



Austin City Council MINUTES

For **SEPTEMBER 7, 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 August 24, 1989 and special meetings of August 21, 22, 24 and 31, 1989. (5-0 Vote, Councilmembers Carl-Mitchell and Urdy out of the room.)

BOARD AND COMMISSION REPORTS

David Rodriguez, Arts Commission, reported on cultural arts funding and recommendation regarding cultural affairs division budget for FY 1989-90.

Steve Paulson, Environmental Board, reported on goals of special committee on Urban Watershed Management Issues and recommendations of Urban Watershed Management Committee on Environmental Review of C.I.P. Projects.

AIRPORT BOND ITEMS

The Council, on Councilmember Carl-Mitchell's motion, Councilmember Humphrey's second, waived the requirement for three readings and finally passed an ordinance authorizing the issuance and sale of City of Austin, Texas, Airport System, Prior Lien Revenue Bonds, Series 1989 in the amount of \$30,000,000.00 to Morgan Stanley for 7.5351%. (6-1 Vote, Councilmember Barnstone voted No.)

The Council, on Councilmember Carl-Mitchell's motion, Councilmember Humphrey's second, adopted a resolution approving execution of a Paying Agent/Registrar with MTrust National Association in Austin, Texas in relation to the City of Austin, Texas, Airport System, Prior Lien Revenue Bonds, Series 1989. (\$500.00 Revenue)

The Council, on Councilmember Carl-Mitchell's motion, Councilmember Humphrey's second, authorized and approved transfer from the Aviation Expansion Fund to Aviation Operating Fund for FY 1988-89. (\$2,072,000.00 from proceeds of sale of Revenue Bonds scheduled for September 1989.) (6-1 Vote, Councilmember Barnstone voted No.)

BOARD & COMMISSION REPORTS - CONTINUED

Rosa Rios-Valdez and Beverly Watt Davis, Minority/Women Business Enterprise Committee, reported on anti-apartheid and OMBA staffing concerns.

RECESS

Council recessed its meeting from 2:05 to 2:15 P.M.

BUDGET AMENDMENT

The Council, on Councilmember Carl-Mitchell's motion, Mayor Pro Tem Shipman's second, adopted an ordinance amending the 1988-89 Capital Budget by appropriating \$4,500,000.00 of Capital Metropolitan Transportation Authority (CMTA) 1989 Mobility Plan Funds to the Transportation and Improvement Fund. (6-0 Vote, Councilmember Urdy out of the room.)

CONSTRUCTION CONTRACT

The Council, on Councilmember Carl-Mitchell's motion, Mayor Pro Tem Shipman's second, adopted a resolution approving a construction contract to Pelzel & Associates, Inc. (WBE), 5524 Bee Caves Road, Austin, Texas, for an office storage building at the City landfill in an amount of \$45,900.00 for the Department of Transportation and Public Services. (6-0 Vote, Councilmember Urdy out of the room.)

CONSENT ORDINANCES

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

Zoning Ordinance

Passed through second/third readings of an ordinance amending Chapter 13-2 of the Austin City Code to rezone the property locally known as the property situated north of West Slaughter Lane & west of South 1st Street, Case No. C14-89-0016-CO, Tract 1 from "DR" to "GR-CO", Tract 2 from "DR" to "MF-3-CO". First reading: June 29, 1989; vote 6-0, Councilmember Humphrey out of the room. Conditions met as follows: Conditional Overlay Ordinance incorporates conditons imposed by Council. Right-of-way requirement for Slaughter Lane and South First Street has been accomplished as follows: Slaughter First Ltd. executed a General Warranty Deed July 11, 1989 conveying right-of-way to Travis County.

Interlibrary Loan Contract

Accpeted an increase of \$768.00 to Interlibrary Contract 373.2 from the Texas State Library and Archives Commission to consider amend-

ing the 1988-89 Annual Operating Budget by appropriating this money to the Austin Public Library.

Budget Amendment

Amended the 1988-89 Operating Budget by appropriating \$65,500.00 for the month of September, 1989 for grant funds received from the Texas State Library and Archives Commission for Library development. (6-0 Vote, Councilmember Urdy out of the room.)

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: (6-0 Vote, Councilmember Urdy out of the room.)

