



# Austin City Council MINUTES For February 15, 1990

Council Chambers, 307 West Second Street, Austin, Texas

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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 February 8, 1990 and special meeting of February 6, 1990. (6-0 Vote, Councilmember Urdy out of the room.)

## CITIZEN COMMUNICATIONS

Lance Winters talked about parking in the Municipal Building. Robert Martinez discussed Anti-Apartheid Ordinance. Diana L. Waite did not speak. Larry Binning asked for help in getting a sidewalk. Sam Griswold discussed airport issues. Maria Rocha did not speak. Carol Guthrie discussed employee relations.

## ZONING ORDINANCE

The Council, on Councilmember Carl-Mitchell's motion, Councilmember Humphrey's second, passed through second/third readings of an ordinance amending Chapter 13-2 of the Austin City Code to rezone the property locally known as 408 W. 21st Street, Case C14-89-0035, from "MF-4" to "GR-MU-CO", MARK FINLEY by Mike McHone. First reading: August 24, 1989; Vote 5-0, Councilmembers Barnstone and Humphrey out of the room. Conditions met as follows: Conditional overlay incorporates conditions imposed by Council. Restrictive Covenant incorporating conditions posed by Council has been executed. (7-0 Vote)

## CONSENT RESOLUTIONS

The Council, on Councilmember Humphrey's motion, Mayor Pro Tem Shipman's second, adopted the following resolutions all in one consent motion: (6-0 Vote, Councilmember Urdy out of the room)

### License Agreement

Approved a license agreement to allow the encroachment of a private driveway into the public right of way of Oltorf Street approximately 375' east of Alvin Devane Blvd. (Request submitted by Advanced Micro Devices - the required application fee has been paid but the Real Estate Services Division recommends that no annual fee be assessed for this request since the applicant is the original dedicator of the area to be licensed)

Public Utility Easement

Approved release of the Public Utility Easement on Lot 17, Block 26, Pemberton Heights Section 7, locally known as 1503 Preston Avenue. (Request submitted by Dana Dean on behalf of Richard Crozier)

Approved release of the 10' public utility easement on Lot 16 & 17, Sunset Hill Enfield per plat of record in Book 3, page 164 of the TCPR, same area defined as sanitary sewer easement in volume 449, page 237, TCDR and release of a portion of a blanket type sanitary sewer easement of vol. 406, pg 390, TCDR, insofar as it affects - lot 16 & 17. (1606 Poqounock Rd., submitted by Barry Campbell Engineering on behalf of Gertrude Carter.)

Eminent Domain

Authorized the filing of eminent domain proceedings to acquire a wastewater easement containing 1,123 square feet (0.0258 acre) of land and a temporary construction easement containing 4,995 square feet of land out of the William Cannon League No. 19, in Austin, Travis County, Texas, owned by the unknown heirs or devisees of Emma Grimes, deceased, for the North Centennial Park Wastewater Improvements Project.

Authorized the filing of eminent domain proceedings to acquire a wastewater easement containing 3,920 square feet (0.0900 acre) of land and a temporary construction easement containing 16,605 square feet of land out of the William Cannon League No. 19 in Austin, Travis County, Texas, owned by Gussie K. Powell Hebel, Travis Powell and Alan Powell, for the North Centennial Park Wastewater Improvements Project.

Construction Award Contract

Approved a construction contract award to Capital City Utilities, Inc. P.O. Box 670, Buda, Texas for extension of wastewater service to Davis Lane at Leo Street in the amount of \$211,923.75 (CDD #43 Phase EYE, III-A) - Water and Wastewater Department.

Contracts

SOUTHERN SAFETY SALES, INC., P.O. Box 4065, Austin, Texas, for anesthesia breathing circuits and filters for a total cost not to exceed \$33,065.00 - Brackenridge Hospital.

CIS-US INC., 10 DeAngelo Dr. Bedford, Massachusetts, for a blood irradiator for a total cost of \$79,960.00 - Brackenridge Hospital.

AUSTIN DIAGNOSTIC CLINIC ASSOCIATION, 901 West 34th Street, Austin, Texas, for renal dialysis services for a total cost not to exceed \$550,000.00 - Brackenridge Hospital.

VALLEYLAB, 5920 Longbow Drive, Boulder, Colorado, for an Ultrasonic Surgical Aspirator, for a total cost of \$71,705.00 - Brackenridge Hospital.

Public Hearing Set

Set a public hearing to approve adoption of a local amendment to the Plumbing Code mandating low flush water closets in new construction: March 8, 1990 at 3:00 P.M.

