



Austin City Council MINUTES

For JULY 14, 1988 - 1:00 P.M.

Council Chambers, 307 West Second Street, Austin, Texas

Mayor Cooke called to order the meeting of the Council, noting the presence of all Councilmembers.

MINUTES APPROVED

The Council, on Councilmember Humphrey's motion, Mayor Cooke's second, approved minutes for regular meeting of June 30, 1988 and special meetings of June 20 & 28, 1988. (4-0 Vote, Councilmembers Barnstone, Carl-Mitchell and Urdy out of the room.)

CITIZEN COMMUNICATIONS

Roger C. Baker Jr. discussed proposed Mogan Freeway/ Parkway. Michael Garrison, Ray Reece, Tom Smith, Barbara Dugelby, Janice Martinez and Dean Zellner all spoke in favor of reinstating Austin's conservation programs and the Resource Management Department's low-interest loan programs.

Mr. Mike Kolar and Mr. Gary Nelson discussed services requested by Austin Aqua Festival for annual civic celebration.

Motion

The Council, on Councilmember Humphrey's motion, Mayor Cooke's second, approved the proposals made for the Austin Aqua Festival, including no request for waiver of fees. (7-0 Vote)

Mr. Clovis Heimsath discussed site location for the civic center.

CONSTRUCTION ADVISORY COMMITTEE REPORT

Mary Guerrero Pelzel, chairperson, Construction

7/14/88

Advisory Committee, discussed the fact that the wage scale for City of Austin projects are the highest of any City in Texas.

Thomas Ates, member of the Construction Advisory Committee, disagreed.

Several citizens spoke. Their cards are on file in the City Clerk's office.

OLD BUSINESS - ORDINANCES

Item Pulled

Pulled from the agenda was consideration of amending the Employees Retirement Ordinance No. 821118-G to provide a retirement incentive program until the Council is discussing the 1988-89 Financial Plan.

Zoning Ordinances

The Council, on Councilmember Nofziger's motion, Councilmember Humphrey's second, passed through second/third readings of ordinances amending Chapter 13-2 of the Austin City Code (Zoning Ordinance) to cover the following changes: (6-0 Vote, Councilmember Carl-Mitchell out of the room)

- | | | | |
|-----|--------------|-------------|-------------|
| (1) | EDWARD ALLEN | 1516 Koenig | From "SF-3" |
| | C14-85-293 | Lane | to "LO" |

First reading on December 12, 1985, (7-0). Conditions have been met as follows: The right-of-way dedication requirement has been satisfied by street deed.

- | | | | |
|-----|-------------------|------------------|------------------|
| (2) | B. & K. INTERESTS | 5180-5184 U.S. | From Tr. 1 "DR" |
| | By Bobby G. and | Highway 290 West | Tr. 2 "DR" |
| | Kathy L. Annis | | to Tr. 1 "CS-CO" |
| | C14-88-0007-CO | | Tr. 2 "CS-1-CO" |

First reading on April 28, 1988 (5-0). Councilmember George Humphrey absent. Conditions have been met as follows: Restrictive Covenant incorporating conditions imposed by Council has been executed.

ITEM POSTPONED

Pulled from the agenda until July 21, 1988 is consideration of approval of an endangered species resolution.

AUDIT COMMITTEE REVIEW

The Council, on Mayor Pro Tem Shipman's motion, Councilmember Nofziger's second, waived the requirement for three readings and

finally passed an ordinance revising Ordinance No. 870402-L to provide for Audit Committee review of Quarterly Financial Statements in February, May, August and November; and review of CIP Status Reports in May and November. (6-0 Vote, Councilmember Carl-Mitchell out of the room)

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, Councilmembers Barnstone and Carl-Mitchell out of the room)

