



Austin City Council MINUTES

FEBRUARY 11, 1993 - 1:00 P.M.

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

Mayor Todd called to order the meeting of the Council, noting the presence of all members.

MINUTES APPROVED

1. Approval of Minutes for Special Meeting of January 20, 21, 26 and February 3, 1993.

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

CITIZEN COMMUNICATIONS: GENERAL

2. Mr. Henry Ratliff, to discuss current issues.
3. Mr. Kirk Becker, to lament the loss of the Library's "Computers for Public Use" and to plead for their reinstatement.
4. Mr. Leonard Lyons, to discuss a weak bureaucracy's worst enemy is democracy oversight.
5. Mr. Darrell Jones, to discuss several incidents of burglary; no feedback from Austin Police Department.

Not present.

6. Mr. Terry Irion, to advise the Council of issues of concern to Real Estate Council.

ORDINANCES

7. Approve second/third reading for the Gaines Ranch area annexation, 7-0 Vote.

On Councilmember Nofziger's motion, Councilmember Reynolds' second.

8. Approve second/third readings of an ordinance amending Chapter 13-2 of the Austin City Code rezoning property locally known as 12100-12222 Centrum Drive, Case No. C14-92-0073, from "MF-2", Multifamily Residence (low density) to "GO", General Office, THE AUSTIN DIAGNOSTIC CLINIC (Jon P. Sligh), by Bury & Pittman (Gregory S. Strmiska). First reading on November 5, 1992; Vote 5-0, Mayor Todd and Councilmember Epstein absent. Conditions met as follows: There are no conditions to be met. Transportation requirements will be addressed through the subdivision process. (Emergency Passage Requested) PASSED ON EMERGENCY BASIS
9. Authorize acceptance of \$456,531 in grant funds from the Texas Parks and Wildlife Department (TPWD) for initial development of recreational facilities at Dick Nichols District Park; amend Ordinance No. 920922-A, the 1992-93 Capital Budget, by decreasing the appropriation by \$43,469 to match the grant award of \$456,531 in the Parks and Recreation Department Capital Improvements Project (Dick Nichols Park Expansion) [To be reviewed by Parks Board and Planning Commission on February 9, 1993.] Consent approval by Parks Board and Planning Commission.
10. Authorize acceptance of \$20,000 in grant funds from the Small Business Administration/Texas Forest Service for the replacement of 80 trees along Congress Avenue; amend Ordinance 920922-E, the 1992-93 Operating Budget, amending the Special Revenue Fund for the Parks and Recreation Department; increasing revenues and expenditures.
11. Approve suspending the operation of proposed rate schedules filed by Southern Union Gas Company on January 29, 1993, for the period beginning March 6, 1993 and ending June 3, 1993.

Refer to Finance Committee.
12. Amend Part I (b) of Ordinance No. 920922-J by revising the classifications for all City of Austin Police Officers by adding one Police Officer position. Related to Item 47.
47. (ADDENDUM) Amend Ordinance No. 920922-E, the 1992-93 Operating Budget for the General Fund, by increasing revenues by \$31,000 and increasing appropriations for the Police Department operating budget

by \$31,000. (Funding in the amount of \$31,000 available from increased Sales Tax revenues.)

#8-12 and 47 on Councilmember Epstein's motion, Mayor Pro Tem Urdy's second, 7-0 Vote.

13. Amend the 1992-93 Capital Budget in the following amounts in order to convert swimming pool chlorination systems from gas to liquid chlorine by increasing a new project, Municipal Pool Improvements by \$360,685; decreasing appropriations in the following Projects: Community Pool-Zone 10 (Dittmar) by \$33,214, Community Swimming Pool-Zone 2 (Balcones) by \$2,000, Community Swimming Pool-Zone 1 (Canyon Vista) by \$1,001, Zaragosa Pool Renovation by \$2,000, Westenfield Pool Renovation by \$2,000, Shipe Pool Renovation by \$72,912, Reed Park Renovation by \$1,862, Patterson Pool by \$4,790, Metz Pool Renovation by \$10,048, Kealing Pool Renovation by \$2,514, Govalle Pool by \$86,615, Civitan Pool Renovation by \$3,302, Brentwood Pool Renovation by \$1,919, and Bartholomew District Pool by \$136,508. (To be reviewed by Planning Commission on February 9, 1993.) [Related to Item 14] Consent approval by Planning Commission.

On Councilmember Garcia's motion, Councilmember Reynolds' second, 5-0 Vote, Mayor Pro Tem Urdy and Councilmember Nofziger out of the room.