Grand Avenue Parkway

Authorized the execution of an agreement for landscape liability and maintenance of public right-of-way known as Grand Avenue Parkway.

Contracts Approved

Approved the following contracts:

Approved a construction contract to DAYCO CONSTRUCTION COMPANY, 12819 Dessau Road, Austin, Texas, for the Tannehill Branch of Boggy Creek, Phase 3A Street and Drainage Improvements Project in the total amount of \$303,636.37. - Transportation and Public Services Department. Low bid of seven (7) bids, 16.2% M/WBE subcontractor participation. (Funds provided from C.I.P. Fund 607665) 89-C040-JJ

Approved a construction contract to UNDERGROUND UTILITIES COMPANY, P.O. Box 790, Del Valle, Texas, for Skyline Creek Wastewater Main which will provide wastewater service to the area west of North Lamar Blvd. between Kramer Lane and Walnut Creek Metropolitan Park in the amount of \$461,116.00 - Transportation and Public Services Department. (Funding included in C.I.P. No 237773) Low bid of five (5) bids. 12.90% M/WBE subcontractor participation. 89-C048-JJ

Approved a construction contract to AUSTIN ENGINEERING, INC., P.O. Box 161990, Austin, Texas, for an 8" Wastewater Line in the 4900 to 5200 blocks of East Oltorf Street in the amount of \$45,750.00 (The amount of \$74,700.00 has been budgeted from the C.I.P. Program Budget) - Water and Wastewater Department. Low bid of four (4) bids. 14.97% M/WBE subcontractor participation. 89-C044-JJ

Approved a contract award to KENNEDY BRUSH COMPANY, 13899 W. 101 Street, Lenexa, Kansas, for Street Sweeper Brooms not to exceed \$29,190.00 - General Services Department. Low bid of five (5) bids meeting specifications, 0% M/WBE subcontractor participation. 89-0219-KK

9/7/89

Approved a contract award to POWER SUPPLY OF AUSTIN, P.O. Box 9908, Austin, Texas, and Techline, Inc. P.O. Box 9249 Austin, Texas, (General Service Fund 78403) for Streetlight Luminaries and Associated Replacement Part not to exceed \$763,232.50 - General Services Department. Low bid of eight (8) bids, 0% M/WBE subcontract participation. 89-0211-OM

Approved a contract (RFP) to ACKERLEY AIRPORT ADVERTISING, INC., 2001 Sixth Avenue, Suite 3300, Seattle, Washington, for Terminal Display Advertising Concession - Department of Aviation. (Estimated revenue to the City of \$850,000.00 over five (5) years to be placed in the Department of Aviation Operating Fund). Best proposal of two (2) received, 10% M/WBE subcontract participation. 89-S165-EC

Approved a contract (RFP) to GOAL SYSTEMS, P.O. Box 96694, Houston, Texas, for Job Scheduling Software in an amount not to exceed \$59,950.00 (funding is included in the FY 1988-89 budget under Fund/Division Center 56460 and Object Code 5230) - Information Systems Department. Best proposal of five (5) received, 0% M/WBE subcontractor participation. 89-S063-AB

Public Hearings Set

Set a public hearing on an appeal of the Planning Commission's decision to deny an appeal of an approved site plan for New Apostolic Church, 1906 Miles Avenue for October 12, 1989 at 5:00 P.M.

Set a public hearing for the dedication of a 20 foot wide by approximately 65 feet long permanent wastewater easement out of dedicated parkland known as Dittmar Park for October 12, 1989 at 6:15 P.M.

Set a public hearing on the annexation of 9.95 acres into the Northwest Travis County MUD No. 2 for October 12, 1989 at 6:30 P.M.

CONVENTION CENTER

The Council, on Councilmember Carl-Mitchell's motion, Mayor Pro Tem Shipman's second, authorized the City Manager to extend the agreement for the legal services of Armbrust and Brown in connection with land acquisition for the Convention Center at an additional cost of not-to-exceed \$20,000.00. (6-0 Vote, Councilmember Urdy out of the room.)

