



## **Austin City Council MINUTES**

**DECEMBER 9, 1993 - 1:00 P.M.**

**Councilmember Nofziger called to order the meeting of the Council, noting the absence of Mayor Pro Tem Urdy and announced that Mayor Todd would arrive later in the day.**

### **MINUTES APPROVED**

- 1. Approval of Minutes for Regular Meetings of November 18, 1993. (Minutes for December 2, 1993 and Special Meetings of December 1, 1993 (4:00 P.M. and (6:30 P.M.) and December 2, 1993 (Executive Session) were postponed to a latter date.)**

**On Councilmember Garcia's motion, Councilmember Reynolds' second, 5-0 Vote, Mayor Todd, Mayor Pro Tem Urdy absent.**

### **CITIZEN COMMUNICATIONS: GENERAL**

- 2. Ms. Charlene Shillman, to discuss The Museum of Fine Arts, Austin; International Code of Ethics; "we would like to stop the influence of the press that Laguna Gloria has against our organization and have equal coverage of our events; fair and equal press for the Museum of Fine Arts, Austin." Absent**
- 3. Mr. Sam Batz, to recruit volunteers for the renovation of 807 Congress, and to request the City to support the museum. Absent**
- 4. Mr. Brent White, to discuss City Charter revision proposals: (1) to thank the Committee for November elections; (2) to oppose 4-year terms and weakening recall; (3) to urge 5% for initiatives; (4) to suggest an alternative to term limits.**
- 5. Ms. Clare Barry, to discuss the effect of a Political Action Committee (PAC) contribution on a recent Council decision.**
- 6. Ms. Peggy Pryor, to inform the Council of Wellness Task Force activities.**
- 7. Mr. Sterling Lands II, to inform Council of Wellness Task Force activities.**

8. Mr. Rafael Quintanilla, to inform Council of Wellness Task Force activities.

#### ITEMS CONTINUED FROM PREVIOUS MEETINGS

9. Approve negotiation and execution of an agreement with Jerry J. Moore Investments, for extension of a lease of 3,400 square feet of space in the Windsor Village Shopping Center, located at 5825 Berkman Drive, for the operation of a branch library, in the amount of \$39,144. (Funding is available in the 1993-94 operating budget for the Library Department.)

#### Motion

Councilmember Goodman made a motion as follows: "I will note the motion that we approve \$40,000 from the library budget for the negotiation of the expansion of Windsor Library". Councilmember Reynolds seconded the motion. Councilmember Goodman said this would be for half a year and referred to a sheet of figures the Council had. Councilmember Reynolds stated: "I believe the motion should include the resolution we have for Item 9 that was posted, plus the additional \$40,000 which was per the Library Commission." Councilmember Goodman said, "The total is actually \$60,000; \$39,144 is the rent for the current site; \$16,287 is the additional rent giving about \$500.00 worth of leeway, and a further amendment would be that the additional space would be leased for a five-year term with two one-year options."

#### Friendly Amendment

Councilmember Shea offered a friendly amendment to not use book budget money in connection with the expansion. The amendment was accepted.

#### Roll Call on Motion with Amendments

5-0 Vote, Mayor Todd and Mayor Pro Tem Urdy absent.

#### ORDINANCES

10. Approve full purpose annexation of the following areas: River Place at FM 620/FM 2222, Forest Ridge Area, Pioneer Farm Area, Commons Ford Park, Mary Searight Park, and Barton Creek Greenbelt Access at MoPac. (Funding in the amount of \$2,000 for contractual fire protection services for Commons Ford Park and \$3,600 for Mary Searight Park is available in the 1993-94 operating budget of the Fire Department.)

