



Austin City Council MINUTES For

MARCH 7, 1991 - 1:00 P.M.

Councilmember Carl-Mitchell called to order the meeting of the Council, noting the absence of Mayor Cooke and Mayor Pro Tem Urdy, who were absent for personal reasons.

1. **Approved Minutes for Regular Meeting of February 28, 1991**

On Councilmember Larson's motion, Councilmember Carl-Mitchell's second, 4-0 Vote, Councilmember Epstein out of the room, Mayor Cooke and Mayor Pro Tem Urdy absent.

1:00 P.M. - CITIZEN COMMUNICATIONS

2. Mr. David N. Elliott discussed current City issues.
3. Mr. Leonard Lyons discussed communication to and from Council.
4. Ms. Sandra Gale provided information on the role of Certified Nurse Midwives in Women's health care and the importance of prenatal care.
5. Mr. Dan Anderson requested immediate action by City staff to finish the long delayed connection to City services.
6. Mr. Gregory Powell discussed employee relations.
7. Mr. Tim Hamblin discussed sex, lies and videotape.
8. Ms. Pam Fletcher discussed the environmental abuse of Mt. Larson.

1:30 P.M. - PUBLIC IMPROVEMENT BONDS

9. **Approved an Ordinance authorizing the issuance of \$143,740,000 City of Austin Combined Utility Systems Revenue Refunding Bonds, Series 1991.**
10. **Approved a Resolution authorizing execution of a Paying Agent/Registrar Agreement with AmeriTrust Texas, N.A., Austin, Texas, and a Letter of Representation for issuance of Book-Entry Bonds, with respect to the City's \$143,740 Combined Utility System Revenue Refunding Bonds, Series, 1991.**

9 and 10 - On Councilmember Nofziger's motion, Councilmember Larson's second, 5-0 Vote, Mayor Cooke and Mayor Pro Tem Urdy absent.

BOARD AND COMMISSION REPORTS

11. UNITED WAY - AUSTIN 2000: Bridge to the Future

The report was presented by Pat Hayes and John Warren.

ITEMS CONTINUED FROM PREVIOUS MEETINGS

12. Approved amending Ordinance No. 900118-D authorizing the Police Board to give Police Officers the opportunity to buy back previously forfeited service, and establishing a minimum benefit for a duty related disability equal to a benefit based on twenty (20 years of service. (Continued from February 14, 1991).

On Councilmember Larson's motion, Councilmember Carl-Mitchell's second, 5-0 Vote, Mayor Cooke and Mayor Pro Tem Urdy absent.

13. Approve second/third readings of an Ordinance amending the FY 1990-91 Liability Reserve Fund Operating Budget by appropriating \$48,766.67 to settle the Sierra Club, Save Barton Creek Association, Allandale Neighborhood Association, Texas Association for Public Transportation and the Koenig Lane Business Association v. Austin Transportation Study Policy Advisory Committee, the Texas State Department of Highways and Public Transportation, City of Austin and Travis County; Cause No. 404,930.

Postponed to March 14, 1991.

ORDINANCES

Zoning (Items 14-15)

14. Approved second reading of an Ordinance amending Chapter 13-2 of the Austin City Code rezoning property locally known as the Northwest Corner of U.S. Highway 183 and Cameron Road, Case No. C14r-85-313, to delete the site plan attached to the original zoning ordinance and rezone the site from "GR", Community Commercial to "GR-CO", Community Commercial-Conditional Overlay for Tracts 1 and 2, ROGER JOSEPH PROPERTIES, LIMITED/LUBY'S CAFETERIAS, INC., by Roger-Joseph Developments, Inc. First reading on November 15, 1990; Vote 5-0; Mayor Pro Tem Charles Urdy out of room and Councilmember Smoot Carl-Mitchell abstained. Conditions met as follows: Conditional Overlay incorporates conditions imposed by Council. Restrictive Covenant incorporating conditions imposed by Council has not been executed.

15. Approved second/third readings of an Ordinance amending Chapter 1302 of the Austin City Code rezoning property locally known as 11672 Jollyville Road, Case No. C14-90-0021, from "SF-2", Single-Family Residence (Standard Lot) District to "LO" Limited Office District, for Tract 1, and "SF-6", Townhouse and Condominium Residence District, for Tract 2, THE PRESBYTERIAN CHURCH OF THE HILLS, by Gale & Associates. First reading on June 7, 1990; Vote 7-0. Conditions met as follows: Restrictive Covenant incorporating conditions imposed by Council has been executed. Right-of-way dedication requirement will be met through the subdivision process.

ORDINANCES (continued)

16. Amended Ordinance No. 900913-D by amending FY 1990-91 Health and Human Services Department Operating Budget by increasing the number of County Health positions converted to City FTE'S from 30 to 40 and increasing the budget appropriation by \$75,000 and expense refunds by the same amount. (Funding provided per an Interlocal Agreement with Travis County - No net effect on the General Fund).

