



Austin City Council MINUTES For

OCTOBER 10, 1991 - 1:00 P.M.

MEETING CALLED TO ORDER

Mayor Todd called to order the meeting of the Council, noting the presence of all members.

APPROVAL OF MINUTES

1. Approval of Minutes for Regular Meeting of October 3, 1991.

On Councilmember Epstein's motion, Councilmember Larson's second, 6-0 Vote, Mayor Pro Tem Urdy out of the room.

1:00 P.M. - CITIZEN COMMUNICATIONS

2. Ms. Betty Phillips presented Council members with copies of the final report of the National Commission on Children: "Beyond Rhetoric."
3. Mr. Rusty Tally made a major Aqua Festival announcement by presenting the City of Austin with a check for \$130,000, from proceeds of the 1991 Aqua Festival, to be used to build and improve parks in Austin.
4. Mr. Rick Wheeler helped make the major Aqua Festival announcement by being there for the presentation of the check to Austin.
5. Ms. Scarlett Rabalais, to discuss employment for the elderly and disabled. Not present.
6. Mr. Leonard Lyons discussed communication to and from Council.
7. Mr. Charlie Waits discussed the effect of taxes.
8. Mr. David Van Os discussed Austin cablevision issues.
9. Mr. David Elliott discussed current City issues.
10. Mr. Henry Ratliff discussed City opportunities.
11. Mr. Eric Boll discussed precluding employers who conduct random drug tests from receiving subsidies in the form of tax abatements.

ITEMS CONTINUED FROM PREVIOUS MEETINGS

12. Approved supplemental amendment No. 6 to the Professional Services Agreement with CH2M HILL, Austin, Texas, for construction phase engineering services for the Hornsby Bend Digester 8 roof repairs, in the amount of \$47,017, for a total contract amount of \$369,350. (Funding included in C.I.P. No. 436-237-0830.)36

On Councilmember Garcia's motion, Councilmember Reynolds' second, 7-0 Vote.

13. Approved third reading of a Special Exception to provisions of the Barton Springs Contributing Zone Interim Amendments to the Land Development Code, Ordinance No. 910221-E, for the Storm 290 Subdivision.

On Councilmember Larson's motion, Councilmember Reynolds' second, 4-3 Vote, Mayor Todd, Councilmembers Garcia and Nofziger voted No.

14. Approved third reading of a Special Exception to provisions of the Barton Springs Contributing Zone Interim Amendments to the Land Development Code, Ordinance No. 910221-E, for the John Phillip's Tract (Westfield Center Subdivision).

On Councilmember Larson's motion, Councilmember Reynolds' second, 4-3 Vote, Mayor Todd, Councilmembers Garcia and Nofziger voted No.

15. Approved second/third readings of an Ordinance amending the 1991-92 Operating Budget to increase appropriations to the Cultural Arts Fund by \$57,465.

16. Set a public hearing regarding the establishment of tax abatement guidelines and criteria for 1991-1993. Date and time: November 7, 1991 at 5:00 p.m. [Mayor Pro Tem Charles Urdy and Mayor Bruce Todd]

#15-16 on Councilmember Garcia's motion, Councilmember Reynolds' second, 7-0 Vote.

ORDINANCES

17. Approved second/third readings of an Ordinance amending Chapter 13-2 of the Austin City Code rezoning property locally known as 6511-6523 & 6601-6623 U.S. Hwy 290 West and 6701-6703 Patton Lane, Case No. C14-91-0027, from "SF-2", Single-Family Residence (Standard Lot) to "CS-CO" General Commercial Services-Conditional Overlay. Conditional Overlay incorporates conditions imposed by Council. Street deed satisfying right-of-way dedication requirement has been executed.

On Councilmember Epstein's motion, Councilmember Reynold's second, 7-0 Vote.

18. Approved first reading of an amendment to the Land Development Code to adopt Non-Degradation regulations for Barton Creek Watershed and watersheds contributing to Barton Springs. (C20-91-010 - Comprehensive Watershed Ordinance).

Motion - Withdrawn

Councilmember Nofziger made a motion to approve the "Save Our Springs proposal as has been submitted to the City Clerk on this past Monday which is based on the City staff's original recommendation, as amended, on July the 24th of this year and with the twelve additional amendments".

Councilmember Nofziger withdrew his motion, when Mayor Todd said he would like to have discussion from all members of the Council before motions were made.

Motion - Died for Lack of Second

Councilmember Nofziger made a motion "to approve the SOS plan and the SOS Plan is based on the staff's original recommendation as amended in the July 24th draft with the additional 12 amendments to that". There was no second, so motion died for lack of a second.

Motion

Councilmember Reynolds made a motion, seconded by Mayor Todd, to "accept staff recommendation".

