



Austin City Council MINUTES

JUNE 13, 1991 - 1:00 P.M.

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. Approved Minutes for June 6, 1991.

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

1:00 P.M. - CITIZEN COMMUNICATIONS

2. Ms. Betty Dunn discussed gaps in health services for Austin's older people, especially the frail and elderly.

3. Mr. David Elliott discussed current City issues.

4. Mr. Bert Whaley highlighted severe highway accident situation on 290 West between the Y in Oak Hill and Fitzhugh Road.

5. Mr. Neal Tuttrup provided a general commentary on local environmental issues.

6. Mr. R. Lee Hill informed the Councilmembers of harassment by an employee of Utility Customer Services while attempting to pay his bill.

7. Mr. Gavino Fernandez, to discuss preservation of City benefits program for City employees. Was not present

8. Mr. Raul Rosa complained against the Dollar Home Program.

9. Mr. Craig Smith commended the Council on its pioneering work in controlling water pollution and to note the expiration of exemptions from the Comprehensive Watersheds Ordinance.

BOARDS AND COMMISSIONS

10. Construction Advisory Committee

Report was given by Mary Pelzel and Jim Yauger.

COMMENDATIONS

Mayor Cooke took special privilege to discuss the All American City Award presented to Austin. He also commended Councilmembers Smoot Carl-Mitchell and Robert Barnstone for their service to the Council and City of Austin during their terms as Councilmembers.

Mayor Pro Tem Urdy commended Mayor Lee Cooke on his service, on behalf of all members of the Council and the City of Austin.

City Manager Camille Barnett presented plaques to Mayor Cooke, Councilmembers Carl-Mitchell and Barnstone; and presented Mayor Cooke with a scrapbook of memories from the staff.

ITEMS CONTINUED FROM PREVIOUS MEETINGS

11. Approved third reading of an Ordinance waiving admission fees to Barton Springs Pool for June 14, 1991. (Councilmember Michael "Max" Nofziger)

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

12. Approved second/third readings of an Ordinance amending Chapter 13-2 of the Austin City Code rezoning property locally known as 1700 - 2300 Block of Loop 360, Case No. C14-87-007 (Parkstone PUD), from SF-3 to "PUD", Planned Unit Development, Peter A. Dwyer, Edwin E. Foster, Et al., Barton Laredo Interest I, Barton Laredo Interest II, and the International Bank of Commerce, Owners, by Martin Camp. First reading on September 1, 1988; Vote 5-0, Councilmembers Urdy and Barnstone out of the room. Conditions met as follows: Restrictive Covenants and Phasing Agreement incorporating conditions imposed by Council have been executed. Development restricted to that shown on the Site Plan attached as an Exhibit to the Ordinance. Notes incorporating conditions imposed by Council have been added to the site plan.

Postponed to September 19, 1991 at 5:30 P.M. at applicant's request.

ORDINANCES

13. Approved establishing the number of hours in a day for the work week to be used in computation of benefits for certain firefighters and EMS personnel and repealing Ordinance No. 890413-F.

14. Approved the consensual limited purpose annexation of approximately 43.94 acres located generally in the vicinity of the southwest corner of the intersection of McNeil Road and Parmer Lane.

15. Approved the consensual full purpose annexation of 2.5 acres out of the John E. Lynn Survey No. 454 and the discontinuance of 117 acres out of the Southern Pacific Railroad Co. No. 1.

#13-15 on Councilmember Carl-Mitchell's motion, Councilmember Epstein's second, 6-0 Vote, Mayor Pro Tem Urdy out of the room.

16. Amended the 1990-91 Operating Budget by reducing the departmental appropriation and increasing expense reimbursements for Planning and Development's budget by \$179,937, and appropriating the funds in the Leveraged Loan Pool Fund to cover expenses associated with four positions.

