjust the fees for a right-of-way use for construction permit for publicly owned project.

CONSENT RESOLUTIONS

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

Eminent Domain Proceedings

Authorized the filing of Eminent Domain Proceedings to acquire title to 269 square feet of land out of Lot 26, Thomas Gardens, Section 1, a subdivision in Austin, Travis County, Texas, owned by Louis Trevino and wife, Maria A. Trevino for Montopolis Drive Project.

License Agreements

Approved a License Agreement for a Public Roadway across City-owned railroad right-of-way near Milepost 81.37 in Cedar Park, Texas. The licensee will be the City of Cedar Park, P.O. Box 1090, Cedar Park, Texas. (\$550.00 application review fee and an annual administrative fee of \$200.00 has been paid)

Approved a License Agreement for a private roadway crossing City-owned railroad right-of-way near Milepost 2.15, Marble Falls Branch, Burnet County. The licensee will be Eaton & Associates (Tommy Eaton), Rte. #4, Box 297, Marble Falls, Texas. (\$550.00 application review fee and an annual administrative fee of \$36.00 has been paid.)

Approved a License Agreement for an overhead electric line crossing City-owned railroad right-of-way near Milepost 28.855. The licensee is T.U. Electric 1511 Bryan, Suite 1412, Dallas, Texas. (\$550.00 application review fee and a full one term one time payment of \$2,000.00 has been paid by the licensee)

Approved License Agreement for an overhead electric line crossing City-owned railroad right-of-way near Milepost 146.25. The licensee is Central

Texas Electric Cooperative, Inc., P.O. Box 553, Fredricksburg, Texas: (\$550.00 application review fee and a full term one time payment of \$2,000.00 has been paid by the licensee)

Contracts

Approved a twelve month maintenance contract award to DE LA RUE PRINTRAK, INC., 1250 N. Austin Avenue, Anaheim, California, for maintenance of the Police ID Automated Fingerprinting System not to exceed \$80,160.00 and \$38,880.00 for the preceding six months maintenance costs for a total of \$119,040.00 from Police Department's FY 1989-90 budget.

Approved a contract award to CENTRON DPL COMPANY, 7275 Flying Cloud Drive, Eden Prairie, Minnesota, for a direct access storage device to reduce processing time of computer software for a total cost of \$37,985.00 included in the FY 1989-90 budget for Brackenridge Hospital.

Approved a contract award to DUNBAR MEDICAL SYSTEMS, 6517 Vanderbuilt, Houston, Texas, for a diagnostic ultrasound system, used in the labor and delivery department for diagnostic imaging for a total cost of \$30,900.00 - included in the FY 1989-90 budget for Brackenridge Hospital.

Approved selection of professional engineering services for utilization of treated wastewater effluent for golf course irrigation projects: (1) South Austin Wastewater Treatment Plant/Jimmy Clay Golf Course, in an amount of \$155,000.00 to Baker-Aicklen & Associates. C.I.P. No. 876-897-0411 (2) Walnut Creek Wastewater Treatment Plant/Morris Williams Golf Course, in an amount of \$50,000.00 to Lockwood Engineers, Inc. C.I.P. No. 508-860-7103.

Approved entering into an Interlocal Agreement with Travis County for the provision of ground ambulance service in the county and participation in the StarFlight helicopter program by the City.

Set a public hearing on General Topic Areas for the 16th Year (FY 1990-91) Community Development Block Grant (CDBG) Programs for April 26, 1990 at 6:00 P.M.

Set a public hearing to increase the taxicab rate of fare for April 19, 1990 at 2:15 P.M.

