



**Austin City Council
MINUTES
For**

OCTOBER 4, 1990

Mayor Cooke called to order the meeting of the Council, noting the presence of all Councilmembers. He announced that he and Councilmember Carl-Mitchell would be leaving the meeting early for business reasons. Councilmember Carl-Mitchell left at 4:00 P.M. Mayor Cooke left at 5:30 P.M.

MINUTES APPROVED

1. Approved Minutes for Regular Meetings of September 13, and 20, 1990 and Special Meeting of September 18, 1990 as Electric Board

On Councilmember Carl-Mitchell's motion, Councilmember Epstein's second, 4-0 Vote, Mayor Pro Tem Urdy, Councilmembers Barnstone and Larson out of the room.

1:00 P.M. - CITIZEN COMMUNICATIONS

2. Mrs. Sue Schorer discussed current City issues.
3. Mr. Leonard Lyons discussed public communication to and from City Council.
4. Miss Darlene Sharon Harvey discussed the alcoholics and homeless problems around the city and at the business of HOBO's on 5th & Lavaca St.
5. Mr. Mark Vilee inquired as to the progress of the approval of the "Sexually Oriented Business" ordinance and appropriation of funds to conduct study of land use.
6. Mr. Dave Dobbs did not speak.
7. Mr. Terry Liberty Parker discussed personal morals regulation.
8. Ms. Deborah Melendez discussed a joint newspaper recycling program between AISD and the City of Austin.
9. Mr. Jerry Henrichs did not speak.

10. Mr. Ira Yates discussed the exemption of schools from the Watershed Ordinance.
11. Mrs. George D. Jacob, Jr. did not speak.

ITEMS CONTINUED FROM PREVIOUS MEETING

12. Approved execution of a contract with CONTINENTAL TEXTILE CORPORATION, P.O. Box 2853, St. Louis, Missouri, for a garment and linen supply and management agreement, at a cost not to exceed \$280,615.00, with one (1) twelve (12) month extension option at a cost not to exceed \$280,615.00, for a total cost not to exceed \$561,230.00. (Funding for these items was included in the 1990-91 Operating Budget for Brackenridge Hospital). Low bid of three (3) bids. 0% M/WBE Subcontractor participation. The prime did not identify any subcontracting opportunities. Reference File No. BCO-150.

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

13. Approved execution of a three (3) year contract with MERLYN DEAN INCORPORATED, 9020-I Capital of Texas Hwy., Austin, Texas, for a food and beverage concession operation at Jimmy Clay Municipal Golf Course Clubhouse, with the option to extend the contract for two (2) one (1) year periods. (Estimated revenue to the City of Austin is \$67,007.00 per year or \$201,021.00 over the term of the contract to be placed in the Parks & Recreation Department Golf Enterprise Fund in the Jimmy Clay Cost Center). Reference No. 900532-3JR.

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

14. Approved the selection (RFQ) of CH2M HILL, INC., 8140 North MoPac Expressway, Austin, Texas, for a Planning Study of Wastewater Re-use, in the estimated cost of \$100,000.00. (Funding included in C.I.P. Project No. 448-737-0942). 10% MBE, 5% WBE Subcontractor participation.

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

15. Approved the selection (RFQ) of PAVEMENT MANAGEMENT SYSTEMS, INC. (PMSI), 245 S. Benton Street, Suite 230, Denver, Colorado, for implementation of a Comprehensive Pavement Management System for the City's street network, at an estimated cost of \$150,000.00 for preliminary and pilot phase engineering services. (Funding for Phase I and II is included in the FY 1991 Street and Bridge Division budget. Funding for Phase III will require additional funding from the General Fund during FY 1991-92). 25% MBE, 5% WBE Subcontractor participation.

On Councilmember Nofziger's motion, Councilmember Barnstone's second, 6-0 Vote, Councilmember Carl-Mitchell absent.