The Council, on Councilmember Carl-Mitchell's motion, Mayor Pro Tem Shipman's second, adopted a resolution authorizing Phase III, design, development and construction documents and Phase IV, construction of architectural services of Austin Collaborative Center at an additional cost not to exceed \$3,280,078.00. (6-0 Vote, Councilmember Urdy out of the room.)

The Council, on Councilmember Carl-Mitchell's motion, Mayor Pro Tem Shipman's second, authorized acquisition through Eminent Domain proceedings of 5,504 square feet of land, more or less, currently owned

by George Zegub Jr. for the proposed Austin Convention Center which is described as the west 43 feet of Lot 6, Block 13, Original City of Austin, and more particularly described in the resolution. (6-0 Vote, Councilmember Urdy out of the room.)

ITEMS POSTPONED

Postponed to September 21, 1989 is consideration of authorizing the acquisition through Eminent Domain proceedings of 17,664 square feet of land, more or less, currently owned by Austin Carbonic Company, Inc. for the proposed Austin Convention Center which is described as the west 66 feet of Lot 8, Block 14, Original City of Austin, and more particularly described in the resolution.

Postponed to September 21, 1989 is consideration of a resolution rescinding the action taken by Council on January 26, 1989 regarding Zoning Case No. C14-88-0096 (Shellberg Tract).

Postponed indefinitely is action on Zoning Case C14-88-0096, Shellberg Tract Joint Venture.

Postponed to September 21, 1989 is consideration of amending the Anti-Apartheid Ordinance to include parent companies in the definition of "Doing Business" in South Africa or Namibia.

Postponed to September 21, 1989 is consideration of creating a task force to define guidelines for the implementation for the Anti-Apartheid Ordinance.

Postponed to September 14, 1989 is consideration of approving an Economic Development Incentive package for U.S. Memories, Inc.

Postponed indefinitely is discussion and clarification of direction to staff regarding airport concession contracts to Dobbs House, Inc.

Postponed to September 21, 1989 is selection of professional engineering services for water and wastewater services.

NATIONAL LEAGUE OF CITIES

The Council, on Councilmember Carl-Mitchell's motion, Mayor Cooke second, approved the designation of Mayor Cooke as the Voting Representative of the National League of Cities. (6-0 Vote, Councilmember Barnstone out of the room.)

POLICY COMMITTEE ON THE USE OF PARKLAND

Council had before them for consideration amending the ordinance which established the Policy Committee on the Use of Parkland by increasing the membership by two people and making appointments. This item was introduced by Councilmember Nofziger. Mayor Cooke made a friendly amendment, accepted by Councilmember Nofziger to increase the

membership by three people.

Motion

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 ordinance which established the Policy Committee on the Use of Parkland by increasing the membership by two people and making appointments of French Smith, Larry Akers and Pat Kaufman. (6-0 Vote, Councilmember Urdy out of the room.)

COUNCIL SUBCOMMITTEE FOR MUNICIPAL COURT AND JUDGES

The Council, on Councilmember Carl-Mitchell's motion, Mayor Cooke's second, approved the concept of approving the formation of a Council subcommittee for Municipal Court and Judges. (5-0 Vote, Councilmembers Barnstone and Urdy out of the room.)

1990 ECONOMIC SUMMIT

The Council, on Councilmember Carl-Mitchell's motion, Mayor Cooke's second, adopted a resolution endorsing the selection of San Antonio as a site for the 1990 Economic Summit. (5-0 Vote, Councilmembers Barnstone and Urdy out of the room.)

REIMBURSEMENT FOR EXPENSES

The Council, on Councilmember Carl-Mitchell's motion, Mayor Pro Tem Shipman's second, approved reimbursement in the amount of \$202,294.74 to Crow Austin Regional Division, Inc. for expenses incurred in connection with the reconstruction of the 300 block of Congress Avenue. - Transportation and Public Services Department C.I.P. No. 75/62-09. (5-0 Vote, Councilmembers Barnstone and Urdy out of the room.)

PLEASANT VALLEY ROAD PROJECT

The Council, on Councilmember Carl-Mitchell's motion, Councilmember Nofziger's second, authorized and approved the selection of Coneway & Associates, 3103 Bee Cave Road, No. 202, Austin, Texas for engineering services for the Pleasant Valley Road Project from Button Bend Road to East St. Elmo Road. - Transportation and Public Services Department. (5-0 Vote, Councilmembers Urdy and Barnstone out of the room.)

