



## Austin City Council MINUTES

MARCH 5, 1992 - 1:00 P.M.

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

1. Approval of Minutes for Regular Meeting of February 27, 1992 and Special Meetings of February 24 and 27, 1992

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

### CITIZEN COMMUNICATIONS: GENERAL

2. Ms. Janie Cuellar, to discuss lowering the speed limit on E. 1st from 40 mph to 30 mph.
3. Mr. John O. Limon, to discuss sidewalks on Lyons Road.
4. Mr. Gary Taylor, to discuss wrongful termination and hazing practices. Did not speak.
5. Mr. Henry Ratliff, to discuss Austin's thorny problem.
6. Mr. David Elliott, to discuss costly City management.
7. Mr. David Van Os, to discuss Austin's Cablevision's dishonesty regarding its new rate increase.
8. Ms. Rachel Cywinski, to update Council on toxic clean-up in east Austin, specifically the Springdale Road/Airport Blvd. area, and how the City can help.

AT THIS POINT, MAYOR TODD ASKED CHIEF SANDERS TO PRESENT A REPORT ON "CRIME - POLICE INITIATIVES. (This was listed as item 47 on the addendum to the Agenda.)

9. Ms. Carolyn Baker, to discuss crime and security in the Windsor Park Neighborhood.

10. Ms. Carla Sides, to request additional police in the Pecan Springs/Springdale Neighborhood to fight high crime.
11. Ms. Donna Cole, to discuss law enforcement in the University Hills area.

**1:30 P.M. - GENERAL OBLIGATION BOND SALE**

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

Postponed to March 12, 1992

13. 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 March 12, 1992

**CITIZEN COMMUNICATIONS: CONSENT AGENDA**

Citizens will have a maximum of three (3) minutes to address the consent agenda.

**CITY CLERK CERTIFICATION**

14. Certification by City Clerk of result of count of qualified voters on Save Our Spring Initiative Petition.

Entered into records. City Clerk Aldridge stated: "The requisite number of signatures for a valid petition is 24,889, and I hereby certify that the examination resulted in my determination that said petition is not signed by the requisite number of qualified voters; that 24,889 equals 10% of the qualified voters of the City; that said petition appears to contain the names and residences of 31,038 persons; that the statistical sample of 6,637 signatures showed that 5,011 of 75.50% were valid; that 1,492 were disqualified voters; that 134 were duplicates, that 75.50% of 31,038 signatures is 23,434 valid signatures, or 1,455 signatures less than the requisite number for a valid petition.

The Save our Springs organization gave the City Clerk more petitions to certify in the allotted time and Councilmember Nofziger requested the count be complete by the next Council meeting, March 12, 1992, and that an item be placed on the agenda for certification and an ordinance for ordering a special election May 3, 1992.

## BOARD AND COMMISSION REPORTS

### 15. DOWNTOWN COMMISSION - Annual Report

Report presented by Carly Saunders.

## ITEMS CONTINUED FROM PREVIOUS MEETINGS

16. Approved second reading of the partial implementation of the first year of the Urban Watersheds Retrofit and Monitoring Business Plan by amending the 1991-92 Drainage Utility Operating Budget by allocating \$1,045,933 for certain erosion control projects in the Urban Watersheds, and allocating \$140,000 for upgrading the Convention Center water quality facility. (Funding provided by the Drainage Utility Fund.)

On Councilmember Garcia's motion, Councilmember Reynolds' second, 5-1-0 Vote, Mayor Pro Tem Urdy out of the room, Councilmember Nofziger voted No.

## ORDINANCES

17. Passed through First Reading of an Ordinance amending the Austin City Code of 1981 by adding a new Chapter 4-5 entitled "Air Quality," and providing regulations for ozone depleting chemicals. (Fiscal impact for equipment is estimated to be \$33,600, which will be absorbed within existing budget authority in the Aviation, Brackenridge, Convention Center and General Fund Operating Budgets.) [Recommended by the Environmental Board, and Mechanical, Plumbing and Solar Board.]

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

The following (#18) is a Resolution, rather than an Ordinance.

18. Authorized negotiation and execution of an agreement for wholesale wastewater service with River Place Municipal Utility District. (An advance payment of \$100,000 will be applied to future Wastewater Capital Recovery Fees.) [Recommended by Water and Wastewater Commission.]
19. Approved the second amendment to the agreement concerning creation and operation of River Place Municipal Utility District amending conditions relating to bonding authority, surcharges, transportation, habitat preservation, water quality, annexation,

parkland, a school site, and River Place's Certificate of Convenience and Necessity. (Recommended by Parks and Recreation Board, Environmental Board, Urban Transportation Commission, Water and Wastewater Commission and Planning Commission.)