Release of Easements

- Approved the following release of easements:
- a. Drainage and Public Utility Easement located on the common lot line of Lots 1 & 2, Acres West Subdivision, of record in Cabinet "B" Slide 45 Plat Records of Williamson County, Texas, also being delineated on the plat of Austin Auto Park Subdivision of record in Cabinet "H" Slide 179, Williamson County, Texas. (Requested by G. W. Schmidt & Co. on behalf of David McDavid)
 - b. 0.76 Acre Filtration Easement being out of and part of the easement of record in Volume 9258, Pages 599-605 of the Travis County Real Property Records, same being out of and part of that 1019.28 acre tract of land conveyed to Parke Investors, Ltd. by deed of record in Volume 9053, Page 108, Travis County Real Property Records and located on Wilson Payne Avenue. (Requested by Kelva M. McIntosh on behalf of Parke Investors Ltd.)
 - c. Fifty (50) foot common Driveway Easement on the common lot line of Lots 38 and 39, Kramer Lane Industrial Park I, a subdivision of record in Book 63, Page 1, Travis County Plat Records, locally known as 10705 and 10713 Metric Blvd. (Requested by Mr. Jim Robinson on behalf of John and Betty Myers)
 - d. Two five (5) foot Public Utility Easements of Record in Volume 522, Page 571, and Volume 554, Page 522, Travis County Real Property Records, and subsequently incorporated into a single 10' Public Utility Easement dedicated on the Resubdivision of Lots 65 and 66, Northfield Addition, of record in Book 14, Page 4, Travis County Plat Records, 5305 Guadalupe Street. (Requested by Constance Clarice Vanzura)

Sanitary Sewer Line - Grove Park

Approved dedication of 31,045 sq.ft. for a permanent easement and 12,403 sq. ft. for a temporary work-space easement for the construction of a sanitary sewer line through a portion of Grove Park.

Change Order

Approved the following change order:

- a. In the amount of \$60,156.01 to Lewis Contractors, Inc.
for East Austin Transmission Main, Phase II Contract.
(2.89% increase of the original amount of \$2,081,552.50)
C.I.P. No. 73/22-05 (URGENT CHANGE ORDER)

Contracts Approved

Approved the following contracts:

- | | |
|--|--|
| a. AUSTIN RIO CONSTRUCTION COMPANY
P.O. Box 18703
Austin, Texas | - CAPITAL IMPROVEMENTS PROGRAM -
Wastewater Line, Installation on
McNeil Road, Water and Wastewater
Department
Total \$261,707.00 C.I.P. No.
85/23-09 |
| b. TRIPLE V CONSTRUCTION
P.O. Box 790
Del Valle, Texas | - CAPITAL IMPROVEMENTS PROGRAM -
Pilot Knob Transmission Main,
Section III, Water and Wastewater
Department
Total \$1,768,737.00 C.I.P. No.
85/22-68 |
| c. PENCCO, INC.
723 N. Upper Broadway
Corpus Christi, Texas | - Fluosilicic Acid, Water and
Wastewater Department
Twelve (12) Month Supply Agreement
Item 1 - \$62,047.00 88-0209-DC |
| d. SOUTHWESTERN MATERIALS
1715-B South Mays
Round Rock, Texas | - 25,000 Plastic Traffic Lane
Markers, Transportation and Public
Services
Items 1-5 - \$31,150.00 88-0206-LI |
| e. SILENT PARTNERS (MBE)
8229 Shoal Creek, Suite 104
Austin, Texas | - Medical Transcription Services,
Brackenridge Hospital
Twelve (12) Month Supply Agreement
Total \$89,300.00 BC8-149 |
| f. 3M AVI, INC.
1120 Red Fox Road
St. Paul, Minnesota | - 10 Infusion Pumps, Brackenridge
Hospital
Twelve (12) Month Maintenance and
Supply Agreement
Total \$94,970.00 BC8-250 |
| g. ANAQUEST
2005 West Beltline
Madison, Wisconsin | - Forane Anesthetic, Brackenridge
Hospital
Twelve (12) Month Supply Agreement
Total \$49,680.00 BS8-259 |

