



Austin City Council MINUTES

MAY 23, 1991

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

Mayor Cooke called to order the meeting of the Council, noting the presence of all Councilmembers.

MINUTES

1. Approval of Minutes for Regular Meeting of May 16, 1991 and Special Meeting of May 6, 1991

Postponed to May 30, 1991.

1:00 P.M. - CITIZEN COMMUNICATIONS

2. Ms. Margo Kaiser discussed access to health services.
3. Mr. David Elliott discussed current City issues.
4. Mr. Lance Winters, to address the issue of unsafe City vehicles being issued to City employees to perform on the job tasks and the potential liability the City faces. (Will do so at a future date.)
5. Mr. Richard Trachtenburg discussed current City issues.
6. Mr. Leonard Lyons discussed communication.
42. Mr. Henry Ratliff

1:30 P.M. - BOARD AND COMMISSION REPORTS

43. Discussion and approval of Sister City Agreement between Austin and Koblenz, Germany.

Mrs. Anderson made presentation.

2:00 P.M. - MUNICIPAL UTILITY DISTRICT BOND REFUNDING

7. Selection of Goldman, Sachs & Co, as underwriters in connection with the issuance of Utility Systems Revenue Refunding Bonds to refinance the assumed "North Central Austin Growth Corridor Municipal Utility District No. 1."

Approved, on Councilmember Nofziger's motion, Councilmember Carl-Mitchell's second, 6-1 Vote, Councilmember Epstein voted No.

A substitute motion by Mayor Pro Tem Urdy, seconded by Councilmember Larson to approve Apex Securities, failed by a vote of 3-4, Mayor Cooke, Councilmembers Barnstone, Carl-Mitchell and Nofziger voted No.

ITEMS CONTINUED FROM PREVIOUS MEETINGS

8. Approved a Resolution adopting an Orientation Handbook for Board, Commission, Committee and Task Force Members. (Councilmember Bob Larson)

On Councilmember Larson's motion, Mayor Cooke's second, 6-0 Vote, Councilmember Barnstone out of the room.

9. Amended the 1990/91 Operating Budget by transferring \$100,600 from the the Cable Access Fund to the General Fund and appropriate \$100,600 to the Public Information Office Budget for the purpose of acquiring access equipment for Channel 6. (Mayor Lee Cooke and Councilmember Bob Larson)

On Councilmember Larson's motion, Mayor Cooke's second, 5-2 Vote, Councilmembers Carl-Mitchell and Nofziger voted No.

10. Discussion/approval of first reading of an Ordinance amending Chapter 2-6 of the Code of the City of Austin, 1981, to provide for the duties and responsibilities of the Presiding Judge and the Clerk of the Municipal Court. (Mayor Lee Cooke)
[Continued from May 9, 1991]

Postponed to June 6, 1991.

ORDINANCES

Zoning (Items 11-12)

11. Approved second/third reading of an Ordinance amending Chapter 13-2 of the Austin City Code rezoning property locally known as 6300-6600 Winterberry Drive, Case No. C14-91-0011, from "DR", Development Reserve to "SF-2-CO", Single-Family

Residence-Conditional Overlay, TEXAS BANK, by R.W. Spencer Development. First reading on April 4, 1991; Vote 509, Councilmember Larson out of the room and Nofziger absent. Conditions met as follows: Conditions imposed by Council have been incorporated into a Conditional Overlay and Restrictive Covenant.

12. Approved second/third readings of an Ordinance amending Chapter 13-2 of the Austin City Code rezoning property locally known as 8600-8610 North MoPac Expressway, Case No. C14-91-0013, from "SF-3", Family Residence to Tract 1; "LR-CO", Neighborhood Commercial-Conditional Overlay; Tract 2; "LO-CO", Limited Office-Conditional Overlay, STEPHEN WHATLEY, by Bruce Jackson. First reading on April 11, 1991; Vote 4-3, Councilmembers Carl-Mitchell, Epstein and Nofziger voting "No". Conditions met as follows: Conditional Overlay incorporates conditions imposed by Council.
 13. Amended the 1990-91 Capital Budget by appropriating an additional \$100,356 in Capital Metro Transportation Authority (CMTA) 1991 Mobility Plan funds to the 1991 Street Resurfacing account.
 14. Approved an Ordinance amending Chapter 10-5 of the City Code by adding a section to establish permitting procedures for extended occupancy of parking spaces for non-construction related purposes and to re-establish the permit fee.
- #11-14 on Mayor Pro Tem Urdy's motion, Councilmember Larson's second, 5-2 Vote, Councilmembers Carl-Mitchell and Nofziger voted No.
44. Adopt an Ordinance establishing the office of the City Auditor for the City of Austin and providing for its duties and responsibilities.

Postponed to May 30, 1991.

