



Austin City Council MINUTES

For February 22, 1990 - 1:00 P.M.

Council Chambers, 307 West Second Street, Austin, Texas

Mayor Pro Tem Shipman called to order the meeting of the Council, noting that Mayor Cooke was attending a meeting concerning housing and would arrive in the Council Chamber later. Mayor Cooke arrived at 2:00 P.M.

APPROVAL OF MINUTES

The Council, on Councilmember Humphrey's motion, Mayor Pro Tem Shipman's second, approved minutes for regular meeting of February 15, 1990 and special meeting of February 13, 1990. (4-1 Vote, Councilmember Urdy out of the room, Councilmember Barnstone voted No, Mayor Cooke absent, Councilmember Urdy out of the room.)

Later, a motion was made by Councilmember Humphrey and seconded by Councilmember Carl-Mitchell to reconsider the vote. Council asked that more detail be included in the February 15, 1990 minutes. Neither set of minutes was approved and will be brought back to Council at a later date.

CITIZEN COMMUNICATIONS

Mr. Sam Griswold did not appear. Ms. Willo Hardin discussed income guidelines. Ms. Lori C. Renteria discussed revenue bonds for low-income housing acquisitions. Mr. Jeremiah Branch was not present. Mr. Tim Jones talked about environmental concerns. Ms. Shelley Hughes did not speak.

LAIDLAW TRANSIT INC.

The Council, on Councilmember Carl-Mitchell's motion, Councilmember Humphrey's second, passed through second reading of an ordinance for renewal of the Laidlaw Transit Inc. Charter Bus Franchise. (6-0 Vote, Mayor Cooke absent.)

ZONING ORDINANCE

The Council, on Councilmember Carl-Mitchell's motion, Councilmember Humphrey's second, passed through second/third readings of an ordinance amending Chapter 13-2 of the Austin City Code to rezone the property locally known as 12461 North IH-35 Service Road NB, Case No. C14-89-0064, from "SF-2" to "GR-CO", JOHN HAMILTON by Site Specifics. First reading: January 4, 1990; Vote 7-0. Conditions met as follows: Conditional Overlay incorporates conditions imposed by Council. (6-0 Vote, Mayor Cooke absent)

CONSENT RESOLUTIONS

The Council, on Councilmember Carl-Mitchell's motion, Councilmember Nofziger's second, adopted the following resolutions all in one consent motion: (6-0 Vote, Mayor Cooke absent.)

Storm Water Drainage Easement

Approved release of a portion of the Storm Water Drainage Easement of record in Volume 1920, Page 168, TCDR and release of the enclosed Storm Sewer Easement of record in Volume 3838, Page 2344, TCDR (4122 East 12th Street).

Electric Easements

Authorized release of portions of the Blanket Electric Easements of record in Volume 563, Page 524, Volume 600 Page 280, Volume 600, Page 238, Volume 611, Page 236, and Volume 9041, Page 36 of the TCPDR insofar as they affect Lot 1, Boston 290 Office Park, Section One, locally known as 5318 U.S. 290 West.

Eminent Domain Proceedings

Authorized the filing of Eminent Domain Proceedings to acquire 0.708 acre of land in Fee Simple out of Lot One, One Park Place II, in Austin, Travis County, Texas; Title to a portion of the main building located partially on the hereinabove described tract and partially on the remaining property of which said tract was originally a portion; and a Temporary Right to Enter upon the property remaining for the sole purpose of removing that portion of main building said interest owned by One Park Place, a Texas Limited Partnership for the U.S. Highway 290/SH 71 Improvement Project.

Authorized the filing of Eminent Domain Proceedings to acquire 0.155 acre of land in Fee Simple out of the James Rogers Survey No. 19 in Austin, Travis County, Texas, Title to a portion of the office/showroom located partially on the hereinabove described tract and partially on the remaining property of which the above described property was originally a portion; and a Temporary Right to Enter upon the property remaining for the sole purpose of removing that portion of the office/showroom, said interests owned by Benny R. Cox and wife, Bille B. Cox for the U.S. Highway 183 Expansion Project.

Quitclaim

Approved the execution of a Declaration of Interest and Partial Quitclaim instrument releasing the appearance of fee title interest and reserving a Sanitary Sewer Easement in, along, upon and across a twenty (20.00) foot strip of land out of the William Cannon League in Austin, Travis County, Texas.

Grants

Authorized application for and acceptance of a grant from the Texas State Library and Archives Commission to provide Interlibrary Loan Services from September 1, 1990 to August 31, 1991. (\$168,000.00 State and Federal Grant Funds. The grant application includes an indirect cost rate of 35% of direct salaries for administrative costs.)

