



Austin City Council MINUTES

For OCTOBER 19, 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.

MINUTES APPROVED

The Council, on Mayor Pro Tem Shipman's motion, Councilmember Barnstone's second, approved minutes for regular meeting of October 12, 1989 and special meetings of October 11 and 12, 1989. (4-0 Vote, Councilmembers Carl-Mitchell, Humphrey and Nofziger out of the room.)

CITIZEN COMMUNICATIONS

Luthor Carpenter did not appear. Gavino Fernandez Jr. discussed adding the "Whistle Blower Act" to the revised City of Austin Personnel Policy Book. Jeffrey A. Twining discussed the "Trask House".

CONVENTION CENTER ITEMS

The Council, on Councilmember Carl-Mitchell's motion, Councilmember Urdy's second, waived the requirement for three readings and finally passed an ordinance authorizing the issuance and sale of City of Austin, Texas, Hotel Occupancy Tax Revenue Bonds, Series 1989A in the amount of \$32,000,000; and the issuance and sale of City of Austin, Texas Convention Center Revenue Bonds, series 1989B in the amount of \$36,240,000.00. (Debt currently payable from these revenue sources, including these sales, amounts to \$68,240,000.00; This debt is not general obligation debt and is not secured by or payable from ad valorem tax. Convention Center Revenue Bonds were authorized by the voters on July 29, 1989. Debt service requirements payable in future years from a pledge of 4.5/7th's of the Hotel/Motel Occupancy Tax and other gross revenues of the Convention Center.) (7-0 Vote)

The Council, on Councilmember Carl-Mitchell's motion, Councilmember Urdy's second, adopted a resolution approving execution of Paying Agent/Registrar agreements with MTrust Corp., National Association in Austin, Texas, in relation to the City of Austin, Texas, Hotel Occupancy Tax Revenue Bonds, Series 1989A, and to the City of Austin, Texas, Convention Center Revenue Bonds, Series 1989B. (Cost of \$375.00 per year, per series, payable from Hotel/Motel Occupancy Tax and the gross revenues of the Convention Center)

ARTS COMMISSION

David Rodriguez presented the Arts Commission Cultural Facilities Policy to Council.

DOWNTOWN COMMISSION

John Worall presented the Downtown Commission report on Architectural Barrier Free Pedestrian Environment in Downtown.

PARKS AND RECREATION BOARD

Neal Iscoe presented the Parks and Recreation Board Report on Bike Trail Around Town Lake.

Motion

The Council, on Mayor Pro Tem Shipman's motion, Councilmember Nofziger's second, approved the concept of a bike trail around Town Lake. (7-0 Vote)

ZONING ORDINANCE

The Council, on Councilmember Urdy'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 5310 Hill Country Lane, Case No. C14-86-302-CO, Tract 2 from "SF-2" and "DR" to "RR", Tr. 3 from "DR" to "MF-2-CO" Tr. 4 from "DR" to "MF-2-CO", Tr. 5 from "DR" to "GR-CO", Tr. 6 from "SF-2" and "DR", to "MF-3-CO", Tr. 8 from "DR" to "RR", Tr. 9A from "DR" to "RR", Tr. 9B from "DR" to "RR", Tr. 11 from "DR" to "MF-2-CO", Tr. 12 from "SF-2" and "DR" to "GR-CO", John Phillips, et ux, by Armstrong & Brown. First reading June 4, 1987: Vote 6-1. Mayor Cooksey voted "NO". Conditions met as follows: (1) Conditional Overlay incorporates conditions imposed by Council restricting (a) Tracts 5 and 12 to a floor to area ratio of .3 to 1, (b) Residential development of Tracts 6 to a density of 25 units or less per acre, and (c) Residential development of Tracts 3, 4 and 11 to a density of 20 units or less per acre. (2) Restrictive Covenant incorporating conditions imposed by Council has been executed requiring owner to dedicate property identified as Tract 9B to City for park purposes at the time of subdivision. (3) Phasing Agreement incorporating conditions imposed by Council has been executed.

