



# Austin City Council MINUTES

MAY 14, 1992 - 1:00 P.M.

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

### MINUTES APPROVED

#### 1. Approval of Minutes for Regular Meeting of May 7, 1992

On Councilmember Garcia's motion, Councilmember Reynolds' second, 4-0 Vote, Councilmembers Nofziger and Larson, and Mayor Pro Tem Urdy out of the room. - There was a motion to reconsider by Councilmember Epstein, seconded by Councilmember Garcia, for a correction to the minutes. Motion passed by a 5-0 Vote, with Mayor Pro Tem Urdy and Councilmember Nofziger out of the room. - A motion to approve the minutes, with correction, made by Councilmember Epstein and seconded by Councilmember Garcia, was passed with a 5-0 Vote, Mayor Pro Tem Urdy and Councilmember Nofziger out of the room.

### CITIZEN COMMUNICATIONS

2. Mr. Leonard Lyons, to discuss the City Manager's truth squad. Was not present.
3. Mr. Walt Wilson, to discuss Senior issues and the Senior May Fair.
4. Mr. David Elliott, to discuss costly inept City management and the City of Austin's horrendous bond debt.
5. Mr. Nicklas R. Krivoniak, to discuss a junkyard in a nice neighborhood.
6. Mr. Carl Siegenthaler, to seek City of Austin action enforcing permanent injunction of Blanchette property, located at 1703 Westmoor Drive.
7. Mr. Stephen Rodi, to discuss continued failure of City staff to enforce City Code at 1703 Westmoor, and plan by the Parks Department to remove many pieces of children's playscape equipment at Bartholomew Park.

8. Mr. Larry Abraham, to express concern about the City's actions, past and future, regarding the Bartholomew Park playground.
9. Mr. Joe McKamie, to discuss shuttle transportation services. Was not present.
10. Mr. Henry Ratliff, to discuss victory.
11. Ms. Rachel Cywinski, to ask Council to attend a Picket on May 15, 1992, to close the tank farm, and to request that no City or City sponsored meetings be held in conflict with it.

1:30 P.M. - BOND SALES

12. Authorized 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.
13. Authorized 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.

#12-13 authorized at 4.529% on Councilmember Reynolds' motion, Councilmember Garcia's second, 7-0 Vote.

BOARD AND COMMISSION REPORTS

14. AUSTIN COMMISSION FOR WOMEN - Sue Plattsmier, to discuss Teen-age Pregnancy

No one from the Austin Commission for Women was present to give the report. Mayor Todd told Council they had the report in their back-up material to read and thanked the Commission for the work they have been doing.

ITEMS CONTINUED FROM PREVIOUS MEETINGS

15. Discuss/Approve an Ordinance proposing changes to the City Financial Policy concerning letters of credit. (Mayor Bruce Todd and Mayor Pro Tem Charles Urdy)

Postponed to May 21, 1992.

16. Approve an Ordinance to improve water quality and prevent water pollution within the Barton Springs Zone and all other land areas contributing to Barton Springs; to develop and implement a water quality plan of action for the Barton Springs Zone and its contributing area that includes: coordination with Texas Water

Commission (TWC), Lower Colorado River Authority (LCRA), and other affected Governmental entities; examination of existing water quality conditions; retrofitting in areas of unregulated development, where needed; providing for land acquisition of environmentally sensitive lands; development of a comprehensive public information program; prevention of accidental contamination; and implementation requirements including financing, time schedules, monitoring and performance guarantees; limiting exemptions, variances, etc.; and providing an effective date. (Mayor Bruce Todd and Councilmember Gus Garcia)

Pulled from agenda.

#### ORDINANCES

17. Approve second/third readings of an ordinance amending Chapter 13-2 of the Austin City Code rezoning property locally known as 7215 McNeil Road, Case No. C14-92-0004, from "SF-3", Family Residence to "CS", Commercial Services, GERALD MCDUGAL. First reading on March 5, 1992; Vote 6-0, Councilmember Nofziger out of the room. Conditions met as follows: A street deed for right-of-way dedication was not executed because the Department of Public Works and Transportation has determined that the requested right-of-way had already been acquired. (Public Hearing Closed - No Citizen Sign-Up)
18. Approve second/third readings of an ordinance amending Chapter 13-2 of the Austin City Code rezoning property locally known as 7221 McNeil Road, Case No. C14-91-0090, from "SF-3", Family Residence to "CS-CO", Commercial Services-Conditional Overlay, R.L. WYATT. First reading on January 9, 1992; Vote 7-0. Conditions met as follows: Conditional Overlay incorporates conditions imposed by Council. A street deed for right-of-way dedication was not executed because the Department of Public Works and Transportation has determined that the requested right-of-way had already been acquired. (Public Hearing Closed - No Citizen Sign-Up)  
  
#17-18 On Councilmember Epstein's motion, Councilmember Garcia's second, 7-0 Vote.
19. Declare the necessity and order improvements to Burleson Road from Ben White Boulevard to Montopolis Drive. (This is the first ordinance of four required to levy paving assessments.) [No fiscal impact.]  
  
