



Austin City Council MINUTES For

DECEMBER 5, 1991 - 1:00 P.M.

MEETING CALLED TO ORDER - 1:00 P.M.

1. Approval of Minutes for Regular Meeting of November 21, 1991 and Special Meetings of November 20 and 25, 1991

On Councilmember Larson's motion, Councilmember Garcia's second, 6-0 Vote, Councilmember Epstein absent.

1:00 P.M. - CITIZEN COMMUNICATIONS

2. Mr. Charlie Waits discussed why the City spends \$6.5 million to pick up \$300,000 worth of recyclables and why we can't find a place for a landfill while we proceed with a plan to give cave bugs and birdies 65,000 acres.
3. Mr. Richard Trachtenberg, to discuss current City issues.
Did not speak.
4. Mr. Leonard Lyons, to discuss Thanksgiving.
Did not speak.
5. Mr. Bert Adams discussed minority business development training for East Austin youth.
6. Mr. Henry Ratliff discussed Austin responsibilities.
7. Mr. Richard T. Colgan discussed his concerns about Capital Metro's Light-Rail Plan.
8. Mr. Neal Tuttrup discussed current events.
9. Mr. David Elliott discussed current issues.

BOARD AND COMMISSION REPORTS

10. URBAN FORESTRY BOARD - Treaty Oak Wood Utilization Process report was given and Council unanimously approved the process.

ORDINANCES

Year End Budget Adjustments (Items 11-15)

11. Amended the 1990-91 Brackenridge Hospital Operating Budget (Ordinance No. 900913-D) by increasing total net revenues by \$5,941,613 and increasing expenditures by \$361,984, and decreasing the beginning balance by \$3,199,107. (The additional \$5,941,613 in revenues provides funding for the additional \$361,984 in expenditures.)
12. Amended the 1990-91 General Fund Operating Budget (Ordinance No. 900913-D) by appropriating \$44,000 from the 1990-91 General Fund ending balance to the City Clerk's budget to offset higher-than-budgeted election costs.

#11-12 on Councilmember Garcia's motion, 6-0 Vote Councilmember Epstein absent.

13. Amended the 1991-92 Operating Budget (Ordinance No. 910912-A) by increasing the beginning balance by \$58,000 and appropriating \$58,000 in expenditures to the Water and Wastewater Utility to fund a productivity analysis of Water and Wastewater line maintenance operations, that although planned for expenditures in 1990-91 were not spent during that fiscal period. (Funding included in the 1990-91 ending balance.) [Related to Item 21]

On Councilmember Reynolds' motion, Councilmember Garcia's second, 5-0 Vote, Mayor Pro Tem Urdy out of the room, Councilmember Epstein absent.

14. Amend the 1991-92 Operating Budget (Ordinance No. 910912-A) by increasing the Solid Waste Services Fund's budgeted beginning balance by \$278,000 and increasing departmental appropriations to fund certain expenditures that although planned for in 1990-91 were not spent during that fiscal period. (Funding included in the 1990-91 ending balance.)

Pulled off agenda.

15. Amended the 1991-92 Operating Budget (Ordinance No. 910912-A) by increasing the Tourism and Promotion Fund budgeted beginning balance by \$117,855 and increasing departmental appropriations for expenditures that although planned for in 1990-91 were not spent during that fiscal period. (Funding included in the 1990-91 ending balance.)
16. Amended the 1991-92 Operating and Capital Budgets by transferring \$118,630 from the Softball Fund to the Capital Budget and

appropriating \$118,630 to a new capital improvements project for the construction of restroom facilities at the Krieg Softball Complex.

#15-16 on Councilmember Garcia's motion, Councilmember Nofziger's second, 6-0 Vote, Councilmember Epstein absent.

17. Authorized acceptance of a grant in the amount of \$194,950 from the Texas Department of Health, Immunization Division; amend Ordinance No. 910912-A by amending the 1991-92 Special Revenue Fund of the Health and Human Services Department (HHSD) by increasing appropriations by \$194,950; and authorize 2.0 additional grant funded FTEs. (No net impact on the General Fund.) (Related to Item 22)

On Councilmember Reynolds' motion, Councilmember Garcia's second, 5-0 Vote, Mayor Pro Tem Urdy out of the room, Councilmember Epstein absent.