11. Extend the date to approve existing cable subscriber rates for basic service and related equipment and installation costs for ninety (90) days. (To be reviewed by Cable Subcommittee on December 7, 1993.)
12. Authorize acceptance of \$22,855 in grant funds from the Small Business Administration/Texas Forest Service; amend Ordinance 930915-A, the 1993-94 operating budget, amending the Special Revenue Fund by appropriating \$22,855 in grant funds to the Parks and Recreation Department Special Revenue Fund for the planting of 76 15-gallon trees in the medians of Braker Lane.
13. Approve issuing free lifetime swim passes for Barton Springs Pool to Elbert Dyer and Homer T. Deal, who are "devotees" of the Pool. (Recommended by Parks Board)
14. Authorize acceptance of \$41,864 in grant funds from the Texas Department of Health, Tuberculosis Elimination Division, for Tuberculosis outreach and treatment activities; amend Ordinance No. 930915-A, the 1993-94 operating budget, amending the Special Revenue Fund by increasing appropriations by \$41,864 in grant funds for the Health and Human Services Department, and authorizing 1.0 grant funded full-time equivalent.
15. Authorize acceptance of \$83,333 in grant funds from the Texas Department of Health, Texas Diabetes Council for a Community-Based Diabetes Education Program for the period of November 1, 1993 through August 31, 1994, and a twelve (12) month renewal for the period of September 1, 1994 through August 31, 1995, in the amount of \$100,000; amend Ordinance No. 930915-A, the 1993-94 operating budget, amending the Special Revenue Fund by appropriating \$183,333 in grant funds for the Health and Human Services Department Special Revenue Fund and approving 2.5 grant funded full-time employees.

#### RESOLUTIONS

16. Approve a five (5) year lease, with the option for three (3) one (1) year extensions, of 23,345 net square feet of office space in a confidential location for use by the Austin Police Department, in the amount of \$263,764. (Funding in the amount of \$197,823 is available in the 1993-94 operating budget of the Austin Police Department for the remainder of the current fiscal year; funding for the remainder of the lease is contingent on funding in future budgets.)
17. Authorize negotiation and execution of an Interlocal Agreement with Texas Engineering Extension Service to provide Spanish language training/certification in refrigerant recovery as outlined in grant proposal to United States Environmental Protection Agency. (Funding

in the amount of \$14,490 is available in the 1993-94 operating budget of the Environmental and Conservation Services Special Revenue Fund.)

#10-17 on Councilmember Garcia's motion, Councilmember Reynolds' second, 5-0 Vote, Mayor Todd and Mayor Pro Tem Urdy absent.

18. Approve execution of a twelve (12) month supply agreement with MAPSCO, INC., Austin, Texas, for the purchase of Guide/Street maps of Austin, Travis County and surrounding areas for use by all departments, in an amount not to exceed \$64,760, with two (2) twelve (12) month extension options, in an amount not to exceed \$64,760 per extension, for a total amount not to exceed \$194,280. (Funding in the amount of \$53,966.60 is available in the 1993-94 operating budgets of user departments; funding for the remaining \$10,793.40 of the original contract and the extension options is contingent upon availability of funding in future budgets.) Low bid of three (3). No M/WBE Subcontracting opportunities were identified.

Deleted

19. Approve execution of a twelve (12) month supply agreement with the following vendors for the purchase of approximately 3,626 water meters: MUELLER CO., Cleveland, North Carolina, in an amount not to exceed \$194,479.45; BADGER METER, INC., Milwaukee, Wisconsin, in an amount not to exceed \$78,566, and SENSUS TECHNOLOGIES, INC., Uniontown, Pennsylvania, in an amount not to exceed \$74,890.85, for a total amount not to exceed \$347,936.30, with two (2) twelve (12) month extension options in an amount not to exceed \$194,479.45, \$78,566 and \$74,890.85 respectively, for a total amount not to exceed \$1,043,808.90 (Funding in the amount of \$260,952.23 is available in the 1993-94 operating budget for the Water and Wastewater Utility; funding for the remaining three (3) months of the original contract period and the extension options is contingent upon availability of funding in future budgets.) Three (3) bids received. No M/WBE Subcontracting opportunities were identified. (Recommended by Water and Wastewater Commission)

On Councilmember Garcia's motion, Councilmember Reynolds' second, 5-0 Vote, Mayor Todd and Mayor Pro Tem Urdy absent.