RESOLUTIONS

14. Approve execution of a contract award to SHASTA INDUSTRIES, INC., Phoenix Arizona, for pool chlorine conversions of twelve City swimming pools (Bartholomew, Brentwood, Civitan, Dittmar, Govalle, Kealing, Metz, Patterson, Reed, Shipe, Westenfield and Zaragosa), in the amount of \$118,700. (Funding is included in the 1992-93 Amended Capital Budget of the Parks and Recreation Department.) Low bid of two (2). No M/WBE subcontracting opportunities were identified. (Related to Item 13)

On Councilmember Garcia's motion, Councilmember Reynolds' second, 5-0 Vote, Mayor Pro Tem Urdy and Councilmember Nofziger out of the room.

15. Approve the negotiation and execution of a contract with GLOBAL WATER INSTRUMENTATION & TREATMENT, Fair Oaks, California, for the purchase and installation of a complete instrumentation system for Dry Weather Flow Monitoring which will integrate with the City's existing Flood Early Warning System, in an amount not to exceed \$107,000. (Funding is provided by the Environmental Protection Agency (EPA) and is available in the 1992-93 Public Works and

Transportation Department Special Revenue Fund.) Best proposal of eight (8). No M/WBE Subcontracting opportunities were identified. Reference No. 930093-3VC.

16. Approve execution of a twelve (12) month supply agreement with INTERSECTION DEVELOPMENT CORP., Ft. Worth, Texas, for approximately 525 pedestrian signal heads, in an amount not to exceed \$60,375, with two (2) twelve (12) month extension options, in an amount not to exceed \$60,375 per extension, for a total amount not to exceed \$181,125. (Funding is available in the 1992-93 Capital Budget of the Department of Public Works and Transportation; funding for the extension options will be contingent upon availability of funding in future budgets.) Low bid of five (5). No M/WBE subcontracting opportunities were identified.

#15-16 on Councilmember Epstein's motion, Mayor Pro Tem Urdy's second, 7-0 Vote.

17. Approve execution of a construction contract award to MW BUILDERS OF KANSAS, INC., Temple, Texas, for the construction of the South Austin Regional Wastewater Treatment Plant Dechlorination Facilities, in the amount of \$1,978,000. (Funding is included in the 1991-92 Capital Budget for the Water and Wastewater Department.) Low bid of six (6). 5.01% MBE, 13.43% WBE Subcontractor participation. (Recommended by Water and Wastewater Commission on February 3, 1993.)

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

18. Approve execution of one (1) twelve (12) month supply agreement with TEXAS READYMIX INC., Austin, Texas, for the purchase of concrete ready mix to be used by the Department of Public Works and Transportation, in an amount not to exceed \$439,650, with one (1) twelve (12) month extension option, in an amount not to exceed \$439,650, or a total amount not to exceed \$879,300. (Funding in the amount of \$109,000 is available in the 1992-93 operating budget of the Transportation Fund; funding for the remaining \$330,650 and the extension option will be contingent upon availability of funding in future budgets.) Low bid of three (3). No M/WBE subcontracting opportunities were identified.

On Councilmember Epstein's motion, Mayor Pro Tem Urdy's second, 7-0 Vote.

19. Approve execution of a twelve (12) month supply agreement with LOUIS DREYFUS ENERGY, Atlanta, Georgia, for the purchase of gasoline and diesel fuel to be used by multiple City departments to fuel City vehicles and equipment, in an amount not to exceed \$3,652,833, with options to extend the agreement for two (2) additional twelve (12)

month periods, in amounts of \$3,798,947 and \$3,950,905 respectively, for a total contract amount not to exceed \$11,402,685. (Funding in the amount of \$2,130,820 is available in the 1992-93 operating budget of user departments; funding for the remaining \$1,522,013 of the contract period and the extension options will be contingent upon available funding in future budgets.) Low bid of four (4). 10% MBE, 0% WBE Subcontractor participation.

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

20. Approve the negotiation and execution of a contract with COMPUTER ASSOCIATES, Austin, Texas, for the renewal licensing and maintenance of Datacom/DB and Ideal software products which support the Utility Customer Billing System, in an amount not to exceed \$79,120. (Funding is available in the 1992-93 operating budget of the Information Systems Department.) Sole Source. No M/WBE subcontracting opportunities were identified.
21. Approve execution of a twelve (12) month service agreement with JRC TRUCKING COMPANY, Austin, Texas, to provide hauling services for the Department of Public Works and Transportation, in an amount not to exceed \$109,800, with one (1) twelve (12) month extension option, in an amount not to exceed \$109,800, for a total amount not to exceed \$219,600. (Funding is available in the 1992-93 operating budget of the Transportation Fund.) Low bid of two (2). No M/WBE subcontracting opportunities were identified.

#20-21 on Councilmember Epstein's motion, Mayor Pro Tem Urdy's second, 7-0 Vote.

22. Approve execution of an amendment to the existing agreement with the Capital City Chamber of Commerce to change convention sales goals for fiscal year 1992-93 activities.
23. Approve execution of an amendment to the existing agreement with the Hispanic Chamber of Commerce to change tourism and convention sales goals for fiscal year 1992-93 activities.