On Councilmember Garcia's motion, Councilmember Nofziger's second, 7-0 Vote.
20. Authorized acceptance of \$500,000 in grant funds from the Texas Parks and Wildlife Department for a swimming pool and other recreational facilities at Dove Springs District Park; amend

Ordinance No. 910912-B, the 1991-92 Capital Budget, by appropriating \$500,000 to Parks and Recreation Department Capital Improvements Program, increasing revenues and expenditures. (No City match required.) [To be reviewed by Parks Board on May 11, 1991 and Planning Commission on May 12, 1992.]

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

#### RESOLUTIONS

21. Approve negotiation and execution of an eight (8) month contract with AUSTIN COMMUNITY COLLEGE, CHILD DEVELOPMENT DEPARTMENT, Austin, Texas, for the development and operation of an Early Childhood Resource Center, in an amount not to exceed \$200,000, with an option to renew the contract for two (2) additional twelve (12) month periods, in an amount not to exceed \$200,000 per year, for a total amount not to exceed \$600,000. (Funding provided in the Social Services Fund; funding for renewals will be requested in each respective fiscal year budget.) Sole proposal. The prime did not identify any subcontracting opportunities. RFP. No. 920393-3SA. (Reviewed by Child Care Council.)
  22. Approve the negotiation and execution of a contract with SOUTHWESTERN BELL TELECOM, Austin, Texas, for the purchase and installation of two (2) Northern Telecom PBXs and 93 single line sets for the Health Department's East Austin Clinic and Rosewood-Zaragoza Clinic, in the amount of \$105,864. (Funding included in the 1991-92 Operating Budget of the Health and Human Services Department.) Best proposal of six (6). The prime identified one area of subcontracting; there were no M/WBEs available to perform the scope of work. Reference No. 920254-3VC.
  23. Approve execution of a twelve (12) month contract with UNIFORMS OF TEXAS, San Antonio, Texas, for the purchase of fire retardant uniforms for the Fire Department, in an amount not to exceed \$146,108, with the option to extend for one (1) additional twelve (12) month period, in an amount not to exceed \$146,108, for a total amount not to exceed \$292,216. (Funding included in the 1991-92 Operating Budget of the Financial Services Department; funding for the extension options will be requested in each respective fiscal year budget.) Low bid of four (4). The prime did not identify any subcontracting opportunities. Reference No. 920369-1B0.
- #21-23 on Councilmember Epstein's motion, Councilmember Garcia's second, 7-0 Vote.
24. Approve execution of a construction contract award to REDDICO CONSTRUCTION COMPANY, Austin, Texas, for the reconstruction of a collapsed storm sewer in Brazos Street between East 6th Street and

Colorado River, for the Brazos Street Storm Sewer Rehabilitation Project, in the amount of \$616,483.10. (Funding in the amount of \$555,590.10 included in CIP 485-617-4100 (Drainage); \$57,893 included in CIP 379-227-0637 (Water); \$3,000 included in CIP 439-237-0918 (Wastewater). Low bid of six (6). 7.08% MBE, 2.21% WBE Subcontractor participation. (Reviewed by Water and Wastewater Commission.)

Postponed to May 21, 1992.

25. Approve execution of a twelve (12) month supply agreement with ALLIED COLLOIDS, INC., Suffolk, Virginia, for the purchase of 168,200 lbs. of a polymer chemical that enhances the removal of water from treated sludge at the Hornsby Bend Sludge Treatment Plant, in an amount not to exceed \$200,158, with the option to extend thereafter for an additional two (2) twelve (12) month extension options, in the amount not to exceed \$200,158 per extension, for a total amount of \$600,474. (Funding in the amount of \$100,079 for six (6) months of the contract is included in the 1991-92 Operating Budget of the Water and Wastewater Utility; funding of \$400,319 for the remainder of the original contract period and the extension option will be contingent upon future available funding in the 1992-93 and 1993-94 budgets. Sole Source. The prime did not identify any subcontracting participation. (Reviewed by Water and Wastewater Commission.)