Friendly Amendment to Motion

Councilmember Garcia made a friendly amendment to the motion to "accept the errata". His friendly amendment was accepted.

Roll Call on Motion with Friendly Amendment

First Reading Only - 6-1 Vote, Councilmember Nofziger voted No.

(2nd and 3rd readings scheduled for October 16 & 17, 1991.)

19. Authorized acceptance of the Ryan White Title II HIV Consortium grant from the Texas Department of Health in the amount of \$493,612; amend the 1991-92 Special Revenue Fund Budget of the Health and Human Services Department by appropriating those funds to grant expenses and expense refunds; and authorize three (3) additional grant-funded full time employees (FTEs). (Related to Item 20)

On Councilmember Epstein's motion, Councilmember Garcia's second, 7-0 Vote.

RESOLUTIONS

20. Approved execution of the following eleven (11) month contracts under the Ryan White Title II HIV Consortium grant from the Texas Department of Health: Pediatric AIDS League - \$16,600; Informe SIDA - \$25,733; Waterloo Counseling Center - \$19,985; Project Transitions - \$60,827; Community Action - \$27,842; AIDS Services of Austin - \$129,332; CARE Unit (Brackenridge) - \$32,392; and HIV Study Group (CTMF) - \$81,784, for a total amount of \$394,495. (Related to Item 19)
21. Approved a construction contract award to SPAW-GLASS, INC., San Antonio, Texas, for street and sidewalk construction for the Convention Center, in the amount of \$1,337,925. (Funding included in C.I.P. No. 493-827-1000.) Low bid of three (3). 47.84% MBE, 0% WBE Subcontractor participation.
22. Approved execution of a twelve (12) month agreement with TEXAS INDUSTRIES FOR THE BLIND AND HANDICAPPED (TIBH), Georgetown, Texas; representing Goodwill Industries of Central Texas, Austin, Texas, for janitorial services for the Water and Wastewater Department at Avante Plaza, in an amount not to exceed \$73,000. (Funding included in the 1991-92 Operating Budget for the Water and Wastewater Department.) Reference No. SA-597-90.

#20-22 on Councilmember Garcia's motion, Councilmember Reynolds' second, 7-0 Vote.

23. Approved execution of two (2) twelve (12) month supply agreement contracts for the purchase of miscellaneous water pipe repair parts to the following vendors: O&R UTILITIES, Austin, Texas, in an amount not to exceed \$65,635.35; and INDUSTRIAL INTERNATIONAL, INC., Austin, Texas, in an amount not to exceed \$34,388.60, for an annual dollar amount not to exceed \$100,023.95, including the option to extend for one (1) additional twelve (12) month period in amounts of \$65,635.35 and \$34,388.60 respectively per extension, for a total amount not to exceed \$200,047.90. (Funding included in the 1991-92 Operating Budget of the Water and Wastewater Department.) Low bid of three (3). 0% M/WBE Subcontractor participation. The prime did not identify any subcontracting opportunities. Reference No. 910755-1RF.

On Councilmember Garcia's motion, Mayor Pro Tem Urdy's second, 7-0 Vote.

24. Approve supplemental amendment No. 6 to the Professional Services Agreement with Espey-Huston & Associates, Austin, Texas, for additional engineering services for the South Austin Outfall,

including pre-design, studies, design and construction phase services, in the amount of \$121,988, for a total contract amount of \$927,650.82. (Funding included in C.I.P. 443-237-0749.)

Postponed to October 31, 1991.

25. Approved selection of JONES & NEUSE, INC., Austin, Texas, (Phases 2 & 3) and HARUTUNIAN ENGINEERING INC., Austin, Texas (Phases 4 & 5) for professional engineering services for the completion of planning and design of the Lower Little Walnut Creek Interceptor, in the amount of \$261,000 for Phases 2 & 3, and \$145,000 for Phases 4 & 5. (Funding included in C.I.P. 433-237-0540. Best proposals of twenty-two (22). 10% MBE, 5% WBE Subcontractor participation.
26. Authorized negotiation and execution of an Interlocal Agreement with Travis County to authorize the paving of the portion of Decker Lake Road within the City limits as a portion of Travis County's overlay pavement project, in an amount not to exceed \$6,000. (Funding included in the 1991-92 Operating Budget of the Public Works and Transportation Department.)
27. Authorized amendment of an existing Interlocal Agreement with Travis County for the construction of Burleson Road as part of the City's Water and Wastewater improvements, by establishing an escrow fund for payment of contractor estimates for work performed. (No additional funding is required.)

#25-27 on Councilmember Garcia's motion, Councilmember Reynolds' second, 7-0 Vote.