RESOLUTIONS

15. Approved negotiation and execution of a contract with DATAGUARD RECOVERY SERVICES, Louisville, Kentucky, for professional services to perform a citywide business risk analysis, in an amount not to exceed \$99,800. (Funding included in the 1990-91 Operating Budget of the Information Systems Department). Best proposal of fifteen (15). 0% M/WBE Subcontractor participation. The prime did not identify any subcontracting opportunities.
16. Approved a construction contract award to CAPITAL EXCAVATION CO., Austin, Texas, for Havana Street Petition paving, street and drainage improvements, in the amount of \$92,026.75. (Funding in the amount of \$49,000 provided from C.I.P. 804-607-1202; \$26,275.75 provided from C.I.P. 825-607-2024; and \$16,751 from C.I.P. 379-227-0629. Low bid of six (6). 6.07% MBE, 0.53% WBE Subcontractor participation.

17. Approved a construction contract with CASH CONSTRUCTION, Pflugerville, Texas, for the Barton Springs Road 16-inch Water Line, Phases I and II, in the amount of \$395,809.46. (Funding included in C.I.P. 388-227-6958) Low bid of six (6). 8.84% MBE, 5.05% WBE Subcontractor participation.
18. Approve execution of a contract with CALGON CARBON CORPORATION, Pittsburgh, PA, for a twelve (12) month supply agreement of an estimated 190 tons of powdered activated carbon to be used by the Water and Wastewater Department for treatment of municipal water supplies, in an amount not to exceed \$166,516, including the option to extend thereafter for up to one (1) additional twelve (12) month extension period, in an amount not to exceed \$166,516, for a total amount not to exceed \$333,032. Low bid of four (4). The prime identified one area of subcontracting. There are no known M/WBE's that can perform the scope of work.

#15-18 on Councilmember Carl-Mitchell's motion, Councilmember Nofziger's second, 6-0 Vote, Councilmember Barnstone out of the room.

19. Approved application for and acceptance of a grant in the amount of \$426,443 from the Texas Department of Human Services and U.S. Department of Agriculture to administer the Summer Food Service Program at twenty-two (22) sites including recreation centers, park sites and selected school sites through the Parks and Recreation Department.

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

20. Approved a two (2) year lease extension of a 34,663 square foot building located at 1905 E. 6th Street from Crow-Gottesman-Hill for the General Services Department, in the amount of \$128,946 per year. (Funding for the operation of this facility will be submitted for approval by the General Services Department in the applicable fiscal years).
21. Set a public hearing to amend Chapter 13-2-1 of the Land Development Code to provide a definition for a solid fence or wall; and amend Chapter 8-4 of the Austin City Code which requires screening of junkyards. Date and time: June 27, 1991 at 4:30 p.m.
22. Set a public hearing to amend the Glen Oaks Urban Renewal Plan (Tex R-70) to provide for a classification of P-1, Public Facilities for the City-owned Conley Guerrero Senior Activity Center site, 808 Nile Street (C14-91-0043). Date and time: June 13, 1991 at 4:30 P.M.

#20-22 on Councilmember Carl-Mitchell's motion, Councilmember Nofziger's second, 6-0 Vote, Councilmember Barnstone out of the room.

45. Approved a Resolution making \$100,000 of the \$200,000 restricted for liabilities for the Access facility available for access use.

On Councilmember Larson's motion, Mayor Cooke's second, 4-2 Vote, Councilmembers Carl-Mitchell and Nofziger voted No, Councilmember Barnstone out of the room.

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

ZONING DISTRICTS

23. C814-84-022, CHERRY HILL PARK PUD - PHASE II, by Richard H. Crank, 9200-9299 Simmons Road. (Site plan amendment to replace 53 townhouse units with 24 single-family [units] lots). Planning Commission Recommendation: Approve the staff recommendation which approves the site plan and revised preliminary plan subject to (1) sidewalk construction, (2) providing or clarifying site plan notes, (3) clarifying the existing improvements shown on the site plan, and (4) resolving comments made by Travis County.

FIRST READING

24. C14-91-029, BANNOCKBURN BAPTIST CHURCH, by, Walter May, Jr., 7001-7201 Lochinvar, 3501-3529 Bannockburn Drive, and 7000-7118 Brodie Lane. From SF-3, Family-Residence to GO, General Office. Planning Commission Recommendation: To grant GO-CO, General Office-Conditional Overlay.

ORDINANCE

25. C14-91-0034, FRANK COVERT, by Bury & Pittman, Inc., 4337-4525 South IH 35 (NB Frontage), 4402-4524 Meinardus Drive. From SF-3, Family Residence, to GR, General Retail. Planning Commission Recommendation: To grant GR Commercial Services.

ORDINANCE

#23-25 on Councilmember Carl-Mitchell's motion, Mayor Pro Tem Urdy's second, 6-0 Vote, Councilmember Barnstone out of the room.

PUBLIC HEARINGS AND APPROVAL OF ORDINANCES/RESOLUTIONS

26. 3:00 P.M. - Discuss/Approve an Ordinance regulating phosphorous in detergents.

Public hearing was closed on Councilmember Carl-Mitchell's motion, Councilmember Councilmember Nofziger's second, 5-0 Vote, Mayor Pro Tem Urdy and Councilmember Barnstone out of the room.