Condemnation

Authorized the extension of the agreement for legal services of Johnson & Gibbs for condemnation of two tracts for the Convention Center Project at an additional cost not to exceed \$40,000.00.

**COMMERCIAL DELIVERY VEHICLE**

The Council, on Councilmember Nofziger's motion, Councilmember Carl-Mitchell's second, waived the requirement for three readings and finally passed an ordinance amending Chapter 11, Section 11-2 of the City Code to provide a new definition of commercial delivery vehicle, new requirements for commercial delivery vehicle (delivering musical equipment on East Sixth Street), and to allow the traffic engineer to determine hours of restricted parking in commercial service zones. (6-0 Vote, Councilmember Urdy out of the room.)

**LITTLE LEAGUE**

The Council, on Mayor Pro Tem Shipman's motion, Councilmember Nofziger's second, passed through FIRST READING ONLY of an ordinance appropriating \$13,000.00 from FY 1989-90 contingency fund for Little League Youth Sports Services provided by the Manchaca Optimist Club. (These funds will provide for payment of utilities at the recreational facility). (4-2 Vote, Mayor Cooke and Councilmember Barnstone voted No, Councilmember Urdy out of the room)

Later in the Day

The Council, on Councilmember Carl-Mitchell's motion, Mayor Pro Tem, Shipman's second, reconsidered the motion. (7-0 Vote)

Motion

The Council, on Mayor Pro Tem Shipman's motion, Councilmember Carl-Mitchell's second, waived the requirement for three readings and finally passed an ordinance appropriating \$13,000.00 from FY 1989-90 contingency fund for Little League Youth Sports Services provided by the Manchaca Optimist Club to provide for payment of utilities at the recreational facility. (5-2 Vote, Mayor Cooke and Councilmember Barnstone voted No.)

**DOWNTOWN COMMISSION**

The Downtown Commission report asked for improved security downtown and on East Sixth Street.

**REPORT POSTPONED**

Postponed to March 1, 1990 is a report by the Parks Board on communications with Council.

**CONGRESSMAN J.J. "JAKE" PICKLE**

Congressman Pickle was in the Council Chamber and spoke to the Council concerning a united stand to prevent the closing of Bergstrom Air Force Base.

**BOND SALE**

The Council, on Councilmember Carl-Mitchell's motion, Mayor Cooke's second, waived the requirement for three readings and finally passed an ordinance authorizing the issuance and sale of the City of Austin, Texas combined Utility Systems Revenue Refunding Bonds Series 1990A and 1990B. (6-1 Vote, Councilmember Barnstone voted No.)

The Council, on Councilmember Carl-Mitchell's motion, Mayor Cooke's second, adopted a resolution approving and authorizing the execution of a Paying Agent/Registrar with MTrust Corp. National Association, Austin, Texas for the City of Austin combined Utility Systems Revenue Refunding Bonds Series 1990A and 1990B. (6-1 Vote, Councilmember Barnstone voted No.)

The Council, on Councilmember Carl-Mitchell's motion, Mayor Cooke's second, adopted a resolution approving the termination of Texas Commerce Bank Austin National Association as paying agent/registrar for certain outstanding utility system revenue bonds. (6-1 Vote, Councilmember Barnstone voted No.)

The Council, on Councilmember Carl-Mitchell's motion, Mayor Cooke's second, adopted a resolution providing for the redemption of certain outstanding bonds of the City. (6-1 Vote, Councilmember Barnstone voted No.)

**AIRPORT PLANNING**

Council had before them three items concerning feasibility study of Bergstrom Air Force Base and one item concerning extension of contracts regarding the Manor Airport Site. COMPLETE TRANSCRIPT OF DISCUSSION AND MOTIONS IS ON FILE IN THE CITY CLERK'S OFFICE. Following is a record of the motions for each item.

Council had before them for consideration the following four resolutions:

30. Approve City Manager's action plan for conducting a feasibility study of Bergstrom Air Force Base as an alternate site for the new airport.

31. Approve contract amendments and transfer of funds from Aviation Capital Fund to Bergstrom Air Force feasibility project for the study of the use of Bergstrom Air Force Base as a new airport site. Total: \$298,338.00 (P&D \$157,935; Page-S-P \$93,883; and Sverdrup \$46,521)

32. Approve an extension to contracts with P&D Technologies, \$69,585; Page-Southerland-Page, \$21,429; and Sverdrup Corporation, \$109,766, for completion of the Master Plan and continuation of land acquisition services for the Manor Airport site. Total: \$436,496, including land acquisition.