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)

Approve a License Agreement for a Public Roadway Crossing of City-owned Railroad Right-of-Way near Milepost 82.06 within the City of Cedar Park. (Requested by the City of Cedar Park - \$550.00 application review fee and \$200.00 annual use fee to be paid by the licensee)

Approve a License Agreement to allow the Encroachment of Underground Conduit for Telephone Lines into the public right-of-way of Medical Parkway 3600 Block, West 37th Street (1,000 block) and West 38th Street alley (1,000 block). (\$250.00 application fee has been paid)

Approve a contract award to AUSTIN ENGINEERING CO. INC., P.O. Box 161990, Austin, Texas, for the U.S. 183 Offsite Drainage at Northgate Boulevard, Windmill Channel Improvement Project in the amount of \$96,788.00 - Public Works and Transportation Department. \$80,048.00 C.I.P. No. 627843 Drainage Funds/\$16,740.00 C.I.P. No. 237896 Wastewater Funds. (43.85% M/WBE Subcontractor participation) 89-C054-JJ

Approve a contract award to PRO LINE VIDEO, 3300 W. Anderson Lane, Austin, Texas, for I-NET Video Equipment not to exceed \$31,583.00 - Fire Department. (Low bid of three (3) bids. OX M/WBE Subcontractor participation) 89-0251-4K

Approve a contract award to BAKER & TAYLOR, Commerce, Georgia, for the New York Times, Bestsellers and other quickly needed books not to exceed \$37,000.00 - included in the 1989-90 budget for the Austin Public Library. (Low bid of five (5) bids. OX Subcontractor participation) 89-0130-LI

Approve a contract award to ROBLES COMPANY, 1506 Ridgehaven Drive, Austin, Texas, for Food and Beverage Concession at Morris Williams Golf Course Clubhouse - Parks and Recreation Department. (The contractor proposes to provide the total operation of a hot food concession including staffing, equipment, management, food service, and janitorial services to the patrons of Morris Williams Golf Course - Estimated revenue to the City \$61,180.00 per year to be placed in the PARD Golf Enterprise fund in the Morris Williams cost center.) [Best bid of three (3) bids. OX M/WBE Subcontractor participation.] 89-S144-EC

Approve a contract award to CAPITAL EXCAVATION COMPANY, INC., P.O. Box 1301, Austin, Texas, for the Construction of a Clay Liner at the City Landfill (10108 P.M. 812, Austin, Texas) in the amount of \$245,473.00 (funds are available for 1989-90 in fund #504) - Environmental and Conservation Services Department. Best bid of four (4) bids. OX M/WBE Subcontractor participation. 89-C058JJ

Authorize and approve an agreement with Travis County, in an amount not to exceed \$210,993.00 for the relocation of water and wastewater utilities for the County's Yager Lane C.I.P. project. (The project consists of 6,900 feet of water line adjustments and 10 feet of wastewater line adjustments - C.I.P. No. 227887, C.I.P. Serial No. 87/22-39 \$209,665.00; C.I.P. No. 237877 Serial No. 87/23-33 \$1,328.00.

Authorize application for and acceptance of grant funding from the 1990 Institute of Museum Services General Operating Support Grant. Funds would be used for the purchase of facility signage, exhibit rentals, staff development, consultants, and computers. (The deadline for submission of the grant is Friday, November 3, 1989)

Set a public hearing for an Austin Metropolitan Area Roadway Plan (AMARP) Amendment for Harris Branch Roadways (C2-89-01) for November 2, 1989 at 3:45 P.M.

ITEMS POSTPONED

Postponed to November 2, 1989 is approval of a contract award to Volume Services, 222 N. LaSalle, Chicago, Illinois, for a food and beverage concession at Palmer Auditorium and City Coliseum - Parks and Recreation Department.

Postponed to November 2, 1989 is approval of appointments to the Anti-Apartheid Task Force.

BRUSHY CREEK WATER CONTROL APPOINTMENTS

The following appointments were made to the Brushy Creek Water Control and Improvement District Board of Directors and Technical Committees:

Councilmember Smoot Carl-Mitchell, on Councilmember Urdy's motion, Councilmember Barnstone's second, 7-0 Vote.

