

Austin City Council MINUTES For FEBRUARY 10, 1983

1:00 P.M.

Council Chambers, 301 West Second Street, Austin, Texas

Memorandum To:

City Council

Carole Keeton McClellan Mayor

> John Treviño, Jr. Mayor Pro Tem

Council Members Larry Deuser Roger Duncan Richard Goodman Ron Mullen Charles E. Urdy

Nicholas M. Meiszer City Manager

> Grace Monroe City Clerk

Mayor McClellan called to order the Meeting of the Council scheduled for 1:00 p.m., noting the absence of Councilmember Goodman, who arrived at 1:10 p.m.; Councilmember Mullen, who arrived at 1:12 p.m.; Mayor Pro Tem Trevino, who arrived at 1:20 p.m.; and Councilmember Deuser, who arrived at 1:25 p.m.

INVOCATION

The Invocation was given by Rabbi Cary D. Kosberg, B'Nai Brith Hillel Foundation.

CONSENT RESOLUTIONS

The Council, on Councilmember Goodman's motion, Mayor McClellan's second, adopted the following resolutions in one consent motion: (6-0 Yote, Councilmember Deuser absent)

Release of Easement

Authorized release of the following Easement: A portion of an Electric and Telephone Easement recorded in Volume 535, Page 420 of the Travis County Deed Records insofar as it affects Sivermine Section II, 8800 No. I.H. 35, (Requested by the Hardesty Company)

Contracts Approved

Approved the following contracts:

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- a. AMERICAN CAST IRON PIPE COMPANY 8738 Forney Dallas, Texas
- TRAN-TEX SUPPLY COMPANY 4618 East 7th Street Austin, Texas
- c. DIGITAL EQUIPMENT CORPORATION 6937 N. IH-35, Suite 116 Austin, Texas
- d. LINDSAY OFFICE PRODUCTS 7521 North Lamar Austin, Texas
- e. TECHLINE, INC. 8750 Shoal Creek Boulevard Austin, Texas
- f. TECHLINE, INC. 8750 Shoal Creek Boulevard Austin, Texas
- g. Bid award:
 - (1) PAUL ANDERSON COMPANY 3485 Fredericksburg Road San Antonio, Texas
 - (2) ULTRA PEN CORPORATION 11886 Market Street Livonia, Michigan
- h. CHESTERFIELD MUSIC SHOP, INC. 12 Warren Street New York, New York

- CAPITAL IMPROVEMENT PROGRAM -Ductile Iron Pipe and fittings, Water and Wastewater Department Items 1, 2, 4, 12, & 15 -\$11,297.00 C.I.P. No. 75/22-11
- Fire Hydrants, Water and Wastewater Department Twelve (12) Month Supply Agreement Items 1 thru 4 - \$48,789.00
- Disk Memory Unit and Controller, Public Works Department -\$10,011.00
- Office Supplies, Office Service Division
 Items 1 - 94 (consisting of 418 units Estimated total \$167,000
- Traffic Signal Poles and related items, Purchases and Stores Item 1 thru 3 - \$23,136
- Street Light Poles Assemblies, Purchases and Stores Department Item 1 - \$93,000
 - Markers, Pens and Refills, Purchases and Stores Department Twelve (12) month Supply Agreement Total \$15,028.00
 - Items 1.2 thru 1.8, 3 thru 7, & 9 thru 12 - \$10,651.00
 - Items 1.1, 2 & 8 \$4,377.00
 - Records (Musical and Spoken), Austin Public Library Twelve (12) Month Supply Agreement \$25,000.00

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Parking Rates at Airport

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Approved an amendment to the APCOA/City of Austin agreement to provide for an increase in public parking rates at the Airport, and an increase in percentage rental paid to the City by APCOA.

