



Austin City Council MINUTES

MAY 7, 1992 - 1:00 P.M.

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

1. Approval of Minutes for Regular Meeting of April 30, 1992 and Special Meetings of April 27 & 29, 1992

On Councilmember Nofziger's motion, Councilmember Larson's second, 4-0 Vote, Mayor Pro Tem Urdy, Councilmembers Garcia and Reynolds out of the room.

CITIZEN COMMUNICATIONS: GENERAL

2. Mr. Mike Sloan, to discuss neighborhood park maintenance.
3. Mr. Henry Ratliff, to discuss "Stick to it ness."
4. Mr. David Elliott, to discuss costly inept City management and the City of Austin's horrendous bond debt.
5. Ms. Karen Ford, to present The Avenue Reader's Poll Awards for favorite family outdoor activities - walking Town Lake hike and bike trail, Zilker Park and Barton Springs.
6. Mr. Richard Trachtenberg, to discuss public information or private disinformation...How the City Manager and the Director of Public Information are insulting Austin's voters, subverting the will of the people, and disobeying the City Council in their handling of Channel 6's role in the S.O.S. debate.
7. Mr. Luthor Carpenter, to discuss the third in a series on management, budget and Council concerns.
8. Mr. Leonard Lyons, to discuss the City Manager and her truth squad.

1:30 P.M. - BOND SALES

9. Authorize the issuance of City of Austin, Texas, Public Improvement Refunding Bonds, Series 1992, calling for redemption prior to maturity of certain outstanding obligations of the City, enacting other provisions relating thereto.

Postponed to May 14, 1992

10. Authorize the execution of a Paying Agent/Registrar Agreement and a Letter of Representations for issuance of book-entry obligations, with respect to the City of Austin, Texas, Public Improvement Refunding Bonds, Series 1992.

Postponed to May 14, 1992

BOARD AND COMMISSION REPORTS

11. Transportation Task Force - Charles Johnson, Co-Chair, to discuss Shared-Ride and Shuttle Transportation Services.

Mr. Charles Johnson's report was presented to Council.

12. Regional Urban Design Assistance Team (RUDAT) - Lewis Wright, to discuss the Downtown Improvement District. John Nyfeler and Karin Richmond also discussed the District.

ITEMS CONTINUED FROM PREVIOUS MEETINGS

13. Amended the Joint Resolution passed by the City Council and Travis County endorsing possible City/County consolidations and partnerships to include coordination of subdivision policies and septic tank regulations.

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

ORDINANCES

14. Approved second/third readings of an ordinance amending Chapter 13-2 of the Austin City Code rezoning property locally known as 7950-8022 U.S. Highway 290 West, Case No. C14-92-0012, from "LO", Limited Office to "GR-CO", Community Commercial-Conditional Overlay, E.A. HUDSON AND BARBARA HUDSON, by Bill Howell. First reading on March 12, 1992; Vote 7-0. Conditions met as follows: Conditional Overlay incorporates conditions imposed by Council. Restrictive Covenant incorporating conditions imposed by Council has been executed.

Street deed satisfying right-of-way dedication requirement has been executed.

(Public Hearing Closed - No Citizen Sign-Up)

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

15. Approved second/third readings of an ordinance amending Chapter 13-2 of the Austin City Code rezoning property locally known as 5619-5719 F.M. 2222, Case No. C14-91-0015, from "SF-2", Single Family Residence to "GR-CO", Community Commercial-Conditional Overlay for Tract D1 and "RR", Rural Residence for Tract D2, JOSIE CHAMPION, by Scanlan and Buckle. First reading on September 12, 1991; Vote 5-1-0, Councilmember Epstein voted No, Mayor Todd absent. Conditions met as follows: Conditional Overlay incorporates conditions imposed by Council. Restrictive Covenant incorporating conditions imposed by Council has been executed. Street deed satisfying right-of-way dedication requirement has been executed. (Public Hearing Closed - No Citizen Sign-Up)

On Councilmember Garcia's motion, Councilmember Larson's second, 6-1 Vote, Councilmember Epstein voted No.