Approved submittal of a grant application to the United States Department of Housing and Urban Development pursuant to its Fiscal Year 1990 Emergency Shelter Grant Program in the amount of \$123,000.00.

Contracts

Approved a construction contract award to PSENCIK CONSTRUCTION CO., INC., Temple, Texas, in the amount of \$200,511.50 for the Govalle Wastewater Treatment Plant.

Approved a construction contract award in the amount of \$997,739.50 to CAPITAL CITY UTILITIES, Buda, Texas for U.S. Highway 183 Water and Wastewater Relocation Phase I Project.

Approved a contract award for a twelve month supply agreement to W.H. RICHARDSON, Austin, Texas, for miscellaneous tools in the total estimated amount not to exceed \$48,447.00 - General Services.

Approved a contract award to CRITICAL CARE PRODUCTS, 7042 Alamo Downs #450, San Antonio, Texas, for esophageal stethoscopes for a total cost not to exceed \$32,021.00. - Brackenridge Hospital.

Relocation of Utilities

Approved an agreement with Travis County, Texas, for the relocation of water and wastewater utilities for the County's Dessau Road C.I.P. Project in an amount not to exceed \$701,500.00.

Ross Road

Approved an agreement with Travis County, Texas, in an amount not to exceed \$33,210.00 for the reconstruction of portions of Ross Road, located within the City Limits, in conjunction with the County's Pearce Lane C.I.P. project. (C.I.P. No. 837 607 2370 - Street Resurfacing, City 1989)

CBD Water & Wastewater Improvements

Approved construction change order #4 for the Central Business District Water and Wastewater Improvements, West Contract in the amount of \$94,450.00.

LA CROSSE AVENUE

The Council, on Councilmember Urdy's motion, Councilmember Humphrey's second, approved rescinding the motion to hold action on the proposed amendment to the Austin Metropolitan Area Roadway Plan (AMARP) Amendment for La Crosse Avenue (Arterial #12) (C2-89-03). (6-0 Vote, Mayor Cooke absent)

ANALYSIS OF OZONE DEPLETING CHEMICALS

The Council, on Councilmember Carl-Mitchell's motion, Councilmember Nofziger's second, waived the requirement for three readings and finally passed an ordinance amending the 1989-90 Operating Budget by appropriating and transferring \$50,000.00 to the Environmental and Conservation Services Department Fund from the General Fund Contingency Reserve to conduct an analysis

of ozone depleting chemicals with an amendment that the amount of funds be a pro rata share among the Enterprise Fund Ending Balance as well as the Contingency Reserve and General Fund. (7-0 Vote) (Amendment was made by Councilmember Carl-Mitchell)

ETHICS AND LOBBYING

Mayor Cooke set the Chair aside to make the following motion:

Motion

The Council, on Mayor Cooke's motion, Councilmember Urdy's second, passed through second reading of an ordinance amending Chapter 2-3 of the Austin City Code relating to ethics and Chapter 9-6 of the Austin City Code relating to lobbying and possible study of necessary revisions, and instruct the Council Sub-Committee to study the need for amendments and report back to Council prior to April 5, 1990. (4-3 Vote, Mayor Pro Tem Shipman, Councilmembers Carl-Mitchell and Humphrey voted No)

TWO ATHLETIC PRACTICE FIELDS

The Council, on Councilmember Carl-Mitchell's motion, Councilmember Nofziger's second, approved second and third readings of an ordinance appropriating \$91,000.00 from the Contingency Reserve Fund to the Parks and Recreation Department and approve awarding a contract to CAPITAL EXCAVATION COMPANY in the amount of \$195,852.00 for construction of Two Athletic Practice Fields. (7-0 Vote) Complete transcript of discussion is on file in the City Clerk's Office.

SIXTH STREET

The Council, on Councilmember Nofziger's motion, Councilmember Humphrey's second, adopted a resolution appointing a Council Sub-Committee of Mayor Cooke, Councilmembers Humphrey and Nofziger to examine the current issues involving Sixth Street, with a friendly amendment by Councilmember Humphrey to add language concerning noise control in the ordinance. (7-0 Vote)

Councilmember Barnstone offered a friendly amendment, which was not accepted, instructing the City Manager to reduce the Police funeral escorts in order to have more Police officers to patrol 6th Street.

PEST CONTROL SERVICES AT BRACKENRIDGE HOSPITAL

The Council, on Councilmember Carl-Mitchell's motion, Mayor Cooke's second, adopted a resolution, approving a contract for twelve months to ABC PEST CONTROL, 9519 No. I.H. 35, Austin, Texas, for pest control services at Brackenridge Hospital, in an amount not to exceed \$16,800.00. (7-0 Vote)

PUBLIC HEARING

Mayor Cooke opened the public hearing set for 3:00 P.M. on approval of an amendment to the Austin Metropolitan Area Roadway Plan for Heatherwilde Blvd. and Harris Ridge Blvd. Speaker's cards are on file in the City Clerk's office.

