



# Austin City Council MINUTES

For JANUARY 11, 1990 - 1:00 P.M.

Council Chambers, 307 West Second Street, Austin, Texas

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

## MINUTES APPROVED

The Council, on Mayor Pro Tem Shipman's motion, Councilmember Carl-Mitchell's second, approved minutes for regular meeting of January 4, 1990. (6-0 Vote, Councilmember Urdy out of the room.)

## CITIZEN COMMUNICATIONS

Mr. John R. Hendrick discussed preservation of a large, stately cedar elm on City right-of-way in front of 807 E. 32 1/2 Street. Mr. Mark J. Weaver and Mr. Rory Derrick discussed sexually oriented business ordinance. Mr. Lee Tunnell, Mr. John S. Carter, Ms. Pamela Harney, Mr. Tom Zavaleta and Mr. Randy Standt did not speak. Sidney B. Grief discussed Adult Oriented Business Ordinance and Ms., Karol Rice discussed Adult Oriented Business Task Force recommendations.

## BOARD & COMMISSION REPORTS

Gail Vittori, Solid Waste Advisory Commission, presented the Commission's endorsement of the Texas Disposal System Landfill Application.

Jim O'Donnell, Urban Transportation Commission, presented a report on Koenig Lane; roadways related to the new airport; and ballot information for future roadway improvements.

## GOLD CROSS SERVICES

The Council, on Councilmember Carl-Mitchell's motion, Councilmember Nofziger's second, passed through second reading of an ordinance on the renewal of the Gold Cross Services non-emergency transfer/transport franchise. (7-0 Vote)

## TAXICAB FRANCHISES

The Council, on Councilmember Carl-Mitchell's motion, Councilmember Nofziger's second, approved third readings of the following ordinances: (7-0 Vote)

- renewal of the Harlem Cab Company Taxicab Franchise.

- renewal of the Greater Austin Transportation Company dba American Cab Company, Taxicab Franchise.

**CODE AMENDMENT - BRACKENRIDGE HOSPITAL**

The Council, on Councilmember Carl-Mitchell's motion, Councilmember Nofziger's second, waived the requirement for three readings and finally passed an ordinance approving an amendment to Chapter 6-3, of the Austin City Code, 1981, Brackenridge Hospital, to delete obsolete references to an affiliation agreement and to conform notice and hearing requirements with state and federal law and the medical staff bylaws. (7-0 Vote)

**CONSENT RESOLUTIONS**

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

**Stormwater Detention Facility**

Authorized release of the covenant to maintain a stormwater detention facility of record in Volume 9919, Page 943 of the TCRPR and located on Lots 13, 14, and 15 and 16, Blk. A, Pecan Park Subdivision U.S. 183 at FM 620, submitted by the Real Estate Services Division of the Department of Public Works and Transportation.

**Drainage Easement**

Authorized release of the following drainage easements:

- Lot 9, Balcones Park Section 8-A in Plat Book 78, Pages 355-356 of the Plat Records of Travis County, Texas, locally known as 3403 LedgeStone Drive.

- Centered on Lot line between Lots 50 and 51, Block D, Jester Point 2, Section 4 recorded in Book 74, Pages 45C-46B of TCRPR, locally known as 7500 Anaqua Drive and 7502 Anaqua Drive, submitted by Lockwood Engineers, Inc. on behalf of Jester Land Management.

- of record in Volume 1467, Page 232 of the Williamson County Deed Records and located on Lots 14, 15 and 16 Blk. A, Pecan Park Subdivision, U.S. 183 and FM 620, submitted by the Real Estate Services Division of the Department of Public Works and Transportation.

**License Agreement**

Authorized and approved a License Agreement to allow the encroachment of keyed entry control devices into the public right-of-way of Guadalupe Street adjoining outlot 35, Division "E" of the Government Outlets adjacent to the Original City of Austin, 1800 Lavaca Street submitted by Jolly Dodd on behalf of Greenwood Wooten Estate-First City National Bank of Austin.

Approved a License Agreement allowing for the encroachment of a bridge retaining wall around a large existing live oak tree on Lot 2A, Williams Subdivision, locally known as 6805 Woodhollow Dr., submitted by Randy Verhane of

the Republic Group on behalf of Ridge Apartment Ltd.

Eminent Domain Proceedings

Authorized the filing of Eminent Domain Proceedings to acquire a temporary construction easement containing 2,500 square feet of land out of Lot 10, Block "G" of Gaston Park Subdivision (5911 Belfast Drive), in Austin, Travis County, Texas, owned by Albert A. Gonzales and wife, Gloria V. Gonzales for the Ft. Branch of Boggy Creek Project, Phase I.

