



## Austin City Council MINUTES

For AUGUST 24, 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 Councilmember Barnstone's motion, Councilmember Humphrey's second, approved minutes for regular meetings of August 15 and 17 and special meetings of August 15 and 16, 1989. (4-0 Vote, Mayor Cooke, Councilmembers Carl-Mitchell and Urdy out of the room.)

### LABOR DAY PARADE

The Council, on Councilmember Barnstone's motion, Councilmember Humphrey's second, approved the City of Austin's co-sponsorship with the Austin AFL-CIO Council for a Labor Day Parade. (4-0 Vote, Mayor Cooke, Councilmembers Carl-Mitchell and Urdy out of the room.)

### MBE/WBE ENTERPRISE ITEMS

The Council, on Councilmember Humphrey's motion, Councilmember Nofziger's second, waived the requirement for three readings and finally passed an ordinance amending Ordinance No. 870219-Q, The Minority-Owned and Women Owned Business Enterprise Ordinance, by amending the appeals procedure for denial of certification. (5-0 Vote, Mayor Cooke, Councilmember Urdy out of the room.)

The Council, on Councilmember Humphrey's motion, Councilmember Nofziger's second, adopted a resolution to ratify contracts held by members of M/WBE Advisory Committee. (5-0 Vote, Mayor Cooke and Councilmember Urdy out of the room.)

### CONSENT ORDINANCES

The Council, on Councilmember Carl-Mitchell's motion, Councilmember Humphrey's second, waived the requirement for three readings and finally passed the following ordinances all in one consent motion: (5-0 Vote, Mayor Cooke and Councilmember Urdy out of the room.)

### Variance

Approved a request for a variance from right-of-way dedication for Open Door Church of God in Christ at 3317 E. 12th Street.

City Code

Amended Chapter 2-4 of City Code by adding a provision for removal of members of Council appointed boards and commissions who fail to file financial disclosure reports.

Library Grant

Authorized and accepted a grant from the Texas State Library and Archives Commission to provide Interlibrary Loan Services from September 1, 1989 to August 31, 1990 and approved amending the 1988-89 Operating Budget by appropriating \$13,198.00 of the grant amount to the Austin Public Library for the month of September, 1989. (5-0 Vote, Mayor Cooke and Councilmember Urdy out of the room.)

## ITEMS POSTPONED

Postponed to September 7, 1989 is consideration of amending the 1988-89 Capital Budget by appropriating \$4,500,000.00 of Capital Metropolitan Transportation Authority (CMTA) 1989 Mobility Plan funds to the Street Resurfacing Fund.

Postponed to September 7, 1989 is consideration of a request for a variance from right-of-way dedication for Faith Presbyterian Church, 1314 East Oltorf.

Postponed to September 7, 1989 is authorization and approval of the selection of Coneway and Associates for engineering services for the Pleasant Valley Road Project.

Postponed to September 7, 1989 is approval of Black and Veatch Engineers for Circle Drive Reservoir Project.

Postponed to September 7, 1989 is a resolution authorizing the City Manager to hire a Convention Center Director.

Pulled off the agenda is consideration of authorizing the City Manager or her designee to negotiate and execute an agreement between the City of Austin & Metropolitan Government, Nashville, Tn. for sale of Austin's interest in the Resource Recovery Generating Plant.

Postponed to August 31, 1989 is consideration of an ordinance adopting and approving the Capital Budget for the fiscal year beginning October 1, 1989 and terminating September 30, 1990 in the amount of \$406,961,388.00.

Postponed to September 7, 1989 is consideration of amending Anti-Apartheid Ordinance to include parent companies in the definition of "Doing Business" in South Africa or Namibia.

Postponed to September 7, 1989 is consideration of making appointments for Municipal Court Judges.

Postponed to September 7, 1989 is consideration of creating a task force to define guidelines for the implementation for the Anti-Apartheid Ordinance.

#### CONSENT RESOLUTIONS

The Council, on Councilmember Humphrey's motion, Councilmember Nofziger's second, adopted the following resolutions all in one consent motion: (4-0 Vote, Mayor Pro Tem Shipman, Councilmembers Barnstone and Urdy out of the room.)