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

26. Approve execution of a construction contract award to CHASCO CONTRACTING, INC., Round Rock, Texas, for channel and bridge construction in the Angus Valley Channel, Part I, in the amount of \$299,983.83. (Funding in the amount of \$279,748.33 included in CIP 825-607-2074; \$7,071 included in CIP 388-227-6948 (Water) and \$13,164.50 included in CIP 439-237-6948 (Wastewater). Low bid of ten (10). 3.33% MBE, 9.79% WBE Subcontractor participation. (Reviewed by Water and Wastewater Commission.)

Postponed to May 21, 1992.

27. Approve execution of a construction contract award to CAPITAL EXCAVATION CO., Austin, Texas, for road reconstruction and water and wastewater adjustments in the Burleson Road Street and Drainage Improvements Project, in the amount of \$1,828,133.45. (Funding in the amount of \$1,636,108.95 included in CIP 825-607-2036 (Public Works); \$119,567 included in CIP 388-227-0685 (Water); \$15,454 included in CIP 439-237-0692 (Wastewater); \$57,003.50 included in CIP 443-237-0782 (Wastewater). Low bid of four (4). 4.29% MBE, 6.46% WBE Subcontractor participation. (Reviewed by Water and Wastewater Commission.)

28. Approve the selection of URBAN DESIGN GROUP (WBE), Austin, Texas, for professional engineering services for planning and design of the Tarrytown Water and Wastewater Rehabilitation Improvements Project, in the amount of \$150,000. (Funding in the amount of \$75,000 included in the Water and Wastewater CIP 392-227-6720 (Tarrytown Waterline Rehabilitation); \$75,000 included in CIP 430-237-0457 (Tarrytown Wastewater Line Rehabilitation.) Best qualification statement of thirteen (13). 10% MBE, 5% WBE Subcontractor participation. (Reviewed by Water and Wastewater Commission.)

Convention Center (Items 29-30)

29. Approve execution of an agreement with Erwin P. Becker, Theodor E. Becker, Alice Ann Becker Burnett and Elenora Becker, regarding the termination of a license to maintain a loading dock in City owned right-of-way under certain terms and conditions. (No fiscal impact.)
30. Approve Change Order No. 8 to PELZEL & ASSOCIATES, INC., Austin, Texas, for architectural field modifications for the Trinity Street Sidewalk Improvements Project, in the amount of \$90,586, for a total contract amount of \$1,474,393. (Funding included in CIP 825-607-2005 (Trinity Project).)
31. Approve Change Order No. 1 to the construction contract with CASH CONSTRUCTION CO., INC., Pflugerville, Texas, to replace a substandard waterline for the Convict Hill Wastewater Improvements Project, in the amount of \$57,317.80, for a total contract amount of \$616,855.85. (Funding included in CIP 388-227-0773.) (Reviewed by Water and Wastewater Commission.)
32. Approve negotiation and execution of a professional services agreement with Sasaki Associates, Inc., Dallas, Texas, to develop a Reuse Plan for non-aviation areas at Bergstrom Air Force Base, in an amount not to exceed \$200,000. [Recommended by Aviation Subcommittee on May 11, 1992.]
33. Inform the U.S. Environmental Protection Agency of the City of Austin's review and approval of the 1991 Municipal Water Pollution Prevention Environmental Audit Reports for the City's wastewater treatment plants. (Recommended by Water and Wastewater Commission.)
34. Approve the filing of eminent domain proceedings to acquire a drainage easement containing 6,031 square feet of land and a temporary workspace easement containing 981 square feet of land out of Lot B, Holden Addition in Austin, Travis County, Texas owned by

Carol Diane Frasier and J. Rex Frasier for the U.S. 183 Angus Valley Drainage Project, Phase III. (Estimated cost of this action is \$10,925 - Funding included in CIP 825-607-2074.)

¶27-34 on Councilmember Epstein's motion, Councilmember Garcia's second, 7-0 Vote.

35. Approve a public information plan promoting community understanding of the S.O.S. related ordinance(s) on the August 8, 1992 ballot.

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

36. Approve a request by Khaled Ali Shawabkah, owner of Hala Food Store formerly Ender's Grocery and Wholesale to waive the minimum separation distance requirement between his business which intends to sell alcoholic beverages and the Friendship Baptist church. (No fiscal impact.)

Postponed to May 21, 1992. (Mayor Pro Tem Urdy had made a motion to deny, seconded by Councilmember Epstein. After discussion and questions by Council, the motion was withdrawn and the item was postponed.)

#### ITEMS FROM COUNCIL

37. Status report on Barton Springs Pool. (Councilmember Gus Garcia)

Report was given by Mike Heitz, Acting Director, Parks and Recreation Department.