14,15,16 on Councilmember Larson's motion, Councilmember Carl-Mitchell's second, 5-0 Vote, Mayor Cooke and Mayor Pro Tem Urdy absent.

17. Approved second reading of an Ordinance granting a six month extension to the Southwestern Bell Telephone Franchise. (Ordinance No. 760325) as amended.

On Councilmember Larson's motion, Councilmember Carl-Mitchell's second, 4-0 Vote, Councilmember Barnstone out of the room, Mayor Cooke and Mayor Pro Tem Urdy absent.

18. Amend Section 2-4-9, of the Austin City Code, to allow members of the Community Development Commission (CDC) to serve on the Urban Renewal Board (URB). (Related to Item 19)

Postponed to March 14, 1991.

RESOLUTIONS

19. Appoint five (5) members to the Austin Urban Renewal Board. (Related to Item 18)

Postponed to March 14, 1991.

20. Approved the filing of Eminent Domain Proceedings to acquire 0.171 of one acre (7,440 sq. ft.) of land in fee simple and a ten (10.00) feet wide permanent wastewater line easement containing 1,398 square feet of land out of and a part of Lot 1, Town and Country Village Addition, Section 3, Phase I, a Subdivision located in the City of Austin, Williamson County, Texas, owned by Lambeth Building Company, for the U.S. Highway 183 Improvement Project.

21. Authorized application for and acceptance of a grant in the amount of \$32,441 from the State of Texas, Governor's Office, Criminal Justice Division, for continued funding of the Stolen Pawns Property Recovery Program. (City's match is \$7,789 - to be funded in the proposed FY 1991-92 budget of the Police Department.)

22. Authorized application for and acceptance of a grant in the amount of \$123,525 from the State of Texas, Governor's Office, Criminal Justice Division, to fund an Automated Identification System to include digitized photographic capability and automated fingerprint identification. (City's match is \$120,000 - to be funded from forfeited funds from drug seizures).

20,21,22 on Councilmember Nofziger's motion, Councilmember Larson's second, 5-0

Vote, Mayor Cooke and Mayor Pro Tem Urdy absent.

23. Authorized negotiation and execution of an Interlocal Agreement between the City of Austin and South Austin Growth Corridor Municipal Utility District #1 (SAGC) for acquisition of the wastewater line located in Sedgemoor Trail by the City of Austin.

On Councilmember Barnstone's motion, Councilmember Larson's second, 5-0 Vote, Mayor Cooke and Mayor Pro Tem Urdy absent.

24. Approved a construction contract award to MAC ROOFING AND SUPPLIES, INC., (WBE), Port Arthur, Texas, for the reroofing of the Old Quarry Branch Library, located at 7051 Village Center Drive, in the amount of \$55,963. (Funding included in C.I.P. Fund 816-857-0180 - Library Department). Low bid of five (5) bids. 0% M/WBE Subcontractor participation.

On Councilmember Nofziger's motion, Councilmember Larson's second, 5-0 Vote, Mayor Cooke and Mayor Pro Tem Urdy absent.

25. Approved execution of a contract with IDEA COURIER, Houston, Texas, for mainframe computer peripheral equipment and maintenance for use in the Utility Customer Service Office, in an amount not to exceed \$48,524, including the option to extend thereafter for up to two (2) additional years of maintenance in an amount not to exceed \$1,548 per extension, for a total amount not to exceed \$51,620. (Funding included in 1990-91 Operating Budget for the Utility Customer Service Office). Low bid of three (3). 0% M/WBE Subcontractor participation. The prime did not identify any subcontracting opportunities. Reference IFB File No. 910225-3AB

26. Approved execution of a contract award with THE AUTO SUTURE COMPANY, Norwalk, CT, for medical staples and staplers, in an amount not to exceed \$83,521, including the option to extend thereafter for up to one (1) additional (12) month extension periods, in an amount not to exceed \$83,521 per extension, for a total amount not to exceed \$250,563. (Funding included in the 1990-91 Operating Budget for Brackenridge Hospital). Low bid of four (4). 0% M/WBE Subcontractor participation. The prime did not identify any subcontracting opportunities.

27. Approved execution of a contract award with AVI, INC., 3M HEALTHCARE, St. Paul, MN, for Intravenous pump check valve sets, in an amount not to exceed \$37,800, including the option to extend thereafter for up to two (2) additional twelve (12) month extension periods, in an amount not to exceed \$37,800 per extension, for a total amount not to exceed \$113,400. (Funding included in the 1990-91 Operating Budget for Brackenridge Hospital). Sole Source. 0% M/WBE Subcontractor participation. The prime did not identify any subcontracting opportunities.