16. Approved second/third readings of an ordinance amending Chapter 13-2 of the Austin City Code rezoning property locally known as 8711 Research Boulevard, Case No. C14-92-0020, from "GR", Community Commercial to "CS-CO", Commercial Services-Conditional Overlay, CHANNEL HOME CENTERS, INC., by Wolfe Nursery, Inc. First reading on April 23, 1992; Vote 7-0. Conditions met as follows: Conditional Overlay incorporates conditions imposed by Council. (Public Hearing Closed - No Citizen Sign-Up)
17. Approved second/third readings of an ordinance amending Chapter 13-2 of the Austin City Code rezoning property locally known as 601 W. 18th Street, Case No. C14-92-0006, from "GO", General Office to "GO-MU", General Office-Mixed Use, BROWNE CHILDREN TRUST, Gayle Browne. First reading on March 26, 1992; Vote 6-0, Councilmember Epstein absent. Conditions met as follows: Restrictive Covenant incorporating conditions imposed by Council has been executed. (Public Hearing Closed - No Citizen Sign-Up)
18. Amended the Austin City Code by reducing the speed limit on East 1st Street between Pleasant Valley Road and 45' east of Shady Lane from 40 mph to 35 mph. (Funding in the amount of \$300 for signage is included in the Department of Public Works and Transportation.)
19. Authorized acceptance of \$25,000 in grant funds from the Meadows Foundation for reconstruction of the original 1876 porch at the Old Bakery; amend Ordinance No. 910912-B, the 1991-92 Capital Budget, by increasing revenues and expenditures by appropriating \$25,000 to the

Parks and Recreation Department Capital Project No. 873-867-6010.
(Recommended by Parks Board and Planning Commission.)

#16-19 on Councilmember Garcia's motion, Councilmember Larson's second, 7-0 Vote.

SAVE OUR SPRINGS (SOS) INITIATIVE - ALTERNATIVE ORDINANCE

20. Pursuant to Art. IV, Subsection 5 of the City Charter, the City Council shall either:

- a. Pass an Ordinance initiated by petition by the citizens of Austin to prevent pollution of Barton Springs, Barton Creek and the Barton Springs Edwards Aquifer; restricting impervious cover; limiting exemptions; variances, etc.; reducing risks of accidental contamination of Barton Springs and other water bodies; requiring fair, consistent, and cost effective administration of Austin's water quality ordinances; containing other provisions relating to these subjects and providing an effective date; or

Motion - Died for Lack of Second

Councilmember Garcia made a motion to adopt the above Ordinance. Motion died for lack of a second.

- b. Pass an Ordinance ordering an election to be held in the City of Austin on August 8, 1992 for the purposes of adopting or rejecting the SOS Initiative Petition Ordinance; making provisions for the conduct of the election; waiving the requirements of Section 2-2-3, 2-2-6 and 2-2-8 of the City Code and providing an effective date; or

Substitute Motion

Councilmember Garcia offered a substitute motion (to the motion to adopt c), seconded by Councilmember Nofziger, to adopt Ordinance b. Motion FAILED by a vote of 3-4 with Councilmembers Epstein, Larson and Reynolds and Mayor Pro Tem Urdy voting No.

- c. Pass an Ordinance ordering an election to be held in the City of Austin on August 8, 1992 for the purposes of voting on an Ordinance initiated by petition and an Alternative Ordinance proposed by the City Council; making provisions for the conduct of the election; waiving the requirements of Sections 2-2-3, 2-2-6, and 2-2-8 of the City Code and providing an effective date.

Motion

Council passed C on FIRST READING ONLY, Councilmember Reynolds' motion, Councilmember Epstein's second, 4-3 Vote, Councilmember Garcia, Councilmember Nofziger and Mayor Todd voted No.

Expansion of City Owned Land (Items 21-23)

21. Amend Ordinance No. 910912-B, the 1991-92 Capital Budget, by transferring \$650,000 from the General Government CIP Interest Income Fund and appropriating \$650,000 to the Public Works Department Expansion of City Owned Land Project. (To be reviewed by Planning Commission on May 5, 1992.) Recommended by Planning Commission on a 5-0 Vote.