33. Approval of contract for a consultant for the feasibility study of Bergstrom Air Force Base as an alternative site for the new airport, and transfer of funds from Aviation Capital Fund to Bergstrom Air Force Base Feasibility Project, not to exceed \$65,000.

Motion

Councilmember Carl-Mitchell made a motion, seconded by Councilmember Urdy to adopt the four resolutions.

Councilmember Carl-Mitchell added that if the Council preferred they could divide the question.

Councilmember Barnstone stated, "Mayor, I would like the question divided".

Mayor Cooke said, at the request of Councilmember Barnstone, and because the maker of the motion said it would be all right to divide, "we will divide the question on the four items". After discussion, it was agreed items 30,31 and 33 would be taken together. Number 32 would be taken separately because, as Councilmember Carl-Mitchell stated, "32 is really the continuation of the completion of the master plan for the Manor airport land acquisition".

Motion - First Amendment to the Main Motion

Councilmember Barnstone made a motion, seconded by Mayor Cooke, to amend the motion to include the FAA in review of the questions that will be assigned to the consultants, and to work with the FAA in the manner that the Mayor just described:

(Mayor Cooke: I asked them (FAA).....if the City Council so developed a study, or requested a feasibility study, would the FAA lend their professional and technical expertise. They said yes, and that they wanted to be involved in an advisory role.....I have also asked the United States Air Force, through Colonel Short and Colonel Kemp, if they would be at the table as an ex-officio advisor to this study team and they said they would be delighted. So those two parties have a very keen interest in this. They need to be in the participaton and I have made that request and gotten an informal affirmative.)

After lengthy discussion, Councilmember Barnstone re-stated his motion.

First Motion to Amend Main Motion Re-Stated

"Direct staff and consultants to work with the FAA to include review and comment of the scope of work by the FAA and the Air Force. Mayor Cooke seconded the motion.

Councilmember Carl-Mitchell asked if Councilmember Barnstone planned to vote for the main motion. Councilmember Carl-Mitchell said he was not going to

support the amendment. He said, "...I just don't see any need in making a formal amendment to that, though I have no problem with asking the FAA and the Air Force to participate..."

Motion - Second Amendment to Main Motion - Approved

Councilmember Nofziger made a motion, seconded by Councilmember Barnstone to amend the main motion by looking at the impact of ancillary businesses around Bergstrom and determine the impact on the tax base. (4-3 Vote, Mayor Pro Tem Shipman, Councilmembers Carl-Mitchell and Urdy voted No.)

Roll Call on First Amendment to Main Motion - FAILED

3-4 Vote, Mayor Pro Tem Shipman, Councilmembers Carl-Mitchell, Humphrey and Urdy voted No.

Substitute Motion to Main Motion - FAILED

Councilmember Barnstone made a substitute motion, seconded by Mayor Cooke, to consider only Alternative II, which deletes the studies that would impose the Manor blueprint over Bergstrom, reducing the cost of the scope of work relative to Alternative II. Motion FAILED by a vote of 3-4 with Mayor Pro Tem Shipman, Councilmembers Carl-Mitchell, Humphrey and Urdy voting No.

Friendly Amendment

Councilmember Humphrey offered a friendly amendment to pull Alternative III. (The goal is to save \$100,000.00 and to ask FAA to pay for the study.) Councilmember Carl-Mitchell and Councilmember Urdy accepted the friendly amendment.

Motion to Call the Question

The Council, on Councilmember Carl-Mitchell's motion, seconded by Councilmember Nofziger, voted to call the question. (6-1 Vote, Councilmember Barnstone voted No.)

Roll Call on Main Motion as Amended

(Items 30, 31, 33) 5-2 Vote, Councilmembers Barnstone and Nofziger voted No.

Motion

The Council, on Councilmember Carl-Mitchell's motion, Councilmember Urdy's second, approved an extension to contracts with P&D Technologies, \$69,585; Page-Southerland-Page, \$21,429; and Sverdrup Corporation, \$109,766, for completion of the Master Plan and continuation of land acquisition services for the Manor Airport Site. Total: \$436,496, including land acquisition. (6-1 Vote, Councilmember Barnstone voted No)

**PUBLIC HEARING - AUSTIN METROPOLITAN AREA ROADWAY PLAN**

Mayor Cooke opened the public hearing on an amendment to the Austin

Metropolitan Area Roadway Plan for Heatherwilde Blvd. and Harris Ridge Blvd. (C2-89-02) Speaker's cards are on file in the City Clerk's office.