NURSING CONTRACT

The Council, on Councilmember Nofziger's motion, Councilmember Carl-Mitchell's second, adopted a resolution approving a contract to Nurses Plus, Austin, Texas; Girling Health Care, Inc., Austin, Texas, and Norrell Health Care, Austin, Texas for Brackenridge Hospital Supplemental Staffing on an as-needed basis, not to exceed \$1,680,000.00. (6-0 Vote, Councilmember Humphre abstained.)

CONVENTION CENTER DEPARTMENT

The Council, on Councilmember Barnstone's motion, Councilmember Nofziger's second, waived the requirement for three readings and finally passed an ordinance directing the City Manager to establish a Convention Center Department, develop a budget and hire a director of said department. (7-0 Vote)

FOREIGN TRADE ZONE

The Council, on Councilmember Humphrey's motion, Councilmember Nofziger's second, adopted a resolution supporting the concept of a Foreign Trade Zone for Austin and Central Texas and the formation of a non-profit organization to do a feasibility study. (5-0, Mayor Pro Tem Shipman and Councilmember Barnstone out of the room.)

NO ACTION ON RED BUD TRAIL ITEM

No action was taken on an ordinance authorizing the calling of an election for the issuance of \$10,000,000.00 of revenue bonds for the improvement and expansion of Red Bud Trail leading to Ullrich Water Treatment Plant.

PUBLIC HEARING - STREET VACATION

Mayor Cooke opened the public hearing on street vacation. No one spoke.

Motion

The Council, on Councilmember Nofziger's motion, Councilmember Barnstone's second, closed the public hearing, waived the requirement for three readings and finally passed an ordinance vacating Hill Country Lane (5100-5600 Blk.) save and except the northern most 430.50 (Request submitted by Clark, Thomas, Winters and Newton on behalf of Storm Properties, Judge John C. Phillips, Sr. and Leif Johnson Ford, Inc.) (5-0 Vote, Councilmember Urdu and Humphrey 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) City of Austin v. United States Fidelity & Guaranty Co. and Turner, Collie & Braden, Inc.; Civil Action A-88-862, in the United States District Court for the Western District of Texas (Austin Division) (and related litigation).
- (b) City of Austin v. USF&G

- (c) City of Austin v. HL&P
- (d) City of Austin v. Texas Water Commission
(MUD rate cases)
- (e) Mary Williams v. City of Austin
- (f) HexiArte at v. City of Austin

**** See Page 10 for vote concerning Mary Williams v. City of Austin

RECESS

Council recessed for executive session at 3:55 and resumed its recessed meeting at 4:45 P.M.

CITIZEN COMMUNICATIONS

Mria F. Rocha discussed the City's upcoming budget and employee relations. Carol Guthrie was not present. Dorothy Jackson and Lillian M. Reeves discussed flooding conditions in the Windsor Park Area. Arthur T. Turner was not present, nor was Roberto Aguaya, Paula Brewer or Gerald Daugherty. Joyce Howell presented information concerning the National Red Ribbon Campaign designated for October 22-29, 1989. Donna Love Lee also discussed the Red Ribbon Campaign.

PUBLIC HEARING - INTERIM LAND DEVELOPMENT CODE

Mayor Cooke opened the public hearing on the Interim Land Development Code concerning parking for theatres. 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, waived the requirement for three readings and finally passed an ordinance amending the Interim Land Development Code. (7-0 Vote)

PUBLIC HEARING - LAND DEVELOPMENT CODE

Mayor Cooke opened the public hearing on proposed amendments to the Land Development Code. No one appeared to speak.

Motion

The Council, on Councilmember Carl-Mitchell's motion, Councilmember Nofziger's second, closed the public hearing, waived the requirement for three readings and finally passed an ordinance amending Sections 13-2-13-2-221 of the Land Development Code and adding certain provisions to Section 13-2-661 concerning the Convention Center and its uses. (This is the base ordinance without the Planning Commission's amendments.) (6-0 Vote, Councilmember Humphrey out of the room.)