16. Approve guidelines for the Multi-Family Energy Rebate program and authorize the issuance of rebate payments in compliance with the approved guidelines. (Funding

in the amount of \$625,000.00 included in the Multi-Family Incentive C.I.P. [Brown and Root] Fund #765).

Postponed to October 18, 1990 at 5:00 P.M.

17. Approve guidelines for three Commercial Energy Management Programs, and authorize the issuance of rebates in compliance with the approved guidelines. (Funding in the amount of \$1,381,000.00 included in C.I.P. funds for Commercial Program [Brown and Root] Fund #765).

Postponed to October 18, 1990 at 5:00 P.M.

18. Approve a request from the State Department of Highways and Public Transportation to change the designation of Loop 1 from a parkway to a freeway with a frontage road in the vicinity of RM 2222.

Postponed to October 18, 1990 at 5:00 P.M.

19. Amend the FY 1990-91 Operating Budget for Cultural Arts Fund. (Mayor Lee Cooke)

Postponed to October 18, 1990.

ORDINANCES

Zoning (Items 20-21)

20. Approved second/third readings of an ordinance amending Chapter 13-2 of the Austin City Code rezoning property locally known as 12126 N. U.S. Hwy. 183, Case No. C14-89-0024, from "LO" and "SF-3" to "GR" and "SF-2", Franklin Federal Bancorp. First reading on June 29, 1989; Vote 6-0. Conditions met as follows: Termination and modification of Restrictive Covenant filed with zoning case C14-78-05 has been executed. Restrictive Covenant requiring the reservation of right-of-way for U.S. 183 has been executed.

21. Approved second/third readings of an ordinance amending Chapter 13-2 of the Austin City Code rezoning property locally known as 6405 IH-35 South, Case No. C14-90-0036, from "GR-CO" and "GR" to "GR-CO", University Federal Savings. First reading on September 6, 1990; Vote 6-0. Conditions met as follows: Conditional Overlay incorporates floor-to-area ratio condition imposed by Council. (Applicant requests emergency passage).

#20 and 21 on Councilmember Carl-Mitchell's motion, Councilmember Epstein's second, 7-0 Vote.

22. Amend the 1989-90 Brackenridge Hospital Operating Budget by increasing operating revenues by \$3,500,000.00 and increasing expenditures by \$3,300,000.00.

Postponed to October 18, 1990.

23. Amended the 1990-91 Financial Plan by reappropriating \$66,000.00 from the Tourism/Promotion Fund Ending Balance to the 1990/91 ACVB Operating Budget for the Sixth Street Master Plan. (This expenditure was planned in 1989-90 but was not made). [Related to Item 24]

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

RESOLUTIONS

24. Approved selection (RFQ) of SIMON ATKINSON ASSOCIATES/URBAN DESIGN ASSOCIATES, 3112 West Avenue, Austin, Texas, for negotiation and execution of a contract to provide architectural services for a Sixth Street Master Plan in an estimated amount of \$66,000.00. (Funding included in the Austin Convention and Visitors Bureau 1989-90 Budget) 13% MBE, 15% WBE sub-consultant participation. [Related to Item 23]
25. Authorized and approve the filing of Eminent Domain Proceedings to acquire title to 1.549 acres of land out of the William Bell Survey No. 24, Abstract No. 116 in Austin, Travis County, Texas, owned by Heartland Investment for the U.S. Highway 183 Improvement Project.
26. Authorized and approve the filing of Eminent Domain Proceedings to acquire title to 0.011 acre of land out of Lot B, Banister Place, a subdivision in Austin, Travis County, Texas, owned by Prudential Health Care Plan, Inc., for the U.S. Highway 290 W/S.H. 71 Improvement Project.
27. Authorized and approve the filing of Eminent Domain Proceedings to acquire the following: title to 2.344 acres of land and a waterline easement containing 8,780 square feet of land out of the James Rogers Survey No. 19, Abstract No. 659 and Lot 1 of the Cliff B. Peck Addition, a Subdivision in Austin, Travis County, Texas, owned by A & B Properties, Inc.; title to the new car office/showroom and used car office building located partially on this 2.433 acre tract of land and partially on the remaining property of which said tract was originally a portion; and a temporary right to enter upon the remaining property in order to remove the showroom and office building for the U.S. Highway 183 Improvement Project.
28. Authorized release of a portion of the 6' x 25' guy wire easement located at the common lot line of Lots 161 and 162, Tarrytown No. 6, recorded in Block 4, page 88, Travis County Plat records, locally known as 2300 Townes Lane. (Request submitted by Jefferson S. Gray and wife, Mary E. Gray - \$250.00 application fee has been paid)
29. Approved a construction contract with PAT CANION EXCAVATING COMPANY, P. O. Box 908, Manchaca, Texas, for Fort Branch of Boggy Creek Phase I Drainage Improvements, in an amount of \$815,428.29. (Funding included in C.I.P. for Public Works and Transportation Department). Low bid of four (4) bids. .91% MBE, .99% WBE subcontractor participation. Reference File No. 90-0748-2-RW.
30. Approved execution of contracts with CUSTOM CRETE, 4433 Terry-0-Lane, Austin,