Federal Grant Assistance

Authorized application for Federal grant assistance under the Federal Water Pollution Control Act, City Council approval to apply and to designate a signatory agent, for construction of Govalle Wastewater Treatment Plant Improvements. (Total cost \$24,000,000; \$15,000,000 available Federal Share)

CDBG Funds

Authorized and approved CDBG funds for Standard Rehabilitation Loans in the following amounts and authorized staff to enter contract award:

- a. Safi Associates (MBE) \$13,768.00
- b. Consolidated Services Corp. 11,160.00
- c. Texas Westerm Associates 9,475.00

Parking Meter Zones

Authorized installations of the following parking meter zones:

METER TYPE	STREET	LOCATION	SIDE OF STREET
120 Minute	Rio Grande Avenue	900 block	West
30 Minute	West 7th Street	200 block	North

Public Hearings Set

Set public hearings on the following:

- a. Drainage Easement in Gregg Hill Park : March 10, 1983 at 2:00 p.m.
 - b. An appeal from Mr. Warren Pedersen for Southwest Oaks Shiloh Neighborhood Association of the Planning Commission's decision to grant a Special Permit for 7722-7822 Manchaca Road. (Case No. C14-78-231): February 24, 1983 at 6:00 p.m.
 - c. Vacating a portion of Deatonhill (C10v-82-034): February 17, 1983 at 2:45 p.m.
 - d. To amend the water and wastewater service area to include Southland Oaks (r1200-83-01): March 10, 1983 at 3:00 p.m.
 - e. To amend the water and wastewater service area to include the Andrews Tract (r1200-83-02): March 10, 1983 at 3:30 p.m.

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HEARINGS SET - (Continued)

f. Amend the water and wastewater service area to include the Woodlands of Travis. (First set for March 10 at 3:45 p.m., later in the day the following motion was made:

Motion

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The Council, after unanimity on reconsideration, on Councilmember Goodman's motion, Mayor McClellan's second, set the public hearing for February 17, 1983 at 2:00 p.m. (6-0 Vote, Councilmember Trevino was out of the room.)

Camp Swift Lignite Reserves

Rescinded the Central Texas Public Power Utilities Policy Agreement re: Camp Swift Lignite Reserves.

New Fire Chief

Approved appointment of Bill Roberts as City of Austin Fire Chief.

Item Postponed

During the consent motion, Council postponed until February 17, 1983 consideration of endorsing proposed legislation concerning funding of municipal retirement systems. (Police Retirement Board)

CONSENT ORDINANCES

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

Operating Budget Amendment

Council had before them the following ordinance to amend the 1982-83 Budget:

a. Appropriating \$176,773 of FY 1983 CETA Summer Youth Employment Program funds and adding 17 temporary FTE's to the Human Services Department for operating of the FY 1983 SYEP.

Mayor Pro Tem Trevino stated, "On this particular item I would only ask to amend that this be set out for RFP as recommended by the Private Industry Council."

Council approved the following resolution: Appropriating \$176,773 of FY 1983 CETA Summer Youth Employment Program Funds and sub-contract under RFP for CETA Summer Youth Program.

Budget Amendment - National Park Service Grant

Accepted a grant award from the National Park Service in the amount of \$25,000 to facilitate implementation of Master Plan.to amend the 1982-83 Operating Budget.

Budget Amendment - Grant Award

Amended the 1982-83 Operating Budget by accepting a grant award from the Texas Parks and Wildlife Department for Beard Ranch Land Acquisition in the amount of \$1,025,000.

North Austin Growth Conridor M.U.D. #1

Consented to the annexation of 141 acres of land by the North Austin Growth Corridor Municipal Utility District #1.

Zoning Ordinances

Amended Chapter 13-2 of the Austin City Code (Zoning Ordinance) to cover the following changes:

CHAPARRAL INVESTMENTS, LTD. By Sanford L. Gottesman C14r-81-165 11946-12022 Burnet Road From Interim "AA" 1st H&A to "GR" 1st & 2nd H&A "DL" 1st & 2nd H&A & "O" 1st H&A

LAGUNA GLORIA By City of Austin C14h-82-014 3809 West 35th Street From "A" 1st H&A to "A-H" 1st H&A

HAYGOOD TOOL OF TEXAS C14r-82-162 Street

5016 E, Ben White Boulevard From Interim "AA" 1st H&A to "D" 1st H&A

Action Postponed

During the consent resolution Council postponed until February 17, 1983, consideration of amending Chapter 11-2 of the Austin City Code by adding a division 2 thereto relating to the impoundment of motor vehicles for unpaid parking violations, et

MUNICIPAL OFFICE COMPLEX

Council had scheduled for action a decision concerning the Municipal Office Complex Site,

Mr. Robb Southerland, who had requested to speak on the subject during Citizens Communications, is of the opinion the question should be put to a vote concerning the complex. He suggested Council pick the site and staff design and give cost estimate. He said a private developer is not needed to build the complex. Mr. Southerland wants this included in the next bond election.