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

17. Second/third reading of an Ordinance on rate change request filed by Southern Union Gas Company. (Public Hearing Closed - No Citizen Sign-Up)

On Mayor Pro Tem Urdy's motion, Mayor Cooke's second, approved sub-committee recommendation as follows: Residential- Customer Charge \$7.00, base charge per CCF used \$0.1532; Small Commercial- Customer Charge \$11.00, base charge per CCF used \$0.1548. (7-0 Vote)

18. Approved second/third reading to amend Ordinance No. 900913-D by reducing the General Fund Contingency Reserve by \$10,000, creating a Transportation Fund as depository for dedicated street funding, and appropriating \$10,000 to the Transportation Fund.

Emergency passage of staff recommendation approved on Councilmember Epstein's motion, Councilmember Larson's second, 5-1 Vote, Councilmember Barnstone voted No, Councilmember Nofziger out of the room.

31. Consider release of approximately 2,164 acres of the City of Austin's extra territorial jurisdiction to the City of Pflugerville.

Approved, on Councilmember Barnstone's motion, Mayor Cooke's second, 5-2 Vote, Councilmembers Carl-Mitchell and Epstein voted No.

RESOLUTIONS

19. Approved execution of a contract with UEC EQUIPMENT COMPANY, Oklahoma City, Oklahoma, for two (2) utility service vans with aerial lifts used for maintenance and installation of traffic signals, in an amount not to exceed \$97,586. (Funding included in the 1990-91 Operating Budget of General Services Department). Sole bid. 0% M/WBE Subcontractor participation. The prime did not identify any subcontracting opportunities. Reference No. 910487-MN.

20. Approved execution of contracts for purchase of truck bodies with ACE WELDING AND TRAILER COMPANY, San Antonio, Texas, in an amount not to exceed \$6,096, including the option to enter into a twelve (12) month supply agreement in an amount not to exceed \$80,786, for a total amount not to exceed \$86,882;

DAVIS TRUCK AND TRAILER COMPANY, Little Rock, Arkansas, in an amount not to exceed \$54,783, including the option to enter into a twelve (12) month supply agreement in an amount not to exceed \$113,518, for a total amount not to exceed \$168,301; FLEET TRAILER AND TRUCK COMPANY, Austin, Texas, in an amount not to exceed \$90,515, including an option to enter into a twelve (12) month supply agreement in an amount not to exceed \$524,960, for a total amount not to exceed \$615,475; and FRUEHAUF CORPORATION, San Antonio, Texas, in an amount not to exceed \$17,472, including an option to enter into a twelve (12) month supply agreement in an amount not to exceed \$24,262, for a total amount not to exceed \$41,734. The amounts of the four contracts and supply agreements total \$912,392. (Funding in the amount of \$168,866 included in the 1990-91 Operating Budget of the General Services Department, and \$743,526 included in the 1991-91 budget contingent upon availability of funds and Council approved appropriation). Low bids of five (5). 0% M/WBE Subcontractor participation. The primes did not identify any subcontracting opportunities. Reference No. 910249-ILL.

21. Approved execution of a contract with TECHLINE, Austin, Texas, for the purchase of twenty-four (24) traffic signal mast arms and forty-four (44) strain poles, in an amount not to exceed \$46,136. (Funding included in the 1990-91 Operating Budget of General Services Department). Low bid of two (2). 0% M/WBE Subcontractor participation. The prime did not identify any subcontracting opportunities. Reference No. 910446-1RF.

#19-21 on Councilmember Carl-Mitchell's motion, Councilmember Nofziger's second, 5-0 Vote, Mayor Pro Tem Urdy, Councilmember Barnstone out of the room.