#18-19 on Mayor Pro Tem Urdy's motion, Councilmember Larson's second, 6-0 Vote, Councilmember Nofziger out of the room.

20. Authorized acceptance of \$3,000 from the Nurse Oncology Education Program to provide funding for two (2) educational workshops; amend Ordinance No. 910912-A, the 1991-92 Operating Budget, amending the Special Revenue Fund for the Health and Human Services Department by appropriating \$3,000, increasing revenues and expenditures.
21. Authorized the acceptance of a grant in the amount of \$50,000 from the U.S. Department of Defense Community Planning Assistance Fund to aid in planning the reuse of Bergstrom Air Force Base (BAFB); amend the 1991-92 Operating Budget by amending the Special Revenue Fund for the Aviation Department and appropriating \$50,000, increasing revenues and expenditures. Reviewed by Aviation Subcommittee and Bergstrom Conversion Task Force.
22. Authorized acceptance of \$8,000 from Austin Community College for a part-time Microfilm Equipment Operator; amend Ordinance No. 90912-A, the 1991-92 Operating Budget of the Library Department by appropriating \$8,000, increasing revenues and expenditures, and adding one-half full-time employee (FTE) [Related to Item 27]

Brown and Root Settlement Monies and Electric Utility Department and Environmental and Conservation Services Department Funding Matters (Items 23-26)

The following (Item 23) is a Resolution, rather than an Ordinance.

23. Repeal previous City Council Resolution adopted July 16, 1987 regarding utilization of the Brown and Root litigation settlement funds and direct that remaining unbudgeted Brown and Root settlement funds, in the estimated amount of \$37.5 million, be allocated for use by the Electric Utility Department for purposes of refunding and/or defeasing existing utility revenue bond debt.

#20-23 on Councilmember Garcia's motion, Councilmember Reynolds' second, 6-0 Vote, Mayor Pro Tem Urdy out of the room.

24. Amend Ordinance No. 890615-E revising the Financial Management Policy for the City of Austin to establish a yearly transfer of 2.3% of electric service area sales to the Environmental and Conservation

Services Department for energy efficiency programs. (Amount projected for FY 1992-93 is \$9,990,197). [Reviewed by Resource Management Commission]

Motion

Councilmember Garcia made a motion, seconded by Mayor Todd to approve the ordinance.

Substitute Motion

Councilmember Epstein offered a Substitute Motion, seconded by Councilmember Reynolds, to change the wording to the following:

Energy efficiency programs shall be funded by a transfer of service area energy sales revenue [in an amount to be determined as part of the annual budget process].

Friendly Amendment - Not Accepted

Councilmember Nofziger offered a friendly amendment to add, "but no less than the current amount". Councilmembers Epstein and Reynolds did not accept the friendly amendment.

Amendment to Substitute Motion - FAILED

Councilmember Nofziger offered an amendment to the Substitute Motion, seconded by Mayor Todd, to add "but no less than the current amount. Amendment to Motion Failed by a vote of 3-4 with Councilmembers Epstein, Larson and Reynolds and Mayor Pro Tem Urdy voting No.

At this point, Mayor Pro Tem Urdy took the Chair so that Mayor Todd could make a motion.

Amendment to the Substitute Motion - FAILED

Mayor Todd offered an amendment to the Substitute Motion, seconded by Councilmember Nofziger, "that at the end reads, in an amount not less than the 2.3 of the three year average of service area sales revenue". Motion FAILED on a vote of 3-4 with Councilmembers Larson and Reynolds, Mayor Pro Tem Urdy and Councilmember Epstein voting No.

Amendment to Motion - FAILED

Councilmember Garcia offered an amendment to the Substitute Motion, seconded by Councilmember Nofziger: "right after budget process, I would like to add the following words: so long as amount conserved meets the City's goals of conservation of a minimum of 21 Megawatts

per year. That's a performance type of a goal". Motion FAILED by a vote of 3-3-1, with Councilmembers Larson, Reynolds and Epstein voting No, Mayor Pro Tem Urdy abstained.

#### Roll Call on Substitute Motion

4-3 Vote, Councilmembers Garcia and Nofziger and Mayor Todd voted No.

25. Amended the 1991-92 Brown and Root Conservation Fund Operating Budget (Ordinance No. 910912-A) by increasing the beginning balance by \$653,114 and appropriating \$350,000 to fund an interdepartmental agreement between Environmental and Conservation Services and Planning and Development to provide weatherization services for housing rehabilitation programs (\$150,000) and to fund additional weatherization services in target neighborhoods (\$200,000).

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

#### RESOLUTIONS

26. Approve policy goals for energy efficient investments, amend previous multi-family, commercial and thermal storage energy systems program guidelines and approve new program guidelines for energy efficiency investments.