U.S. 183 and R.M. 620

Approved request to the State Department of Highways and Public Transportation to revise the construction schedule for the intersection of U.S. 183 and R.M. 620.

Traffic Phasing

Authorized amendments to the Traffic Phasing Agreements for development projects within the Southwest Williamson County Road District #1.

Contracts

Approved contract awards to Sherry Matthews Advertising and Public Relations, 101 San Jacinto Blvd., Austin, Texas, for \$350,000.00 and to McDonald Davis & Associates, Eleven Greenway Plaza, Suite 2616, Houston, Texas, for \$60,000.00 with a total cost not to exceed \$410,000.00, included in the FY 1989-90 budget for a twelve month period for advertising agency services, Brackenridge Hospital.

Approved a contract award to Olympus Corporation, 4 Nevada Drive, Lake Success, New York for two duodenoscopes and a light source for a total cost of \$36,700.00 included in the FY 1989-90 Brackenridge Hospital budget.

Approved use of professional search/placement services for the positions at Brackenridge Hospital of Assistant Administrator for Health Services, Director of Physical Therapy, and Director of Marketing. (None of the search placement contracts to exceed \$29,000.00.)

**ITEMS POSTPONED**

Postponed to January 18, 1990 is second reading of an ordinance on implementation and complete adoption of AustinPlan.

Postponed to January 18, 1990 is approval of an interlocal agreement with Travis County for the repair and maintenance of Bloor Road (from Blue Bluff Road to the intersection of F.M. 973).

Postponed to January 18, 1990 is approval of the selection of professional engineering services for the A.R. Davis Water Treatment Plant Laboratory, Electrical, Pump Station, Landscaping, Irrigation and miscellaneous improvements at an estimated cost of \$24,800.00 included in budget for C.I.P. Project No. 227910.

Postponed to January 18, 1990 is approval of a revised evaluation matrix for selection of professional engineers.

Postponed to January 18, 1990 is consideration of setting a public hearing on amendments to the Land Development Code regarding Capital Recovery Fees for water and wastewater.

Postponed indefinitely, as requested by applicant, is Zoning Case C14-89-066 - Abraham Kennedy by Armbrust & Brown, 114 East Huntland Drive from "CS" to "CS-1".

Postponed to January 18, 1990 are board and commission appointments.

Postponed to January 18, 1990 is discussion to approve a 25% Capital Recovery Fee discount for single family homes built in the City of Austin that sell for less than \$80,000.00 and a 10% discount for homes sold for over \$80,000.00. This discount will apply to homes started and sold in the calendar year 1990.

#### CONVENTION CENTER ITEMS

The Council, on Councilmember Carl-Mitchell's motion, Councilmember Urdy's second, adopted a resolution approving a contract award (RFS) to Trinity Engineering Testing Corporation, 3601 Manor Road, P.O. Box 572, Austin, Texas, for engineering materials testing services for the Convention Center Project in an amount not to exceed \$75,000.00 - Department of Transportation and Public Works. C.I.P. Project No. 493-827-1000. (7-0 Vote)

(The following resolution was adopted later in the day.)

The Council, on Councilmember Humphrey's motion, Councilmember Carl-Mitchell's second, adopted contract awards for five artists for design consultant services related to the convention center project in an amount not to exceed \$40,000.00. (5-1-1 Vote, Councilmember Barnstone voted No, Councilmember Urdy abstained.)

#### WASTEWATER RATES

The Council, on Councilmember Barnstone's motion, Councilmember Humphrey's second, approved excluding the month of December from the winter averaging bill for the wastewater rates. (7-0 Vote)

#### SISTER CITIES PROGRAM

The Council, on Councilmember Carl-Mitchell's motion, Mayor Pro Tem Shipman's second, approved adopting specific policies and procedures for the City of Austin's Sister Cities Program (6-0 Vote, Councilmember Urdy out of the room.)

#### 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) State of Texas v. City of Austin (Sand Beach Reserve)

**Land Acquisition - Section 2, Paragraph f**

(a) Status of land acquisition for the Convention Center and exercise of options

(b) Review and discussion of real property acquisitions for:

(1) U.S. Highway 183/290 Project

**RECESS**

Council recessed its meeting for executive session from 3:19 to 4:35 P.M.

**183/290 PROJECT**

The Council, on Councilmember Carl-Mitchell's motion, Councilmember Urdy's second, adopted a resolution authorizing real property acquisition for U.S. 183/290 Project, approving the purchase of three parcels on 183. (6-0 Vote, Councilmember Barnstone abstained.)