On Councilmember Garcia's motion, Councilmember Larson's second, 6-1 Vote, Councilmember Epstein voted No.

RESOLUTIONS

22. Authorized the negotiation and execution of a contract with RESOLUTION TRUST CORPORATION, for the purchase of the north half of Block 21, Original City of Austin, in the amount of \$650,000, and direct the City Manager to develop an interim use plan. (Funding for the purchase is to be funded through a transfer from the General Government CIP Interest Income Fund to the 1991-92 Capital Budget for the Public Works Department.)
23. Approved the reimbursement of costs for the acquisition of the north half of Block 21, Original City of Austin, from a potential future bond sale, as required by Federal tax and bond law.
- #22-23 on Councilmember Garcia's motion, Councilmember Larson's second, 6-1 Vote, Councilmember Epstein voted No.
24. Approved execution of a twelve (12) month supply agreement with TEXAS SIGNAL EQUIPMENT, INC., Round Rock, Texas, for the purchase of traffic signal lights, in an amount not to exceed \$41,250, with two (2) twelve (12) month extension options, in an amount not to exceed \$41,250 per extension, for a total amount not to exceed \$123,750. (Funding included in the 1991-92 Operating Budget of the Department of Public Works and Transportation. Funding for the extension options will be contingent upon future available funding in the 1992-93 and 1993-94 budgets.) Low bid of eight (8). The prime did not identify any subcontractor participation.
25. Approved execution of a contract with MAGANTRADE CORP., Tulsa, Oklahoma, for the purchase of 190 tons of sodium hexametaphosphate for use in the treatment of the water supply, in an amount not to exceed \$181,982, with an option to extend thereafter for one (1) additional twelve (12) month period, in an amount not to exceed \$181,982 per extension, for a total amount of \$363,964. (Funding in the amount of \$161,500 included in the 1991-92 Operating Budget of the Water and Wastewater Utility; funding for the remaining \$20,482 of the original contract period and the extension option will be

contingent upon future available funding in the 1992-93 and 1993-94 budgets.) Low bid of four (4). The prime did not identify any subcontracting opportunities. Reference No. 920474-1R0. (Reviewed by Water and Wastewater Commission.)

26. Approved modification of a supply agreement with JONES CHEMICALS, Inc., Houston, Texas, for the purchase of an additional 322 tons (25% increase) of chlorine for use in the treatment of wastewater, in the amount of \$97,807.50. (Funding included in the 1991-92 Operating budget of the Water and Wastewater Utility.) (Reviewed by Water and Wastewater Commission.)

#24-26 on Councilmember Garcia's motion, Councilmember Larson's second, 7-0 Vote.

Convention Center (Items 27-30)

27. Approved Change Order No. 1 to SPAW-GLASS, INC., San Antonio, Texas, for mechanical/electrical/plumbing revisions, fire alarm revisions and interior finish revisions for the Convention Center (Kitchen Package BP XIII), in the amount of \$39,703, for a total contract amount of \$2,154,703. (Funding included in CIP 495-827-3000 - Convention Center Bonds.) (Reviewed by Convention Center Subcommittee)

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

28. Approved Change Order No. 14 to SPAW-GLASS/CAHABA, San Antonio, Texas, for media/communications, cabling, building graphics, mechanical/electrical/plumbing revisions, roofing revisions and interior finish revisions for the Convention Center (Main Building Package BP XI), in the amount of \$179,995, for a total contract amount of \$41,822,813. (Funding included in CIP 495-827-3000 - Convention Center Bonds.) (Reviewed by Convention Center Subcommittee)

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

29. Approved execution of a contract with STEELCORE PLASTICS, Emeryville, California, for the purchase of heavy duty folding banquet and exhibit tables for the Convention Center, in an amount not to exceed \$116,909. (Funding included in the 1991-92 Convention Center Capital Budget.) Sole bid of three (3) meeting specifications. The prime did not identify any subcontracting opportunities.

