



Austin City Council MINUTES

For JUNE 8, 1989 - 1:00 P.M.

Council Chambers, 307 West Second Street, Austin, Texas

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

CITIZEN COMMUNICATIONS

Mr. Paul Robbins discussed energy conservation programs. Mrs. Lois Gamble discussed the amendment of Chapter 10-4 of the City Code of 1981, adding Section 10-4-2.1. Mr. David O. Davies discussed the services of the Oak Springs Program which receives partial support from the City of Austin. Mr. Jack Hopper talked about intervention in the Southwestern rate case. Ms. Alice Embree made observations concerning the environmental impact of Mueller Airport. Ms. Marilyn Carten and Mr. Pete Gasper discussed the proposed art museum. Dr. Francine Carraro did not speak. Ms. Rosemary Castleberry and Ms. Marie Martinez talked about art funding for groups in east and south Austin.

ROBERT MUELLER AIRPORT

The Council, on Councilmember Carl-Mitchell's motion, Mayor Pro Tem Shipman's second, adopted a resolution approving Amendment No. One to Airport Use and Lease Agreement and Letter of Agreement for Robert Mueller Municipal Airport and Letter of Agreement for initial financing of new airport project between the City and certain carriers serving Robert Mueller Municipal Airport. (6-1 Vote, Councilmember Barnstone voted No.)

The Council, on Councilmember Carl-Mitchell's motion, Councilmember Nofziger's second, adopted a resolution approving a contract for CAHABA Construction Company (CIP) Robert Mueller Municipal Airport Interim Terminal Improvements, Phase III Construction Project, Aviation Department. Total \$8,430,700.00. (6-1 Vote, Councilmember Barnstone voted No.)

LEGISLATIVE UPDATE

Gwen Webb presented the Legislative Update.

ELECTRIC UTILITY COMMISSION REPORT

Al Fairweather, chairman, Electric Utility Commission, presented the Cost of Service Consultant report.

COST OF SERVICE CONSULTANT

The Council, on Councilmember Carl-Mitchell's motion, Mayor Cooke's second, adopted a resolution directing the City Manager to issue an RFP for a cost of service consultant as specified in the Electric Utility Commission recommendation. (6-0 Vote, Councilmember Barnstone out of the room.)

ZONING CHANGE

The Council, on Councilmember Humphrey's motion, Councilmember Urdy's second, passed through third reading of an ordinance amending Chapter 13-2 of the Austin City Code to rezone the property locally known as I.H. 35 Service Road (Northbound) and West Parmer Lane, Case No. C14-88-0077, Tract 1 from "DR" to "GR-CO", Tract 2 from "DR" to "CH-CO", Tract 3 from "DR" to "CH-CO", JOSEPH, RIDER & CAMERON by Susan K. Irvin. First reading Dec. 8, 1988 and second reading May 25, 1989, (7-0) Tr. 1 & 2, (4-3) Tr. 3. Mayor Pro Tem Shipman and Councilmembers Carl-Mitchell and Urdy voted No. Conditions met as follows: Restrictive Covenant incorporating conditions imposed by Council has been executed. Conditional overlay incorporating conditions imposed by Council. (4-2 Vote, Mayor Pro Tem Shipman and Councilmember Carl-Mitchell voted No, Councilmember Barnstone out of the room.)

ITEM PULLED

Pulled from the agenda is a resolution amending the interlocal agreement with the City of West Lake Hills concerning Red Bud Trail.

CONSENT RESOLUTIONS

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

Underground Cable

Approved entering into a License Agreement to allow an Underground Coax CATV Cable crossing City owned right-of-way near Milepost 29.66 (Request submitted for ParCable of Elgin, Inc. - Required application fee of \$200.00 has been paid.)

Contracts

Approved the following contracts:

NATIONAL HEALTHCARE
2530 Fairway Park Drive
Houston, Texas
Low bid of 7 (meeting hospital requirements)
OX M/WBE

- Surgical Wrappers, Brackenridge
Hospital
Twelve (12) Month Supply Agreement
Not to exceed \$62,627.04 BS9-087
(included in 1988-89 operating
budget of Brackenridge Hospital)

AVI/3M
1120 Fox Rd.
St. Paul, Minnesota
Sole Source
0% M/WBE Participation

- I.V. Infusion Pumps and Administration Sets, Brackenridge Hospital
Not to exceed \$166,762.60 BH9-153
(included in 1988-89 operating budget of Brackenridge Hospital)

