



Austin City Council MINUTES For

DECEMBER 6, 1990 - 1:00 P.M.

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

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

1. Approval of Minutes for Regular Meeting of November 29, 1990 and Special Meeting of November 14 and November 27, 1990.

Motion to approve on Councilmember Epstein's motion, Mayor Pro Tem Urdy's second, 5-0 Vote, Councilmembers Carl-Mitchell and Nofziger out of the room.

Motion to reconsider, on Mayor Pro Tem Urdy's motion, Mayor Cooke's second, 6-0 Vote, Councilmember Epstein out of the room.

Councilmember Nofziger said, "Regarding number 13 on the agenda regarding the Aqua Fest Contract, I offered a friendly amendment that would set a 40 day maximum for use of auditorium shores, that includes set-up and event days themselves and would also limit use of Zilker Park to two days with nothing in the discussion about pro-rated fees."

Councilmember Larson stated, "Correction, disagreement, Mayor. I did stipulate that, and we did talk about that and it was agreed upon. That was your friendly amendment to my motion and I accepted that friendly amendment on the condition that if they did go the forty days they would simply be charged a pro-rated amount of rent in addition to the agreed upon rent. I also believe we stipulated that it would have to be agreed that it was at the fault of Aqua Fest officials and not the City's fault because of our delay in any hook-ups or whatever the case may be. Forgive me, Councilmember, but that is the way I recall that."

Further discussion ensued. Alicia Perez, Assistant City Manager, stated: "My understanding is, and the way I reviewed the contract this morning, is that it will have a forty day maximum. That in Zilker there will be a two day limit if they use it more than two days then they would pay posted fees at that time of use." Councilmember Larson said "Everyone agrees it would be a forty day maximum but what if it did go over? We did bring that out. We can replay the tape and I am sure we will see it on the tape."

Mayor Cooke said, "In due respect, what is on the floor is to correct the Minutes and not debate the contract and I am not going to accept a debate on the contract. If you want to make some specific language changes that were not in concert with the way the City Clerk interpreted it, that's really what we

are doing here....." Councilmember Nofziger said he had read the specific language which he felt they had agreed upon. He reiterated the above and offered it as a correction to the Minutes. Councilmember Larson said that Councilmember Nofziger's recollection of the motion did not reflect his views at all since it was his motion he was accepting the friendly amendment to, and he could not accept a change.

Mayor Cooke said: "From my perspective on how I would change the Minutes, based on the maker of the motion, I will call the roll on changing the Minutes.....I would caution, Councilmembers, based on what we voted for, that we not change the intent of the maker's motion here by changing the Minutes."

Councilmember Larson said he had found the place in the Minutes and "I agree the Minutes do need some amending. Councilmember Nofziger offered that we limit it to forty days and I accepted it on condition that anything over forty days would be pro-rated. The way it is reading in the Minutes is that the fees would be pro-rated over forty days and that was not our intent. There is a problem with the language." Councilmember Nofziger re-stated his motion at the request of Mayor Cooke.

Motion to Amend

Councilmember Nofziger offered a motion to amend the minutes of November 29, 1990 by re-stating his friendly amendment to read: "Councilmember Nofziger offered a friendly amendment that would set a 40 day maximum for use of auditorium shores, that includes set-up and event days themselves and would also limit use of Zilker Park to two days, with nothing in discussion about pro-rated fees.

Friendly Amendment on Motion to Amend

Councilmember Larson said he would like to add an amendment to the Motion to Amend "to add my conditions on accepting that friendly amendment were that anything over forty days, there would be additional pro-rated rent added to the agreed upon fees if the over-run over forty days was at the fault of Aqua Fest." Councilmember Nofziger accepted the friendly amendment.