#22-23 on Councilmember Garcia's motion, Mayor Pro Tem Urdy's second, 7-0 Vote.

24. Approve and authorize Guidelines for Rental Rehabilitation under the HOME Investment Partnerships Program. (Recommended by Housing Subcommittee)

On Councilmember Epstein's motion, Mayor Pro Tem Urdy's second, 7-0 Vote.

Balcones Canyonlands Conservation Plan (Items 25-26)

25. Amend the City of Austin's 1993 State Legislation Program to move the Balcones Canyonlands Conservation Plan Legislation from the category of "monitor" to the category of "introduce and seek passage." (No fiscal impact.)

Motion

Councilmember Garcia made a motion, seconded by Councilmember Larson, to adopt the resolution, deleting the attachment.

Friendly Amendment - Not Accepted

Councilmember Epstein offered a friendly amendment to add "of the County and Municipality" to Section 83.01, Paragraph A and B. The Friendly Amendment was not accepted.

Council directed that a public hearing on Balcones Canyonlands Conservation Plan Phase I Biology Preserve Design, be posted for a public hearing on February 18, 1993. Councilmember Reynolds asked that that Council "expand the public hearing to include the legislation on BCCP as proposed".

Roll Call on Motion

6-1 Vote, Mayor Pro Tem Urdy voted No.

26. Set a public hearing to consider the Balcones Canyonlands Conservation Plan Phase I: Biology Preserve Design. (No fiscal impact.) [Suggested date and time: February 18, 1993 at 4:30 p.m.]
27. Set a public hearing to consider and take action on Texas Utilities Electric Company's request for a change in rates. (Suggested date and time: February 18, 1993 at 5:00 p.m.)
28. Set a public hearing to amend the Brackenridge Urban Renewal Plan. (Suggested date and time: March 18, 1993 at 5:00 p.m.) [To be reviewed by Urban Renewal Board on February 22, 1993 and Planning Commission on February 23, 1993.]

ITEMS FROM COUNCIL

29. Support the Texas Municipal League's position to oppose any State legislation which will attempt to balance the state budget partly by increasing current state fees imposed on cities or by instituting new fees on cities. (Legislative Subcommittee)

30. Direct the City Manager to explore the opportunities for leasing the former Walgreen facility located on Pleasant Valley Road for parks and recreation uses. (Councilmembers Gus Garcia and Bob Larson)
31. 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, and as amended by Ordinance No. 920514-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]

§26-31 on Councilmember Epstein's motion, Mayor Pro Tem Urdy's second, 7-0 Vote.

32. Direct the City Manager to initiate a limited purpose annexation case for the portion of Gaines Ranch not annexed for full purpose on February 11, 1993. (Councilmembers Bob Larson and Ronney Reynolds)

Pulled off agenda.

33. Set a public hearing to discuss revisions to City of Austin Personnel Policies. (Suggested date and time: March 4, 1993 at 5:00 p.m.) [Councilmember Louise Epstein]

Pulled off agenda.

48. (ADDENDUM) Direct the City Manager to present financing options within (30) thirty days for the purpose of acquiring the Rosewood Shopping Center, located at 2334 Rosewood Avenue, for the purpose of conversion to a family oriented entertainment mall which would provide wholesome recreational outlets for East Austin youth. (Mayor Pro Tem Charles Urdy and Councilmember Ronney Reynolds)

On Councilmember Epstein's motion, Mayor Pro Tem Urdy's second, 7-0 Vote.

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

34. C14-74-178 (C14-92-0036) - JFI TAMARRON PARTNERSHIP, by Strasburger & Price LL.P. (David Armbrust), 3032 Tammarron Boulevard. TERMINATION OF RESTRICTIVE COVENANT. Planning Commission Recommendation: To amend the restrictive covenant by deleting Item No. 1 of the covenant which reads as follows: That no residential units shall be constructed on the property.

Approved - On Councilmember Garcia's motion, Mayor Pro Tem Urdy's second, 5-0 Vote, Councilmembers Epstein and Nofziger out of the room.

35. C14r-85-122 - NORTHWEST HILLS LAKEVIEW V-C, by Barry Campbell Engineering, 4401-4415 Small Drive, 4324-4410 Cross Valley Run and 5701-5709 Mount Bonnell Drive. From SF-6 to SF-6-CO. SITE PLAN DELETION AND REZONING. Planning Commission Recommendation: To Grant SF-6-CO, Townhouse and Condominium Residence, zoning limiting density to 3 units per acre and deleting site plan containing 21 attached condominium units on 5.43 acres, limiting residential use to single family residential as defined in Section 13-2-2 of the Land Development Code and under a private agreement houses shall have a minimum of 2,000 square feet of floor area.