Postponed

27. Approved an Interlocal Cooperation Agreement with Austin Community College (ACC) to provide library services to ACC students. (Funding in the amount of \$18,000 provided by ACC.) [Related to Item 22]

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

28. Approved execution of a twelve (12) month supply agreement with SOUTHWEST MEDICAL PACKAGING, INC., Houston, Texas, for admission kits issued upon patients' admittance to Brackenridge Hospital, in an amount not to exceed \$99,181, including an option to extend thereafter for up to one (1) additional twelve (12) month period, in an amount not to exceed \$99,181, for a total amount not to exceed \$198,362. (Funding in the amount of \$57,856 included in the 1991-92 Operating Budget of Brackenridge Hospital; \$41,325 will be requested in the 1992-93 budget. Low bid of four (4) meeting specifications. The prime did not identify any subcontracting opportunities. Reference No. BS1-258.

29. Approved execution of a contract award to BAXTER CONVERTERS, McGaw Park, Illinois, for a twelve (12) month supply agreement for surgical packs, in an amount not to exceed \$335,383, including an

option to extend thereafter for up to one (1) additional twelve (12) month period, in an amount not to exceed \$335,383, for a total amount not to exceed \$670,766. (Funding in the amount of \$195,640 included in the 1991-92 Operating Budget of Brackenridge Hospital; \$139,743 will be requested in the 1992-93 Operating budget.) Low bid of nine (9). The prime did not identify any subcontracting opportunities. Reference No. BS1-286.

30. Authorized application for and acceptance of a grant in the amount of \$28,126 from the U.S. Department of Education (L.S.C.A. Title V Foreign Language Materials Acquisition Program) to purchase and process Spanish language materials for adults and children for the Central Library and six branch libraries (Govalle, Oak Springs, Pleasant Hill, Riverside, Terrazas and Twin Oaks). [No City Match required.]

#28-30 on Councilmember Garcia's motion, Councilmember Reynolds' second, 6-0 Vote, Mayor Pro Tem Urdy out of the room.

46. Authorized application and acceptance of a grant in the amount of \$103,155 from the State of Texas, Governor's Office, Criminal Justice Division (CJD) to provide a Public Housing Crime Prevention Program. (No City match required.)

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

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

31. C14-92-0003, - R. L. WYATT & LUKE HOGAN, by: Luke Hogan, 7230 to 7234, 7300 to 7338, 7400 to 7410 State Hwy. 71 West. From GO to CS. Planning Commission Recommendation: To grant CS-CO, Commercial Services General-Conditional Overlay zoning for Tract 1 subject to the following: (1) maximum floor-to-area ratio of .18; (2) prohibiting all commercial CS uses except the following: (a) administrative and Business Offices, (b) Agricultural Sales and Service, (c) Arts and Craft Studio (Limited), (d) Arts and Craft Studio (General) (e) Business Support Services, (f) Business or Trade School, (g) Campground, (8) Communication Sales and Services, (i) Consumer Repair Services, (j) Food Sales, (k) Funeral Services, (l) Laundry Services, (m) Outdoor Sports and Recreation, (n) Personal Improvement Services, (o) Personal Services, (p) Pet Services, (q) Professional Offices, (r) Research Services, (s) Veterinary Services, (t) prohibiting Custom Manufacturing, and limited Warehousing and distribution; (3) a restrictive covenant for a fertilizer, pesticide and herbicide program approved by ECSD; and to grant RR, Rural Residential, zoning for Tract 2.

**FIRST READING**

32. C14-92-0004 - GERALD MCDUGAL, 7215 McNeil Drive. From SF-3 to CS Planning Commission Recommendation: To grant CS, Commercial Services subject to dedication of 45' of right-of-way from the existing centerline of McNeil Drive.

**FIRST READING**

33. C14-92-0009 - RST PARTNERS, INC., By: Lichliter/Jameson & Associates, N. U.S. Hwy 183 and Anderson Mill Road. From SF-2 to GR. Planning Commission Recommendation: To grant GR-CO, Community Commercial-Conditional Overlay, zoning, subject to the following floor-to-area ratio (FAR) limitations: (1) General Retail Sales (general and convenience) - 0.41 FAR; (2) Food Sales - 0.08 FAR; (3) Financial Services 0.23 FAR; (4) Restaurant (fast food & Drive-in) 0.10 FAR; (5) Restaurant (general) 0.30 FAR.

**ORDINANCE**

34. C14-92-0007 - AUSTIN HOUSING FINANCE CORP., By: Tom Hatch Architects, 3129 to 3131 East 12th Street. From CS to MF-3. Planning Commission Recommendation: To grant MF-3 subject to dedication of 45' of right-of-way from the existing centerline of E. 12th St.