#### Release of Easement

Authorized release of the Electric and Telephone Easement recorded in Volume 2205, Page 408 of the Real Property Records of Travis County, Texas, locally known as 2506 Parmer Lane.

#### Contract Awards

Awarded the following contracts:

SURFACE PREPARATION & COATING ENTERPRISES, INC., for the Hornsby Bend Sludge Management Facility; South Austin Regional Digesters Coating Rehabilitation & Improvements in the amount of \$478,000.00 - Transportation and Public Services Department, Water and Wastewater Department.

BAXTER V. MUELLER for twelve month supply agreement for Electrosurgical Cutting and Coagulation devices and accessories not to exceed \$43,246.68 - Brackenridge Hospital.

BAXTER HOSPITAL SUPPLY, San Antonio, polyvent pads and bed pads (1 item cost not to exceed \$29,040.00) and to NATIONAL HEALTH CARE, Houston, (1 item cost not to exceed \$42,768.00) total not to exceed \$71,808.00 - Brackenridge Hospital.

UNITED MEDICAL, San Antonio, twelve month supply agreement for crutches and canes not to exceed \$30,870.96 - Brackenridge Hospital.

SOUTHERN SAFETY SALES, Austin, disposable tubing, nebulizers and ventilator sets for a total cost not to exceed \$30,499.92 - Twelve month supply agreement - Brackenridge Hospital.

TECHLINE, Austin, street light poles in an amount not to exceed \$68,048.00 - General Services Department.

WESTINGHOUSE ELECTRIC SUPPLY COMPANY, Austin, for a six month supply agreement for polyvinyl chloride (PVC) conduit - General Services department.

QUALITY MANUFACTURING INC., Talledaga, Alabama, \$35,208.00 for purchase of replacement cab assembly for a damaged 1987 City fire pumper.

GSX SERVICES, INC., Greenbriar Pike, Greenbriar, Tennessee, in the amount of \$31,323.00 for unexpected charges incurred that were above the amount agreed upon in the original contract.

OVERHEAD DOOR COMPANY OF AUSTIN, Austin, for the maintenance of Overhead Doors in the amount of \$31,870.00 - Office for Multiple City Departments.

TEXAS DEPARTMENT OF CORRECTIONS, Huntsville, Texas, for tire retreading service not to exceed \$35,266.00 - General Services Department.

Public Hearings Set

Hearing on an amendment to the Interim Land Development Code concerning parking for shopping centers: September 21, 1989 at 4:30 P.M.

Hearing to consider amending Title XIII, Interim Land Development Code to allow the establishment of Planned Unit Development Districts in the Extraterritorial Jurisdiction: September 21, 1989 at 6:00 P.M.

Wastewater - Terrell Lane Basin Area

Approved an amendment to the restated agreement regarding the construction of improvements to the City of Austin's Wastewater System in the Terrell Lane Basin Area.

GRANT APPLICATION

The Council, on Councilmember Barnstone's motion, Councilmember Nofziger's second, adopted a resolution to support the grant application to the Texas State Library and Archives for a literacy project. (6-0 Vote, Mayor Pro Tem Shipman out of the room.)

UMLAUF SCULPTURE GARDEN

The Council, on Councilmember Barnstone's motion, Councilmember Carl-Mitchell's second, approved of a Community Facilities Agreement for the construction of the Umlauf Sculpture Garden. (5-0 Vote, Mayor Pro Tem Shipman and Councilmember Humphrey out of the room.)

COMMITTEE APPOINTMENT

The Council, on Councilmember Nofziger's motion, Councilmember Carl-Mitchell's second, appointed Enrique Lopez as a member of the Aqua Fest Negotiating Committee. (5-0 Vote, Mayor Pro Tem Shipman and Councilmember Humphrey out of the room.)