9/7/89

PUBLIC HEARING - SOUTHWEST PARKWAY

Mayor Cooke opened the public hearing set for 6:00 P.M. concerning Southwest Parkway. Speaker's cards are on file in the City Clerk's office.

Motion

The Council, on Mayor Pro Tem Shipman's motion, Mayor Cooke's second, closed the public hearing, waived the requirement for three readings and finally passed an ordinance amending Chapter 13-2 to designate William Cannon Drive between Brodie Lane and Southwest Parkway a scenic arterial and enact appropriate sign regulations. (6-1 Vote, Councilmember Barnstone voted No.)

PUBLIC HEARING - CAPITAL RECOVERY FEES

Mayor Cooke opened the public hearing on amending the Capital Recovery Fee Ordinance. There were no speakers.

Motion

The Council, on Mayor Pro Tem Shipman's motion, Councilmember Nofziger's second, closed the public hearing, waived the requirement for three readings and finally passed an ordinance amending the Capital Recovery Fee Ordinance No. 880630-B and Section 13-3-3 of the Land Development Code to set new Capital Recovery Fees of \$1,252.00 and \$1,303.00 for water and wastewater respectively. (6-0 Vote, Councilmember Urdy out of the room.)

BOARD AND COMMISSION APPOINTMENTS

Council made the following board and commission appointments. Motions and votes follow each category.

CABLE COMMISSION

MS. CONSUELO TREVINO (On Mayor Pro Tem Shipman's motion, Councilmember Barnstone's second, 7-0 Vote)

COMMUNITY DEVELOPMENT COMMISSION

MR. DON LEVERTY (Mayor Pro Tem Shipman's motion, Councilmember Carl-Mitchell's second, 7-0 Vote)

ENVIRONMENTAL BOARD

MR. JAMES BECHTOL
DR. JACK GARRETT
MR. JACK GOODMAN
MR. EMMITT HAYES
MS. REGINA SHULTS
MS. JACQUELINE THOMAS

(On Councilmember Nofziger's motion, Councilmember Carl-Mitchell's second, 7-0 Vote)

ETHICS COMMISSION

MR. GREGORY HARTMAN (Councilmember Carl-Mitchell's motion, Councilmember Humphrey's second, 7-0 Vote)

HUMAN RIGHTS COMMISSION

MR. JEF FATH-FAURE (Mayor Pro Tem Shipman's motion, Councilmember Nofziger's second, 7-0 Vote)

LIBRARY COMMISSION

MR. JESSE CARRILLO (Councilmember Nofziger's motion, Councilmember Barnstone's second, 7-0 Vote)

PRIVATE INDUSTRY COUNCIL

MR. CECIL HAYES (Councilmember Carl-Mitchell's motion, Councilmember Urdy's second, 7-0 Vote)

RESOURCE MANAGEMENT COMMISSION

All Votes 7-0

MR. ROGER DUNCAN (Councilmember Carl-Mitchell's motion, Councilmember Humphrey's second)
MS. GLEE INGRAM (Councilmember Nofziger's motion, Councilmember Carl-Mitchell's second)
MS. SHERYL MCLAUGHLIN (Councilmember Humphrey's motion, Councilmember Barnstone's second)

URBAN TRANSPORTATION COMMISSION

MR. MANUEL ARISPE (Councilmember Carl-Mitchell's motion, Councilmember Nofziger's second, 7-0 Vote)

WATER AND WASTEWATER COMMISSION

All Votes 7-0

MR. RICHARD DIMERY (Councilmember Urdy's motion, Councilmember Humphrey second)
DR. LARRY DEUSER (Mayor Cooke motion, Councilmember Humphrey's second)
MR. TOM REMALEY (Councilmember Carl-Mitchell's motion, Councilmember Humphrey's second)

ITEM POSTPONED

Postponed to September 21, 1989 is consideration of an ordinance requesting a variance on behalf of Faith Presbyterian Church.

MARY WILLIAMS V. CITY OF AUSTIN

As a result of discussion in executive session, the Council, on Mayor Pro Tem Shipman's motion, Councilmember Barnstone's second, directed the City Attorney to proceed with settlement with Mary Williams. (5-0 Vote, Councilmembers Carl-Mitchell and Urdy out of the room.)

ADJOURNMENT

Council adjourned its meeting at 7:50 P.M.