28. Approved execution of a twelve (12) month supply agreement with W.H. RICHARDSON CO., Austin, Texas, for miscellaneous tools to be used by all City departments, in an amount not to exceed \$72,540, including the option to extend thereafter for up to one (1) additional twelve (12) month period in an amount not to exceed \$72,540, for a total amount not to exceed \$145,080. (Funding

included in the 1990-91 Operating Budget for the General Services Department). Low bid of fourteen (14). 0% M/WBE Subcontractor participation. The prime did not identify any subcontracting opportunities.

25,26,27,28 on Councilmember Nofziger's motion, Councilmember Larson's second, 5-0 Vote, Mayor Cooke and Mayor Pro Tem Urdy absent.

29. Approved negotiation and execution of a twelve (12) month contract with COMPUTER ASSOCIATES, Philadelphia, PA, for continued maintenance and licensing of Database Management Software for the Police Department, in an amount not to exceed \$32,242. (Funding included in the 1990-91 Operating Budget for the Police Department and Municipal Court). Sole Source. 0% M/WBE Subcontractor participation. The prime did not identify any subcontracting opportunities.

On Councilmember Nofziger's motion, Councilmember Barnstone's second, 5-0 Vote, Mayor Cooke, Mayor Pro Tem Urdy absent.

30. Approved execution of a contract with HOLT COMPANY OF TEXAS, Austin, Texas, for a twelve (12) month rental agreement for two (2) 15 cubic yard land scrapers in an amount not to exceed \$154,080. (Funding included in the 1990-91 Operating Budget of the Environmental and Conservation Services Department). Low bid of four (4). 0% M/WBE Subcontractor participation. The prime did not identify any subcontracting opportunities.

On Councilmember Nofziger's motion, Councilmember Larson's second 5-0 Vote, Mayor Cooke and Mayor Pro Tem Urdy absent.

31. Approved selection of Professional Engineering Services (RFQ) for Watershed Master Plans to GEBHARD ENGINEERS, INC., Austin, Texas, for Walnut Creek study, at an estimated cost of \$100,000, 12% MBE, 17% WBE Subcontractor participation; to MURFEE ENGINEERING COMPANY, INC., Austin, Texas, for Little Walnut Creek study, at an estimated cost of \$55,000, 10% MBE, 8% WBE Subcontractor participation; and to ESPEY, HUSTON & ASSOCIATES, INC., Austin, Texas, for Country Club Creek study, at an estimated cost of \$45,000, 10% MBE, 5% WBE Subcontractor participation. (Funding included in C.I.P. No. 824-607-1950 - Watershed Master Plans Fund). Prime recommendations of eighteen (18) RFQ'S.

On Councilmember Epstein's motion, Councilmember Nofziger's second, 5-0 Vote, Mayor Cooke and Mayor Pro Tem Urdy absent.

4:00 P.M. - ZONING HEARINGS AND CONSIDERATION OF ORDINANCES

ZONING DISTRICTS

32. C14-91-0001 - SETON MEDICAL CENTER, by Lockwood Engineers, 2803 East 2nd Street, from "SF-3" to "LI". Planning Commission Recommendation: To grant "LI".

Ordinance

33. C14-91-0005 - LAKEHILLS PLAZA LTD. - by Site Specifics, 4211 South Lamar Blvd., from "CS" to "CS-1". Planning Commission Recommendation: To grant "CS-1".

Ordinance

34. C14-91-0002 - FIRST BAPTIST CHURCH OF OAK HILL, by W. B. Howell, 7513 U.S. Hwy. 290 West, from "DR" to "LO". Planning Commission Recommendation: To grant "LO-CO".

Ordinance

32,33,34 on Councilmember Epstein's motion, Councilmember Nofziger's second, 5-0 Vote, Mayor Cooke and Mayor Pro Tem Urdy absent.

(35 and 36 were heard together.)

35. C14-91-0003 - CLARENCE & JUNE PREISS, by City of Austin, Planning Department, 4500 E. William Cannon Drive, from "CS" to "SF-3". Planning Commission Recommendation: No recommendation due to lack of a quorum vote.

Withdrawn

Termination Or Amendment of Restrictive Covenant

36. C14-81-174 - CLARENCE & JUNE PREISS, by Lesa Flores, 4500 E. William Cannon Dr.

Planning Commission Recommendation: Approve amendment subject to conditions.

Approved

Motion

The Council, on Councilmember Epstein's motion, Councilmember Larson's second, closed the public hearings on 35 and 36. 5-0 Vote, Mayor Cooke, Mayor Pro Tem Urdy absent.