Motion

The Council, on Councilmember Carl-Mitchell's motion, Mayor Cooke's second, voted to continue the public hearing at 3:30 P.M. on March 15, 1990. (4-0 Vote, Councilmembers Barnstone, Nofziger and Urdy out of the room.)

CONTRACT

The Council, on Councilmember Carl-Mitchell's motion, Mayor Cooke's second, adopted a resolution approving a construction contract award to THERMAL MECHANICAL COMPANY, Manor, Texas, for the installation of woodworking equipment in the amount of \$109,746.00 - General Services Department. (4-1 Vote, Councilmember Humphrey voted No, Councilmembers Barnstone and Urdy out of the room.)

ZONING HEARINGS

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

C14-89-0071 - BRIGHT BANC SAVINGS ASSOCIATION - KURT SIMONS by Hays & Anson, Susan, Irvin, 5324-5332 Duval Road, Tract 1: From "SF-2" to "GR", Tract 2: From "SF-2" to "MF-2". **DENIED**

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

Motion

The Council, on Mayor Pro Tem Shipman's motion, Councilmember Carl-Mitchell's second, closed the public hearing and DENIED the zoning change. (4-2-1 Vote, Mayor Cooke and Councilmember Barnstone voted No, Councilmember Humphrey abstained)

Request for Six Month Extension

C14-89-0026 - SETON MEDICAL CENTER by Page, Southerland, Page, 4700-4899 Quarry Lake Parkway, from "LO" to "GO". **SIX MONTH EXTENSION GRANTED**

(On Councilmember Carl-Mitchell's motion, Mayor Pro Tem Shipman's second, 4-0 Vote, Councilmembers Barnstone, Nofziger and Urdy voted No.)

RANCHING AND FARMING ACTIVITIES

Council had before them for consideration the second/third reading of an ordinance establishing a temporary moratorium prohibiting certain ranching and farming activities. After discussion, the following motion was made:

Motion

The Council, on Councilmember Nofziger's motion, Councilmember Urdy's second, tabled the ordinance and instructed the City Manager to instruct staff to post a resolution on the March 1, 1990 agenda relating to clearing activities and ranching and farming within Austin's jurisdiction. (7-0 Vote)

RECESS

Council recessed from 5:45 to 6:52 P.M. to meet as the directors of the Austin Housing and Finance Corporation.

AMARP

Council had before them for consideration an item from Councilmembers Urdy and Carl-Mitchell to post for Council action the proposed amendment to the Austin Metropolitan Area Roadway Plan (AMARP) Amendment for La Crosse Avenue (Arterial #12) (C2-89-03).

Motion

Councilmember Carl-Mitchell made a motion to "move the staff recommendation on Arterial #12, delete the section from Brodie to Loop 1 and leave on the agenda, on March 15th, our consideration of any additional amendments that would delete or retain Arterial #12". Councilmember Barnstone seconded the motion. (6-0 Vote, Councilmember Urdy was out of the room.)

PUBLIC HEARING SET

The Council, on Councilmember Humphrey's motion, Councilmember Carl-Mitchell's second, set a public hearing for March 8, 1990 at 5:00 P.M. to obtain public input on three alternative amendments to the Land Development Code regarding Capital Recovery Fees for water and wastewater service. These alternatives are as follows: 25% discount for single family homes built in Austin's corporate limits in 1990; 25% discount for all classes of property built in Austin's corporate limits in 1990; and/or, elimination of the Capital Recovery Fee. (6-0 Vote, Councilmember Urdy out of the room)

EXECUTIVE SESSION

Mayor Cooke announced the City 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.

Land Acquisition - Section 2, Paragraph f

- (a) Review and discussion of real property acquisitions for:
 - (1) U.S. Highway 183/290 Project

RECESS

Council recessed its meeting from 7:00 to 7:12 P.M.

REAL PROPERTY ACQUISITION

The Council, on Councilmember Carl-Mitchell's motion, Councilmember Urdy's second, adopted a resolution authorizing real property acquisitions for U.S. Highway 183/290 Project. (5-0 Vote, Councilmembers Humphrey and Barnstone out of the room.)

REAL PROPERTY ACQUISITION - (Continued)

The Council, on Councilmember Carl-Mitchell's motion, Councilmember Urdy's second, authorized the City of Austin participation with the State of Texas in real property acquisition for the U.S. 183/290 projects. (City cost is \$1,400,000.00) 5-0 Vote, Councilmembers Humphrey and Barnstone out of the room.)

ADJOURNMENT

Council adjourned its meeting at 7:17 P.M.