BID REJECTED

The Council, on Councilmember Urdy's motion, Councilmember Barnstone's second, rejected a contract to Walgreen Company for management of private pharmacy services to the Medical Assistance Program in the amount of \$1,260,000.00 - Health Department, and directed that the project be re-bid. (7-0 Vote)

CONTRACTS APPROVED

The Council, on Councilmember Humphrey's motion, Councilmember Nofziger's second, adopted resolutions approving the following contracts: (5-0 Vote, Councilmember Carl-Mitchell and Mayor Pro Tem Shipman out of the room.)

SECHRIST-HALL COMPANY, INC. Austin, for the reroofing of the Manchaca Branch Library in the amount of \$91,471.00 - Transportation and Public Services Department. C.I.P. No. 857175.

MAC ROOFING AND SUPPLIES, INC., Port Arthur, for reroofing and related work at Givens Recreation Center in the amount of \$102,260.00 - Transportation and Public Services Department. C.I.P. 86710/867456.

#### DISANNEXATION

The Council, on Councilmember Urdy's motion, Councilmember Carl-Mitchell's second, waived the requirement for three readings and finally passed an ordinance disannexing certain property annexed for limited purposes, pursuant to the provisions of SB 962: (7-0 Vote)

- a. C7ad-89-101 Approximately 7.5 acres of a tract owned by Olive W. Huffman at Hwy. 71 W. (206)
- b. C7ad-89-102 Approximately 2.260 acres owned by John A. Joseph at I-35 N. and Rudy Dr. (209)
- c. C7ad-89-103 Approximately 25.097 acres in 3 lots owned by Charles Birden et al at F.M. 620 N. and Anderson Mill Rd. (210)
- d. C7ad-89-104 Approximately 9.69 acres owned by Federal Deposit Insurance Corporation at 9512 RM 2222. (212)
- e. C7ad-89-105 Approximately 4.926 acres owned by Hazel J. Herring at RM 2222. (213)
- f. C7ad-89-106 Approximately 4.539 acres owned by Ernest Lundelius Jr. at Old Lampasas Trail and Spicewood Springs. (214)
- g. C7ad-89-107 Approximately 20.99 acres in 3 lots owned by B J Barnhart at 12612 North Lamar. (215)
- h. C7ad-89-108 Approximately 29.35<sup>acres</sup>/in 3 tracts owned by James Richards at Spicewood Springs Rd. (217)
- i. C7ad-89-109 Approximately 211.14 acres in 7 tracts in the W. L. Richards Estate at Spicewood Springs Rd. (218)
- j. C7ad-89-110 Approximately 1.155 acre owned by Errico Nicholas at 11302 FM 2222. (219)
- k. C7ad-89-111 Approximately 15.936 acres owned by Irvin Fortune at FM 620/F.M. 2769. (220)
- l. C7ad-89-112 Approximately 5.18 acres owned by William Guyton at 3609 Stoneridge Rd. (221)

- m. C7ad-89-113 Approximately 1.014 acre owned by Global Enterprises, Inc. at 10000-11000 RM 2222. (223)
- n. C7ad-89-114 Approximately 0.941 acre in 4 parcels owned by John Schneider, Howard Klotz, Beatrice Shumate, and Jose Gil in the six lot resubdivision of a portion of Walnut Forest Subdivision at 504 E. Braker Lane. (222)
- o. C7ad-89-115 Approximately 0.9 acre owned by Dennis Romig at 8539 Thunderbird (Oak Hill). (193)

## ACVB

The Council, on Mayor Pro Tem Shipman's motion, Councilmember Carl-Mitchell's second, approved the revised budget and program of work for the Austin Convention and Visitors Bureau. (7-0 Vote)

The Council, on Mayor Pro Tem Shipman's motion, Mayor Cooke's second, waived the requirement for three readings and finally passed an ordinance repealing Ordinance 861120-J; creating the Convention and Visitors Bureau Department; amending Ordinance No. 860717-X to require compliance therewith by the Commission; directing the City Manager to develop a budget and work plan for said department; and creating the Commission on Conventions and Visitors. (6-1 Vote, Councilmember Humphrey voted No.)

## RECESS

Council recessed its meeting from 2:50 to 3:00 P.M.

