



## **Austin City Council MINUTES**

**For**     OCTOBER 13, 1988 - 1:00 P.M.

Council Chambers, 307 West Sec

### **CITY CLERK'S OFFICE**

Mayor Cooksey called to order the meeting of the Council, noting the absence of Councilmember Carl-Mitchell.

#### **MINUTES APPROVED**

The Council, on Mayor Pro Tem Shipman's motion, Councilmember Humphrey's second, approved minutes for the regular meeting of October 6, 1988 and special meeting of October 4, 1988. (5-0 Vote, Councilmember Urdy out of the room, Councilmember Carl-Mitchell absent)

#### **CITIZEN COMMUNICATIONS**

Mr. Stan Evans discussed proposed development by First Federal Savings regarding variances to Barton Creek Watershed. Mrs. Shannon Sedwick-Shelton discussed the budget and the arts. Ms. Sonia Santana discussed Community Development Block Grant contract awards. Ms. Carol Hadnot talked about the Resource Management Department. Ms. Dorothy Turner also talked about the Resource Management Department.

#### **ITEMS POSTPONED**

Postponed to October 20, 1988 is consideration of authorization to negotiate the following contracts for implementation of the 14th Year Community Development Block Grant (CDBG) Program: Minority Procurement Assistance (Hispanic Chamber of Commerce)

Postponed to October 20, 1988 is an ordinance to consider deleting the appropriation of \$4,435.00 to the Texas National Dance Theatre from the Cultural Arts Fund.

Postponed to the October 25, 1988 worksession is

consideration of establishing a set of fees for Laguna Gloria right-of-way based on reduced street usage.

Pulled from the agenda with no date set to bring it back, is a status report on rules change of pipe embedment and backfill specification.

Pulled from the agenda indefinitely is consideration of payment to Gilbane Building Company (Project Manager), Page Southerland Page (Project Architect) and Coopers & Lybrand (Project Financial Planner) for professional services related to the Austin Civic Center Project after May 12, 1988; and consideration of amending Section 3.01 of the contract between Coopers & Lybrand (Financial Planner) relating to reimbursables for travel and lodging in connection with the Austin Civic Center Project. - Discussion by Council preceded this decision.

Postponed to October 20, 1988 is consideration of approving a lease contract for municipal office space with Two Commodore Plaza.

#### STATEMENT FROM MAYOR COOKE

Mayor Cooke stated that citizens would be restricted to five items on the agenda to sign up for comments. Mayor Cooke said he was making this rule because for the past three weeks one person has wanted to speak on twenty or more items. That would take up more than an hour of Council meeting time and is not feasible.

#### PROCLAMATION TO TEXAS BOTANICAL SOCIETY, INC.

Mayor Cooke read and presented a proclamation to the Texas Botanical Society, Inc.

#### INTERLOCAL AGREEMENT WITH TRAVIS COUNTY RE EMPLOYEE HEALTH BENEFITS

Commissioner Pam Reed, Travis County, reported on a proposed interlocal agreement with Travis County regarding employee health benefits. She said if the employees of City and County were pooled there would be a cost advantage for health benefits and suggested a study be made.

#### CONSENT ORDINANCES

The Council, on Mayor Pro Tem Shipman's motion, Councilmember Humphrey's second, waived the requirement for three readings and finally passed the following ordinances in one consent motion: (6-0 Vote, Councilmember Carl-Mitchell absent)

#### SARA Title III

Amended the 1988-89 Annual Operating Budget by accepting \$24,406.00 to be provided from Travis County to fund implementation of the Interlocal Agreement for management of SARA Title III information

appropriating \$16,996.00 to the Fire Department and increasing the General Fund ending balance \$7,410.00.

Public Utilities

Adopted rules for public utilities (non-City) within the corporate limits.