Roll Call

7-0 Vote

1:00 P.M. - CITIZEN COMMUNICATIONS

2. Mr. James Allman discussed development streamlining, fast track development and appropriate non-residential areas north and south along IH 35 where infrastructure is in place.
3. Ms. Sue Schorer addressed current City issues.
4. Mr. Sabino Renteria discussed current City issues.
5. Mr. Leonard Lyons discussed communication to and from Council.

6. Mr. Richard Trachtenberg, to discuss facilitating communication to and from Council, yielded his time to the above speaker.
7. Mr. David N. Elliott discussed current City issues.
8. Mr. Thom Prentice discussed City issues.
9. Mr. R. Luthor Carpenter discussed open government and mismanagement.
10. Mr. Hank Sinatra discussed the Music Channel.
11. Ms. Tracy Schagen discussed the future of Education and to request that the Council take a stand by enrolling in the Education Network.

1:30 P.M. - BOARD AND COMMISSION REPORTS

12. Downtown Commission - Status Report

The report was presented.

ITEMS CONTINUED FROM PREVIOUS MEETING

13. Approve an Ordinance amending Chapter 13-2 of the Austin City Code rezoning property locally known as Bois D'Arc Lane and E. U.S. Highway 290, Zoning Case C814-90-0002, from "Unzoned" to "PUD/ETJ". CARPENTER DEVELOPMENT CO., owner by Lichliter, Jameson & Associates, agent. (Public hearing held November 15, 1990 - No Citizen Sign Up).

POSTPONED TO JANUARY 3, 1991

14. Consider an Ordinance excluding from Austin's Extraterritorial Jurisdiction, the land included in the application for approval of the Manor Industrial Airport PUD-ETJ (C814-90-0002). [Councilman Robert Barnstone] (Public hearing held November 15, 1990 - No Citizen Sign-Up) [Related to Item 13]

POSTPONED TO JANUARY 3, 1991

15. Approve an Ordinance establishing a revised volume discount rate for use of the City of Austin FM 812 sanitary landfill by volume hauler provided that an acceptable equivalent volume of landfill space, or compensation for use of the City landfill, is provided to the City.

PULLED OFF

Year End Budget Adjustments (Items 16-17)

16. Approve an Ordinance amending the 1990-91 General Fund Operating Budget by increasing the beginning balance by \$668,910 and reappropriating \$976,581 in expenditures and \$307,671 in grant reimbursements to departments listed below to fund certain expenditures that, although planned for fiscal year 1989-90, were not spent. (Source of funding: General Fund - \$668,910; General Fund Grants -

\$307,671. The total General Fund funding amount equals \$976,581).
[Appropriations: Environmental & Conservation Services, \$50,150; Fire, \$163,698; Health & Human Services, \$272,765; Information Systems, \$200,000; Law, \$10,000; Planning and Development, \$100,000; Social Services \$179,968].

POSTPONED TO DECEMBER 13, 1990

17. Approved an Ordinance amending the 1989-90 General Fund Operating Budget by increasing property tax revenues by \$186,509 and appropriating \$186,509 to the Parks and Recreation Department's 1989-90 Operating Budget. (Source of Funding: \$186,509 from increased 1989-90 property tax revenues).

ON COUNCILMEMBER EPSTEIN'S MOTION, COUNCILMEMBER NOFZIGER'S SECOND, 7-0 VOTE

18. Approve allocation of \$5,064.10 from the 1990-91 Social Services homeless allocation to pay the fees for the "Feast of Sharing." (Related to Item 16)

POSTPONED TO DECEMBER 13, 1990

19. Approve the selection of Bonita Inc./Salas Concessions, Joint Venture, Subconcessionaire, for Dobbs House, Inc., per the Dobbs/Lease Concession Agreement.

NO ACTION TAKEN. MOTION TO APPROVE AND MOTION TO RE-BID FAILED

20. Approved acceptance of a grant in the amount of \$17,850 from the U.S. Department of Interior through the Texas Water Resources Institute (TWRI) requiring in-kind funds from the City in the amount of \$50,806 to assist in funding the Barton Creek Watershed Study. (The City's contribution is funded in the 1990-91 Environmental and Conservation Services Department Budget).