SIGN REGULATIONS

The Council, on Councilmember Humphrey's motion, Councilmember Barnstone's second, set a public hearing to consider amending Article VII (Sign Regulations), Chapter 13-2 (Land Use), Title XIII (Land Development Code) of the Austin City Code of 1981 relating to the regulation of signs in Austin's planning jurisdiction; and containing other provisions relating to the foregoing subject on April 26, 1990 at 3:00 P.M. (7-0 Vote)

SPAC

The Council, on Councilmember Carl-Mitchell's motion, Councilmember Barnstone's second, approved the Social Policy Advisory Committee (SPAC)

recommendation on agency performance evaluation and staff sharing with the other members of SPAC. (6-0 Vote, Councilmember Nofziger out of the room)

CHARTER REVISION COMMISSION

The Council, on Mayor Pro Tem Shipman's motion, Councilmember Carl-Mitchell's second, approved the creation of a Charter Revision Commission, consisting of seven members to consider and make recommendations on whether certain provisions of the City Charter should be revised; bring back on April 26, 1990 for appointment of members of the Commission and charges of the Council. (6-0 Vote, Councilmember Urdy out of the room) Councilmember Barnstone had offered a friendly amendment, not accepted by Mayor Pro Tem Shipman, or Councilmember Carl-Mitchell, to call this the Charter Revision Committee.

LOBBYING

The Council, on Councilmember Barnstone's motion, Mayor Cooke's second, passed through **FIRST READING ONLY** an ordinance revising Chapter 9-6 relating to lobbying by clarifying registration and reporting requirements and adding principal registration. (6-1 Vote, Councilmember Carl-Mitchell voted No.)

A substitute motion was made and withdrawn by Councilmember Humphrey, seconded by Mayor Pro Tem Shipman to adopt the Dallas ordinance dealing with lobbying.

FALSE STATEMENT ORDINANCE FAILS

Motion

Councilmember Barnstone made a motion, seconded by Mayor Cooke to waive the requirement for three readings and finally pass an ordinance providing for penalties for making a false statement to Council.

A long discussion followed. A motion was made by Councilmember Carl-Mitchell to table the item, but he withdrew the motion in order to allow more discussion.

Councilmember Barnstone stated for the record: "I want to clarify the motion for the record and just the one point here. The motion is that it would require a seven vote of the Council, a unanimous vote, not has been stated to haul somebody into court but merely to bring a complaint, because it is the prosecutor who brings the charges. So what I want the record to show is that even that as extreme as it sounds it would take seven members of the Council unanimously to agree that they had been lied to, even before a complaint could be filed."

After more commentary by members of the Council the roll was called.

Roll Call on Motion - FAILED

Motion FAILED by a vote of 2-4 with Councilmembers Carl-Mitchell, Humphrey, Nofziger and Urdy voting No, and Mayor Pro Tem Shipman out of the room.

ZONING HEARINGS

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

C14h-89-0006 - WILKINS-HEATH HOUSE by Patrick Butler, 1208 Newning Avenue, from "SF-3" to "SF-3-H". ORDINANCE

C14-90-0009 - TRAMMELL CROW COMPANY BY SITE SPECIFICS, DEBS LIQUORS, 13492 Research Boulevard, from "GR" to "CS-1". EMERGENCY PASSAGE OF ORDINANCE

C14-90-0007 - POWELL HOUSTON PROPERTIES, 12104-12116 Jekel Circle, from "LO" to "LI". RECOMMENDED to grant "LI-CO", Limited Industrial-Conditional Overlay, zoning limited to Administrative and Business Offices, Custom Manufacturing, Light Manufacturing, and Warehousing and Distribution with floor-to-area ratio of .25 and subject to dedication of 45 feet of right-of-way from the centerline of Jekel Circle. GRANTED AS RECOMMENDED - FIRST READING ONLY

C14-90-0008 - POWELL HOUSTON PROPERTIES, 1211-12113 Jekel Circle, from "LO" to "LI". RECOMMENDED to grant "LI-CO", Limited Industrial-Conditional Overlay, zoning limiting the uses to Administrative and Business Offices, Custom Manufacturing, Light Manufacturing and Warehousing and Distribution with a floor-to-area ratio of .24 and subject to dedication of 45 feet of right-of-way from the centerline of Jekel Circle. GRANTED AS RECOMMENDED - FIRST READING ONLY