20. Approve execution of a nine (9) month contract with the STATE OF TEXAS DEPARTMENT OF INFORMATION RESOURCES, Austin, Texas, for the purchase of approximately 534 personal computers for various departments, in an amount not to exceed \$1,145,020, with an option to extend the contract for two (2) twelve (12) month periods, in an amount not to exceed \$1,259,522 for the first extension period, and in an amount not to exceed \$1,385,474 for the second extension, for a total amount not to exceed \$3,790,016. (Funding is available in the 1993-94 operating budgets of the following departments:

Convention Center (\$1,841); Aviation (\$37,950); Environmental and Conservation Services Department (\$119,610); Brackenridge Hospital (\$197,490); Utility Customer Services (\$11,735); Information Systems (\$18,410); Support Services Fund (\$63,972); General Fund Departments (\$208,430); and the Special Revenue Fund for the Library (\$82,845); funding is available in the 1993-94 Capital Budgets of the following departments: Electric Utility (\$189,750); Water and Wastewater Utility (\$126,460); and the Law Department (\$86,527); funding for the extension options is contingent upon availability of funding in future budgets.)

On Councilmember Shea's motion, Councilmember Reynolds' second, 4-0 Vote, Councilmember Garcia out of the room, Mayor Todd and Mayor Pro Tem Urdy absent.

21. Approve the execution of a contract with the STATE OF TEXAS DEPARTMENT OF INFORMATION RESOURCES, Austin, Texas, for VAX minicomputer hardware maintenance for one (1) year, in an amount not to exceed \$298,247, with two (2) twelve (12) month extension options in an amount not to exceed \$328,072 and \$360,879 respectively, for a total amount not to exceed \$987,198. (Funding is available in the 1993-94 operating budgets for the following departments: Information Systems Department (\$113,979); Water and Wastewater (\$89,355); Environmental and Conservation Services Department (\$6,552); Electric Utility (\$11,433); and Planning and Development (\$76,928); funding for the extension options is contingent upon availability of funding in future budgets. Savings are estimated to be \$218,270 for the first year.)

On Councilmember Garcia's motion, Councilmember Reynolds' second, 5-0 Vote, Mayor Todd and Mayor Pro Tem Urdy absent.

22. Approve execution of a contract with the STATE OF TEXAS DEPARTMENT OF INFORMATION RESOURCES, Austin, Texas, for IBM mainframe computer and peripheral hardware maintenance for one (1) year in an amount not to exceed \$370,163, with two (2) one (1) year extension options in an amount not to exceed \$444,858 for the first extension option and \$489,714 for the second extension option, for a total amount not to exceed \$1,305,735. (Funding is available in the 1993-94 operating budget for Information Systems (\$68,324); Brackenridge Hospital (\$134,080); and the Police Department (\$167,759); funding for the extension options is contingent upon availability of funding in future budgets. Savings are estimated to be \$129,867).

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23. Approve the 1994-95 City Council Priorities and Committees, and Schedule for 1994.

No action

24. Approve payment of the annual membership in the Greater Austin-San Antonio Corridor of Texas in the amount of \$50,000. (Funding is available in the 1993-94 operating budget.)

On Councilmember Garcia's motion, Councilmember Reynolds' second, 5-0 Vote, Mayor Todd and Mayor Pro Tem Urdy absent.

#### ITEMS FROM COUNCIL

25. Approve a resolution requesting all outside law firms desiring to do business with the City of Austin to develop and implement a recruitment policy to increase the hiring of minority lawyers to a cumulative total of ten percent (10%) over the next five (5) years. (Mayor Bruce Todd)

On Councilmember Garcia's motion, Councilmember Reynolds' second, 5-0 Vote, Mayor Todd and Mayor Pro Tem Urdy absent.

26. Approve an Incentive Resolution for the establishment of Apple Computer Corporation's permanent national customer service center in Austin and Travis County. (Mayor Bruce Todd and Councilmember Brigid Shea)

Deleted

42. Approve an Interlocal Agreement with the Austin Independent School District for the development of a schedule and master plan to renovate the Sunken Gardens in Zilker Park by the Project ESOS (Educating Students through Opportunity & Service) Academy in the amount of \$6,000. (Councilmember Brigid Shea)

Postponed to December 16, 1993.