## DOBBS HOUSE

Council had before them for consideration approval of an amendment to the Dobbs House, Inc. Agreement providing for increased rental rates to be paid to the City, renovation of existing facilities, construction of new facilities, and MBE/WBE participation.

Motion

Councilmember Barnstone made a motion, seconded by Mayor Cooke to accept the amendment with no extension, and subject to TABC ruling.

Substitute Motion

The Council, on Councilmember Carl-Mitchell's motion, Councilmember Nofziger's second, adopted a resolution approving Proposal 1, which would extend the term to June 30, 1994, provide over 19% concession spaces for local and or MBE/WBE with a goal of 35% of gross revenues produced by local and/or MBE/WBE. (4-3 Vote, Mayor Cooke, Councilmembers Barnstone and Humphrey voted No.)

## ZONING HEARINGS

Mayor Cooke announced Council would hear the following zoning cases. Council heard, closed the public hearings, passed ordinances, or passed through first reading only where required and postponed one case. Disposition of cases is as follows.

C14-89-0038 - CITY OF AUSTIN by Parks & Recreation Department, West Slaughter Lane and Palace Parkway, from "DR" to "P", RECOMMENDED. ORDINANCE

C14-89-0039 - CITY OF AUSTIN by Parks and Recreation Department, bounded by South Lamar Boulevard, Town Lake, South 1st Street and Barton Springs Road, from "CS-1", "CS", "SF-3" & "LI" to "P", RECOMMENDED. ORDINANCE

C14-89-0035 -MARK FINLEY by Michael R. McHone, 408 West 21st Street, from "MF-4" to "GR-MU-CO" RECOMMENDED subject to limiting the commercial uses to: Administrative and Business Office, Arts & Crafts Studio (LTD, Consumer Repair, Food Sales, General Retail Sales (Convenience), Indoor Sports/Recreation, Personal Improvement, Personal Services, Professional Offices and Restaurant, excluding drive-through facilities, and subject to retaining the existing structure.

FIRST READING

Six-Month Extension

Approved a six-month extension for C14-88-0017 - BRIDGES LUMBER COMPANY by Holford Group, 5307 U.S. Hwy. 290 West from "DR" to CS-CO".

(On Councilmember Carl-Mitchell's motion, Mayor Pro Tem Shipman's second, 5-0 Vote, Councilmembers Barnstone and Humphrey out of the room.)

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C14-89-0045 - AUS-TEX PRINTING & MAILING by John Easty, 705-715 East 1st Street, also bounded by East Avenue, from "LR", "MF-4" to "DMU-CO".

Motion

Councilmember Nofziger made a motion, seconded by Councilmember Carl-Mitchell to postpone action to September 7, 1989.

Substitute Motion - FAILED

Councilmember Barnstone made a motion, seconded by Mayor Cooke to approve the zoning. Motion FAILED by a vote of 3-4 with Mayor Pro Tem Shipman, Councilmembers Carl-Mitchell, Nofziger and Urdy voting No.

Roll Call on Motion

5-2 vote, Councilmembers Barnstone and Humphrey voted No.

C14-89-0042 - AUSTIN INDEPENDENT SCHOOL DISTRICT, by McGinnis, Lochridge & Kilgore, 11105 Burnet Road, from "GR" to "MI". ORDINANCE

(On Councilmember Carl-Mitchell's motion, Mayor Pro Tem Shipman's second, 5-0 Vote, Councilmembers Barnstone and Humphrey out of the room.)  
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C14-89-0041 - FRANKLIN FIRST FEDERAL SAVINGS, by Century 21/Bill Nations Realty, 11200 Georgian Drive, from "LO" to "CS". ORDINANCE

(On Councilmember Carl-Mitchell's motion, Councilmember Urdy's second, 5-0 Vote, Councilmembers Barntone and Nofziger out of the room.)