**CONSENT RESOLUTIONS**

The Council, on Mayor Pro Tem Shipman's motion, Councilmember Nofziger's second, adopted the following resolutions all in one consent motion: (5-0 Vote, Councilmember Barnstone out of the room, Councilmember Carl-Mitchell absent)

Eminent Domain Proceedings

Authorized the filing of Eminent Domain Proceedings to acquire the following:

0.520 acre (22,655 square feet) of land in fee simple out of the William Bell Survey No. 24, Travis County, Texas, owned by Austin Peel and Son Funeral Home, Inc., for the U.S. Highway 183 Expansion Project. C.I.P. No. 85/62-01

11,356 square feet of land in fee simple out of the James P. Wallace Survey No. 57, Travis County, Texas, owned by Gethsemane Lutheran Church, for the U.S. Highway 183 Expansion Project. C.I.P. No. 85/62-01

A Wastewater Easement containing 0.034 acres (1,500 square feet) of land and a Temporary Construction Easement containing 2,178 square feet of land out of the John Applegate Survey No. 38, Travis County, Texas, owned by Edwayne G. Priesmeyer and Vernon W. McKean for the Skyline Creek Wastewater Project. C.I.P. No. 85/23-09

A Waterline Easement containing 105,598 square feet (2.4242 acres) of land out of the the Santiago Del Valle Grant, Travis County, Texas, owned by Wm. Terry Bray, Trustee, for the Elroy Reservoir Transmission Main Waterline Easement Project. C.I.P. No. 85/22-71

A Waterline Easement containing 83,443 square feet (1.9156 acres) of land out of the Ayres Moody Survey No. 168 and the Noel M. Bain Survey No. 1, Travis County, Texas, owned by James L. Lozier for the Elroy Reservoir Transmission Main Waterline Easement Project. C.I.P. No. 85/22-71

A Wastewater Easement containing 0.043 acre (1,864 square feet) of land and a Temporary Construction Easement containing 2,614 square feet of land out of the John Applegate Survey No. 38, Travis County, Texas, owned by Edwayne G. Priesmeyer for the Skyline Creek Wastewater Project. C.I.P. No. 85/23-09

A Waterline Easement containing 64,753 square feet (1.4865 acres) of land out of the Jose Antonio Navarro Seven League Grant, the Ayres Moody Survey No. 168, and the Noel M. Bain Survey No. 1, Travis County, Texas, owned by Helen Isabelle Ammons, a/k/a Isabell B. Ammons, and Gordon Nadeau for the Elroy Reservoir Transmission Main Waterline Easement Project. C.I.P. No. 85/22-71

A Waterline Easement containing 75,763 square feet (1.7392 acres) of land out of the Santiago Del Valle Grant, Travis County, Texas, owned by Hal B. Armstrong, III and Theodore Waring Armstrong for the Elroy Reservoir Transmission Main Waterline Easement Project. C.I.P. No. 85/22-71

#### **CIBL**

Approved designation of a new commercial corridor for the Capital Improvement Business Loan (CIBL) Programs to include the 100 through 1900 blocks, on both sides, and the east side of the 2000 through 2500 block of the Montopolis Drive, and Vargas Drive; and amending the guidelines of the Capital Improvements Business Loan Program.

#### **Guidelines for CIB Loan Program**

Approved amending the guidelines of the Capital Improvements Business Loan Program.

#### **Public Hearings Set**

Set public hearings on the following:

- a. Dedication of a Permanent Easement and Temporary Construction Easement for the construction of the Little Walnut Creek Relief Interceptor through part of Little Walnut Creek Greenbelt as required under Chapter 26, Texas Parks and Wildlife Code; November 17, 1988 at 5:30 P.M.
- b. Dedication of Permanent Easements and Temporary Construction Easements for the East/West Bouldin Creek Drainage Improvements through part of West Bouldin Creek Greenbelt; November 17, 1988 at 5:45 P.M.

#### **Interlocal Agreement**

Approved an Interlocal Agreement between Travis County and the City of Austin authorizing the Austin Fire Department Hazardous Materials Section to manage Superfund Amendments and Reauthorization Act (SARA) Title III information for the County with no net cost to the City.

Grant Award

Accepted a grant award to continue the Juvenile Delinquency Prevention through Crisis Intervention Program for the Police Department.

**BRUSHY CREEK REGIONAL WASTEWATER SYSTEM**

Council had an overview/discussion on Brushy Creek Regional Water and Wastewater System. They had before them for consideration approval of a phasing process relating to the Brushy Creek Regional Wastewater System. Action was postponed to October 20, 1988 at 3:00 P.M.

**EDWARD'S AQUIFER-BARTON SPRINGS CONSERVATION DISTRICT FUNDING**

Council had before them for consideration affirmation of budget allocation for payment to Edward's Aquifer-Barton Springs Conservation District for fiscal year 1988-89.