V. L. GORE & ASSOCIATES
4224 South Hacker, Suite 180
Independence, Missouri
Low bid of 3 (meeting hospital requirements)
0% M/WBE

- Cardiovascular Grafts, Brackenridge Hospital
Twelve (12) Month Supply Agreement
Not to exceed \$61,125.00 BS8-311
(included in 1988-89 operating budget of Brackenridge Hospital)

SYNCOR INTERNATIONAL
6448 Hwy. 290 E.
Austin, Texas
Low bid of 2 (meeting hospital requirements)
0% M/WBE Participation

- Radioisotopes, Brackenridge Hospital
Twelve (12) Month Supply Agreement
Not to exceed \$48,894.48 BS9-029
(included in the 1988-89 operating budget Brackenridge Hospital)

E & M PRINTING & OFFICE SUPPLIES
8409 N. Lamar
Austin, Texas
Low bidder of 12
0% M/WBE Participation

- Stock and Non-Stock Office Supplies, General Services Department
Twelve (12) Month Contract
Not to exceed \$757,554.00
89-0065-LI
(included in the 1988-89 operating budget of General Services Dept.)

TRANSPORT TEXAS, INC.
611-B Neches Street
Austin, Texas
Low bid of 2
0% M/WBE Participation

- Armored Car Services, Financial Services Department
Twelve (12) Month Contract
Not to exceed \$37,627.80
89-S023-EC
(included in the 1988-89 operating budgets of utility customer services of various departments)

CDBG Funds

Approved reprogramming \$25,000.00 in Community Development Block Grant funds from the 12th Year Small Business Loan Fund Program to the 12th Year Commercial Corridors Development Fund.

Approved an exception to the Commercial Corridors Development Incentive Program to provide a CDBG grant not to exceed \$25,000.00 to Ms. Jo Benoit for the relocation of a certain drainage system at East 12th and Springdale Road.

SYMPHONIC BAND

The Council, on Councilmember Carl-Mitchell's motion, Councilmember Humphrey's second, adopted a resolution designating the Austin Symphonic Band the official band of the City of Austin. (7-0 Vote)

RELEASE OF EASEMENT

The Council, on Councilmember Carl-Mitchell's motion, Councilmember Humphrey's second, adopted a resolution authorizing release of a 10' Public Utility Easement along the common property line of Lot 5A and Lot 5B Resubdivision of Lot 5 in Houston Street Subdivision, locally known as 5516 North Lamar Boulevard. (7-0 Vote)

PLANNING COMMISSION APPOINTMENTS

The Council, on Councilmember Barnstone's motion, Councilmember Nofziger's second, appointed Terry Ortiz, Gail Gemberling, Carolyn Parker, Walter Brown and Henry Gilmore as members of the Planning Commission. (7-0 Vote)

SOUTHWEST TRAVIS COUNTY MUD NO. 1

The Council, on Councilmember Carl-Mitchell's motion, Councilmember Urdy's second, adopted a resolution approving an amendment of Southwest Travis County Municipal Utility District No. 1 Waste Discharge Permit to allow irrigation of landscaped areas. (No City funding or revenue change)

ITEMS POSTPONED

Postponed to June 15, 1989 is consideration of authorization and approval of a professional services agreement in the amount of \$140,950.00 with Energy Management Associates for Integrated Lease Cost Resource Planning Project.

Postponed to June 15, 1989 is consideration of amending the ordinance relating to billboards.

Postponed to June 29, 1989 is consideration of a resolution reserving the River Street site for the Mexican American Cultural Center project for a period of five years with an option to review reservation of the site.

Postponed to June 15, 1989 is consideration of a resolution regarding paving assessment for 11800 Arabian Trail.

ZONING ORDINANCE - COX PUBLICATIONS

The Council had before them for consideration the following zoning case:

C814-89-0003 - COX PUBLICATIONS OF TEXAS, INC. by Graves, Dougherty, Hearon, 166 Riverside Drive from "CS", "CS-1, L" to "PUD". RECOMMENDED to grant "PUD" subject to the following conditions: (1) Agreements specified in the letters of April 21, 1989 (the draft landscape and amenities notes) and April 27, 1989, to Ben Luckens. (2) Conditions as recommended by the Environmental Board modified in the case of condition #12 so that Phase I filtration does not have to include runoff from existing rooftops, and filtration of all development within the entire site within 10 years or in conjunction with Phase II improvements which ever comes first. (3) Conditions as recommended by the Waterfront Planning Advisory Board: numbers 1 (modified to require conceptual plans in accordance with PUD requirements), 2,3,7,8 & 11. (4) A height limitation of 96 feet. (5) Landscaping of the entire area between Town Lake and the Hike and Bike Trail in conjunction with Phase I. (6) Limitation on allowable uses to newspaper publishing.