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COMPLEX - (Continued)

Councilmember Duncan said there is some merit to Mr. Southerland's suggestion and today going to GO bonds should be considered.

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Mayor Pro Tem Trevino stated the new municipal complex has been discussed since 1975 with the present site of the annex purchased for the City Hall. "I believe we need to keep in mind that City Hall is for citizens and you deserve the best. therefore my motion ______ is that we reject all proposals....."

Motion

Mayor Pro Tem Trevino made a motion, seconded by Councilmember Duncan to reject all proposals and designate the annex site for the new City Hall and that Council as quickly as possible get together with staff and begin to establish definitive criteria in terms of RFP, whether we are talking about design competition and financing mechanism, including the possiblity of G.O. Bonds.

Councilmember Duncan expressed his support and said he wants a design competition. Councilmember Deuser said he also selects the annex area as an outstanding location. He reminded listeners that the RFP clearly stated that Council retained the option of doing nothing or something. Councilmember Deuser said terms need to be defined and Council has to be careful that the new complex either costs no money or that it makes money.

Mayor McClellan stated, "I certainly respect Robb Southerland and his opinion and respect anyone's right to say anything under Citizen Communication. I have a little problem allowing prime time right before a vote on an issue where all the citizens had an opportunity to participate lengthily at public hearings. But I would say in answer to why not a bond issue, that's certainly always been an alternative for this Council and for prior Council's. The last one's that I served on, we discussed but never put into the CIP and never put on a bond issue a proposal for a new City Hall. Not because it wouldn't be nice, not because it wouldn't be a good thing to do, but because in tough economic times it is difficult to get the necessary bond dollars for things that people see as absolutely basic such as fire stations, EMS, library...much less to get those dollars for a new City Hall, Therefore, it is not unlike what happened in downtown Austin. For decades we talked about having downtown Austin come to life. We did not want to end up with a doughnut effect like our sister cities in the northeast and midwest. Any grandiose plans of the City were discounted when downtown Austin actually started coming alive is when we started being the catalyst to make it happen and working with the private sector. What we are talking about here is not unlike that and this day and time in tough economic times to have the amenities we like to make Austin, Texas a very special place to live we need great public/private cooperative ventures. Let me just tick through a few reasons why I object to the motion on the floor and believe we should go with the Watson-Casey proposal at this time. You can look at it any way you want to on a dollar figure. If you take net present value as according to the latest discussions and negotiations from City staff you have the Watson-Casey proposal on that present value, \$19,5 million with the Barnestone proposal \$2.6 million with a difference of \$16,9 million, not a little bit of money. If you look at cash flow during the year, you have \$88 million with the Watson Casey proposal, you have \$27 million with the Barnestone proposal for a difference of \$61,000,000. Not a small amount of money. \$61,000,000. If you look at an opportunity

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COMPLEX - (Continued)

to enhance the seat of City government with amenities to make Austin a special place to live, through negotiations, I would far prefer to see Council today take a vote to further negotiate with Watson-Casey. You can negotiate where you would have walkways and plazas and have an art museum in close proximity and there are all sorts of ways to enhance what I would see as a very beautiful seat of City government with Town Lake and Shoal Creek tying it all in. You have a group that has what I think is a proven track record caring about downtown Austin and its people and revitalizing old structures and building new structures, bringing people back to our central city area and certainly a group that has a strong record of fair employment of our own Austin, Texas workers and who understand good jobs and the great diversity of our citizens for participating in these jobs. We don't have an either or situation where it is either a beautiful City hall or a fiscally responsible City hall any more than we have an either or situation in the City of Austin or either a good clean environment or good jobs. They go together. The bottom line here is a beautiful City hall at a price our citizens can afford. And if in our lifetime we can negotiate any type of a maximum citizen participation and should, down to the last detail of any City hall and where it sits. It will be somewhat difficult to argue and lobby for a package of State reimbursement on a square footage basis of Fire, Police and EMS when we pass up an opportunity for Austin right now and for Austin in the future and for our children of a very fiscally sound dollar saving proposal for a new City Hall. I really believe that what we are doing today is procrastinating further, punting again. We are starting the process over and the ones who are going to pay for that are our citizens. You can look at it at the \$3,000 a day in rental costs for facilities. You can add to that \$6,500 a day escalation in construction costs and you are probably talking more in the line of \$9,500 a day which it will cost us to go back to the drawing board again and then get back to this point sometime in the future of negotiating with someone to complete the City Hall and/or putting it out on a bond issue. I believe this Council has the opportunity to provide our citizens with a beautiful Austin, Texas style City hall in a fiscally responsible manner and that to do otherwise is to abdicate our responsibility of public trust and to be reckless with our dollars and our future and I would strongly urge my colleagues to go in the direction of further negotiations with the Watson-Casey proposal today. I'm sure whatever direction this Council goes will be with a singleness of purpose but I certainly and respectfully urge that we support the Natson-Casey proposal and make a decision today."