- h. GSC DISTRIBUTING OF AUSTIN
P.O. Box 751
Austin, Texas
 - Assorted Food Items, Housing and Community Services
Total \$32,007.00 88-S191-EC
- i. UARCO BUSINESS FORMS
7718 Wood Hollow, Suite G 54
Austin, Texas 78731
 - Continuous Stock Paper, General Services Department
Twelve (12) Month Supply Agreement
Items 1,2, 4-13 \$54,957.00
88-0195-LI
- j. Bid award:
 - Luminaires, Nightwatchman Light Packages, Refractor and Refractor Street Light Assemblies, General Services Department
Twelve (12) Month Supply Agreement
Total \$196,522.00 88-0185-LI
- (1) TEMPLE, INC. (WBE)
3501 Dime Circle, #112
Austin, Texas
 - Items 1-4 - \$168,972.00
- (2) GENERAL ELECTRIC SUPPLY CO.
3101 Longhorn Blvd., Ste. #116
Austin, Texas
 - Items 7 and 8 - \$27,550.00

Colorado River Water Quality

Approved improving the Colorado River Water Quality by encouraging reductions of discharges.

Public Access Television Studio Facility

Approved Supplemental Amendment No. 3 to an existing professional services agreement between the City of Austin and Shefelman, Nix and Voelzel Architects for development of a public access television studio facility.

License Agreements

Approved entering into the following License Agreements:

- a. To allow the placement of landscaping into the right-of-way of the 900 Block of East 32nd Street, St. David's Hospital. (Requested by Malcolm Belisle on behalf of St. David's Hospital.)
- b. Between the City of Austin and the Missouri-Kansas-Texas (MKT) Railroad Company to allow construction of a 30 inch wastewater line across the MKT right-of-way and two land lease agreements for temporary constructive access and for long-term maintenance access.

- c. Between the City of Austin and Missouri-Kansas-Texas (MKT) Railroad to allow the construction of a pipe line to supply treated effluent from the City's Walnut Creek Wastewater Treatment Plant to Motorola, Inc.

Item Pulled

Pulled from the agenda was consideration of approving a detention facilities agreement with Lakeline.

Slaughter Creek District Park

Authorized submission of a grant application to the Texas Parks and Wildlife Department in the amount of \$750,000.00 to defray the cost of developing a district park on Slaughter Creek.

Art Affair

Endorsed the 1988 Congress Avenue and Pecan Street Art Affair.

Public Hearing Set

Set a public hearing on the following:

- a. Social Service Hearing: August 8, 1988 from 1:00 P.M. to 8:00 P.M. at the Joe Thompson Conference Center -joint meeting with the Commissioner's Court.

ITEMS FROM THE JULY 12, 1988 SPECIAL COUNCIL MEETING

No Action

Council took no action on consideration of amending the Electric Rate Setting Process Ordinance.

Contracts

The Council, on Mayor Pro Tem Shipman's motion, Councilmember Humphrey's second, adopted a resolution approving the following contracts: (5-0 Vote, Councilmembers Carl-Mitchell and Barnstone out of the room)

- | | |
|---|---|
| (1) Intergraph Corp.
3100 Wilcrest Dr.
Suite 125
Houston, Texas 77042-3346 | - Interpro 32C Color Workstation
for Automated Distribution
Records System (ADRS), Electric
Utility, Total \$29,726.00 |
| (2) Prime Computer Inc.
Barton Oaks Plaza II, 450
901 Mopac Expressway
Austin, Texas 78746 | - ORACLE database for Prime
Computer, Electric Utility,
Total \$48,906.00 |
| (3) Intergraph Corp.
3100 Wilcrest Dr.
Suite 125
Houston, Texas 77042-3346 | - EFIDA and FRAME software programs
and maintenance for Automated
Distribution Records System (ADRS)
Electric Utility, Total \$75,000.00 |

C.I.P.

Authorized and approved a Supplemental Amendment No. 1 to the Professional Services Agreement between the City of Austin and Energy Management Associates, for the hourly multiple-area network module transmission module in the amount of \$48,900.00. (6-0 Vote, Councilmember Carl-Mitchell out of the room - on Mayor Pro Tem Shipman's motion, Councilmember Nofziger's second.)

SIGN ORDINANCE

Council had before them for consideration the following ordinances:

a. Consider amending the 1987-88 Annual Operating Budget by:

- (1) Transferring \$80,000.00 from the General Fund Ending Balance to the Growth Services Fund to refund the purchase of Sign Operating Permits.
- (2) Transferring \$240,000.00 from the General Fund Ending Balance to the Growth Services Fund to offset the loss of projected revenues from Sign Operating Permit fees.
- (3) Implement the City Manager's cost containment plan.

b. Consider an Interim Ordinance, suspending for 90 days, the operation of Section 13-2-901, Code of the City of Austin, 1981, pertaining to:

- (1) The requirement for owners or users of signs to obtain a Sign Operating Permit.
- (2) The requirement that a Sign Operating Permit fee be paid.