Motion

The Council, on Councilmember Carl-Mitchell's motion, Councilmember Urdy's second, passed through FIRST READING ONLY an ordinance approving the zoning change as follows: (6-1 Vote, Councilmember Barnstone voted No) Landscape plan shall be shown to Council at the time of the third reading of the ordinance.

To grant PUD subject to the final site plan and support materials submitted by the applicant, to staff recommendations and to the following additional conditions:

- (1) Agreements specified in letters from the applicant of April 21, 1989 (the draft landscape and amenities notes) and April 27, 1989.
- (2) The existing vehicle maintenance facility shall be relocated off-site within 5 years. If the applicant is unable with reasonable efforts to acquire an alternate site, obtain all necessary approvals and permits, and finalize arrangements for relocation within 5 years, such period may be extended to 8 years.
- (3) The Phase I improvements shall include all surface parking on the west side of the site and all related landscaping, and no more than 170 surface parking spaces shall be located on the west side of the site.
- (4) All required surface parking in Phase III shall be located outside the primary set back, and any existing surface parking then located within the primary set back shall be eliminated. Necessary drives and sidewalks for safety and access may remain in the primary set back.
- (5) Conditions recommended by the Planning Commission that the height of the new office building be limited to 96 feet, that landscaping of the area between Town Lake and the hike and bike trail be included as part of Phase I, and that uses other than L Lake Commercial District uses be limited to newspaper publishing and printing.

CONVENTION CENTER PROJECT

The Council, on Councilmember Urdy's motion, Councilmember Nofziger's second, adopted a resolution concerning M/WBE participation for the Convention Center Project. (7-0 Vote)

ELECTION CALLED - CONVENTION CENTER PROJECT

Councilmember Nofziger made a motion, seconded by Councilmember Carl-Mitchell, to waive the requirement for three readings and finally pass an ordinance calling an election to be held in the City of Austin on July 29, 1989 authorizing revenue bonds in an amount not to exceed \$69,000,000.00 payable from the proceeds of the Civic/Convention Center revenues and 4.5¢ from the hotel/motel bed tax; and not be authorized to use General Fund monies or property tax monies, with an amendment to achieve twenty-five percent participation of locally-owned and headquartered, minority-owned and women-owned business enterprises, with a minimum of five percent per group (Black/Hispanic/Women) in dollars, not numbers of people in each phase of the program. (This is in addition to amendments made on April 13, 1989 concerning the building of a convention center.)

Substitute Motion - FAILED

Councilmember Barnstone offered a substitute motion, seconded by Councilmember Humphrey to have \$45,000,000.00 CAP and remove the language which specifies an East side site. Motion FAILED by a vote of 2-5 with Councilmembers Nofziger, Urdy, Carl-Mitchell, Mayor Cooke and Mayor Pro Tem Shipman voting No.

Roll Call on Main Motion

6-1 Vote, Councilmember Barnstone
voted No.

The Council, on Councilmember Carl-Mitchell's motion, Mayor Cooke's second, waived the requirement for three readings and finally passed an ordinance amending the CIP program by transferring \$25,000.00 from the convention center reserve fund to the convention center CIP fund for legal services in conjunction with land acquisition provided by the law firm of Armbrust and Brown. (6-0 Vote, Councilmember Barnstone abstained due to conflict of interest.)

The Council, on Councilmember Carl-Mitchell's motion, Mayor Cooke's second, adopted a resolution authorizing the City Manager to amend the agreement for legal services of Armbrust & Brown associated with the Convention Center land acquisition for an additional amount not to exceed \$25,000.00. (6-0 Vote, Councilmember Barnstone abstained due to conflict of interest.)

NO ACTION ON ITEM

No action was taken on an item to consider authorizing the City Manager to take appropriate action for property acquisition for the convention center.

AUSTIN ART MUSEUM

The Council, on Councilmember Carl-Mitchell's motion, Mayor Cooke's second, waived the requirement for three readings and finally passed an ordinance adopting a construction schedule for construction of the Austin Art Museum (Laguna Gloria) and directed the City Manager to take all steps necessary to meet this adopted schedule. (\$14,710,000.00 City's share of project budget from C.I.P. funds) (7-0 Vote)

Councilmember Barnstone had made a substitute motion, seconded by Councilmember Nofziger to add language to the ordinance to make certain the bank and Laguna Gloria can impose no further liability to the City. Motion FAILED by a vote of 3-4 with Mayor Pro Tem Shipman, Councilmember Carl-Mitchell, Councilmember Urdy and Mayor Cooke voting No. (They said they would take the advice of legal counsel who advised that additional language was not necessary.)