(On Councilmember Carl-Mitchell's motion, Councilmember Nofziger's second, 5-0 Vote, Mayor Pro Tem Shipman, Councilmember Barnstone out of the room)

C14-90-0012 - STRAND TEXAS, INC., by Lichliter/Jameson & Associates, 3211 Tarlton Lane, from "GR" to "MF-1". RECOMMENDED to grant "MF-1", Multi-Family Residence. zoning limiting density to 12.4 units per acre, and subject to the following conditions from the Walsh Tarlton Neighborhood Association's letter, dated March 12, 1990. 1. 1-2 story units, 2. 50-75% masonry, 3. plus-minus (+ -) 1500 square feet per unit, 4. Wrought iron and brick column fencing, 5. 2 entrances: 1 on Walsh Tarlton Lane and 1 on Tarlton Lane, 6. swimming pool and recreation room, 7. provision of adequate landscape buffers along adjacent streets, 8. units to be clustered with attached garages, 9. the site plan for the project will be made available for The Walsh Tarlton Neighborhood Association review and comment prior to final approvals.

GRANTED "SF-6", 12.4 UNITS PER ACRE, FIRST READING ONLY

(On Mayor Pro Tem Shipman's motion, Councilmember Carl-Mitchell's second, 6-0 Vote, Councilmember Barnstone out of the room.)

C14-90-0013 - ROSEMARY FOLLIS, 2201 East Ben White Boulevard, from "SF-2" to "CS", "CS-1". RECOMMENDED to grant "CS-1", Commercial Liquor Sales, for Tract 1, and "CS", Commercial Services, for Tract 2, subject to dedication of 75 feet of right-of-way from the future centerline of Ben White Boulevard, and a rollback from "CS-1" to "CS" if the night club/cocktail lounge use should cease for more than 90 days. GRANTED AS RECOMMENDED - FIRST READING ONLY

C14-90-0014 - KWIK ICE, by Jenkins & Gilchrist, P.C., 5715 Burnet Road, from "CS" to "CS-1, LI". RECOMMENDED to grant "CS-1-CO", Commercial Liquor Sales-Conditional Overlay for Tract 1 and "LI-CO", Limited Industrial-Conditional Overlay for Tract 2, subject to: 1. Tract 1 - Uses restricted to those permitted in "CS", Commercial Services, and sale of alcoholic beverages for off-site consumption as the only "CS-1" use. 2. Tract 2 - Uses restricted to those permitted in "CS", Commercial Services, and the manufacture and sale of ice as the only "LI", Limited Industrial use. 3. If the specific "CS-1" and "LI" uses cease, the owner agrees not to object to a roll-back in zoning to the existing "CS", Commercial Services district.

ORDINANCE

(On Councilmember Carl-Mitchell's motion, Councilmember Nofziger's second, 5-0 Vote, Mayor Pro Tem Shipman and Councilmember Barnstone out of the room)

Not Recommended

C14-90-0006 - J. HARRIS, INC., by James Allman, 2531 West Anderson Lane, from "GR" to "CS-1".
POSTPONED TO MAY 10, 1990

PUBLIC HEARING - WATER & WASTEWATER IMPACT FEE

Mayor Cooke opened the public hearing set for 5:00 P.M. on amending the Land Use Assumptions to enact proposed changes to the service area boundary for water and wastewater impact fee. Speaker's cards are on file in the City Clerk's office.