18. Approved the full purpose annexation of the following areas: Walnut Creek Business Park area (Case No. C7a-91-002); Scofield Farms/North Shields area (Case No. C7a-91-003); Canyon Ridge/Jester Estates area (Case No. C7a-91-004); Great Hills area (Case No. C7a-91-005); Barton Creek Greenbelt area (Case No. C7a-91-006); and Maple Run Outparcels (Case No. C7a-91-008). [Related to Item 23]

FIRST READING ONLY - On Councilmember Garcia's motion, Councilmember Reynolds' second, 6-0 Vote, Councilmember Epstein absent.

19. Amended the 1991-92 Operating Budget of the Austin Cable Special Revenue Fund (Ordinance No. 910912-A) by increasing the beginning balance by \$84,500 and increasing appropriations expenditures by \$84,500 for capital equipment. (Related to Item 24)
20. Approved the Custom Golf Club Incentive Ordinance to waive building and development fees in the amount of \$117,566 for the Custom Golf Club expansion project for a five (5) year period (1991-1996). (Related to Item 28)

#19-20 on Councilmember Garcia's motion, Councilmember Nofziger's second, 6-0 Vote, Councilmember Epstein absent.

RESOLUTIONS

21. Approved execution of a contract with DELOITTE & TOUCHE, Houston, Texas, for the performance of a productivity study of Water and Wastewater Utility line maintenance operations, in an amount not to exceed \$58,000. (\$58,000 reappropriated from 1990-91 Water and Wastewater Utility Fund). Best proposal of six (6). 10% MBE, 0% WBE Subcontractor participation. (Related to Item 13)

On Councilmember Garcia's motion, Mayor Pro Tem Urdy's second, 6-0 Vote, Councilmember Epstein absent.

22. Approved execution of contracts with the following agencies under the Texas Department of Health, Immunization Division grant:

PEOPLE'S COMMUNITY CLINIC, in the amount of \$56,250 and SETON EAST COMMUNITY HEALTH CENTER, in the amount of \$56,250. (Funding provided by the Special Revenue Fund.) (Related to Item 17)

On Councilmember Nofziger's motion, Councilmember Garcia's second, 6-0 Vote, Councilmember Epstein absent.

23. Approved a finding pursuant to Sec. 43.057 of the Texas Local Government Code that it is in the public interest to annex the Scofield - North Shields area (Case No. Ca7-91-003) which creates land surrounded by, but not in the full purpose City limits. (Related to item 18)

On Councilmember Garcia's motion, Councilmember Reynolds' second, 6-0 Vote, Councilmember Epstein absent.

Cable Issues (Items 24-27)

24. Approved execution of an amendment to the City's contract with COMMERCIAL VIDEO SYSTEMS (CVS) to purchase and install additional television production equipment, in an amount not to exceed \$42,978, for a total contract amount not to exceed \$175,478. (Funding included in the Cable Access Fund.) [Recommended by Cable Issues Subcommittee]. [Related to Item 19]

On Councilmember Garcia's motion, Councilmember Nofziger's second, 6-0 Vote, Councilmember Epstein absent.

25. Direct Austin CableVision to designate one additional access channel for Texas Student Television. (Recommended by Cable Issues Subcommittee)

Motion -Withdrawn

Councilmember Nofziger made a motion, seconded by Councilmember Garcia to approve. After some discussion the motion was withdrawn.

Motion

Councilmember Garcia made a motion, seconded by Councilmember Reynolds to send this back to the Subcommittee to look at an access channel for students and bring back to Council by the end of January. Motion passed by a vote of 6-0, with Councilmember Epstein absent.

26. Determination of ineffective competition for Cable operations in Austin, and notification to Austin Cablevision of intent to regulate. (Recommended by Cable Issues Subcommittee)

On Councilmember Nofziger's motion, Councilmember Garcia's second, 5-0 Vote, Mayor Pro Tem Urdy out of the room, Councilmember Epstein absent.