PUBLIC HEARING - BRAZOS STREET ALLEY VACATION

Mayor Cooke opened the public hearing set for 4:45 P.M. to consider vacating the 1000 Block of the Brazos Street Alley. No one appeared to be heard.

The Council, on Councilmember Carl-Mitchell's motion, Councilmember Urdy's second, waived the requirement for three readings and finally passed an ordinance vacating the 1000 Block of the Brazos Street Alley. (6-0 Vote, Councilmember Barnstone out of the room.)

CITY DEPARTMENT CONSOLIDATION

The Council, on Councilmember Humphrey's motion, Councilmember Nofziger's second, waived the requirement for three readings and finally passed an ordinance approving consolidation of the City of Austin's Departments of Building Safety, Planning, Economic Development & International Trade Department, a portion of Housing and Community Services Department and a portion of the Department of Environmental Protection into one department to be known as the Department of Planning and Development. (6-0 Vote, Councilmember Urdy out of the room.)

EVALUATION OF ENGINEERING PROFESSIONAL SERVICES

The Council, on Councilmember Humphrey's motion, Councilmember Nofziger's second, adopted a resolution approving a set of selection criteria to be used for the evaluation of engineering professional services. (5-0 Vote, Councilmembers Barnstone and Urdy out of the room)

MUSIC AMBASSADOR OF GOOD WILL

Councilmember Nofziger introduced to Council consideration of a proposal to create a Music Ambassador of Good Will to coordinate efforts that will utilize the music industry in drawing conventions and tourism to Austin. After discussion, Council referred this to the Music Committee and Economic Development Commission.

CONSOLIDATION OF CITY DEPARTMENTS

Council had before them for consideration consolidation of Austin's Resource Management Department and the Department of Environmental Protection, and the Solid Waste Services Division into one department to be known as Environmental and Conservation Services Department.

Motion - FAILED

Councilmember Humphrey made a motion, seconded by Councilmember Nofziger to Deny. Motion FAILED by a vote of 3-4 with Mayor Cooke, Councilmembers Barnstone, Carl-Mitchell and Urdy voting No.

Motion

The Council, on Councilmember Urdy's motion, Mayor Cooke's second, passed through FIRST READING ONLY an ordinance consolidating Austin's Resource Management Department and the Department of Environmental Protection, and the Solid Waste Services Division into one department to be known as Environmental and Conservation Services Department. (4-3 Vote, Mayor Pro Tem Shipman, Councilmembers Humphrey and Nofziger voted No.)

DAY CARE CENTERS & CITY SWIMMING POOLS

The Council, on Mayor Pro Tem Shipman's motion, Councilmember Barnstone's second, waived the requirement for three readings and finally passed an ordinance amending Section 10-4-2.1 of the Austin City Code of 1981, "Restrictions on the use of City Swimming Pools: Supervision by Day Care Centers or Agencies and Private Swimming Instructors". (7-0 Vote)

INTERREGIONAL APARTMENTS

The Council, on Councilmember Urdy's motion, Councilmember Carl-Mitchell's second, directed the City Manager to direct staff to analyze a proposal to allocate funds for acquisition and rehabilitation of 99 units known as the Interregional Apartments. (7-0 Vote)

CONTRACT APPROVED

The Council, on Councilmember Humphrey's motion, Councilmember

Nofziger's second, adopted a resolution approving the following contract: (6-0 Vote, Councilmember Barnstone out of the room)

Bid Awards

- Water Conservation Retrofit Single
Family Customers in the Walnut
Creek Wastewater Treatment Plant
Service Areas, Resource Management
Department
Not to exceed \$193,921.86 89-S084-EC

(a) CALIBRATED RESOURCES, INC.
6448 Hwy. 290 E., Suite E-102
Austin, Texas

- \$94,036.86

(b) VALDEZ REMODELING
3702 Munson
Austin, Texas

- \$99,885.00

MINUTES APPROVED

The Council, on Councilmember Carl-Mitchell's motion, Mayor Pro Tem Shipman's second, approved minutes for regular meeting of June 1, 1989 and special meeting of May 25, 1989. (4-0 Vote, Councilmember Humphrey, Nofziger and Urdy out of the room.)

ADJOURNMENT

Council adjourned its meeting at 11:35 P.M.