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

27. C14-93-0123 - TRAMMEL-CROW-COMPANY (Bob Liverman), N. Mo-Pac Service Road SB and W. Braker Lane. From IP to MF-2. Planning Commission Recommendation: To grant MF-2-CO, Multi-family residence (low density)-Conditional Overlay, zoning district. The conditional overlay would impose the following conditions: (1) limit the proposed density to 18 units per acre; (2) prohibit access to Calle Verde Drive and Allegro Drive from the proposed development. A building permit for development of the property should not be issued until access is provided to Braker Lane. The following conditions should be included in a restrictive covenant. The applicant shall obtain, from the Texas Natural Resource Conservation Commission, approval of a Landfill Gas Management Program which outlines how

development will be protected from landfills which are in close proximity to the subject tract prior to the release of a consolidated administrative site plan. Further, subject to compliance with the Integrated Pest Management Program.

Postponed to January 27, 1994.

28. C14-85-143 - SAGE-WATERFORD LTD. (Ralph E. Reed), By: Brown McCarroll & Oaks Hartline (Henry H. Gilmore), Waterford Centre Blvd., Existing zoning: LI-PDA. Request amendment to the Planned Development Agreement for Waterford Centre, Block C, Lots 1-4. Planning Commission Recommendation: Recommended with conditions and subject to compliance with the Integrated Pest Management Program.

Approved FIRST READING (This proposed PDA amendment will not revise the conceptual site plan remaining with the PDA. The portion of Reid Drive from Waterford Centre Boulevard to Burnet, which is not constructed but is dedicated ROW with fiscal posted, is not requested or authorized to be deleted with this application)

Councilmember Shea offered a friendly amendment, which was not accepted, to "increase the capture volume 1/10" per 10% of impervious cover above the required 1/2" for 20% impervious cover for water quality control, to be placed on this project as a result of the increased impervious cover".

#27-28 on Councilmember Reynolds' motion, Councilmember Goodman's second, 4-0 Vote, Councilmember Garcia out of the room, Mayor Todd and Mayor Pro Tem Urdy absent.

To be heard by Planning Commission on December 7, 1993;  
Recommendation to Follow

29. C14H-93-0016 - B.J. SMITH HOUSE, 700 West 6th Street. From CBD to CBD-H. Planning Commission Recommendation: Postponed to December 7, 1993.

Will be rescheduled after Planning Commission action on 4/12/94.

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

30. 5:00 P.M. - Approve a street name change request for the entire length of Acorn Place, from South 2nd Street to South 3rd Street, to Huerta Street. (Funding in the amount of \$70 for signs will be provided by the requester.)

On Councilmember Garcia's motion, Councilmember Goodman's second, 5-0 Vote, Mayor Todd and Mayor Pro Tem Urdy absent.

31. 5:30 P.M. - Amend Chapter 12-5 of the City Code entitled "Smoking in Public Places" to prohibit smoking in public places. (Councilmember Gus Garcia and Mayor Bruce Todd)

Motion

The Council, on Councilmember Reynolds' motion, Councilmember Garcia's second, closed the public hearing, 6-0 Vote, Mayor Pro Tem Urdy absent.

Motion

Councilmember Garcia made a motion to adopt the ordinance and include a ban on smoking in bars. Councilmember Shea seconded the motion.

Substitute Motion

Councilmember Reynolds made a motion, seconded by Councilmember Nofziger to "have the Mayor appoint a task force with members from the Heart Association, American Lung Association, Austin Restaurant group, bowling alleys, bars, American Cancer Society, Ole Mexico, special events groups e.g. bingo, and East Austin Restaurant Association; first meeting of the task force will be first week of January, 1994; and the proposal will be brought back to Council the last week in January, 1994".

Friendly Amendment to Motion - Not Accepted

Councilmember Garcia offered a friendly amendment to the motion to pass the Ordinance on First Reading Only and bring it back to Council for Second and Third Readings on February 3, 1994. The Friendly Amendment was not accepted.

Amendment to the Motion - FAILED

Councilmember Garcia made a motion, seconded by Councilmember Shea, to pass the Ordinance on First Reading Only, set up a task force to study, and bring the recommendations back to Council on February 3, 1994. Motion FAILED by a vote of 3-3 with Councilmember Reynolds, Councilmember Goodman and Councilmember Nofziger voting No, Mayor Pro Tem Urdy absent.