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Councilmember Mullen stated he thinks First and Congress would be the best site for a City Hall. He said that would anchor the end of Congress and had planned to make a motion to that effect to put the parcels together, but he said he knows there would be no support for it.

Councilmember Urdy liked parts of all the proposals, he said.

Councilmember Goodman said he concurs with the motion and predicts it will save the City money.

Roll Call on Motion

5-2 Vote, Councilmember Mullen and Mayor McClellan voted No.

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RECESS

Council recessed its meeting at 1:55 p.m. and resumed its recessed meeting at 2:06 p.m.

OAK HILL ANNEXATION

Motion

The Council, on Councilmember Duncan's motion, Councilmember Goodman's second, passed through THIRD READING of an ordinance annexing portions of Oak Hill area (Option 4) and approve the service plan as approved by the Water and Wastewater Commission; site plan to be brought back under "A" zoning. (7-0 Vote)

Prior to the vote, Mr. Schwing, Director of Water and Wastewater, showed maps of the service plan area.

NO ACTION TAKEN ON ITEM

An item introduced by Councilmember Deuser to consider forming an Ad-Hoc Committee to explore rail right-of-way acquisition was not discussed.

ITEM POSTPONED

Councilmember Duncan introduced an item to set work sessions on the proposed revisions to the Zoning Ordinance. It was postponed until after February 24, 1983.

SATELLITE ABSENTEE VOTING SUBSTATIONS

Councilmember Duncan introduced an item to Council to consider Satellite Absentee Voting Substations. He said he feels that because the election is on the Easter weekend there should be three locations for absentee voting in addition to the City Clerk's office. He suggested using fire stations located far north, far south and in the central University of Texas area. Councilmember Duncan made a motion to include on a future agenda an ordinance designating the locations and include a fiscal note. Councilmember Urdy asked that a site in east Austin be included. It was determined a motion is not required to bring back an ordinance concerning satellite absentee voting substations. Mr. Meiszer, City Manager, suggested City employees be used to help with the voting, thereby cutting down expense.

City Clerk Grace Monroe told Council the election should be called next week and the sites need to be designated by then. She asked Council if they mind changing a site in southeast Austin from a church to Langford Elementary School. There is a problem in Precinct 340, Zion Hill Church, due to muddy streets. Mayor Pro Tem Trevino said if the change is justified it will be all right. City Attorney DeLaRosa said he will work with Mrs. Monroe because a change of site needs to be submitted to the Justice Department.

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EXECUTIVE SESSION

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Mayor McClellan announced that Council will convene in a closed or executive session pursuant to Article 6252, V.T.C.S. to discuss the following matters:

a. Board and Commission Appointments - Section 2, Paragraph g.

b. Mueller, et al v. City of Austin - pending litigation - Section 2 -Paragraph e.

- c. Police Department Security Plans for February 19, 1983 Section 2, Paragraph j.
- d. Discussion of appointment of Associate Judge and Relief Judge of the Municipal Court Section 2 paragraph g.

and after such closed or executive session, any final action, decision or vote with regard to any matter considered in the closed or executive session will be made in open session, should such action, decision or vote be necessary.