Mayor Cooke said, "Based on what the City Manager has advised, basically we will be able to pay the \$80,000 back to the people we have collected the sign permit fee from. The second thing is that we are reducing fees and expenses and programs in other departments as a result of that memo so it will not require any reduction of the general fund and we will have one inspector that will respond to the request and we still will have the opportunity to review signs when they come through the process as it was before we implemented the Sign Ordinance fee and all the inspectors thereto. I think that is really what is on the table with regard to these items."

Motion

Councilmember Barnstone made a motion, seconded by Councilmember Humphrey to waive the requirement for three readings and

finally pass ordinances so stated.

Councilmember Carl-Mitchell asked if "this has the task force reporting back to us within 90 days?"

Mayor Cooke stated, "Yes. This includes the addendum concerning the City Manager's cost containment plan, which would not require us to go to the general fund ending balance to fund this \$320,000.00."

Councilmember Barnstone said that was included in his motion.

Several speakers appeared, whose cards are on file in the City Clerk's office. Discussion followed. Mayor Pro Tem Shipman said, "I'd like to clarify what the job of the task force is... We have to have some sort of enforcement. The task force was assigned 90 days to do that and in the meantime there will be no stickers going out. That is the whole purpose. So, if we eliminate it permanently I'm not sure the task force is tied to a 90 day time frame and we have no enforcement mechanism for the ordinance...."

Mayor Cooke said, "I understand what you are talking about is for the task force to look at an enforcement mechanism but it would not be that they are looking at it to reinstate a fee, and that is a clarification I think is worthwhile to the staff and to the task force and that is not in conflict with the motion at all."

Roll Call on Motion

7-0 Vote

ABANDONMENT OF RESOURCE RECOVERY PLANT

The Council, on Councilmember Humphrey's motion, Councilmember Barnstone's second, waived the requirement for three readings and finally passed an ordinance amending the 1987-88 Capital Improvements Program by abandoning the Resource Recovery Plant. (5-2 Vote, Councilmembers Carl-Mitchell and Urdy voted No.)

The Council, on Councilmember Humphrey's motion, Councilmember Barnstone's second, adopted a resolution directing the City Manager to terminate/cancel the contracts with HDR Tech Serv Inc., Babcock & Wilcox, and Landel Inc.; to not execute the contracts previously approved with Dresser-Rand Co., Harmon Cooling Towers and Holtec, Inc. (5-2 Vote, Councilmembers Carl-Mitchell and Urdy voted No.)

(Deleted from the resolution was audit of the City of Austin's municipal waste stream, and preparation of and release of a RFP/IFB for a recycling separation and/or compost facility.)

(TRANSCRIPT ON FILE IN THE CITY CLERK'S OFFICE)

FLOOD CONTROL PROPOSALS FOR SHOAL CREEK

Council had before them a resolution to consider issuing a

letter of intent to the U.S. Corps of Engineers in support of their flood control proposals for Shoal Creek.

Motion

The Council, on Councilmember Carl-Mitchell's motion, Mayor Pro Tem Shipman's second, adopted a resolution to issue a Letter of Intent to the U.S. Corps of Engineers supporting Option 2, single tunnel, and instructions to the Corps of Engineers that Austin wants their continued assistance; and Mayor Cooke is to approve the letter before it is mailed. (5-0 Vote, Councilmembers Barnstone and Humphrey out of the room)

Motion to Reconsider

Councilmember Carl-Mitchell made a motion, seconded by Mayor Pro Tem Shipman to reconsider. (6-0 Vote, Councilmember Barnstone out of the room.)

John J. Panak, Shoal Creek Task Force, explained to Council the double tunneling as proposed by the Corps of Engineers was their recommendation.