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

30. Approved negotiation and execution of a First Amendment to the Catering and Concession Management Services Agreement between the City and Fine Host Corporation related to alcoholic beverage services at the Convention Center. (Revenue impact in FY 1991-92 is estimated at \$12,000.)

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

31. Approved the application for and acceptance of a grant in the amount of \$810,026 from the Texas State Library and Archives Commission for the operation of the Central Texas Library System for the period September 1, 1992 to August 31, 1993. (No City match required.) (Recommended by Library Commission.)
32. Confirmed the appointment of Mr. Gerald Henderson to the Civil Service Commission.

ITEMS FROM COUNCIL

33. Appointed Mayor Todd, Councilmembers Garcia and Larson, State Auditor Larry Alvin, and First Assistant City Manager Byron Marshall to an ad hoc nominating committee to recommend to the City Council candidates for City Auditor. (Mayor Bruce Todd)

#31-33 on Councilmember Garcia's motion, Councilmember Larson's second, 7-0 Vote.

34. Discussion/Approval of a Resolution proposing changes to the City Financial Policy concerning letters of credit. (Mayor Bruce Todd and Mayor Pro Tem Charles Urdy)

Postponed to May 14, 1992

35. Consider approving the transfer of American Television and Communication Corporation (ATC) stock from Time Warner, Inc., to Time Warner Entertainment (TWE), a limited partnership, in accordance with Ordinance No. 810514-N. (Cable Subcommittee) (Related to Item 49)

Pulled off agenda.

36. Approved a Resolution establishing a schedule for review of a proposal to establish a public improvement district in downtown Austin by certain Boards and Commissions and the City Council, and added review by the Water and Wastewater Commission, and directed the City Manager to prepare a proposal for appraising the downtown

municipal properties and a report regarding the advisability and the impact of developing the district, and on a Friendly Amendment by Mayor Todd, set a public hearing for May 28, 1992 at 2:30 P.M. (Mayor Bruce Todd)

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

37. Approved a Resolution declaring June 7, 1992 as Barton Creek/Barton Springs Day and resolving to provide free admission to Barton Springs Pool on that day; approve an Ordinance waiving admission fees to Barton Springs Pool for June 7, 1992. (Councilmembers Michael "Max" Nofziger and Gus Garcia)
38. Approved a Resolution appointing Bruce Todd, Gus Garcia, Ronney Reynolds, Bob Larson and Louise Epstein and reappointing Charles Urdy and Councilmember Nofziger to the Board of Directors of the Aus Corporation. (Mayor Bruce Todd)

#37-38 on Councilmember Garcia's motion, Councilmember Larson's second, 7-0 Vote.

3:30 P.M. - MEETING OF THE AUSTIN INDUSTRIAL DEVELOPMENT CORPORATION

Council recessed for this meeting from 3:55 to 4:01 P.M.

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

39. C14-92-0017 - CARLSON ENGINEERING CO., 3415 West Slaughter Lane. From I-SF-2 to GR, General Retail. Planning Commission Recommendation: To grant LO, Limited-Office zoning.

Postponed for five (5) weeks.

40. C14-92-0022 - CITY OF AUSTIN/DEPARTMENT OF PLANNING AND DEVELOPMENT, 6601-6715 Deatonhill Drive. From GR to SF-3. Planning Commission Recommendation: To Grant SF-3 zoning as requested.

ORDINANCE

41. C14-92-0029 - BARBARA HURST, by Nym Barker, 13499 U.S. Highway 183 North. From SF-2 to GR. Planning Commission Recommendation: To Grant GR zoning as requested.

ORDINANCE

42. C14-92-0030 - MILCO DEVELOPMENT, INC., by Huffcut & Associates, Landsman Drive and Callbram Lane. From SF-1 to SF-2. Planning Commission Recommendation: To Grant SF-2, zoning as requested.