27. Set a public hearing for the Ten Year Performance Report on Cablevision. Date and time: January 9, 1992 at 5:00 p.m. (Recommended by Cable Issues Subcommittee)

On Councilmember Nofziger's motion, Councilmember Garcia's second, 5-0 Vote, Mayor Pro Tem Urdy out of the room, Councilmember Epstein absent.

28. Authorized negotiation and execution of a reimbursement agreement between the City of Austin and Custom Golf Clubs, Inc. in an amount not to exceed \$303,518 for provision of water and wastewater service for the Custom Golf Clubs expansion project. (Related to Item 20)

29. Approved execution of a contract award with LAERDAL MEDICAL CORPORATION, Armonk, New York, for the purchase of forty-one (41) portable defibrillators for the Fire Department and Emergency Medical Services Department, in an amount not to exceed \$141,368. (Funding included in the 1991-92 Operating budget of the Fire and Emergency Medical Services Departments.) Low bid of three (3). The prime did not identify any subcontracting opportunities.

On Councilmember Garcia's motion, Mayor Pro Tem Urdy's second, 6-0 Vote, Councilmember Epstein absent.

30. Approved execution of a contract with TEXAS INDUSTRIAL MECHANICAL, INC., Austin, Texas, to provide labor and materials for the installation of two (2) new Trane High-efficiency chillers for the central plant of Brackenridge Hospital, in an amount not to exceed \$58,000. (Funding in the amount of \$29,000 to be provided by Environmental Conservation Services Department CIP funds; \$29,000 in matching grant funds from the U.S. Department of Energy which are administered by the Governor's Energy Office.) Low bid of four (4). The prime identified two areas of subcontracting; there were no known M/WBES available to perform the scope of work. Reference File No. 910975-3RF.

On Councilmember Garcia's motion, Councilmember Nofziger's second, 5-0 Vote, Mayor Pro Tem Urdy out of the room, Councilmember Epstein absent.

31. Approved execution of a twelve (12) month supply agreement with PIONEER AGGREGATES/AUSTIN DIVISION, Austin, Texas, for the purchase of polymer modified asphalt concrete materials, in an amount not to exceed \$272,600. (Funding included in the 1991-92 Operating Budget for the Public Works and Transportation Department.) Low bid of three (3). The prime did not identify any subcontracting opportunities. Reference No. 910977-1RH.
32. Approved negotiation and execution of a ten month contract with HESTAIR COMPUTER GROUP, Dallas, Texas, for professional contract programming services, in an amount not to exceed \$150,000. (Funding included in the 1991-92 Operating Budget of Information Systems Department.) Best and lowest proposal of four (4). The prime did not identify any subcontracting opportunities.
33. Approved ratification of a twelve (12) month service agreement with SHERYL BEHNE, (VBE), Austin, Texas, for the professional management of the South Austin Tennis Center in the estimated amount of \$39,000, with the option to extend for up to four (4) twelve (12) month periods, in an estimated amount of \$39,100 per extension, for an estimated total amount of \$195,000. (Funding included in the 1991-92 budget of the Parks and Recreation Department.) Best proposal of three (3). The prime did not identify any subcontracting opportunities. Reference No. SA-196-91.

#31-33 on Councilmember Garcia's motion, Mayor Pro Tem Urdy's second, 6-0 Vote, Councilmember Epstein absent.

34. Approved amendments to the Personnel Policies by revising current language related to the City's commitment to non-discriminatory and sexual harassment practices; revising the policy on military leave; revising the discrimination complaint policy; establishing a Drug-Free Workplace Policy; and establishing an accrued Sick Leave Transfer Policy. (No additional funding required. Donated sick leave will be paid out of budgeted personnel funds.)

On Councilmember Garcia's motion, Councilmember Reynolds' second, 6-0 Vote, Councilmember Epstein absent. With an additional amendment by Councilmember Garcia as follows: "The City Manager or Director of Human Resources shall notify each employee in writing once a year of these discrimination and sexual harassment policies, and will, each year, include the issues of discrimination, sexual harassment and remedies in orientation, professional development and staff meetings".