Motion

The Council, on Councilmember Carl-Mitchell's motion, Mayor Pro Tem Shipman's second, adopted a resolution issuing a Letter of Intent to the U.S. Corps of Engineers in support of their flood control proposals for Shoal Creek as recommended by staff; and Mayor Cooke is to approve the letter before it is mailed. (4-0 Vote, Councilmember Barnstone abstained, Councilmembers Humphrey and Nofziger out of the room.)

LAW FIRM FOR LITIGATION

The Council, on Mayor Pro Tem Shipman's motion, Councilmember Carl-Mitchell's second, adopted a resolution engaging Scott, Douglass & Luton law firm for litigation relative to the Hornsby Bend Wastewater Treatment Plant. (6-0 Vote, Councilmember Humphrey out of the room)

PAVING ASSESSMENT POLICY

The Council, on Councilmember Carl-Mitchell's motion, Mayor Pro Tem Shipman's second, approved amendments to the Paving Assessment Policy. (7-0 Vote)

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 a

- c. Trinity-Twelve v. City of Austin
- d. Home Savings & Loan Association v. City of Austin
- e. S.A. Healy v. City of Austin

RECESS

Council recessed for executive session from 4:50 p.m. to 6:00 p.m.

PUBLIC HEARING - PAVING ASSESSMENTS

Mayor Cooke opened the public hearing set for 6:00 P.M. to continue the public hearing on paving assessments and passage of ordinance to be levied on the following:

- a. MONTOPOLIS DRIVE, consisting of one unit covering approximately 17 blocks. C.I.P. No. 78/62-09
- b. RIVERSIDE DRIVE, consisting of one unit covering approximately 30 blocks. C.I.P. No. 73/62-03

People who spoke have registration cards on file in the City Clerk's office.

Motion

The Council, on Mayor Pro Tem Shipman's motion, Councilmember Carl-Mitchell's second, closed the public hearing. (4-3 Vote, Councilmembers Barnstone, Humphrey and Urdy voted No.)

Motion - FIRST READING OF ORDINANCE

Mayor Pro Tem Shipman made a motion: "that Montopolis and Riverside Drive have been enhanced and invoke the three points at the bottom of Page 2 on the revised policy (adopted earlier in the meeting) which will allow homestead property to not be assessed and it also allows assessment collected on the amount of the enhancement, allows the staff to present the assessments to Council on property where the property has been donated to the City and it is determined that can offset the enhancement, and all this is subject to permission of the bankruptcy court." Mayor Cooke seconded the motion, which passed as FIRST READING ONLY OF AN ORDINANCE, 4-3 Vote, Councilmembers Barnstone, Humphrey and Urdy voting No.

LAND ACQUISITION FOR CIVIC CENTER PROJECT

Council had before them for consideration a resolution authorizing the City Manager to release an RFP for land acquisition relative to the Civic Center project.

Mayor Cooke suggested Council appoint a sub-committee to study the proposals and bring back to Council.

Motion

The Council, on Councilmember Humphrey's motion, Council-

member Nofziger's second, appointed Councilmembers Barnstone, Carl-Mitchell and Humphrey as a sub-committee to study land acquisition possibilities relative to the Civic Center project and come back to Council on July 21, 1988. (4-0 Vote, Councilmembers Shipman, Carl-Mitchell and Urdy out of the room)

ELECTRIC UTILITY AUDIT ALREADY ACTED UPON

On July 12, 1988, Council directed the City Manager to terminate the contract with Cresap A Towers Perrin Company for the Electric Utility Audit after completion of Phase I.

PARKING METER FEES IN DOWNTOWN AREA

The Council, on Councilmember Barnstone's motion, Councilmember Humphrey's second, voted to direct the City Manager to give Council a fiscal note concerning reduction of parking meter rates to what they were in 1986. (7-0 Vote)

Councilmember Barnstone feels this may help bring shoppers back downtown. Councilmember Urdy suggested this might be discussed during the consideration of the budget when fees are reviewed. Mayor Pro Tem Shipman said the quickest way to study this would be in the fee structure in the budget process. She said it should be reviewed by Downtown Commission and Downtown Partners.