28. Approve application for and acceptance of a grant in the amount of \$18,850 from the Junior League of Austin for the development of a multimedia animation lab at the Dougherty Arts Center. (No matching funds are required.)

Pulled from agenda.

29. Set public hearings on full purpose annexation for the following areas: Walnut Creek Business Park Scofield Farms/North Shields; Canyon Ridge/Jester Estates; Great Hills; Barton Creek Greenbelt; Davis Hill/Palomino Park/Brodie 2000; Maple Run Outparcels. Dates, times and locations: October 31, 1991 and November 7, 1991 at 6:30 p.m. for all areas; additional on-site public hearing for Great Hills area: November 5, 1991 at 6:30 p.m., Laurel Mountain School, 1011 DK Ranch Road; additional on-site public hearing for the Scofield/Farms/North Shields area: November 6, 1991 at 6:30 p.m., Westview Middle School, 1805 Scofield Lane.

On Councilmember Garcia's motion, Councilmember Reynolds' second, 7-0 Vote.

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

ZONING DISTRICTS

30. C14h-91-0010 - BICKLER HOUSE, 901 West 16th Street. From SF-3 to SF-3-H. Planning Commission Recommendation: To grant SF-3-H, Single-Family Residence-Historic.

ORDINANCE

31. C14-91-0077 - RESOLUTION TRUST CORP. FOR CONTINENTAL SAVINGS ASSOC., by DJ-X, INC., 4712-4720 South Congress Avenue. From CS, SF-3 to CS.

FIRST READING

#30-31 on Councilmember Reynolds' motion, Mayor Pro Tem Urdy's second, 7-0 Vote.

RECESS - The Council recessed its meeting from 4:32 to 5:05 P.M.

PUBLIC HEARINGS AND APPROVAL OF ORDINANCES/RESOLUTIONS

32. 5:15 P.M. - Approve an increase in the residential drainage fee by \$0.50 per month (to \$3.82 per month) and commercial drainage fee by \$5.40 per acre (to \$41.23 per acre per month) to provide funding for the monitoring of stormwater and the design, construction, and maintenance of stormwater retrofit structures in the Barton Springs Zone.

Motion

The Council, on Councilmember Larson's motion, Councilmember Reynolds' second, closed the public hearing. 7-0 Vote.

Motion

The Council, on Councilmember Reynolds' motion, Councilmember Nofziger's second, voted to table until program is detailed as to how the money will be spent. 6-1 Vote, Mayor Todd voted No.

ITEMS FROM COUNCIL

33. Approved a Resolution authorizing participation in the State Cooperative Purchasing Program to enable procurement from State contracts on a selective basis during the duration of such program; authorize the City's Purchasing Officer to be the agent of record with the State. (Councilmember Louise Epstein)

34. Approved a Resolution that the money received from the disposition of the Treaty Oak wood be placed in the Planting for the Future Fund. (Councilmember Michael "Max" Nofziger)

#33-34 on Councilmember Epstein's motion, Mayor Pro Tem Urdy's second, 7-0 Vote.

35. Approved a Resolution creating a Bicycle Mobility Task Force in memory of Chris Kern with the following appointments: (Councilmember Louise Epstein)

One person from Public Works Department, One person from the Planning Department; One person from the Police Department; Charles Gandy, Parks Board; Hill Able, bicycle shops; June Secrist and Glenn Gadbois, area cyclists; (nominated by Councilmember Epstein) - Doug Johnston, area cyclist; and someone from Capital Metro Board; these nominations made by Councilmember Nofziger who asked the City Manager to "get in touch with the Capital Metro Board and invite them to appoint someone to the Task Force".

Friendly Amendment - Accepted

Councilmember Reynolds stated: "I would like to add one more word in here. it says improve the safety and mobility of both bicyclists and motorists as they interact, I would like to add the word pedestrian because there is an interaction and inter-relationship with bicyclists and pedestrians...."

Councilmember Garcia said he would like to see another mission added to the Task Force, "the safety of students using bicycles going from home to school and back". Mayor Todd said that would be a part of the mission.

On Councilmember Epstein's motion, Councilmember Nofziger's second, 6-0 Vote, Mayor Pro Tem Urdy out of the room.

36. Approved a Resolution declaring the intent of the Council to aggressively pursue the elimination of graffiti in Austin and requesting a program of clean-up by offenders. (Councilmember Louise Epstein)

On Councilmember Epstein's motion, Councilmember Garcia's second, 6-0 Vote, Councilmember Nofziger out of the room.

37. Approved an Interlocal Agreement between the City of Austin, Travis County and Private Industry Council (PIC) setting forth the functions, responsibilities, roles and relationships under the Job Training Partnership Act for the Austin/Travis County service delivery area. (Mayor Bruce Todd)

Council directed the City Manager to request PIC to report periodically to Council on various critical indicators.