35. Approved execution of an amendment to the service agreement with HISPANIC CHAMBER OF COMMERCE, for ethnic/minority marketing of tourism and conventions to provide for a three (3) month contract extension, for an amount not to exceed \$32,486, including a one (1)

month extension option, for an amount not to exceed \$10,828 per option, for a total contract amount not to exceed \$190,268. (Funding included in the 1991-92 Convention Center Department budget.)

36. Approved execution of an amendment to the service agreement with CAPITAL CHAMBER OF COMMERCE for ethnic/minority marketing of tourism and conventions to provide for a three (3) month contract extension for an amount not to exceed \$32,486, including a one (1) month extension option, for an amount not to exceed \$10,828 per option period, for a total contract amount not to exceed \$190,268. (Funding included in the 1991-92 Convention Center Department budget.)

#35-36 on Councilmember Garcia's motion, Mayor Pro Tem Urdy's second, 6-0 Vote, Councilmember Epstein absent.

Park Grants (Items 37-39)

37. Authorize the submission of a grant application for Dove Springs Park or Dick Nichols Park to the Parks and Wildlife Department for approval in January 1992 by the Texas Parks and Wildlife Commission. (No fiscal impact.)

Discussed, no action.

38. Approved an accelerated review and permitting schedule for the Veloway Project. (No fiscal impact.)

On Mayor Pro Tem Urdy's motion, Councilmember Reynolds second, 6-0 Vote, Councilmember Epstein absent.

39. Approved an accelerated schedule for the review and construction of Dove Springs Park, Dick Nichols Park and Searight Park.

On Councilmember Larson's motion, Councilmember Nofziger's second, 6-0 Vote, Councilmember Epstein absent.

40. Amended the Interlocal Agreement with Travis County for Emergency Medical and Helicopter Services to allow the City of Austin Law Department to sue debtors for charges owed for STAR Flight service. (No fiscal impact. Collection of administrative and attorneys' fees will cover the City's administrative costs.)

On Councilmember Garcia's motion, Mayor Pro Tem Urdy's second, 6-0 Vote, Councilmember Epstein absent.

41. Approved execution of an agreement with the University of Texas and Blackland Community Development Corporation by amending the current

master lease with the University of Texas and the sublease with the Blackland Community Development Corporation to provide for the acquisition and sale of residential land structures. (No fiscal impact.)

42. Approved the Walk of Stars Program and authorized execution of a License Agreement for the installation of commemorative name plates on certain portions of the rights-of-way of Trinity and East Sixth Streets.

#41-42 on Councilmember Garcia's motion, Mayor Pro Tem Urdy's second, 6-0 Vote, Councilmember Epstein absent.

43. Approve the process for the development of a bond package for a 1992 Bond Election.

Approved revised resolution, on Councilmember Garcia's motion, Mayor Pro Tem Urdy's second, 6-0 Vote, Councilmember Epstein absent.

44. Set a public hearing on an appeal of the Planning Commission's decision to approve a consolidated site plan for Spicewood Development Corporation, 11207 Spicewood Parkway. (File #SPC-90-0256C). Date and time: December 19, 1991 at 5:00 p.m.

On Councilmember Garcia's motion, Mayor Pro Tem Urdy's second, 6-0 Vote, Councilmember Epstein absent.

64. Ratified administratively awarded construction contract to Insituform Texark, Inc., 9330 L.B.J. Freeway, Suite 335, Dallas, Texas, 75243, in the amount of \$310,936.00 for October 1991 Bull Creek Lateral A Pipe-Within-A-Pipe Rehabilitation Project. (Mayor Todd and Councilmember Larson)

On Councilmember Garcia's motion, Mayor Pro Tem Urdy's second, 6-0 Vote, Councilmember Epstein absent.

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

ZONING DISTRICTS

45. C14-91-0074 - JOHN COATES, by Minter, Joseph & Thornhill, 959 Reinli Street. From CS to CS-1. Planning Commission Recommendation: To grant CS-1-CO, with the provision of the conditional overlay to prohibit adult oriented businesses.