POLICE UNIFORMS

Councilmember Barnstone introduced an item to Council concerning the material used in police uniforms. It is polyester, making them very hot in the summer and very cold in the winter. He asked that the Police Department and staff review the type of uniform which could be worn in this climate and come back to Council with their recommendation in 90 days. In the meantime, there are to be no further major uniform purchases.

CITY SOFTBALL SERVICES

The Council, on Councilmember Urdy's motion, Councilmember Carl-Mitchell's second, directed the City Manager to direct staff to develop an RFP for City softball services, send it to the Parks and Recreation Board for review and then take it to Council on August 4, 1988. (6-0 Vote, Councilmember Barnstone out of the room.)

PREVAILING WAGE RATE

Mayor Cooke introduced an item to Council to consider adopting the Austin Independent School District (AISD) County of Travis prevailing wage rate. There were several speakers. Their cards are on file in the City Clerk's office. Mayor Cooke said several of the people had asked for a public hearing, but that will not change the fact that "the City of Austin is paying a higher prevailing wage rate than what the market is today. If we do a survey we will find it

(prevailing wage) is lower than it was because of what has happened to our market. I would like to see more construction back in this city and the way to do that is adopt the market prevailing wage in this county and proceed forward with that and hope we can turn the whole market around.....The City of Austin is paying a higher cost for labor in all its CIP projects and we have been for years and until we make a commitment to step up and look at this issue, among many others that this Council is going to have to look at, we're going to continue going down the same road and that is more cost and less revenue..... I am willing to adopt it and reconsider it when a new A.I.S.D. prevailing wage and County wage is adopted. I am willing to change whenever a new wage survey dictates." After discussion as to when a public hearing should be held, Mayor Cooke said, "If there are any projects that are scheduled to be opened or let, using the City of Austin prevailing wage in the next month, I would like to hold on those projects because I would like to try to minimize the impact on the rate payers and tax payers of this City."

After further discussion a public hearing was set for July 28, 1988 at 6:00 P.M. on Mayor Pro Tem Shipman's motion, Councilmember Nofziger's second, 6-0 Vote, Councilmember Barnstone out of the room.)

BUDGET MEETING SCHEDULE

The Council, on Councilmember Humphrey's motion, Councilmember Carl-Mitchell's second, approved the schedule for adopting the the 1988-89 Operating and Capital Budgets. (7-0 Vote)

WATER MANAGEMENT PLAN

The Council, on Councilmember Carl-Mitchell's motion, Councilmember Humphrey's second, approved adoption of the Water Management Plan as presented by the Resource Management Commission. (5-0 Vote, Mayor Cooke and Councilmember Urdy out of the room.)

PARKING DURING AQUAFEST

Councilmember Carl-Mitchell introduced an item to Council to consider means to control parking in neighborhoods during AquaFest. After discussion the AquaFest, neighborhoods and police will work together. They will look at barricades in the Bouldin neighborhood and the cost of police patrol.

ENERGY LOAN PROGRAM

The Council, on Councilmember Carl-Mitchell's motion, Councilmember Nofziger's second, approved reinstating the energy loan program and marketing program of the Resource Management Department and continue to look at cost effectiveness with a friendly amendment by Councilmember Urdy that staff try to do whatever they can to target low income applicants. (5-2 Vote, Mayor Cooke and Councilmember Barnstone voted No.)

LION's MUNICIPAL GOLF COURSE

Mayor Pro Tem Shipman introduced an item to Council to discuss conditions of the Lion's Municipal Golf Course. She asked Mr. Ed Ramsey to speak to this. Mr. Ramsey said the building on the course floods after a heavy rain. He said this causes a hazard due to the electrical wiring in the building. Mr. Ramsey also discussed the sheet rock that is virtually falling off the ceiling, the filth in men's room, graffiti on the hall walls and general dirty conditions throughout the building. He said the roof needs renovation, also. Mr. Ramsey said all of these things are causing a threat to the citizens health, safety and welfare.

Mr. Charles Jordan enumerated the repairs which have already been done. Renovations to the building will begin in mid-October and finish in April.

ITEM PULLED

Pulled off the agenda was consideration of the Lantana Subdivision development and related issues.

ADJOURNMENT

Council adjourned its meeting at 12:45 a.m. July 15, 1988. The worksession on debt and related issues was not held.