**FIRST READING**

35. C14r-85-357 - GUNNAR WALLIN, 2507 Howard Lane. Termination of a Restrictive Covenant. (Amendment to Restrictive Covenant/termination of restrictive covenant) Planning Commission Recommendation: To terminate the restrictive covenant.

**APPROVED**

#31-35 on Councilmember Larson's motion, Mayor Pro Tem Urdy's second, 6-0 Vote, Councilmember Nofziger out of the room.

The following zoning cases will be postponed to a future date. Posting of these cases on this agenda is required due to a previous advertisement for a public hearing on this date.)

36. C14-92-0001 - WILLIAM GIETEMA, by Richardson Verdoorn, 3400 to 3502 Manchaca. From SF-3 to MF-3.

Postponed to April 9, 1991.

37. C14-92-0005 - PEARL COLLINS NORRIS, by Consort, Inc., 1805 Airport Blvd. From SF-3 to GR

Postponed to April 9, 1991.



## PUBLIC HEARINGS AND APPROVAL OF ORDINANCES/RESOLUTIONS

38. 5:00 P.M. - Increase the Drainage Utility residential fee rate by \$0.50 per month (to 3.82 per month) and the Drainage Utility commercial fee rate by \$5.40 per acre per month (to \$41.23 per acre per month) to fund the first year implementation of the Barton Springs Zone Business Plan. (Estimated revenue is \$770,400 in FY 1991-92 if implemented May 1, 1992.)

Speaker's cards are on file in the City Clerk's office. Public hearing closed, on Councilmember Garcia's motion, Councilmember Reynolds' second, 6-0 Vote, Councilmember Epstein out of the room.

39. 6:45 P.M. - Direct the City Manager to investigate flooding and Erosion problems in Little Walnut Creek. (Councilmember Gus Garcia)

### Motion

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

### Motion

The Council, on Councilmember Garcia's motion, Councilmember Larson's second, adopted the Resolution, and added the following: (7-0 Vote)

"And be it also further resolved that the City Council directs the City Manager to begin and/or accelerate the work on projects along the affected area for which funds are provided in the 1991-92 budget and further directs the City Manager to explore all funding options for projects that the City can undertake in the years 1991-92 and beyond."

6:00 P.M. - DINNER BREAK

## FINAL CITIZEN COMMUNICATIONS

Sign-up will be taken during the Council meeting. No more than six (6) persons shall speak, and each person will be given three (3) minutes to speak. These speakers cannot have spoken during Citizen Communications Consent or Citizen Communications General. People who spoke were Al St. Louis, Cecilia Games and John Corry.

## ITEMS FROM COUNCIL

40. Approved the addition of the 100 and 200 Blocks (east side) of Trinity Street in the scope of the approved License Agreement for

the Texas Walk of Stars Program. (Councilmembers Ronney Reynolds and Michael "Max" Nofziger)

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

41. Approve a Resolution to eliminate the use of ozone depleting chemicals by the City of Austin. (Councilmember Michael "Max" Nofziger)

Pulled off, no action.

47. (See Citizen Communications - General)

EXECUTIVE SESSION (No Public Discussion on These Items)

The Executive Session was held at 10:00 A.M. on this date as a Special Called Meeting.

The City Council will announce that it will go into Executive Session, if necessary, 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

42. Discussion of Gemini Exploration Company et al v. City of Austin and Lower Colorado River Authority, Cause No. 91-143 and City of Austin v. Gemini Exploration Company et al, Cause No. 11935.
43. Discussion of City of Austin v. John H. Young, Inc., Cause No. 91-11579.

ACTION ON THE FOLLOWING

44. Approved settlement of Gemini Exploration Company et al v. City of Austin et al and City of Austin v. Gemini Exploration Company et al, including approval of the execution of an amendment to the applicable oil and gas leases granted to Gemini Exploration.

On Councilmember Garcia's motion, Councilmember Reynolds second, 6-0 Vote, Mayor Pro Tem Urdy out of the room, with the following Elements of LCRA Settlement:

. LCRA to "pay" the City \$900,000.00 in coal under pricing formula representing City's incremental cost of coal.

. Amendment of the Gemini Leases to call for payment of future royalties based upon the greater of (i) actual proceeds of sale, and (ii) a price determined by reference to a published gas price index.

. Assignment to the City by LCRA of LCRA's rights and claims to any increased Young lease royalty amounts resulting from resolution of Young litigation.

. LCRA to cooperate with the City in the prosecution of City's suit(s) against Young.

45. APPOINTMENTS

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

COMMUNITY DEVELOPMENT COMMISSION - Cecilia Galindo

HUMAN RIGHTS COMMISSION - Alicia Taliaferro

LIBRARY COMMISSION - Lynne Mangold

MUSIC COMMISSION - Frances Jones, French Smith, Susan Piver

ADJOURN - The meeting was adjourned at 9:03 P.M.