Motion

The Council, on Councilmember Carl-Mitchell's motion, Mayor Pro Tem Shipman's second, continued the public hearing to February 22, 1990 at 3:00 P.M. (6-0 Vote, Councilmember Urdy out of the room.)

**PUBLIC HEARING - AUSTIN METROPOLITAN AREA ROADWAY PLAN**

Mayor Cooke opened the public hearing set for 3:30 P.M. on an amendment to the Austin Metropolitan Area Roadway Plan Amendment for La Crosse Avenue (Arterial #12) (C2-89-03) Speaker's cards are on file in the City Clerk's office.

Motion

The Council, on Councilmember Carl-Mitchell's motion, Mayor Pro Tem Shipman's second, closed the public hearing. (Action will be posted for March 15, 1990) (6-0 Vote, Mayor Cooke out of the room.)

**ITEMS PULLED FROM AGENDA**

Pulled from the agenda was an ordinance amending Chapter 9-6 relating to lobbying to exempt from all financial disclosure requirements employees or representatives of trade associations, corporations or other entities.

Pulled off the agenda was an ordinance amending Chapter 2-3 requiring a lobbyist that makes more than \$25,000.00 in a calendar year from lobbying activities to file the Financial Disclosure form.

Pulled from the agenda was a resolution appointing a Council Subcommittee and directing the City Manager to work with the Subcommittee in preparing an economic assistance request from the Department of Defense's Office of Economic Adjustment in regard to the closing of Bergstrom Air Force Base.

### **LOBBYIST ORDINANCES**

The Council, on Councilmember Carl-Mitchell's motion, Mayor Pro Tem Shipman's second, waived the requirement for three readings and finally passed an ordinance amending the Lobbyist Ordinance (Chapter 9-6) relating to lobbying by adding a fee disclosure requirement, requiring disclosure of all lobbying activities for the last twelve months, and requiring quarterly reporting of relationships. (7-0 Vote)

The Council, on Councilmember Urdy's motion, Mayor Cooke's second, passed through FIRST READING ONLY an ordinance amending Chapter 2-3 of the Austin City Code and Chapter 9-6 of the Austin City Code relating to lobbying by changing the effective date of all amendments relating to lobbying since October 1989 to April 5, 1990, and to permit a study of necessary revisions. (4-3 Vote, Councilmember Humphrey, Mayor Pro Tem Shipman and Councilmember Carl-Mitchell voted No.)

### **EMPLOYEES' RETIREMENT ORDINANCE**

The Council, on Mayor Pro Tem Shipman's motion, Councilmember Carl-Mitchell's second, waived the requirement for three readings and finally passed an ordinance amending the Employees' Retirement Ordinance to increase the multiplier to 2.1 to allow retirement at thirty years service at any age with full benefits and to allow a one-time cost of living raise for retirees as approved unanimously by the City Employees' Retirement Board on September 20, 1989, with a friendly amendment by Councilmember Barnstone that the Board continue to work on health care questions, resolve, and report back to Council on April 20, 1990. (7-0 Vote)

The Council, on Mayor Pro Tem Shipman's motion, Councilmember Carl-Mitchell's second, waived the requirement for three readings and finally passed an ordinance amending Ordinance No. 82111-G establishing the Employees' Retirement System to incorporate all amendments since 1982. (7-0 Vote)

### **BOARD AND COMMISSION APPOINTMENTS**

#### Construction Advisory Committee

Richard Bohls and Erica Landaverde

#### Convention and Visitors Commission

Barbara Cilley, Carol Hadnot, Jim Hudson, Dr. Emma Lou Linn, Clark Lyda, Don Morris, Hank Olguin, Susan Rogers and Elizabeth Winters.

#### Mayor's Committee for Disabled Persons

Carl Wright



Planning Commission

Cal Varner

Urban Transportation Commission

Jim O'Donnell

**MORATORIUM**

The Council, on Councilmember Nofziger's motion, Mayor Pro Tem Shipman's second, passed through FIRST READING ONLY of an ordinance establishing a temporary moratorium prohibiting certain ranching and farming activities. (4-3 Vote, Councilmembers Barnstone and Urdy and Mayor Cooke voted No.

**CITIZEN COMMUNICATION**

James Cooley spoke to Council.

**ADJOURNMENT**

The meeting was adjourned at 9:45 P.M.