Motion - DIES FOR LACK OF SECOND

Mayor Pro Tem Shipman made a motion to move forward with the City Manager's recommendation, the money will come from the additional monies the Manager has found in proposed budget revisions, not out of the ending balance plus the original money set aside in the budget which was \$24,000.00. There was no second to the motion.

Motion - Withdrawn

Mayor Pro Tem Shipman made a motion to approve the City Manager's recommendation, which is in a two page scenario developed by Mr. Ware, which would give the District \$91,443.00 for this year to be paid in installments. Councilmember Nofziger seconded the motion. Later, the motion was withdrawn.

Friendly Amendment

Councilmember Humphrey offered a friendly amendment that the "District within the next month pay back the money and that we pay \$40,000.00 to be taken out of the Department of Environmental Protection at the discretion of the department head". Mayor Pro Tem Shipman did not accept the friendly amendment.

Councilmember Urdy said there should be no action until the City Manager's budget cuts are discussed. Councilmember Nofziger said he did not think this would get any easier after discussing the discretionary budget cuts.

Substitute Motion

Councilmember Urdy offered a substitute motion, seconded by Councilmember Barnstone to delay action until City Manager's Item H.1, discretionary cuts, is discussed. 6-0 Vote, Councilmember Carl-Mitchell absent.

LATER IN THE DAY

10/13/88

Motion

The Council, on Councilmember Nofziger's motion, Councilmember Humphrey's second, adopted the City Manager's recommendation, with a friendly amendment by Councilmember Humphrey, that the City get paid back first from the money they receive, the District is to bring down its debt, reduce their legal fees, change its legislation, and go after the six big wells. (4-0 Vote, Councilmember Urdy abstained, Mayor Pro Tem Shipman out of the room.)

**PUBLIC HEARING - CHANNEL IMPROVEMENTS IN BOGGY CREEK**

Mayor Cooke opened the public hearing set for 5:00 P.M. on dedication of permanent easements in Govalle Playground and Zaragosa Park for the construction of channel improvements in Boggy Creek as required under Chapter 26, Texas Parks and Wildlife Code.

Speakers cards are on file in the City Clerk's office.

Mayor Cooke asked if there were any feasible alternatives to using Zaragosa Park and whether all steps necessary to preserve the park were being taken. He was assured there were no alternatives and the park would be preserved.

Motion

The Council, on Mayor Pro Tem Shipman's motion, Councilmember Barnstone's second, closed the public hearing, and approved the City Manager's recommendation concerning acquisition of permanent easements in Govalle Playground and Zaragosa Park for the construction of channel improvements in Boggy Creek as required under Chapter 26, Texas Parks and Wildlife Code. (6-0 Vote, Councilmember Carl-Mitchell absent)

**PUBLIC HEARING - LICENSING OF ROOFING AND SIDING CONTRACTORS ORDINANCE**

Mayor Cooke opened the public hearing set for 6:00 P.M. to consider an ordinance repealing Division 2, Article X of Chapter 13-1 relating to the licensing of roofing and siding contractors ordinance.

Speakers cards are on file in the City Clerk's office.

Motion

The Council, on Councilmember Humphrey's motion, Councilmember Nofziger's second, closed the public hearing. (6-0 Vote, Councilmember Carl-Mitchell absent)

Motion

The Council, on Councilmember Barnstone's motion, Councilmember

Nofziger's second, waived the requirement for three readings and finally passed an ordinance repealing Division 2, Article X of Chapter 13-1 relating to the licensing of roofing and siding contractors ordinance. (6-0 Vote, Councilmember Carl-Mitchell absent)

#### EXECUTIVE SESSION

Mayor Cooke announced Council would go into executive session pursuant to Article 6252-17, Texas Revised Civil Statutes Annotated, to discuss matters of land acquisition, litigation and for personnel matters. No final action, decision or vote by the City Council will be taken on any subject or matter unless specifically listed on the agenda for this meeting.