Randy Goss, Technical Committee, on Councilmember Humphrey's motion, Councilmember Nofziger's second, 7-0 Vote.

Chris Lippe, Technical Committee, on Councilmember Humphrey's motion, Councilmember Urdy's second, 7-0 Vote.

SALES TAXES AND INTEREST PENALTIES

The Council, on Councilmember Carl-Mitchell's motion, Councilmember Humphrey's second, adopted a resolution authorizing the City Manager to pay \$377,171.61 (plus \$89.10 Interest per day beginning October 6) to the State of Texas Comptroller of Public Accounts for assessed State and MTA sales taxes and interest penalties identified through an audit of the period from July 1, 1985 through March 31, 1989. (7-0 Vote)

EMPLOYEE ASSISTANCE PROGRAM

The Council, on Councilmember Carl-Mitchell's motion, Councilmember Humphrey's second, adopted a resolution approving a contract award to Personal Performance Consultants, Inc. 11756 Borman Drive, St. Louis, Missouri, for the Employee Assistance Program - Law Department. (Total estimated contract amount: \$211,714.00 included in the 1989-90 Budget for the Employees Assistance Program.) (7-0 Vote)

PUBLIC HEARING SET

The Council, on Councilmember Carl-Mitchell's motion, Councilmember Humphrey's second, set a public hearing on November 2, 1989 at 3:00 P.M. for the following: (7-0 Vote)

- (a) Adoption of amendments to the Land Development Procedures (Chapter 13-1) governing additions to buildings owned by independent school districts; revising notice and appeal provisions governing relocation and demolition permits.
- (b) Adoption of amendments to the Interim Land Development Code concerning construction by independent school districts.

HUMANE SOCIETY -

The Council, on Councilmember Carl-Mitchell's motion, Councilmember Humphrey's second, adopted a resolution amending and extending the

Humane Society's contract for three months. (\$169,356.00 - included in the \$557,425.00 line item for the Humane Society in the 1989-90 budget for the Health and Human Services Department) (7-0 Vote)

DRUG ACTIVITIES

The Council, on Mayor Pro Tem Shipman's motion, Councilmember Humphrey's second, adopted a resolution requesting the City Manager to initiate programs to remove threat of illegal drug activities from Austin Housing Authority's public housing properties. (7-0 Vote)

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.

Legal Advice - Section 2, Paragraph e

- (a) Seek legal advice on Convention Center Project Management contract negotiations.

Pending Litigation - Section 2, Paragraph e

- (a) Settlement of Charles and Vickie Davis vs. City of Austin and Ann Marie Salerno
- (b) Pamela Whittington vs. City of Austin
- (c) Shelah Riggins & Susan Beck vs. City of Austin, Brackenridge Hospital and Don H. Gustafson, M.D.; Cause No. 447,066.

Land Acquisition - Section 2, Paragraph f

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

RECESS

Council recessed for executive session from 2:50 to 4:00 P.M.

PROPERTY FOR CONVENTION CENTER

The Council, on Councilmember Humphrey's motion, Councilmember Carl-Mitchell's second, authorized the City Manager to exercise options to purchase property located on Site F for the Convention Center Project, except for The University of Texas properties. (7-0 Vote)

SETTLEMENT

The Council, on Councilmember Carl-Mitchell's motion, Councilmember Nofziger's second, approved a settlement for Charles and Vickie Davis vs. City of Austin and Ann Marie Salerno in the amount of \$44,500.00.

SETTLEMENT

The Council, on Councilmember Carl-Mitchell's motion, Councilmember Nofziger's second, approved settlement in a personal injury lawsuit against Brackenridge Hospital styled Shelah Riggins and Susan Beck vs. City of Austin, Brackenridge Hospital and Don H. Gustafson, M.D., Cause No. 447,066 - \$160,000 and approximately \$10,000 in court costs. (7-0 Vote)

ZONING HEARING

Mayor Cooke announced Council would hear the following zoning case. Council heard, closed the public hearing, waived the requirement for three readings to approve an ordinance for the following:

C14h-74-026 - TRASK HOUSE by Robert F. Davis, 105 Neches Street, Austin, Texas from "CBD-H" to "CBD". NO RECOMMENDATION. NOT A QUORUM VOTE.