22. Approved negotiation and execution of a contract amendment with HELPING OUR BROTHERS OUT, INC., (HOBO), for a four month contract extension in an amount not to exceed \$51,416.50. (Funding included in Social Services Homeless Funds). (Related to Item 44)

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

23. Approved a construction contract award to ADVANTAGE CONTRACTING CORP., San Antonio, Texas, to re-roof the South Austin Recreation Center, located at 1100 Cumberland Road, in the amount of \$146,200. (Funding in the amount of \$39,334 from C.I.P. No. 817-867-0456 and \$106,866 from C.I.P. No. 817-867-0350). Low bid of three (3). 0% MBE, 2.15% WBE Subcontractor participation.

24. Approved execution of a construction contract award to ELLA CONTRACTING INC., Austin, Texas, for clay liner construction at the City Landfill, in the amount of \$442,240. (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.

25. Approved negotiation and execution of a twelve (12) month Professional Services Agreement with AMERICAN LEGAL PUBLISHING CORPORATION, Cincinnati, Ohio, for the recodification of the City Code, indexing and reprinting of the City

Attorney's opinions and related supplements, in an amount not to exceed \$63,525, with nine (9) twelve (12) month extension options, for the preparation of code and opinion supplements, in an amount not to exceed \$25,000 per extension, for a total amount not to exceed \$288,625. (Funding included in the 1990-91 Operating Budget of the Law Department). Best proposal of four (4). 0% M/WBE Subcontractor participation. The prime did not identify any subcontracting opportunities.

26. Approved a Supplemental Amendment to the professional Services Agreement with STONE & WEBSTER ENGINEERING CORPORATION, Houston, Texas, for engineering services required for the Robert Mueller Municipal Airport Security Access Program for inspection, modification of police dispatch area, and balancing of the air conditioning system, in the amount of \$135,500. (Funding included in C.I.P. No. 881-817-0507 - Airport Fund. Approximately \$90,000 will be reimbursed by the Federal Aviation Administration). 35.4% MBE, 13.3% WBE Subcontractor participation.

27. Approved a Supplemental Amendment to the Professional Services Agreement with DOLLINS, POWERS & THONHOFF, INC., for construction phase services for the Tracor Lift Station, in the amount of \$74,000. (Funding included in the 1990-91 Operating Budget of Water and Wastewater Department).

28. Approved Supplemental Amendment No. 3 to the Professional Services Agreement with TRINITY ENGINEERING CORP., Austin, Texas, for construction material testing services relating to the Austin Convention Center, in the not to exceed amount of \$85,000. (Funding included in Convention Center Bonds).

29. Authorized the Corps of Engineers (COE), by issuing a Letter of Intent to proceed with the design phase of the Hancock Creek Channelization Project, which is a portion of the Shoal Creek Flood Control Project. (No fiscal impact)

30. Authorized application for and acceptance of \$193,000 in Rental Rehabilitation Program (RRP) Funds from the Department of Housing and Urban Development for Fiscal Year 1991-92.

#23-30 on Councilmember Carl-Mitchell's motion, Councilmember Nofziger's second, 5-0 Vote, Mayor Pro Tem Urdy, Councilmember Barnstone out of the room.

31. Deny release of approximately 2,164 acres of the City of Austin's extra territorial jurisdiction to the City of Pflugerville.

(See Ordinances)

32. Approved negotiation and execution of a Pipeline License Agreement with Missouri Pacific Railroad Company for placement of a 54-inch wastewater interceptor crossing at milepost 180.05. (City's cost for the agreement is \$1,375. Funding included in Water and Wastewater Bond Funds).

33. Set a public hearing to approve 14 (2.471 acres) temporary workspaces and 8 (1.783 acres) permanent sanitary sewer easements for the South Austin Outfall Relief Main, Phase I, located across Auditorium Shores, in accordance

with Sec. 26.001 et seq. of the Texas Parks and Wildlife Code. Date and time:
July 25, 1991 at 4:30 p.m.

#32-33 on Councilmember Carl-Mitchell's motion, Councilmember Nofziger's second, 5-0 Vote, Mayor Pro Tem Urdy, Councilmember Barnstone out of the room.