38. Approve a Resolution supporting legislation amending the Texas Code of Criminal Procedure to establish a life without parole sentencing option for capital felony offenses. (Mayor Pro Tem Charles Urdy and Councilmembers Louise Epstein and Bob Larson)

39. Approve an Ordinance amending Section 2(k)(6) of the City of Austin's Guidelines and Criteria for Tax Abatement, as adopted by City Ordinance No. 911121-C, relating to the time during which a company with a Council approved incentive resolution may apply for tax abatement in accordance with the provisions of Exhibit C of the Guidelines. (Apple Computer, Inc.) [Mayor Bruce Todd and Mayor Pro Tem Charles Urdy]

Mayor Pro Tem Urdy entered the following into the record: "Apple Computer has been working very actively with the neighborhood

organizations in trying to deal with the issue of qualified employees within the community".

¶38-39 on Councilmember Epstein's motion, Councilmember Garcia's second, 7-0 Vote.

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

##### ZONING DISTRICTS

40. C14-92-0010 - MOHAMMAD ASHRAF, 1908 Nueces Street. From MF-4 to GO. Planning Commission Recommendation: To grant GO.

Approved Ordinance to Grant GO, on Mayor Pro Tem Urdy's motion, Councilmember Reynolds' second, 7-0 Vote.

To be heard by Planning Commission on May 12, 1992; Recommendation to Follow

41. C14-92-0035 - S.I. WALNUT CREEK, INC., by Allen Smith, 8606 Wall Street. From I-RR to LI-CO.

Passed an Ordinance on Planning Commission's recommendation to grant LI-CO (Mr. Tracy Watson, Director of Planning, told Council the zoning could allow tank farms but they are prohibited.) Motion was made by Mayor Pro Tem Urdy and seconded by Councilmember Reynolds. 7-0 Vote.

##### RECESS

Council recessed its meeting from 4:40 to 5:00 P.M. on Councilmember Nofziger's motion, Mayor Pro Tem Urdy's second, 7-0 Vote.

#### PUBLIC HEARINGS AND APPROVAL OF ORDINANCES/RESOLUTIONS

42. 5:00 P.M. - Adopt the 1991 Uniform Housing Code and the 1991 Dangerous Buildings Code, with local amendments.

A motion to close the public hearing was made on Councilmember Garcia's motion, Councilmember Reynolds' second, 7-0 Vote. A motion to adopt the 1991 Housing Code and the 1991 Dangerous Buildings Code with local amendments was passed on Councilmember Larson's motion, Councilmember Nofziger's second, 7-0 Vote.

##### RECESS

Council recessed its meeting from 5:35 to 7:00 P.M., on Mayor Pro Tem Urdy's motion, Councilmember Reynolds' second, 7-0 Vote.



## FINAL CITIZEN COMMUNICATIONS

Speakers were Robert Singleton, Carolyn Castillo, Gavino Fernandez and Al St. Louis.

## PUBLIC HEARINGS - Continued

43. 6:45 P.M. - Amend Title XIII (Land Development Code: Sections 13-2-3, 13-2-221, 13-2-232, 13-5-107) Austin City code of 1981 to modify the definition of Arts & Crafts Studio (Limited) to include "photographic studios" and to permit this use in the LO, Limited Office, district with certain performance standards. (Recommended by Planning Commission.)

Public hearing closed and approved on Councilmember Epstein's motion, Councilmember Reynolds' second, 6-0 Vote, Councilmember Garcia out of the room.

44. 7:00 P.M. - Amend Title XIII (Land Development Code: Sections 13-2-5, 13-2-221, 13-2-267, 13-2-731 and 13-5-107) Austin City Code of 1981 to allow indoor and outdoor recreational facilities used by the general public as a conditional use in residential districts and some commercial districts, a permitted use in the remaining commercial districts and a permitted use in all industrial districts. (Recommended by Planning Commission.)

Public hearing recessed to June 25, 1992 at 7:00 P.M., on Councilmember Reynolds motion, Mayor Pro Tem Urdy's second, 7-0 Vote.

## EXECUTIVE SESSION (No Public Discussion on These Items)

The Executive Session was held in the morning on this date at a Special Called meeting of the Council.

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.

45. Land Acquisition - Section 2, Paragraph f

Discussion of parking for Convention Center.

46. APPOINTMENTS

BERGSTROM ECONOMIC CONVERSION TASK FORCE - Council appointed Karen Hadden, on Councilmember Nofziger's motion, Councilmember Epstein's seconded, 7-0 Vote.

ADJOURN - The meeting of the Council was adjourned at 7:35 P.M.