ORDINANCEHOUSE WILL BE ZONED "H" WHEN IT IS MOVED

(On Councilmember Nofziger's motion, Councilmember Carl-Mitchell's second, 6-1 Vote, Mayor Pro Tem Shipman voted No.)

LOBBYISTS

The Council, on Councilmember Barnstone's motion, Mayor Pro Tem Shipman's second, waived the requirement for three readings and finally passed the following ordinances in one motion: (7-0 Vote)

- Approved an ordinance amending Chapter 9-6 of the Code of the City of Austin, 1981, relating to "lobbying", by adding additional disclosure requirements.
- Amended the City's financial disclosure ordinance and other requirements to include lobbyists.
- Approved an ordinance prohibiting the contingency fees on lobbying activities.

EXECUTIVE SESSION

Mayor Cooke announced that Council would go into executive session pursuant to Article 6252-17, Texas Revised Civil Statutes Annotated, to discuss 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.

Personnel Matters - Section 2, Paragraph g

- (a) Performance evaluation and review of City Clerk
- (b) Performance evaluation and review of Municipal Court Clerk

RECESS - Council recessed for executive session from 5:55 to 7:35 P.M.

REVIEWS

The Council, on Councilmember Humphrey's motion, Councilmember Urdy's second, voted to raise the City Clerk's salary \$4,000.00 and give an eight per cent salary increase to the Municipal Court Clerk. (6-0 Vote, Councilmember Barnstone out of the room)

PUBLIC HEARING CANCELLED

The public hearing on an appeal of the Building Standard Board's decision regarding the demolition of a structure at 800 New Castle was cancelled as the appellant has withdrawn.

PUBLIC HEARING SET

The Council, on Councilmember Carl-Mitchell's motion, Councilmember Humphrey's second, set a public hearing regarding establishment of guidelines and criteria governing tax abatement agreements and establishing a reinvestment zone for November 2, 1989 at 2:00 P.M. (6-0 Vote, Councilmember Barnstone out of the room.)

GOLF

The Council, on Councilmember Humphrey's motion, Councilmember Carl-Mitchell's second, adopted a resolution directing the City Manager to take the necessary step to determine the financial feasibility of adding an additional 18 holes at the Jimmy Clay Golf Course. (6-0 Vote, Councilmember Barnstone out of the room.)

The Council, on Councilmember Humphrey's motion, Councilmember Carl-Mitchell's second, waived the requirement for three readings and finally passed an ordinance amending the 1989-90 Parks and Recreation Department Golf Enterprise Fund budget by allocating \$50,000.00 from the 1988-89 Golf Fund for the design of an irrigation system and water supply line for Morris Williams Golf Course. (6-0 Vote, Councilmember Barnstone out of the room.)

CAPITAL METRO TRANSIT AUTHORITY BOARD

The Council approved several appointments to the Capital Metropolitan Transit Authority Board.

Dennis Garza - Councilmember Nofziger's motion, Councilmember Humphrey's second, 6-1 Vote, Mayor Cooke voted No.

Steve Bayer - Councilmember Nofziger's motion, Councilmember Humphrey's second, 6-0 Vote, Councilmember Barnstone out of the room.
Jeff Minch

Judy Walker - (Did not approve) Mayor Pro Tem Shipman's motion, Councilmember Carl-Mitchell's second, 3-3-0 Vote, Mayor Cooke, Councilmembers Nofziger & Humphrey No, Councilmember Barnstone out of room.

Lyndon Henry - Councilmember Humphrey's motion, Councilmember Nofziger's second, 4-2 Vote, Councilmember Urdy and Mayor Cooke voted No, Councilmember Barnstone out of the room.

Barbara Burton - Councilmember Urdy's motion, Councilmember Nofziger's second, 6-0 Vote, Councilmember Barnstone out of the room.

CITIZEN COMMUNICATION

Dorothy Turner asked Council if they would periodically tell the television viewers what time the meeting would end so that citizens could appear before Council at the end of a meeting.

ADJOURNMENT

Council adjourned its meeting at 7:45 P.M.