ON COUNCILMEMBER EPSTEIN'S MOTION, COUNCILMEMBER NOFZIGER'S SECOND 7-0 VOTE.

21. Authorize and approve a letter of agreement for the payment of \$100,000 to the Texas Nature Conservancy for work associated with development of the Balcones Canyonlands Habitat Conservation Plan. (Funding included in the General Fund - Environmental and Conservation Services).

POSTPONED TO DECEMBER 13, 1990

22. Appointment of a Citizens Task Force to address the redevelopment of Robert Mueller Municipal Airport (RMMA).

POSTPONED TO JANUARY 17, 1991.

23. Approve a License Agreement to allow the encroachment of a retaining wall in the alley along the south one-half of the western property line of 1511 West 10th Street. (Request submitted by Sam Archer - \$250 application fee has been paid. No annual fee will be assessed since the encroachment enhances the right-of-way).

PULLED OFF AGENDA

Community Development Block Grant (CDBG) (Items 24-26)

24. Authorized negotiation and execution of a contract to THE AUSTIN AREA URBAN LEAGUE, in the amount of \$447,428, and CEREBRAL PALSY OF THE CAPITOL AREA INC., in the amount of \$286,650, for the Home Maintenance program. (Funding available in the 16th Year (1990) Community Development Block Grant (CDBG) Program. (Reviewed by the Housing Subcommittee).

ON COUNCILMEMBER EPSTEIN'S MOTION, COUNCILMEMBER NOFZIGER'S SECOND, 5-2 VOTE, COUNCILMEMBER BARNSTONE AND MAYOR COOKE VOTED NO.

25. Authorize extension of existing Financial Services Department contract with Coopers & Lybrand to perform special service audit for six (6) neighborhood based subgrantees at a cost of \$56,000 plus out-of-pocket expenses of \$2,000 for a total cost of \$58,000. (Funding in the amount of \$29,000 available through Community Development Block Grant funds, and \$29,000 available from Program Income Funds of Subgrantee Agencies).

POSTPONED TO DECEMBER 13, 1990

26. Approved amending the 14th Year CDBG Program by canceling the Hoeke Lane Capital Improvement Project (Rodriguez) Project to create a Child Care Facility Project. (Public hearing held November 15, 1990 - No Citizen Sign-Up)

ON COUNCILMEMBER BARNSTONE'S MOTION, COUNCILMEMBER CARL-MITCHELL'S SECOND, WITH A NOTATION THAT STAFF HAS PROVIDED FOR ADEQUATE FUNDS TO PROVIDE FOR THE WATER SERVICE THAT WILL BE PLACED AT THE RODRIQUEZ SUBDIVISION, 7-0 VOTE.

ORDINANCES

27. Amended the Fiscal Year 1990-91 Capital Budget by appropriating \$251,000 from the Regional Stormwater Management Program (RSMP) to the Watershed Master Plan - Regional Stormwater Management Program Contracts (CIP 824-607-1950) to contract with consulting engineers for watershed master plan preparation and topographic map development. (Funding expenditures: Walnut Creek Study - \$120,000; Little Walnut Creek Study - \$50,000; Country Club Creek Study - \$30,000; Topographic Mapping - \$25,000; Waterford Center Construction contingency - \$26,000).

ON COUNCILMEMBER CARL-MITCHELL'S MOTION, COUNCILMEMBER EPSTEIN'S SECOND, 7-0 VOTE.

28. Amend the 1989-90 Operating Budget for the Water and Wastewater Utility by increasing appropriations for expenditures by \$2,564,535 for a total of \$56,407,666 and revenues by \$5,631,843 for a total of \$175,795,702 as a result of higher than expected contractual expenditures.

PULLED OFF

29. Approve an Ordinance repealing Ordinance no. 900913-N and re-establishing fees for engineering review and construction inspection of water and wastewater facilities and street and drainage improvements.