##### 1. Pending Litigation - Section 2, Paragraph e

- (a) City of Austin vs. Houston Lighting and Power
- (b) City of Austin vs. United States Fidelity and Guarantee Company and Turner, Collie and Braden (and related litigation)

##### 2. Personnel Matters - Section 2, Paragraph g

- (a) City Manager Search

#### RECESS

Council recessed its meeting for executive session from 6:25 P.M. to 7:29 P.M. When Council resumed its meeting, Mayor Cooke announced no action would be taken as a result of executive session.

#### 1988-89 OPERATING BUDGET DISCRETIONARY REDUCTIONS

A City Manager report on 1988-89 Operating Budget Discretionary Reductions was presented to Council by Elaine Hart and Mike Abkowitz, Acting Budget Director.

Council also had before them for consideration an ordinance amending the 1988-89 Annual Operating Budget by incorporating budget reductions proposed by the City Manager at the City Council's direction.

After several speakers had appeared, Mayor Pro Tem Shipman stated she strongly opposes car allowance cuts for employees who must use their own cars in their work.

#### Motion

Councilmember Nofziger made a motion, seconded by Councilmember Barnstone to cut car allowances for the Mayor and Councilmembers and allow 20¢ a mile for all employees.

Friendly Amendment

Councilmember Barnstone offered a friendly amendment to "reinstate KUT from the identified funds that we have to de-authorize out of Building Inspection and take the balance of the \$477,000.00 out of Building Inspection and put it in the ending balance." The friendly amendment was accepted.

Friendly Amendment

Councilmember Barnstone offered a friendly amendment to add the curator for the Austin Nature Center to the budget. The friendly amendment was accepted.

Roll Call on Motion with Friendly Amendments

4-2-0 Vote, Mayor Pro Tem Shipman and Councilmember Urdy voted No, Councilmember Carl-Mitchell absent

Motion

The Council, on Councilmember Nofziger's motion, Mayor Cooke's second, passed through FIRST READING of an ordinance incorporating budget reductions proposed by the City Manager at the Council's direction and as amended. (4-1-0 Vote, Councilmember Urdy voted No, Mayor Pro Tem Shipman out of the room, Councilmember Carl-Mitchell absent.) Mayor Pro Tem Shipman left the meeting at this point.

ITEM POSTPONED

Postponed to October 18, 1988 is consideration of amending the Cultural Arts Major Facility Policy.

CDBG CONTRACT

Council had before them for consideration a resolution to negotiate the following contract for implementation of the 14th Year Community Development Block Grant (CDBG) Program:

Management and Technical Assistance/Small Business Development  
Loan Administration

Motion

Councilmember Barnstone made a motion, seconded by Councilmember Nofziger to direct the City Manager to negotiate a contract with the Greater Montopolis Council and NBL and bring it back to Council for approval in 30 days.

Friendly Amendment

Councilmember Barnstone and Mayor Cooke offered a friendly



10/13/88

amendment to continue AEDC funding for 30 days while they go through a phase-out process. Councilmember Nofziger accepted the friendly amendment.

Fred Wiley, acting purchasing officer, told Council that the contract cannot be a joint venture. One entity has to report to the other.

Mayor Cooke wanted to know what is expected of AEDC for the next 30 days. Councilmember Barnstone said they should continue their technical assistance and turn over their files. Mayor Cooke said they should also look at employee rights and compliance with HUD.

Substitute Motion - FAILED

Councilmember Humphrey offered a substitute motion, seconded by Mayor Cooke to re-bid the contract after putting together performance standards. Motion FAILED by a vote of 2-3, Councilmembers Barnstone, Nofziger and Urdy voted No, Mayor Pro Tem Shipman and Councilmember Carl-Mitchell absent.

Roll Call on Main Motion - FAILED

2-3-0 Vote, Mayor Cooke, Councilmembers Humphrey and Urdy voted No, Mayor Pro Tem Shipman and Councilmember Carl-Mitchell absent.

Motion - FAILED FOR LACK OF SECOND

Councilmember Urdy made a motion to extend AEDC contract until the community development package comes back to Council. There was no second to the motion.

Motion

The Council, on Councilmember Barnstone's motion, Mayor Cooke's second, voted to rebid the contract with performance standards and directed the City Manager to comply with HUD requirements in the phase-out of existing contract with AEDC. (4-1 Vote, Councilmember Urdy voted No, Mayor Pro Tem Shipman and Councilmember Carl-Mitchell absent.)