Texas, for a twelve (12) month supply agreement in an amount not to exceed \$223,470.00, and with TEXAS READY MIX, 4200 Todd Lane, Austin, Texas, for a twelve (12) month supply agreement in an amount not to exceed \$134,800.00 for ready mix concrete and grout to be used in construction related projects, with the option to extend with each company for one (1) additional twelve (12) month period in amounts not to exceed \$223,470.00 and \$134,800.00 respectively. The total amount of the agreement is not to exceed \$358,270.00. (Funding included in FY 90-91 Operating Budget for the Public Works and Transportation Department). Low bid of seven (7) bids. OX M/WBE subcontractor participation. The prime did not identify any subcontracting opportunities. Reference file No. 900446-1JD

31. Approved a construction contract award to Z R & R CONSTRUCTION INC., 4315 Guadalupe, Suite 203, Austin, Texas, for the reconstruction of the Dougherty Arts Center, Phase II, in the amount of \$267,000.00. (Funding provided through Factory Mutual Engineering Insurance Company). 5.39% MBE, 8.69% WBE subcontractor participation.

#24-31 on Councilmember Epstein's motion, Councilmember Barnstone's second, 7-0 Vote.

32. Approve selection (RFQ) of GRAEBER, SIMMONS & COWAN, 211 East 7th Street, Austin, Texas, for negotiation and execution of a contract to provide architectural services for a Vehicle Maintenance Facility at Kramer Lane Service Center, in the amount of \$300,000.00. (\$222,500.00 to be included in the Electric Utility Department FY 1991 Capital Budget - remainder will come from Electric Utility Department's FY 1992 Capital Budget). 12.5% MBE, 5% WBE sub-consultant participation.

Postponed to 10/18/90

33. Approve selection (RFQ) of THE NYFELER ORGANIZATION, 100 Congress Avenue, Suite 1000, Austin, Texas, for negotiation and execution of a contract to provide architectural services for an Office Space Addition to the Electric Utility Transformer Shop at the Kramer Lane Service Center in an estimated amount of \$78,000.00. (Funding included in the Electric Utility Department's FY 1991 Capital Budget). 10% MBE, 9% WBE sub-consultant participation.

Postponed to 10/18/90

34. Approve selection (RFQ) of PARSHALL ASSOCIATES ARCHITECTS (WBE), 101 West 6th Street, Suite 616, Austin, Texas, for negotiation and execution of a contract to provide architectural services for a Second Story Addition to the Electric Utility Offices at the South Austin Service Center, in an estimated amount of \$75,000.00. (Funding included in the Electric Utility Department's FY 1991 Capital Budget) 11% MBE, 14% WBE sub-consultant participation.