PULLED OFF

3:00 P.M. - ELECTRIC UTILITY (Items 30-43)

30. Electric Utility Commission Report.

REPORT BY ROBERT FLOYD, CHAIRMAN, ELECTRIC UTILITY COMMISSION

31. Resource Management Commission Report.

NO REPORT

32. Monthly Management Report (Fiscal, Operations, Fuel)

REPORT BY JOHN MOORE, DIRECTOR OF ELECTRIC UTILITY

33. Monthly Utility Receivable Report.

REPORT BY BETTY DUNKERLY, DIRECTOR OF FINANCIAL SERVICES

34. Approved a contract award to MULTI-AMP CORP., 4271 Bronze Way, Dallas, Texas, for the purchase of Electric Relay Test Equipment, in an amount not to exceed \$85,242. (Funding included in the Electric Utility CIP Fund 317-117-1927). Sole Source. 0% M/WBE Subcontractor participation. The prime did not identify any subcontracting opportunities. Reference File No. 900953-1RD.

35. Approved a contract award to SIEMENS ENERGY & AUTOMATION, INC., 12200 NW Freeway, Houston, Texas, for the purchase of power circuit breaker conversion kits, in an amount not to exceed \$155,664. (Funding included in the following Electric Utility CIP Accounts: \$44,260 included in Fund 315-117-1408; \$42,752 included in Fund 315-117-1409; and \$68,652 included in Fund 315-117-1411). Sole Source. 0% M/WBE subcontractor participation. The prime did not identify any subcontracting opportunities. Reference File No. 900944-1RD.

36. Approved a four (4) year contract award to LONE STAR GAS COMPANY, 301 S. Harwood Street, Dallas, Texas, for Gas Utility Transportation Services, in an estimated amount of \$188,000. (Funding included in Fuel Charge Revenues). Utility Services Sole Source. 0% M/WBE Subcontractor participation. The prime did not identify any subcontracting opportunities.

37. Approved contract awards to MANSFIELD OIL COMPANY, 1025 Airport Parkway, Gainesville, Georgia, and TRUMAN ARNOLD COMPANY, 3885 S. Perkins, Memphis, Tennessee, using a progressive bid prearrangement for the purchase of oil to be used at the Decker Creek and Holly Power Plants. Amount will vary depending on required purchases; estimated cost is \$2,250,000. (Funding included in Fuel Charge Revenues). Low bid of two (2) bids. 0% M/WBE Subcontractor participation. The prime did not identify any subcontracting opportunities. Reference File No. 90-0945-1LI.

#34-37 ON COUNCILMEMBER LARSON'S MOTION, MAYOR COOKE'S SECOND, 6-0 VOTE, COUNCILMEMBER EPSTEIN OUT OF THE ROOM.

ELECTRIC UTILITY ITEMS (continued)

38. Approved a twelve (12) month spot coal supply contract with EXXON COAL USA, INC., P.O. Box 1314, Houston, Texas, to provide coal to the Fayette Power Project, in an estimated amount of \$384,482. (Funding included in Electric Utility CIP Fund 501-110-2417). Low bid of five (5) bids. 0% M/WBE Subcontractor participation. The prime did not identify any subcontracting opportunities.

ON COUNCILMEMBER LARSON'S MOTION, MAYOR COOKE'S SECOND, 4-2 VOTE, COUNCILMEMBER CARL-MITCHELL AND COUNCILMEMBER NOFZIGER VOTED NO, COUNCILMEMBER EPSTEIN OUT OF THE ROOM.