**CAPITAL METRO**

Council had before them for consideration a resolution to consider the mission and transportation direction of Capital Metro. Mayor Cooke said he wanted to send a signal to Capital Metro to work with Council in a broader sense as it deals with mobility in the community, similar to the City of Houston. Mayor Cooke also said Capital Metro should have an election and also, implement a no-fare

program for six months on a trial basis. Mayor Cooke said they should also find ways to assist AISD and provide funding for maintenance of the highways around Austin, Texas on a continuous basis. Mayor Cooke said he would like additional specifics from members of the Council so they can send one package to Capital Metro and give the changing board of directors some guidance from the City Council and have a task force look at some of the operations of Capital Metro. Mayor Cooke said the contract between Capital Metro and University of Texas should also be scrutinized.

Council agreed to bring this back next week for consideration of appointing the Capital Metro Task Force.

#### EMINENT DOMAIN PROCEEDINGS

The Council, on Councilmember Nofziger's motion, Councilmember Barnstone's second, adopted a resolution authorizing the filing of Eminent Domain Proceedings to acquire the following: (4-0 Vote, Councilmember Urdy out of the room, Mayor Pro Tem Shipman and Councilmember Carl-Mitchell absent.)

1.212 acres of land in fee simple out of the C.A. Freund Industrial Subdivision, Travis County, Texas, owned by R.W. Ellmer, Trustee for the U.S. Highway 290/SH 71 Project. C.I.P. No. 85/62-02.

#### CONTRACTS APPROVED

The Council, on Councilmember Barnstone's motion, Mayor Cooke's second, adopted resolutions approving the following contracts: (4-0 Vote, Councilmember Urdy out of the room, Mayor Pro Tem Shipman and Councilmember Carl-Mitchell absent.)

a. AUSTIN PAVING COMPANY  
7800 Shoal Creek Boulevard  
Suite 142  
Austin, Texas

- CAPITAL IMPROVEMENTS PROGRAM  
1988 Street Overlay Phase I,  
Transportation & Public Services  
Department  
Total \$410,182.00 C.I.P. No.  
88/62-75

b. E.R. SQUIBB & SONS, INC.  
P.O. Box 16503  
Atlanta, Georgia

- Non-ionic Contrast Media,  
Brackenridge Hospital  
Twelve Month Supply Agreement  
Total \$29,940.00 BS8-318

c. SUMMER ELECTRIC COMPANY  
3910 South Industrial Drive  
Austin, Texas

- 9 Volt Lantern and Transistor  
Batteries and 6 and 9 Volt  
Lanterns,  
General Services Department  
Twelve Month Supply Agreement  
Items 6,9,14 & 15 - \$30,625.00

#### STNP

The Council, on Councilmember Humphrey's motion, Councilmember Barnstone's second, adopted a resolution taking from the table Item G-4 of the September 8, 1988 agenda to consider options to STNP

and consider a resolution. (4-0 Vote, Councilmember Urdy out of the room, Mayor Pro Tem Shipman and Councilmember Carl-Mitchell absent)

Motion

The Council, on Councilmember Humphrey's motion, Councilmember Nofziger's second, adopted a resolution asking the Public Utility Commission to determine whether Unit II, STP, is economically viable, needed, or is the cheapest way to generate power. (4-0 Vote, Mayor Pro Tem Shipman, Councilmember Carl-Mitchell absent, Councilmember Urdy out of the room)

**HALLOWEEN ON 6TH STREET**

The Council, on Councilmember Barnstone's motion, Councilmember Nofziger's second, approved eliminating the one way walk on 6th Street on Halloween. (4-1 Vote, Mayor Cooke voted No, Mayor Pro Tem Shipman and Councilmember Carl-Mitchell absent)

**CDBG FUNDS**

The Council, on Councilmember Urdy's motion, Councilmember Nofziger's second, waived the requirement for three readings and finally passed an ordinance appropriating \$10,000.00 of the \$367,805.00 in CDBG funds reserved for the Capital Improvements Business Loan Program to the companion Commercial Corridors Development Incentive (CCDI) Program. (5-0 Vote, Mayor Pro Tem Shipman absent, Councilmember Carl-Mitchell absent.)

**ADJOURNMENT**

Council adjourned its meeting at 12:45 A.M., October 14, 1988.