#### ZONING ORDINANCE

The Council, on Councilmember Carl-Mitchell's motion, Councilmember Urdy's second, passed through second/third readings of an ordinance amending Chapter 13-2 of the Austin City Code rezoning the property locally known as 5307 West U.S. Highway 290, Case No. C14-99-0017, from "DR" to "CS-CO", BRIDGES LUMBER COMPANY by Holford Group, First reading on May 26, 1988, (5-0) Councilmember Urdy out of the room at roll call. Conditions have been met as follows: Conditional overlay incorporates conditions imposed by Council. Right-of-way requirement has been satisfied as follows: Right-of-way has been purchased by the State Highway and Public Transportation Commission. (6-0 Vote, Councilmember Barnstone out of the room.)

#### PUBLIC HEARING - PARK LAND USE

Mayor Cooke opened the public hearing on Park Land Use and discussion of Task Force recommendations. Speaker's cards are on file in the City Clerk's office. Council said they wanted to take this under further advisement and asked that this be placed on the October 5, 1989 agenda.

#### CITIZEN COMMUNICATIONS

Marcos De Leon discussed East Austin Literacy Program. Dr. Stephen Berman, D.C., requested proposed changes in the City Employees' health care benefits, specifically as pertains to chiropractic health care. Barbara Ritter was not present in the Council Chamber to speak. Carol A. Guthrie discussed the City's FY 1989-90 budget and employee relations. Gavino Frenandez Jr. discussed employee pay raise and benefits package proposed for FY 1989-90. Airport revenue bonds were discussed by Alice Embree. Gerald Daughterty talked about Austin's small businessman. Patricia Bobeck and Winnie A.W. Lambert talked about Windsor Park flooding. Diane Joyce discussed improvements to the Fort Branch of Boggy Creek.

#### TRANSITION ORDINANCE PUBLIC HEARING

Mayor Cooke opened the public hearing set for 6:00 P.M. on an



amendment to the Transition Ordinance (C20-89-001) to allow all site plans and development to request phasing approval of Section 13-1-607.

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

Motion

The Council, on Councilmember Carl-Mitchell's motion, Mayor Pro Tem Shipman's second, closed the public hearing, waived the requirement for three readings and finally passed an ordinance amending the Transition Ordinance (C20-89-001) to allow all site plans and development to request phasing approval of Section 13-1-607. (5-0 Vote, Councilmember Urdy and Mayor Cooke out of the room.)

PUBLIC HEARING - 1989-90 CAPITAL IMPROVEMENTS AND OPERATING BUDGETS

Mayor Cooke opened the public hearing set for 6:30 P.M. on proposed Capital Improvements Project and Operating Budget. 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, voted to continue the public hearing on the Operating Budget on August 31, 1989 at 5:00 P.M. (7-0 Vote)

UNDERWRITING GROUPS

Council had before them for consideration two resolutions:

1. Consider selection of an underwriting group for any Utility Revenue Refunding Bonds to be issued within the next twelve months.
2. Consider selection of an underwriting group for any General Obligation Refunding Bonds to be issued within the next twelve months.

Motion

Councilmember Barnstone made a motion, seconded by Councilmember Nofziger to approve the City Manager's recommendation.

Substitute Motion

Mayor Pro Tem Shipman offered a substitute motion to adopt resolutions approving the following. The Motion was seconded by Councilmember Carl-Mitchell and passed with a 4-3 vote with Mayor Cooke, Councilmembers Barnstone and Nofziger voting No.

**UTILITY REVENUE**

SENIOR (BOOKS) - Merrill Lynch Capital Markets  
CO-SENIORS - Dean Witter Capital Markets  
Goldman, Sachs & Company  
CO-MANAGERS - Apex  
Lovett Mitchell Webb & Garrison, Inc.  
Morgan Stanley  
Paine Webber  
Smith Barney

**GENERAL OBLIGATION**

SENIOR (BOOKS) - Donaldson, Lufkin Jenrette  
CO-SENIOR - Ehrlich Bober & Company  
Underwood Neuhaus  
CO-MANAGERS - Apex  
Dean Witter Capital Markets  
J. P. Morgan  
Rauscher Pierce  
Southwest Capital

**EXECUTIVE SESSION**

Council did not have an executive session.

**ADJOURNMENT**

Council adjourned its meeting at 11:20 P.M.