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

ZONING DISTRICTS

34. C14-91-0043 - CITY OF AUSTIN - PARKS AND RECREATION DEPARTMENT (PAR), Nile Street and Pleasant Valley Rd., from CS, LI, SF-3 to P.

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

35. C14-90-0057 - CROW GOTTESMAN SHAFER NO. 2, By Consort Inc., 3800-3900 Duval Road and 3801-3903 Doresett Road, from SF-2 to G0.

Postponed to June 27, 1991.

36. C14h-74-026 - TRASK HOUSE, 601-605 East 3rd Street, and 211-219 Red River, from CBD to CBD-H.

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

37. C14h-90-0007 - NELSON DAVIS WAREHOUSE (Spaghetti Warehouse), 117 West 4th Street, from CBD to CBD-H.

Postponed to July 18, 1991.

38. C14-91-0014 - FRANKLIN FEDERAL BANCORP, by Land Strategies, Inc., 9501 N. Capital of Texas Hwy., from L0 to MF-3.

Postponed to July 25, 1991.

PUBLIC HEARINGS AND APPROVAL OF ORDINANCES/RESOLUTIONS

39. 4:30 P.M. - Authorized amendment to the Glen Oaks Urban Renewal Plan (Tex R-70) to enlarge the classification of P-1, Public Facilities for the City-owned Conley Guerrero Senior Activity Center, located at 808 Nice Street. (Zoning Case C14-91-0043).

Closed public hearing and approved, on Councilmember Carl-Mitchell's motion, Councilmember Larson's second, 7-0 Vote.

40. 5:30 P.M. - Amend Chapter 13-7, Article I (Water Quality) of the Austin City Code of 1981 by providing regulations for development in Urban Watersheds, and establishing a formula for payment in lieu of structural stormwater controls (13-7-19.1).

Motion

Closed the public hearing, on Councilmember Carl-Mitchell's motion, Councilmember Epstein's second, 7-0 Vote.

Motion

Approved staff recommendation, with amendments, on **FIRST READING ONLY**, on Councilmember Carl-Mitchell's motion, Councilmember Nofziger's second, 7-0 Vote. The amendments, offered by Councilmember Barnstone and accepted by the makers of the motion, are to send an RFP to engineering firms for a design competition, or an RFP to bring to staff the best ideas; also, a resolution to direct the City Manager to direct staff to look at drainage fees. 7-0 Vote.

ITEMS FROM COUNCIL

41. Directed the City Manager to initiate a zoning change for 19.83 acres of land located at 7810 Sterling Drive from SF-3 and PUD to P, Public District. (Councilmember Bob Larson)

On Councilmember Larson's motion, Mayor Cooke's second, 5-0 Vote, Councilmembers Barnstone and Nofziger out of the room.

42. Allow public discussion of Parkstone PUD prior to vote on zoning. (Councilmembers Michael "Max" Nofziger and Smoot Carl-Mitchell). [Related to Item 12].

Set a public hearing for September 19, 1991 at 5:30 P.M.

43. Amend the FY 1990-91 C.I.P. Budget to include the Paramount Theatre project with an allocation of \$2,000,000 from available bond proceeds; direct the City Manager to present, for Council approval, an agreement for the project by November 21, 1991. (Mayor Pro Tem Charles Urdy).

Motion

Councilmember Epstein made a motion, seconded by Mayor Pro Tem Urdy to approve and add the clause: "With the condition that the State Theatre be owned by the City at the time the proceeds are accepted by the project".

After discussion among members of the Council, City Legal staff and representatives of the Paramount Theatre, the following amendment was made to the motion.

Amendment to Motion

Councilmember Epstein made an additional amendment to the Ordinance "to the effect that the allocation to the Paramount would be contingent upon them meeting all State and Federal laws and whatever City ordinances, so that we can go ahead and allocate the funds, do what we can do and then hope that you (Paramount Theatre) working with your Board and working with City staff, can come to a final resolution of this matter.