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

36. C14r-85-080 - KATZ 360, by Con-Real Support Group, 614 Capital of Texas Highway. Request for extension. Planning Commission Recommendation: Approve the extension subject to the zoning case and site plan case being processed as two separate cases, and requiring a 50 foot building setback from Loop 360 right-of-way.

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

RECESS - Council recessed from 4:40 to 5:20 P.M., on Councilmember Garcia's motion, Mayor Pro Tem Urdy's second, 5-0 Vote, Councilmember Nofziger out of the room and Councilmember Epstein left for the day.

FINAL CITIZEN COMMUNICATIONS

Robert Singleton, Rafael Quintanilla, Dennis Garza, Andy Ramirez, John Hernandez, Al St. Louis, Rudy Montoya Jr.,

PUBLIC HEARING AND APPROVAL OF ORDINANCES/RESOLUTIONS

37. 5:00 P.M. - Approve a 7,243 SF (0.17 acre) permanent wastewater easement and an approximately 4,350 SF (0.10 acre) temporary construction easement, to allow the construction of a replacement wastewater line through dedicated parkland known as Rosewood Park in accordance with Sec. 26.001 et seq. of the Texas Parks and Wildlife Code.

The Council was told that there is no feasible or prudent alternative to the use of dedicated parkland, and all reasonable planning has been done to minimize harm to the land.

Motion

Public Hearing Closed, on Councilmember Garcia's motion, Councilmember Reynolds' second, 6-0 Vote, Councilmember Epstein absent.

Motion

Approved, on Councilmember Larson's motion, Councilmember Hofziger's second, 6-0 Vote, Councilmember Epstein absent.

38. 5:30 P.M. - Action on an appeal by Garry Wilkison of the Ridgetop Neighborhood Association, and Mr. Stephen Stubbs, of the Planning Commission's decision to approve a conditional use permit site plan for an offsite playground at 903 and 905 East 53rd 1/2 Street.

Motion

The Council, on Councilmember Garcia's motion, Councilmember Larson's second, closed the public hearing, 6-0 Vote, Councilmember Epstein absent.

No further action was taken. (Therefore, appeal was denied.)

39. 6:45 P.M. - Approve development of the City-owned parking lot in the 400 block of West First Street for relocation of the informal work corners, commonly known as the Day Labor Camp. [Recommended by Economic Development Subcommittee]

Motion

The Council, on Councilmember Garcia's motion, Councilmember Larson's second, closed the public hearing, 5-0 Vote, Mayor Pro Tem Urdy out of the room, Councilmember Epstein absent.

Motion

The Council, on Councilmember Garcia's motion, Councilmember Larson's second, approved, 6-0 Vote, Councilmember Epstein absent.

EXECUTIVE SESSION (No Public Discussion on These Items)

The Executive Session was held in the morning in the Mayor's office. 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

40. Discussion of J.D. Hooper v. City of Austin, et al.
41. Discussion of South Austin Outfall (Save Our Springs Legal Defense Fund, Inc., et al) v. City of Austin, et al.

Personnel Matters, Section 2, Paragraph g

42. Interview applicants for Municipal Court Relief Judge.

ACTION ON THE FOLLOWING

43. Approve payment to HAYNES & BOONE for payment of attorney's fees and related outside counsel expenses incurred in the presentation and defense of the City in J.D. Hooper v. City of Austin, et al.

In the amount of \$30,000.00 on Councilmember Epstein's motion, Mayor Pro Tem Urdy's second, 6-0-1 Vote, Mayor Todd abstained. (This was part of the consent motion.)

44. Ratify payment to BICKERSTAFF, HEATH & SMILEY, L.L.P. for legal services and expenses incurred in the South Austin Outfall litigation (Save Our Springs Legal Defense Fund, Inc., et al v. City of Austin, et al No. 92-16982) for the period commencing December 22, 1992 and ending January 15, 1993.

In the amount of \$56,500.00, 6-0-1 Vote, Councilmember Garcia abstained. (This was part of the consent motion.)

45. Approve appointment of Municipal Court Relief Judge.

Pulled off agenda.

46. APPOINTMENTS

The following board and commission appointments were made, on Councilmember Epstein's motion, Mayor Pro Tem Urdy's second, 7-0 Vote. (Part of the consent motion.)

AIRPORT ADVISORY BOARD - Joseph F. Trochta

DOWNTOWN COMMISSION - French Smith, III

EMS QUALITY ASSURANCE TEAM - Dr. Tim L. Paulkenberry, Michael R.

Levy, Dr. Donald W. Patrick, Robert Wayne Walker, Santiago A. Zamora

URBAN TRANSPORTATION - Doug Pike

ADJOURN - Council adjourned its meeting at 7:17 P.M. on Councilmember Reynolds motion, Councilmember Larson's second, 6-0 Vote, Councilmember Epstein absent.