Motion

The Council, on Councilmember Larson's motion, Councilmember Epstein's second, approved the Planning Commission recommendation for (36) C14-81-174. 4-1 Vote, Councilmember Carl-Mitchell voted No, Mayor Cooke and Mayor Pro Tem Urdy absent.

RECESS

Council recessed its meeting from 4:25 to 5:00 P.M.

PUBLIC HEARINGS AND APPROVAL OF ORDINANCES/RESOLUTIONS

37. 5:00 P.M. - Approve first reading to grant a Charter bus franchise and a proposed rate of fare to Clark Travel and Tours.

Public hearing was closed and Council, on Councilmember Barnstone's motion, Councilmember Larson's second, ~~passed through FIRST READING ONLY an ordinance~~ *approved* granting a Charter bus franchise and a proposed rate of fare to Clark Travel and Tours. (5-0 Vote, Mayor Cooke and Mayor Pro Tem Urdy absent.)

ITEMS FROM COUNCIL

38. Approved restoration of the 5% which was cut from the contract with AIDS Services of Austin and Travis County for support services and education to prevent transmission of HIV. (Councilmembers Michael "Max" Nofziger and Louise Epstein)

On Councilmember Epstein's motion, Councilmember Nofziger's second, 5-0 Vote, Mayor Cooke, Mayor Pro Tem Urdy absent.

39. Approve amending Ordinance No. 870219-0 by allowing members of the MBE/WBE Advisory Committee to serve for staggered terms of two years and specifying that members of the Advisory Committee are subject to chapter 2-3 of the Code of the City of Austin. (Mayor Pro Tem Charles Urdy and Councilman Robert Barnstone)

Postponed to March 14, 1991.

40. Adopted an amendment to the City of Austin's Legislative Program for the 72nd Session of the Texas Legislature to include the following item in the "introduce and seek passage of" category:

(A) Amend the State Cooperative Purchasing Program to allow local governments to participate at will in State contracts. (Councilmember Epstein)

On Councilmember Epstein's motion, Councilmember Carl-Mitchell's second, 5-0 Vote, Mayor Cooke, Mayor Pro Tem Urdy absent.

41. Approve a resolution asking the Travis County Delegation to sponsor legislation to establish and fund a Psychiatric Crisis Complex in Travis County. (Mayor Lee Cooke and Councilmember Smoot Carl-Mitchell)

Pulled Off Agenda

42. Approved a resolution requesting the Texas Parks and Wildlife Department to approve grant funding for Dick Nichols Park. (Councilmember Louise Epstein)

On Councilmember Epstein's motion, Councilmember Nofziger's second, 5-0 Vote, Mayor Cooke, Mayor Pro Tem Urdy absent.

43. Approved a resolution directing the City Manager to commence, without delay, the Police Cadet class as approved during the budget process.
(Councilmember Louise Epstein)

On Councilmember Epstein's motion, Councilmember Barnstone's second, 5-0 Vote, Mayor Cooke, Mayor Pro Tem Urdy absent.

44. Accept and approve the implementation of the Sixth Street Historic District Streetscape. (Sixth Street Subcommittee).

Approved conceptual plan and directed the City Manager to explore funding options, bring back March 21, 1991; on Councilmember Nofziger's motion, Councilmember Carl-Mitchell's second, 5-0 Vote, Mayor Cooke, Mayor Pro Tem Urdy absent.

46. Amend the FY 1990-91 Operating Budget by appropriating \$15,000 from the Contingency Reserve Fund to fund a 60-day pilot day labor program to provide enhanced job opportunities through the Salvation Army/Texas Employment Commission Day Labor program. (Sixth Street Subcommittee)

Pulled off agenda.

45. APPOINTMENTS

BOARD OF ADJUSTMENT - 1
COMMUNITY DEVELOPMENT COMMISSION - 10 AS FOLLOWS: 5 COUNCILMEMBER REPS.; 1 COUNTYWIDE REP.; 1 NBL REP.; 1 LABOR REP.; 1 AREA CHURCHES REP.; 1 HISPANIC CHAMBER REP.
LIBRARY COMMISSION - 5
MEDICAL ASSISTANCE PROGRAM ADVISORY BOARD - 6 AS FOLLOWS; 3 CITIZENS; 1 PHARMACIST; 1 DENTIST; 1 PROGRAM USER
MUSIC COMMISSION - 9
RMMA DEVELOPMENT TASK FORCE - 1
URBAN TRANSPORTATION COMMISSION - 5

Postponed to March 14, 1991.

CERTIFICATION BY CITY CLERK

47. Certification by the City Clerk of the results of the Austin Environmental Charter Amendment Petition Package.

Post for Action March 14, 1991.

CITIZEN COMMUNICATIONS

The following people spoke at the end of the meeting; Lori Renteria, John Johnson and Henry Ratliff.

ADJOURN - The meeting was adjourned at 5:21 P.M.