Postponed to December 19, 1991

46. C14-91-0085 - CTH&F BUILDING PARTNERSHIP, by Hughes & Luce, L.L.P., 7331 Manchaca Road. From DR to LO. Planning

Commission Recommendation: To Grant LO, Limited Office.

Ordinance, on Mayor Pro Tem Urdy's motion, Councilmember Reynolds second, 6-0 Vote, Councilmember Epstein absent.

47. C14-91-0078 - EBENEZER CHILD DEVELOPMENT, by Ambrose Jackson Associates, 1010 East 10th Street. From SF-3 to MF-2. Planning Commission Recommendation: To Grant MF-2-CO, Multifamily Residence (low density)-Conditional Overlay, limited to 7 units per acre.

Ordinance

48. C14-91-0080 - USSA REAL ESTATE COMPANY, by Espey, Huston & Associates, 10949 Jollyville Road. From SF-2 to GO. Planning Commission Recommendation: To Grant LO, Limited Office, zoning for Tract 1, and GO, General Office, zoning for Tract 2, subject to a 0.98 Floor-To-Area Ratio.

Ordinance

49. C14-91-0083 - HERON RESIDENTIAL JV I, by Akin, Gump, Hauer & Feld, 8900 IH-35 North. From CS to MF-4. Planning Commission Recommendation: To Grant MF-4-CO, Multifamily Residence (moderate-high density)-Conditional Overlay, limited to a maximum of 336 dwelling units, and subject to a 50 foot buffer and a 6 foot solid privacy fence along the western property line should redevelopment occur.

Ordinance

#47-48-49 on Councilmember Garcia's motion, Councilmember Reynolds' second, 6-0 Vote, Councilmember Epstein absent.

50. C14-91-0084 - COMMERCE SAVINGS ASSOCIATION, by R. W. Spencer, 3032 Tamarron Boulevard. From LR to MF-3. Planning Commission Recommendation: To Grant MF-1-CO, Multifamily Residence (limited density)-Conditional Overlay, subject to: (1) 6 units per acre; (2) prohibiting access to Doris Anne Blvd./Capital Parkway; (3) a building setback of 100 feet or up to the top of the embankment, whichever is greater, parallel to Apricot Drive; (4) a site plan for the project shall not be submitted until after the emergency CWO rules are posted; and (5) a crashgate shall be installed if secondary access is required by the Fire Department.

Motion

Public hearing closed on Councilmember Garcia's motion, Councilmember Reynolds' second, 4-0 Vote, Mayor Todd, Mayor Pro Tem Urdy out of the room, Councilmember Epstein absent.

Motion

Councilmember Garcia made a motion, seconded by Councilmember Larson

to refer to Legal to research deed restrictions, and bring back to Council on December 19, 1991. (6-0 Vote, Councilmember Epstein absent.)

51. C14-91-0087 - BYRAM PROPERTIES, by William J. Scudder, 1700 E. Anderson Lane. From GR to MF-3. Planning Commission Recommendation: To Grant MF-3-C0, Multifamily Residence (medium density)- Conditional Overlay, subject to: (1) 22 units per acre; (2) a 50 foot undeveloped greenbelt buffer along the rear property line; (3) an 8-foot wall along the 50 foot buffer; (4) no buildings within 70 feet of the 8-foot wall; (5) a dense vegetative buffer consisting of shrubs that will grow to a maturity exceeding 6 feet along the 8 foot wall.

Ordinance

Approved, change to 24 units per acre, one bedroom only, and approve the rest of the Planning Commission recommendation with a friendly amendment by Mayor Pro Tem Urdy to plant shrubs along the 8' wall. On Councilmember Garcia's motion, Mayor Pro Tem Urdy's second, 6-0 Vote, Councilmember Epstein absent.

52. C14-91-0082 - JOE R. & MARGARET DOBSON, by Carson Planners, 5902 Mountainclimb Drive. From LO TO SF-6. Planning Commission Recommendation: To grant SF-6-C0.