Mayor Cooke led discussion concerning the cultural policy that requires matching participation, of entity involved, at a 25% level on cultural buildings.

Friendly Amendment- Accepted

Mayor Cooke offered a friendly amendment "that if we were able to successfully, working with you in a partnership, negotiate the purchase of the State theatre, then it would be my intent and my interpretation of the Ordinance that we would not require you to do a 25% participation on that part, but that we would require you to do a 25% participation on the Paramount Theatre". The Friendly Amendment was accepted.

Councilmember Epstein stated: "Since we have all agreed, I believe, about the 25% match, but as I understand it we're allowing the applicant two years to come up with that match. Since I'm going to be here in the next two years, I don't want to see, coming to the table, waiver of the 25% match or waive 20% of the match because you guys couldn't come up with it. So, I want the City Manager to make sure the contract contains language so stating because we're giving them the money first and then saying come up with the match later. So it's a funny position but I know, with our attorneys, you can address this and put closure on it." City Manager Barnett indicated the same thing can be done as "we did with Zachary Scott, we put it into phases to give them time to raise the funds. So we can work that out as part of the negotiations."

Roll Call on Motion as Amended

6-0 Vote, Councilmember Barnstone out of the room.

44. Direct the City Manager to authorize negotiation of an agreement to lease office space to Helping Our Brothers Out, Inc., (HOB0), located at 411 West 2nd Street. (Sixth Street Subcommittee) [Related to Item 22]

Postponed to June 27, 1991.

45. Directed the City Manager to designate Koenig lane as a four-lane divided arterial with a tree planted median pursuant to the Capital Improvement Program. (Councilmembers Michael "Max" Nofziger and Smoot Carl-Mitchell)

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

46. Approved an Ordinance waiving the enforcement of Section 9-11-90 of the Code of the City of Austin, Texas, on June 30, 1991, to permit a "Flower Drop" to commemorate the lives of the 29 Texans who gave their lives in the service of their country in Operation Desert Storm. (Mayor Lee Cooke)

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

52. Approve an Ordinance waiving fees for Capitol Salute to Texas Troops on June 29-30, 1991; waiving the requirements of Section 2-2-3 of the Code of the City of Austin, 1981, and declaring an emergency. (Mayor Lee Cooke)

a. Waive fees in the amount of \$7,880 to allow the hanging of banners across Congress Avenue.

b. Waive fees in the amount of \$14,125 for the rental of Auditorium Shores with amenities.

Motion - Died for Lack of Second

Councilmember Larson made a motion to disapprove. There was no second to the motion, so motion died.

No action was taken on the items.

EXECUTIVE SESSION (No Public Discussion on These Items)

Mayor Cooke announced that Council would enter 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.

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

Patricia Rogers, et al v. City of Austin, Cause No. 443,300

48. Land Acquisition - Section 2, Paragraph f

Review and discuss the sale of real property between the City of Austin and Travis County.

ACTION ON THE FOLLOWING

49. Amended the 1990-91 Liability Reserve Fund Operating Budget by appropriating an additional \$80,000 to settle a lawsuit entitled Patricia Rogers, et al. v. City of Austin, Cause No. 443,300.

FIRST READING ONLY - On Mayor Pro Tem Urdy's motion, Councilmember Nofziger's second, 4-0 Vote, Councilmembers Barnstone, Carl-Mitchell and Epstein out of the room.

50. Approved a settlement in a wrongful death lawsuit involving a drowning entitled Patricia Rogers, et al. v. City of Austin, in the amount of \$230,000. Cause No. 443,300, in the amount of \$230,000.00.

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

51. Approved negotiation and execution of a contract for the sale of land between the City of Austin and Travis County to be used for the construction of a medical examiner facility

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

SPEAKERS AT END OF MEETING

Bill Oakey and Thom Prentice

ADJOURN

The meeting was adjourned at 9:07 P.M.