RECESS

Council recessed its meeting at 2:35 p.m. and resumed its recessed meeting at 3:50 p.m.

ITEMS POSTPONED

Council postponed until February 17, 1983 the following items from Council:

Details and plans for a Neighborhood Advisory Office, introduced by Councilmember Deuser

Appointment of a member to the Travis County Appraisal District Board, introduced by Mayor McClellan.

Discussion of financial disclosure requirements for boards and commissions, introduced by Councilmembers Duncan and Mullen.

MTA TASK FORCE REPORT

Mr. William C. Davidson Jr., MTA Task Force, presented the final report regarding the creation of a Regional Transit Authority for Austin. Report is on file in the City Clerk's office. The main thrust is to relieve pressure on the highway system for people coming to work.

RECESS

Council recessed its meeting and 4:00 and resumed its recessed meeting at 4:25 p.m. Mayor McClellan announced Councilmember Goodman had become ill and had left the Council Chamber.

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STREET PARTY

The Council, on Councilmember Deuser's motion, Councilmember Mullen's second, approved the request of Ms. Jody Maizlish for the use of the block of 23rd and Guadalupe where the Renaissance Market is located for a street party west of the alley on March 31, 1983, from 3:30 to 6:30 p.m. with live band and possibly beer kegs. (5-0 Vote, Mayor Pro Tem Trevino and Councilmember Goodman absent.)

PARADE DISCUSSED

Mr. Richard Francis (Bud) Flynn appeared before Council to request Austin's participation in the St. Patrick's Day Parade in New York.

CITY BUS SCHEDULES DISCUSSED

Mr. W.J. Reading appeared before Council to discuss City Bus Schedules. He contends the bus service is not adequate and 7:00 p.m. is too early to stop the buses. He said we should take advantage of Federal funding and restore schedules as they were before cuts were made. He also questioned why the City uses a shuttle, outside of its transit system, for City employees.

BATTLE OF BARS

The Council, on Councilmember Urdy's motion, Mayor McClellan's second, approved the request of Ms. Melissa Emerson, District Director, Muscular Dystrophy Association, for permission for the sale of beer on March 27, 1983 at Fiesta Gardens for the "Battle of Bars" and April 23, 1983 at Auditorium Shores for Spurs Chili Cook-Off/Country Showdown, (6-0 Vote, Councilmember Goodman absent)

MARCH DISCUSSED

Mr. William McIntyre appeared before Council to request a 6 to 7 hour time difference be allowed between the KKK march and the Black Citizen Task Force for the safety of the citizens of Austin. He suggested the Task Force parade be at 9:00 a.m. and the KKK parade be at 3:00 p.m.

Councilmember Urdy said the times were set as best they could. He said there are already $2\frac{1}{2}$ hours between the parades and if one is set at 3:00 p.m. it would be too close to dark. Mayor McClellan stated all possible steps are being taken to do everything they can to promote safety.

TAPS RESOLUTION

The Council, on Councilmember Mullen's motion, Councilmember Duncan's second, adopted a resolution relating to TAPS Higher Education Authority, as presented by Mr. Robert C. Holt, president, Capitol City Trade School. (6-0 Vote, Councilmember Goodman absent.)

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CITIZENS DID NOT APPEAR

Since the TAPS resolution was already approved, Mr. G.C. Stewart, Director, Capital City Trade School and Mr. Orland W. Rery Sr., president, Durham Nixon-Clay Business College, who had requested to speak concerning the resolution, did not do so.

ZONING DECISION

Mayor McClellan announced Council was scheduled to take action on a a zoning case, for which the hearing had been closed.

Motion

Councilmember Dueser made a motion, seconded by Mayor McClellan to deny the request for zoning change case :

TIM H. RITTER	2718 Guadalupe also	From "C" 3rd H&A
By Larry C.	bounded by West	To "C-1" 3rd H&A
Talley Jr.	18th Street	RECOMMENDED

Substitute Motion

Mayor Pro Tem Trevino offered a substitute motion, seconded by Councilmember Urdy, to grant the zoning.

Councilmember Duncan said he would vote for it if it is certain the liquor business will be drive-in only because it is too small for a walk-up. The applicants said there is no provision for parking so it will be drive-in. Both Councilmember Deuser and Mayor McClellan stated the site provides a very hazardous situation.