Postponed to 10/18/90

35. Approve selection (RFQ) of AUSLAND ARCHITECTS, 609-B West Sixth Street, Austin, Texas, for negotiation and execution of a contract to provide architectural

services for expansion of the Electric Utility Department's facilities at the South Austin Service Center in an estimated amount of \$294,000.00. (Funding included in the Electric Utility Department's FY 1991 Capital Budget). 15% MBE, 25% WBE sub-consultant participation.

Postponed to 10/18/90

36. Approve selection (RFQ) of KKSC+CDA (MBE/WBE), 817 West Eleventh Street, Austin, Texas, for negotiation and execution of a contract to provide architectural services for a Vehicle Wash Bay at the South Austin Service Center in an estimated amount of \$37,800.00. (Funding included in the Electric Utility Department's FY 1991 Capital Budget). 13% MBE, 5% WBE sub-consultant participation.

Postponed to 10/18/90

37. Approve selection (RFQ) of JOHN ROBINSON & ASSOCIATES, ARCHITECTS, INC., 4101 Medical Parkway, Suite 113, Austin, Texas, for negotiation and execution of a contract to provide architectural services for Sidewalk Improvements on First, Second and Trinity Streets in an estimated amount of \$206,000.00. (Funding included in the Department of Public Works & Transportation's FY 1990 Capital Budget). 10% MBE, 5% WBE sub-consultant participation.

Postponed to 10/18/90

38. Approved Change Order No. 12 to the Central Business District Water and Wastewater Improvements, West Contract, in the amount of \$62,145.00, in order to replace the wastewater service line to the Green Water Treatment Plant. (Funding available from C.I.P. No. 439-237-0733).
39. Authorized extending 15th year CDBG contracts for 60 days with United Cerebral Palsy of the Capitol Area and Austin Area Urban League to continue service delivery (home modifications and repair services to low income, handicapped, elderly, or mobility impaired homeowners) at a total cost of \$105,832.00. (Funding in the amount of \$105,832.00 from FY 88-89 Community Block Grant Program)
40. Approved extension of Interlocal Agreement between the City of Austin and Travis County providing for the transfer of surplus property from the City of Austin to the Public Improvements and Transportation Department of Travis County.

#38-40 on Councilmember Epstein's motion, Councilmember Barnstone's second, 7-0 Vote

41. Approve issuance of a Letter of Intent to fund a rebate in the amount of \$57,403.00 to the General Services Administration of the U.S. Government (the Federal Building) for installation of energy-savings lighting fixture replacements. (Funding included in the 1990-91 Operating Budget of the Environmental and Conservation Services Department).

Postponed to 10/18/90 at 5:00 P.M.

42. Authorized application for and acceptance of a Community Services Block Grant (CSBG) for FY 1990-91 from the Texas Department of Community Affairs in the amount of \$352,218.00 for delivery of basic needs services through the City's seven (7) Neighborhood Centers and five (5) rural Neighborhood Centers operated by Travis County. (No City match required. Funding is included in the FY 1990-91 Operating Budget for the Health and Human Services Department).
43. Set a public hearing for discussion of an ordinance amendment to Title XIII of the Austin City Code of 1981, relating to notice and appeal procedures, administrative variances and administrative approvals of certain applications required under the Land Development Code. Date and time: December 6, 1990 at 5:30 P.M.
44. Set a public hearing for discussion of an ordinance establishing fees under Sec. 13-1-32 of the Austin City Code of 1981 for review and processing of applications, licenses, and permits; containing other provisions relating to the foregoing subject; waiving the requirement of Sec. 2-2-3 of the Austin City Code of 1981. Date and time: December 6, 1990 at 5:30 P.M.
45. Set a public hearing to consider an ordinance amending Sections 13-1-603, 13-2-618 and 13-2-619 of the Land Development Code, regarding procedures and standards for approval of the construction of public school facilities. Date and Time: October 18, 1990 at 4:30 p.m.
46. Set public hearings on the annexation of the North Central Austin Growth Corridor Municipal Utility District (NCAGC MUD) and four outlying parcels. Dates and times: November 8, 1990 at 6:00 p.m. and November 15, 1990 at 6:00 p.m.
- #42-46 on Councilmember Epstein's motion, Councilmember Barnstone's second, 7-0 Vote.
72. Approve construction contract to AUSTIN ENGINEERING CO., INC., 604 West Bee Caves Road, Austin, Tx., for the Slaughter Lane I (Castlewood) Annexed Area Water & Wastewater Improvements, in the amount of \$587,857.50. (Funding included in C.O.P. No. 439-237-0762 and 388-227-0906). Low bid of five bids. 0% M/WBE Subcontractor participation.