**STORM SEWER EASEMENTS**

The Council, on Councilmember Carl-Mitchell's motion, Mayor Pro Tem Shipman's second, adopted the following resolutions authorizing release of a portion of the Storm Sewer Easement as follows: (7-0 Vote)

- On Lot 40, Speedway Heights, of record in Volume 502, Page 218 of the Travis County Deed Records, 3119 Tom Green, submitted by James A. Martindale on behalf of MFM Joint Venture.

- In Volume 486, Page 100 of the Travis County Real Public Records and located on Lot 3, Block One, Fruth Addition, Outlots 14 and 73, Division D, locally known as 2801 Guadalupe Street, submitted by Scott Young on behalf of the Savings of Texas.

**RECYCLING**

The Council, on Councilmember Humphrey'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 \$492,000.00 from the Environmental and Conservation Services Department Enterprise Fund ending balance and reducing revenues by \$175,000.00 to fund the recycling program. (7-0 Vote)

The Council, on Councilmember Humphrey's motion, Councilmember Nofziger's second, adopted a resolution dealing with recycling, waste reduction

and purchasing policies concerning recycled materials and products. (7-0 Vote)

#### **PURCHASE OF GASOLINE AND DIESEL FUEL**

The Council, on Councilmember Humphrey's motion, Mayor Pro Tem Shipman's second, adopted a resolution approving an Interlocal Agreement and contract award(s) for the annual purchase of gasoline and diesel fuel not to exceed \$2,141,363.00 from General Services Operating Budget. Reference: Interlocal fuel agreement between AISD, Travis County & City of Austin. (6-0 Vote, Councilmember Urdy out of the room.)

#### **TEXAS DISPOSAL SYSTEM LANDFILL PERMIT**

The Council, on Councilmember Carl-Mitchell's motion, Councilmember Humphrey's second, adopted a resolution affirming the City of Austin's support for the Texas Disposal System Landfill Permit. (5-1-1 Vote, Councilmember Barnstone voted No, Mayor Pro Tem Shipman abstained)

#### **OZONE LAYER**

The Council, on Councilmember Nofziger's motion, Councilmember Humphrey's second, adopted a resolution establishing the City of Austin's goals regarding the protection of the Ozone Layer and directed the City Manager to report back to Council in 90 days with necessary steps to implement these goals. (7-0 Vote)

#### **GOVALLE BRANCH LIBRARY**

The Council, on Councilmember Barnstone's motion, Councilmember Carl-Mitchell's second, waived the requirement for three readings and finally passed an ordinance amending the FY 1989-90 Operating Budget by appropriating \$4,500.00 from the General Fund ending balance to the Library budget in order to fund the Govalle Branch Library for Saturday library service. (7-0 Vote)

#### **JIMMY CLAY GOLF COURSE**

The Council, on Councilmember Humphrey's motion, Councilmember Carl-Mitchell's second, passed through **FIRST READING OF AN ORDINANCE** approving using the \$215,000.00 from the ending balance of the Golf Enterprise Fund and \$85,000.00 from the Golf Surcharge Fund to fund engineering and architectural drawings for the new 18 holes at Jimmy Clay Golf Course. The Golf Enterprise Fund shall be repaid when appropriate funds are secured for the construction of the project. (4-3 Vote, Mayor Cooke, Councilmembers Barnstone and Urdy voted No.)

#### **WORLD CHAMPIONSHIP TRIATHALON**

The Council, on Councilmember Humphrey's motion, Mayor Pro Tem Shipman's second, adopted a resolution to offer support and cooperation of the Austin City Council to encourage the World Championship Triathlon to participate in Austin, Texas. (7-0 Vote)

**ECONOMIC DEVELOPMENT COMMISSION**

The Council, on Councilmember Nofziger's motion, Councilmember Barnstone's second, waived the requirement for three readings and finally approved an ordinance amending Section 2-4-1 of the Austin City Code of 1981 and amending Section 5-6-2 to allow one member of the Economic Development Commission to reside outside of the City limits, but within Extraterritorial Jurisdiction of the City. (7-0 Vote)

**REFUND TO RATE PAYERS**

The Council, on Mayor Pro Tem Shipman's motion, Councilmember Carl-Mitchell's second, approved refunding December's Electric Utility windfall profit to the rate payers. (7-0 Vote)

**ELECTRIC BILL EXTENSION**

The Council, on Mayor Pro Tem Shipman's motion, Councilmember Carl-Mitchell's second, approved a method to allow consumers to extend payment period for December's water/electric bill from the usual one month immediate payment to installments over three months. (7-0 Vote)

**CITIZEN COMMUNICATIONS**

Three people spoke at the end of the meeting on subjects of their choice. Speakers were Mac Heyl, John Spence and Ili Lucio.

**ADJOURNMENT**

Council adjourned its meeting at 11:40 P.M.