EMERGENCY PASSAGE OF ORDINANCE

On Councilmember Garcia's motion, Councilmember Reynolds' second, 6-0 Vote, Councilmember Epstein absent.

PUBLIC HEARINGS AND APPROVAL OF ORDINANCES/RESOLUTIONS

53. 5:00 P.M. - Proposed Comprehensive Housing Affordability Strategy (CHAS).

Public hearing closed, on Councilmember Garcia's motion, Mayor Pro Tem Urdy's second, 4-0 Vote, Councilmembers Larson and Reynolds out of the room, Councilmember Epstein absent.

ITEMS FROM COUNCIL

54. Approved an Ordinance canceling the December 12, 1991 Council meeting. (Mayor Bruce Todd)

On Councilmember Garcia's motion, Mayor Pro Tem Urdy's second, 6-0 Vote, Councilmember Epstein absent.

55. Approved a Resolution creating a Council subcommittee on affirmative

action and minority contracting. (Councilmember Gus Garcia).

Appointed Mayor Pro Tem Urdy, Councilmembers Garcia and Reynolds, on Councilmember Garcia's motion, Mayor Pro Tem Urdy's second, 6-0 Vote, Councilmember Epstein absent.

56. Approved an Ordinance providing for the hiring and qualifications of a City Auditor and establishing the powers and duties thereof. (Audit Committee)

On Councilmember Garcia's motion, Mayor Pro Tem Urdy's second, 6-0 Vote, Councilmember Epstein absent.

57. Discussion/Approval of a Resolution appointing two (2) representatives from Travis County to serve on the Bergstrom Conversion Task Force. (Mayor Bruce Todd)

Mayor Todd's motion, seconded by Councilmember Garcia, to approve, FAILED by a vote of 3-3-0 with Councilmember Reynolds, Larson and Nofziger voting no, therefore, NO ACTION TAKEN.

58. Approve a Resolution requesting the Texas Municipal League to support amendments to the Texas Penal Code to establish an offense and penalty for "Peeping Tom" incidents not currently prohibited by the Penal Code. (Councilmember Louise Epstein)

Postponed to December 19, 1991.

59. Approve a Resolution whereby the City Council goes on record expressing its intent not to issue the \$698 million of authorized, but unissued, Manor Airport Bonds, and, to cease any further activities for the acquisition and construction of an airport at the Manor site. (Councilmembers Louise Epstein and Bob Larson)

Postponed to December 19, 1991.

60. Discuss/Approve the expansion of the Aviation Subcommittee and adopt a community input process. (Mayor Bruce Todd and Mayor Pro Tem Charles Urdy)

Postponed to December 19, 1991.

62. Approved a Resolution committing to the construction of park improvements for the Dick Nichols and Dove Springs Parks. (Councilmember Louise Epstein and Mayor Pro-Tem Charles Urdy)

On Councilmember Larson's motion, Councilmember Nofziger's second, 6-0 Vote, Councilmember Epstein absent.

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.

63. Pending/Contemplated Litigation - Section 2, Paragraph e

(a) Discussion of contemplated litigation related to certain water rights and rates which the City of Austin is subject.

No action.

61. APPOINTMENTS

BERGSTROM CONVERSION TASK FORCE - Don F. Rettberg
CHILD CARE COUNCIL - Patricia Hiller
CITY OF AUSTIN COMMISSION FOR WOMEN - Dr. Susan Dolling
COMMUNITY DEVELOPMENT COMMISSION - Alicia V. Del Rio, Cecilia Galindo
DESIGN COMMISSION - Robert Jackson, Emily Little, Perry Lorenz, Tom Shefelman
HEALTH SERVICES TASK FORCE - Dr. Alinda Cox
MEDICAL ASSISTANCE PROGRAM ADVISORY BOARD - Andre Allen, James Joy, Jerry Katz, D.D.S.
MINORITY AND WOMEN OWNED BUSINESS PROCUREMENT ADVISORY COMMITTEE - Frances Cornejo, Elizabeth Jones

END OF MEETING - Speakers at the end of the meeting were Dave Dobbs, Mark Moore and James Crump

ADJOURN - The meeting was adjourned at 10:10 P.M.