On Councilmember Garcia's motion, Mayor Pro Tem Urdy's second, 6-0 Vote, Councilmember Reynolds out of the room.

38. Set a public hearing to discuss management of the Austin-Travis County MHMR Center. Date and time: October 31, 1991 at 4:30 p.m. [Councilmember Louise Epstein]

On Councilmember Epstein's motion, Mayor Pro Tem Urdy's second, 7-0 Vote.

39. Consider the formation of a City Charter Revision Commission. (Councilman Gus Garcia)

Pulled from agenda.

40. Approve an Ordinance amending the 1991-92 C.I.P. Budget to include sewage effluent lines projects for the Morris Williams golf course and Jimmy Clay golf course. (Councilmembers Gus Garcia and Michael "Max" Nofziger)

Pulled from agenda.

41. Approve an Ordinance abolishing the \$36.00 Library Card Fee for all out-of-City ratepayers of the City of Austin Electric Utility. (Councilman Gus Garcia and Mayor Pro Tem Charles Urdy)

Pulled from agenda.

45. Approve a Resolution directing the City Manager to prepare a matrix showing various estimates for purchasing:

- A. the recharge area to the Barton Springs/Edwards Aquifer area inside the city limits, inside the ETJ (extraterritorial jurisdiction), outside the ETJ and city limits, and the total areas.
- B. determine the cost of purchasing 1000' of land on either side of the center line of Barton Creek, all the way out to the ETJ. (Councilmember Ronney Reynolds)

On Councilmember Reynolds' motion, Councilmember Epstein's second, 7-0 Vote.

EXECUTIVE SESSION (No Public Discussion on These Items)

Mayor Todd announced that Council would go 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.

42. Pending/Contemplated Litigation, Section 2, Paragraph e

Discussion of Benito Tamayo, Individually and In Behalf of Jose Alberto Tamayo; of Maria De Lourdes Tamayo; of Mireya Tamayo; of Ana Maria Tamayo; of Judith Tamayo; of Ranferi Tamayo; and of Jaime Tamayo and As Next Friend of Each: Ana Ana Maria Ramirez-Tamayo; Emila Tamayo; Fidelmar Tamayo; and Maria De Jesus Tamayo; All Survivors of Eleuterio Tamayo, Deceased v. J.C. Evans Construction Co., Inc.; Trans-Texas Supply Company; A & T Water and Sewer Supply Company, Inc.; Mueller Co.; City of Austin; and Haegelin Construction Company, Inc., Cause No. 490,348.

RECESS - Council recessed from 3:56 to 4:30 P.M. for executive session.

ACTION ON THE FOLLOWING

- 43. Approved settlement of Benito Tamayo, Individually and In Behalf of Jose Alberto Tamayo; of Maria De Lourdes Tamayo; of Mireya Tamayo; of Ana Maria Tamayo; of Judith Tamayo; of Ranferi Tamayo; and of Jaime Tamayo; and As Next Friend of Each: Ana Maria Ramirez-Tamayo; Emila Tamayo; Fidelmar Tamayo; and Maria De Jesus Tamayo; All Survivors of Eleuterio Tamayo, Deceased v. J. C. Evans Construction Co., Inc.; Trans-Texas Supply Company; A & T Water and Sewer Supply Company, Inc.; Mueller Co.; City of Austin; and Haegelin Construction Company, Inc. Cause No. 490,348. In the amount of \$208,000.00.**

On Councilmember Garcia's motion, Councilmember Larson's second, 7-0 Vote.

44. APPOINTMENTS

ARTS COMMISSION - Maxine Barkan, Mario Garza, Brenda Malik, Bruce Willenzik

**HISTORIC LANDMARK COMMISSION - Ben Heimsath
IMPACT FEE ADVISORY BOARD - Mary Arnold, Thais Austin, Dawnna Dukes, J.R. Kidwell, Jesse L. Peck**

MH/MR BOARD OF TRUSTEES - Lynda D. Henry, Ron Mullen

RENAISSANCE MARKET COMMISSION - Michael Kleinman, Arnold Levine, Wendy Nine

**SOLID WASTE ADVISORY COMMISSION - John (Bill) Carter, Betty Gross,
Virginia Jones Smith, Susan Tiemann, Gail Vittori**

**WATER AND WASTEWATER COMMISSION - Larry Deuser, Richard Dimery,
Connie Moore, John Wooley**

SPEAKERS AT END OF MEETING

**Robert Singleton, Brent White, Al St. Louis, Christy Stevens, Bill
Bunch, Helen Ballev, Buck Wynne.**

ADJOURN - The meeting was adjourned at 8:21 P.M.