Substitute Motion Approved by Acclamation

The Substitute Motion was passed by acclamation after Mayor Todd determined there was no need for a roll call.



32. 6:45 P.M. - Amend the Water Quality requirements of the Land Development Code to strengthen requirements for on-site water quality controls and to delete the legal lot exemption. (Reviewed by Environmental Board and Water and Wastewater Commission on December 1, 1993; To be reviewed by Planning Commission on December 7, 1993).

The Public Hearing was closed, on Councilmember Garcia's motion, Councilmember Shea's second, 6-0 Vote, Mayor Pro Tem Urdy out of the room.

Approved EMERGENCY PASSAGE OF ORDINANCE, on Councilmember Reynolds' motion, Councilmember Goodman's second, 5-1-0 Vote, Councilmember Shea voted No, Mayor Pro Tem Urdy absent.

RECESS - Council recessed for executive session.

EXECUTIVE SESSION (No Public Discussion on These Items)

Advice from Counsel - Sec. 551.071

33. Discuss legal issues related to Community Development Block Grant Funds disbursed to neighborhood based organizations and potential litigation.

Postponed to December 16, 1993.

Pending/Contemplated Litigation - Sec. 551.071

34. Discuss Bassam B. Khoury vs. City of Austin and Frank Kennedy Webb; Cause No. 93-01996

Land Acquisition - Sec. 551.072

35. Discuss real property acquisition for the Barton Creek Wilderness Park.

Personnel Matters - Sec. 551.074

36. Discuss personnel evaluations of City Council appointees: City Manager, City Clerk, Municipal Court Clerk and City Auditor.

ACTION ON THE FOLLOWING

37. Authorize settlement of Bassam B. Khoury vs. City of Austin and Frank Kennedy Webb; Cause No. 93-01996.

In the amount of \$80,000 on Councilmember Goodman's motion,

Councilmember Garcia's second, 5-0 Vote, Mayor Todd and Mayor Pro Tem Urdy absent.

38. Amend Ordinance No. 930915-D, the 1993-94 Capital Budget by increasing appropriations in the Barton Creek Wilderness Park Capital Project from \$2,650,000 to \$20,000,000.

On Councilmember Garcia's motion, Councilmember Goodman's second, 5-0 Vote, Mayor Todd and Mayor Pro Tem Urdy absent.

39. Approve a resolution expressing the City's intent to reimburse itself for payments, notes and other obligations related to the acquisition of real property as part of the Barton Creek Wilderness Park at such time as the City issues obligations to finance the project.

On Councilmember Reynolds' motion, Councilmember Garcia's second, 5-0 Vote, Mayor Todd and Mayor Pro Tem Urdy absent.

40. Authorize the negotiation and execution of a contract for the acquisition of 191.508 acres known as Gaines Ranch through the Trust for Public Land for Phase II of the Barton Creek Wilderness Park.

In the amount of \$1,080,000, on Councilmember Reynolds' motion, Councilmember Garcia's second, 5-0 Vote, Mayor Todd and Mayor Pro Tem Urdy absent.

41. Approve the 1994 compensation and benefits package of City Council appointees: City Manager, City Clerk, Municipal Court Clerk and City Auditor.

No action.

ADJOURN - The meeting was adjourned at 11:30 P.M. on Councilmember Reynolds' motion, Councilmember Garcia's second, 6-0 Vote, Mayor Pro Tem Urdy absent. There had been a motion by Councilmember Reynolds, seconded by Councilmember Goodman, to suspend the rules and continue the meeting past 10:00 P.M., 6-0 Vote, Mayor Pro Tem Urdy absent.

There were several recesses during the meeting, one at 3:43 P.M. on Councilmember Reynolds' motion, Councilmember Garcia's second, 5-0 Vote, Mayor Todd and Mayor Pro Tem Urdy absent; one at 4:22 P.M. on Councilmember Shea's motion, Councilmember Reynolds' second, 4-0 Vote, Mayor Todd and Mayor Pro Tem Urdy absent, Councilmember Garcia out of the room; and a recess from 5:10 to 5:30 P.M. on Councilmember Shea's motion, Councilmember Garcia's second, 5-0 Vote, Mayor Todd and Mayor Pro Tem Urdy absent.