Postponed to 10/18/90 at 5:00 P.M.

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

ZONING DISTRICTS

47. C14-90-0025 - TWIN ROCK ASSOCIATES - by Land Strategies, Inc., 7700 North Capital of Texas Highway, from "DR" to "MF-2". Planning Commission recommendation: MF-2-CO.

Postponed to November 1, 1990 at 4:00 P.M.

Recommended by the Planning Commission as requested:

48. CB14-90-0001 - CAPROCK PUD by Land Strategies, Inc., 4411 Spicewood Springs Road, from "SF-3" to "PUD."

Postponed to October 18, 1990 at 4:00 P.M.

49. C14-90-0041 - CITY OF AUSTIN - by Electric Department, 2706 Montopolis Drive, from "MI/PDA" to "P".

ORDINANCE

50. C14-90-0044, KRAEGE POLAN - by Strasburger & Price, Armbrust & Brown, 507 West 14th Street, from "GO" to "GO-MU".

ORDINANCE

51. C14-90-0048, ST. THERESA'S CATHOLIC CHURCH - by RTG/Partners, Inc., 4310 Small Drive, from "DR" to "SF-2".

ORDINANCE

Recommended by the Planning Commission, With Conditions:

52. C14-90-0037, CROCKETT PROPERTIES, by Rizzo Construction, 10213-10233 IH-35 North, 10212-10232 Middle Fiskville Road, from "GR" to "CS". Planning Commission recommendation: "CS-CO"

Postponed to November 8, 1990 at 4:00 P.M.

53. C14-90-0040, FAY C. SAWYER, by Consort Inc., 1801 Capital of Texas Highway, South, from "SF-2" to "GR". Planning Commission recommendation: "GR-CO" subject to right-of-way reservation.

ORDINANCE

54. C14-90-0046, ROY BUTLER, by John Lewis Company, 602 Henderson, from "MF-4" to "CS". Planning Commission recommendation: "CS" subject to right-of-way dedication.

FIRST READING

55. C14-90-0042, SYLVIA VOLZ, 705 East 53rd Street, 5210 Bruning Avenue, from "GR to "CS". Planning Commission recommendation: "CS-CO" subject to right-of-way dedication.

FIRST READING

#48-55 on Councilmember Nofziger's motion, Councilmember Larson's second, 6-0 Vote, Councilmember Carl-Mitchell absent.

ITEMS FROM COUNCIL

56. Amended Ordinance No. 891214-E to delete requirements for public hearing for performance evaluations of Boards and Commissions. (Councilmember Louise Epstein). **FIRST READING ONLY**
57. Approved an ordinance amending Chapter 2-4 of the City Code to limit terms on boards and commissions to six (6) years. (Councilmember Louise Epstein) **FIRST READING ONLY**
- #56 & 57, **FIRST READING ONLY**, on Councilmember Epstein's motion, Councilmember Larson's second, 4-3 Vote, Councilmember Carl-Mitchell, Mayor Pro Tem Urdy and Councilmember Nofziger voted No.
58. Approved an ordinance repealing Ordinance No. 880421-D and No. 890411-B which had provided for a regular meeting of the Austin City Council for matters relative to the City of Austin Electric Utility. (Councilmember Louise Epstein)

Electric Utility matters will be considered on the first Thursday of each month. On Councilmember Epstein's motion, Councilmember Larson's second, 6-1 Vote, Councilmember Nofziger voted No.