Motion

The Council, on Councilmember Carl-Mitchell's motion, Councilmember Humphrey's second, closed the public hearing, waived the requirement for three readings and finally passed an ordinance amending the Land Use Assumptions to enact changes to the service area boundary for water and wastewater impact fee. (6-0 Vote. Councilmember Barnstone out of the room)

CITY CONTRACTS FOR MBE/WBE CONTRACTORS AND VENDORS

The Council, on Councilmember Urdy's motion, Councilmember Humphrey's second, adopted a resolution directing the City Manager to implement a purchase order demonstration program designed to increase the number of City contracts awarded to MBE/WBE contractors and vendors through the purchase order procurement process. (6-0 Vote, Mayor Pro Tem Shipman out of the room)

COMPREHENSIVE RECYCLING PLAN

The Council, on Councilmember Humphrey's motion, Councilmember Nofziger's second, approved an action plan to initiate components of the Comprehensive Recycling Plan (including timetable and cost of the following): (5-0 Vote. Mayor Pro Tem Shipman, Councilmember Carl-Mitchell out of the room)

- (a) North and South Transfer Municipal Solid Waste Stations with

separation for recyclables and compost

- (b) Bailers at Transfer stations
- (c) City-wide distribution of standardized recycling containers
- (d) Deeper trenching at the City Landfill

DISCUSSION: COMMUNITY PARTNERSHIP FOR DRUG-FREE PUBLIC HOUSING

Councilmember Urdy led a discussion on the formation of a Community Partnership for Drug-Free Public Housing. Council directed the City Manager to direct the staff to bring back an agreement as soon as possible.

CONSUMER ADVOCATE FOR WATER AND WASTEWATER UTILITIES

The Council, on Mayor Pro Tem Shipman's motion, Councilmember Carl-Mitchell's second, directed the City Manager to prepare an RFP for a Consumer Advocate for the Water and Wastewater utilities. (5-1 Vote, Councilmember Barnstone voted No, Mayor Cooke was out of the room)

ITEM PULLED

Pulled of the agenda indefinitely was discussion of an ordinance amending the FY 1989-90 Operating Budget by appropriating \$160,480.00 from the General Fund Contingency Reserve to the Police Department's Operating Budget to fund the Lab Seizure Team.

EXECUTIVE SESSION

Mayor Cooke announced Council would enter 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.

Pending Litigation - Section 2, Paragraph e

(a) Discuss a settlement in a suit for damages against the City of Austin: Cause No. 89-183-C; Staker Construction of Texas, Inc. v. City of Austin

RECESS

Council recessed its meeting from 6:10 to 6:22 P.M.

SETTLEMENT

The Council, on Mayor Pro Tem Shipman's motion, Councilmember Urdy's second, approved a settlement in a suit for damages against the City of Austin: Cause No. 89-183-C; Staker Construction of Texas, Inc. v. City of Austin. (\$46,000.00). (7-0 Vote)

BOARD AND COMMISSION APPOINTMENTS

The following board and commission appointments were made by Council.

Building and Fire Code Board of Appeals

John F. Matthews

Child Care Commission

Danny Castro, Lila Coughran, Virginia Duke, Priscilla Flawn, Jill Gronquist, Sandra Hamilton, Ron Hubbard, Rhonda Paver, Michael Rush, Mollie Sharpe and Susan Syler

Citizen's Traffic Safety Commission

William Nolen Jr.

City of Austin Commission for Women

Sandy Cole

Downtown Commission

Sharon Greenhill

Human Rights Commission

Eulalio Castanon Jr.

Mayor's Committee for Disabled Persons

Michael Brockway

Medical Assistance Program Advisory Board

Dr. Roger Aertker

Minority and Women Owned Business Procurement Advisory Committee

Lita Dubec and Richard Glasco

Music Commission

Michael Mordecai, Rose Reyes Pitts and Rebecca Works

Solicitation Board

Ron Meyerson

Water and Wastewater Commission

Francis Benoit

CITIZEN COMMUNICATIONS

At the conclusion of the meeting statements were made by Jo Benoit and Sue Shorer.

ADJOURNMENT

Council adjourned its meeting at 6:39 P.M.