Roll Call on Substitute Motion

(4-2 Vote, Mayor McClellan and Councilmember Deuser voted No, Councilmember Goodman

absent)

C14-82 TIM H. RITTER 209 By Larry C. Talley Jr. 2718 Guadalupe also bounded by West 18th Street

From "C" 3rd H&A To "C-1" 3rd H&A RECOMMENDED GRANTED AS RECOMMENDED

HOUSING ASSISTANCE PLAN APPROVED

The Council, on Councilmember Urdy's motion, Mayor Pro Tem Trevino's second, approved the 1982-1985 Housing Assistance Plan (HAP). (6-0 Vote, Councilmember Goodman absent.)

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HOSPITAL PARKING GARAGE ADDITION

The Council, on Councilmember Duncan's motion, Councilmember Mullen's second, adopted a resolution approving the selection of Graeber, Simmons & Cowan for architectural services in connection with the hospital parking garage addition, CAPITAL IMPROVEMENTS PROGRAM No. 80/48-08. (5-1-0 Vote, Mayor McClellan voted No, and Councilmember Goodman absent.)

Mayor McClellan stated she voted no because there was another firm qualified who has not done any City work.

EASEMENT RELEASED

A 15' Public Utility Easement retained in Ordinance No. 710304-E at the vacation of the West 3rd Street Alley 300 Block and recorded in Volume 4026, Page 1564 of the Travis County Deed Records. (Requested by Brown, Maroney, Rose, Baker & Barber)

Prior to the vote, Joe Riddell appeared before Council to say the developer will receive a very valuable piece of property if it is released.

Mr. Richard Ridings, Director of Public Works, explained the City does charge fair market value on the vacation. Robert Davis, representing the developer, discussed the relocation of utilities.

BOARDS AND COMMISSIONS

Motion

The Council, on Mayor Pro Tem Trevino's motion, Mayor McClellan's second, approved the appointment of Charlie Guerrero to the Arts Commission. (6-0 Vote, Councilmember Goodman absent.)

Mayor McClellan announced the following board and commission appointments are due to be made: Community Development Commission, 1; Austin Tomorrow On-Going Committee, 3; Manpower Advisory Planning Council, 1; Vending Commission, 1; Downtown Revitalization Task Force, 1; Energey Conservation Commission, 4; Renewable Energy Resources Commission, 4; Sesquicentennial Committee, 2; Affirmative Action Plan Advisory Committee, 1; MH/MR Public Responsibility Committee, 1; Private Industry Council, 1; Environmental Board, 1.

PUBLIC HEARING ON VENDOR LICENSE TO BE CONTINUED

The Council, on Councilmember Urdy's motion, Mayor McClellan's second, voted to continue the hearing on proposed guidelines and procedures for Vendor License

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VENDOR - (Continued)

Agreements on March 3, 1983 at 5:30 p.m. (5-0 Vote, Mayor Pro Tem Trevino was out of the room, Councilmember Goodman absent.)

Dr. Benson, Director of Urban Transportation, recommended the extension so there will be more time to work with the vendor on specifics. Bobby Taylor, representing the vendors, agreed to the additional time.

EXECUTIVE SESSION

Mayor McClellan announced that Council will convene in a closed or executive session pursuant to Article 6252, V.T.C.S. to discuss the appointment of Associate and Relief Judge of the Municipal Court, Section 2 - Paragraph g. Mayor McClellan said they would also discuss the formation of an Ad-Hoc Committee to explore rail right-of-way acquisition.as posted on the Agenda under Items from Council.

RECESS

Council recessed its meeting at 5:45 p.m. and resumed its recessed meeting at 6:05 p.m.

RELIEF JUDGE CHOSEN

The Council, on Mayor Pro Tem Trevino's motion, Mayor McClellan's second, appointed Jodie Lehman as Relief Judge of the Municipal Court. (6-0 Vote, Councilmember Goodman absent.)

SPECIAL CALLED MEETING ANNOUNCED

Mayor McClellan announced there will be a Special Called Meeting of the Council on February 15, 1983 at 4:30 p.m. to select a Judge for the Municipal Court.

ADJOURNMENT

Council adjourned its meeting at 6:10 p.m.