RECESS

Council recessed its meeting from 3:50 to 5:00 P.M. for an Austin Housing Finance Corporation meeting.

59. Approved a resolution making a copy of the proposed annual budget, including a line item budget, available to City employees and their representatives. (Councilmember Louise Epstein)

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

60. Consider a resolution opposing the issuance of multi-year debt by the Barton Springs/Edwards Aquifer Conservation District. (Councilmember Louise Epstein)

Postponed to October 18, 1990.

61. Approved an ordinance to amend the 1990-91 Water and Wastewater Operating Budget

by deleting the positions of Manager, Operation and Maintenance/Water, and Manager, Operation and Maintenance/Wastewater. (Councilmember Louise Epstein)

62. Approved support of a joint City of Austin/Greater Austin Chamber of Commerce Business Retention and Expansion Program. (Mayor Lee Cooke)

#61 and 62 on Councilmember Epstein's motion, Councilmember Carl-Mitchell's second, 7-0 Vote.

63. Approve a resolution supporting the City of Austin's participation in the Travis County Intergovernmental Commission against alcohol and drug abuse. (Mayor Lee Cooke)

Pulled off agenda

64. Consider hiring lobbyist to represent Austin before the 72nd Texas Legislature convening January 8, 1991. (Legislative Subcommittee)

Postponed to October 18, 1990.

65. Consider designation by name an area around the Austin International Youth Hostel in Town Lake Park. (Councilmember Michael "Max" Nofziger)

INTERNATIONAL SHORES AND AUSTIN PEACE POINT - On Councilmember Nofziger's motion, Councilmember Epstein's second, 5-0 Vote, Mayor Cooke and Councilmember Carl-Mitchell absent.

66. Approve a resolution calling for zero degradation in the Barton Creek Watershed. (Councilmembers Michael "Max" Nofziger and Smoot Carl-Mitchell)

Directed the City Manager to direct staff to draft an ordinance to be reviewed by Environmental Commission, Planning Commission and any other related boards or commissions before coming back to Council.

67. Consider an ordinance amending the 1990-91 Operating Budget by reducing the appropriation for energy conservation programs in the Environmental and Conservation Services Department. (Councilman Robert Barnstone)

Postponed to 10/18/90 at 5:00 P.M.

EXECUTIVE SESSION

Mayor Pro Tem Urdy announced that 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.

68. Land Acquisition - Section 2, Paragraph f
- a. Review and discussion of Easement acquisition for:
 - (1) Convict Hill Wastewater Project
 - a. Parcel #3176.01e
 - (2) N. Centennial Park Wastewater Project
 - a. Parcel 3091.18/.19
69. Pending/Contemplated Litigation - Section 2, Paragraph e
- (a) Breach of contract by an equipment supplier.
 - (b) Wastewater Discharge Permit Renewals before the Texas Water Commission.
 - (c) City of Austin v. Houston Lighting & Power
 - (d) Claims associated with the Waste to Energy Project

RECESS

Council recessed from 6:40 to 8:02 P.M. for executive session.

ACTION ON THE FOLLOWING

70. Approved resolutions authorizing Easement acquisitions for:
- a. Convict Hill Wastewater Project
 - (1) Parcel #3176.01e
 - b. N. Centennial Park Wastewater Project
 - (1) Parcel 3091.18/.19

On Councilmember Nofziger's motion, Councilmember Epstein's second, 5-0 Vote, Mayor Cooke and Councilmember Carl-Mitchell absent.

71. APPOINTMENTS

Technical Review Committee on Ozone Depletion - 4

Adrienne Inglis, Michael Daniels, Mark Warren, Jeff Brouillette - On Councilmember Nofziger's motion, Mayor Cooke's second, 7-0 Vote.

Water and Wastewater Commission - 4

David Malish, Larry Deuser, Gerald Vogler, Francis Benoit - On Councilmember Epstein's motion, Councilmember Larson's second, 7-0 Vote.

DJOURN

The meeting was adjourned at 8:10 P.M.