POSTPONED TO MAY 21, 1992

43. C14-92-0027 - MICKEY RICH PLUMBING AND HEAT, by Donald L. Dumas, West Slaughter Lane and South Congress Avenue. From DR to CS-1. Planning Commission Recommendation: To Grant CS-1-CO, for Tract 1 and LI-CO, for Tract 2 as requested with the following conditions: (1) subject to 0.039 floor-to-area ratio for retail uses; (2) exclude Scrap/Salvage and Vehicle Storage use; (3) dedication of 45 feet of right-of-way from the existing centerline of Hubach Lane and Slaughter Lane West.

FIRST READING

#40-43 on Councilmember Epstein's motion, Councilmember Reynolds' second, 6-0 Vote, Mayor Pro Tem Urdy out of the room.

44. C14-91-0072 - SOUTHMARK INCOME INVESTORS, by Mike McHone, 2809 W. William Cannon Drive, From SF-3 to MF-1. Planning Commission Recommendation: To deny MF-1, Multi-family Residence (limited density) zoning.

APPROVED ZONING CHANGE ON FIRST READING - On Councilmember Larson's motion, Councilmember Reynolds' second, 7-0 Vote.

45. C14-92-0026 - E. R. AND J. E. BARROW TRUSTS, by Bury & Pittman, Cross Valley Run and Mesa Drive. From I-RR and DR to SF-2. Planning Commission Recommendation: To grant SF-2.

ORDINANCE

46. C14-92-0032 - W. TRAVIS WILLIAMSON, by REG Enterprises, 7806 Texas Plume Road, 7905 Sage Drive, and 10710 Cassia Drive. From DR to SF-2. Planning Commission Recommendation: To grant SF-2.

ORDINANCE

#45-46 on Councilmember Epstein's motion, Councilmember Reynolds' second, 6-0 Vote, Mayor Pro Tem Urdy out of the room.

To be heard by Planning Commission on 05-05-92, Recommendation to Follow

47. C14-92-0023 - CITY OF AUSTIN/DEPARTMENT OF PLANNING AND DEVELOPMENT, 5004 Crestmont Drive and 5001 Shoalwood Avenue. From CS to SF-3.

Planning Commission recommended SF-3, 5-0 Vote.

Postponed for two weeks.

48. C14-92-0024 - CITY OF AUSTIN/DEPARTMENT OF PLANNING AND DEVELOPMENT, 5005 AND 5007 Shoalwood Avenue. From CS to SF-3.

Withdrawn

6:00 P.M. - DINNER BREAK

FINAL CITIZEN COMMUNICATIONS

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 receive advice from Legal Counsel, to discuss matters of land acquisition, litigation and personnel matters. No final action will be taken on any subject or matter unless specifically listed on the agenda for this meeting.

Pending/Contemplated Litigation - Section 2, Paragraph e

49. Discussion of contemplated litigation involving Austin Cablevision's franchise fee payments. (Related to Item 35)
50. Discussion of Anabel Olvera, Individually and as Next Friend of Ramiro Alejandro Olvera, Jr., a Minor v. City of Austin, Cause No. 91-11732.

Advice from Counsel - Section 2, Paragraph e

51. Discussion of landfill issues.
PULLED OFF

Personnel Matters - Section 2, Paragraph g PULLED OFF

52. Discussion of personnel matters at Municipal Court.
PULLED OFF

RECESS FOR EXECUTIVE SESSION

Council recessed for Executive Session from 2:40 to 3:30 P.M.

ACTION ON THE FOLLOWING

53. Approved settlement of a wrongful death case, Anabel Olvera, Individually and as Next Friend of Ramiro Alejandro Olvera, Jr., a Minor v. City of Austin, Cause No. 91-11732.

In the amount of \$250,000 on Councilmember Garcia's motion, Councilmember Nofziger's second, 7-0 Vote.

54. **APPOINTMENTS**

The following appointments were made, on Councilmember Garcia's motion, Councilmember Nofziger's second, 7-0 Vote.

COMMUNITY DEVELOPMENT COMMISSION - JOHN KOVAS

INET/XNET - RICHARD REID

PARKS AND RECREATION BOARD - STERLING LANDS

URBAN TRANSPORTATION COMMISSION - VINCENT JACKSON

ADJOURN - The meeting was adjourned at 11:30 P.M.

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