Ordinance approved, will be effective in fifteen months for household laundry detergents only, on Councilmember Carl-Mitchell's motion, Councilmember Epstein's second, 7-0 Vote.

27. 4:30 P.M. - (a) Levy assessments for Braker Lane.

Motion to waive enhancement if quitclaim deed filed, on Councilmember Carl-Mitchell's motion, Mayor Pro Tem Urdy's second, passed by a vote of 5-2 with Councilmembers Barnstone and Larson voting No.

(b) Amend Ordinance 830921-DD to increase adult entry fees and adult swim ticket fees at Municipal pools, for a net revenue of \$27,680.

(c) Amend Ordinance 890914-I to increase rental fees at the Zilker Park Clubhouse from \$135 to \$200 for five hours of use, for a net revenue to the General Fund of \$1,495. (Recommended by Policy, Planning and Budget Subcommittee)

(d) Amend Ordinance 830921-DD to increase adult entry fees and adult swim ticket fees at Barton Springs, for a net revenue to the General Fund of \$30,200.

(b), (c), and (d) TABLED on Councilmember Barnstone's motion, Councilmember Carl-Mitchell's second, 4-3 Vote, Mayor Cooke, Mayor Pro Tem Urdy and Councilmember Larson voted No.

(e) Approve an increase in hazardous materials permit fees as authorized by Article 13-8-400 of Chapter 13-8 of the Land Development Code, for a net revenue to the General Fund of \$30,394. (Recommended by Policy Planning and Budget Subcommittee)

(f) Amend Ordinance 900913-F increasing Basic Life Support Transport fees from \$125 to \$140 for a net revenue to the General Fund of \$5,082. (Recommended by Policy, Planning and Budget Subcommittee)

(e) & (f) approved on Councilmember Carl-Mitchell's motion, Councilmember Epstein's second, 7-0 Vote.

28. 5:00 P.M. - Limited purpose annexation of approximately 43.94 acres located generally in the vicinity of the southwest corner of the intersection of McNeil Road and Farmer Lane.

Public hearing closed on Councilmember Nofziger's motion, Councilmember Carl-Mitchell's second, 7-0 Vote.

29. 5:30 P.M. - Full purpose annexation of approximately 2.5 acres of land out of the John E. Lynn Survey No. 454.

Public hearing closed, on Councilmember Carl-Mitchell's motion, Councilmember Nofziger's second, 7-0 Vote.

30. 6:00 P.M. - Economic impact assessment of an amendment to Chapter 13-7, Article I (Water Quality) of the Austin City Code of 1981 by providing

regulations for development in Urban Watersheds.

Hearing continued to May 30, 1991 at 7:00 P.M.

31. 6:30 P.M. - Rate change request filed by Southern Union Gas Company.

Hearing continued to May 30, 1991 at 7:00 P.M.

ITEMS FROM COUNCIL

32. Report on Status of legislation included in the City of Austin's Legislative program. (Legislative Subcommittee)

Report given by Janice Cartwright.

33. Approved third reading of an Ordinance, The Open Government Act, which provides a procedure for preparing, handling and processing Council ordinances. (Mayor Lee Cooke and Councilmember Smoot Carl-Mitchell)

On Councilmember Larson's motion, Councilmember Carl-Mitchell's second, 5-0 Vote, Mayor Pro Tem Urdy, Councilmember Barnstone out of the room.

34. Approved a Resolution in support of the Town Lake Hike and Bike Trail lighting project. (Councilmember Michael "Max" Nofziger)

On Councilmember Nofziger's motion, Councilmember Carl-Mitchell's second, 6-0 Vote, Councilmember Barnstone out of the room.

35. Discussed/Approved FIRST READING of an Ordinance amending the Code of the City of Austin, 1981, by regulating the placement and maintenance of newsracks on public streets, sidewalks, and right-of-way. (Sixth Street Subcommittee)

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

36. Presentation of 12 Point Plan Status Report. (Sixth Street Subcommittee)

Report given.

37. Approved an Ordinance exempting disabled veterans from park entry fees. (Councilman Robert Barnstone)

On Councilmember Barnstone's motion, Councilmember Carl-Mitchell's second, 7-0 Vote.

EXECUTIVE SESSION (No Public Discussion on These Items)

Mayor Cooke 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.

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

Three appeals pending before the Texas Water Commission:

- (a) Barton Creek Properties, Inc. v. City of Austin
- (b) Circle C Development Joint Venture v. City of Austin
- (c) Citizens for Responsible Government et al v. City of Austin

39. Land Acquisition - Section 2, Paragraph f

Review and discuss the acquisition and or lease of real property for the City of Austin.

40. Personnel Matters - Section 2, Paragraph e

Discussion of appointment of City Auditor and terms and conditions of employment.

ACTION ON THE FOLLOWING

- 41. Appointment of City Auditor and approval of terms and conditions of employment. (Councilmember Bob Larson)**

Appointed Helen Niesner as Acting City Auditor, with present salary and benefit package, on Councilmember Larson's motion, Councilmember Carl-Mitchell's and Epstein out of the room.

ADJOURN - The meeting was adjourned at 9:30 P.M.