39. Approved a contract award to ALLIED SALES COMPANY, 5001 East 5th Street, Austin, Texas, for the purchase of Turbine Lubricating Oil, in an amount not to exceed \$41,375. (Funding included in Electric Utility CIP Fund 501-110-2253). Low bid of five (5) bids. 0% M/WBE Subcontractor participation. The prime did not identify any subcontracting opportunities. Reference File No. 9008611LI

40. Approved a contract award to POWER STRUCTURES, c/o T. Deloney Company, 1900 Mistywood Drive, Austin, Texas, for the purchase of Structural Steel for substation improvements, in an amount not to exceed \$57,033. (Funding included in the following Electric Utility CIP Accounts: \$4,634 included in Fund 315-117-1407; \$4,059 included in Fund 315-117-1408; \$3,972 included in Fund 315-117-1409; \$3,972 included in Fund 315-117-1410; \$4,059 included in Fund 315-117-1411; \$35,719 included in Fund 318-117-1039; and \$618 included in Fund 318-117-1041). Low bid of four (4) bids. 0% M/WBE Subcontractor participation. The prime did not identify any subcontracting opportunities. Reference File No. 910002-1RD.

41. Approved a contract award to VALMONT INDUSTRIES, INC., P.O. Box 5468, Arlington, Texas, for the purchase of Steel Transmission Line Structures, in an amount not to exceed \$88,765. (Funding included in Electric Utility CIP Fund 317-117-1807). Low bid of three (3) bids. 0% M/WBE Subcontractor participation. The prime did not identify any subcontracting opportunities. Reference File No. 900955-1RD.

42. Approved a contract award to NATIONAL RIGGING, INC., P.O. Box 79389, Fort Worth, Texas, for the relocation of an autotransformer from Trading Post Substation to Austrop Substation, in an amount not to exceed \$288,694. (Funding included in Electric Utility CIP Fund 315-117-1407). Low bid of two (2) bids. 0% M/WBE Subcontractor participation. The prime did not identify any subcontracting opportunities. Reference File No. 310031-2RW

39-42 ON COUNCILMEMBER LARSON'S MOTION, MAYOR COOKE'S SECOND, 6-0 VOTE, COUNCILMEMBER EPSTEIN OUT OF THE ROOM.

PUBLIC HEARINGS AND APPROVAL OF ORDINANCES/RESOLUTIONS

43. 3:15 P.M. - Approve the dedication of permanent and temporary easements across a portion of Walter E. Long Park to the Electric Utility Department for a Natural Gas Pipeline and Metering Station to serve the Decker Creek Power Plant.

CLOSED THE PUBLIC HEARING AND APPROVED, ON COUNCILMEMBER CARL-MITCHELL'S MOTION,

COUNCILMEMBER LARSON'S SECOND, 5-0 VOTE, MAYOR PRO TEM URDY AND COUNCILMEMBER EPSTEIN OUT OF THE ROOM. SPEAKER'S CARDS ARE IN CITY CLERK'S FILES.

44. Approve an Interlocal Agreement with the City of Sunset Valley for the construction of Drainage Improvements along Jones Road in the City of Sunset Valley and the City of Austin in the amount of \$18,550.00. (Funding available from C.I.P. No. 824-607-1901. The City of Sunset Valley will contribute \$3,805 to complete funding of the proposed work).

ON COUNCILMEMBER NOFZIGER'S MOTION, COUNCILMEMBER CARL-MITCHELL'S SECOND, 7-0 VOTE.

RESOLUTIONS

45. Approved execution of a construction contract award to AUSTIN PAVING COMPANY, Inc., 7800 Shoal Creek, Austin, Texas, for Montopolis Drive Improvements from Burluson Road to Ben White Boulevard, in the amount of \$1,580,958.70. (Funding in the amount of \$1,484,258.70 available in C.I.P. 825-607-2053 - 1984 Paving and Drainage Bonds; \$16,660 available in C.I.P. 443-237-0737 - Wastewater Funds; and \$80,040 from C.I.P. 388-227-0837 - Water Funds). Low bid of four (4) bids. 12.52% MBE, 3.69% WBE Subcontractor participation.

ON COUNCILMEMBER NOFZIGER'S MOTION, COUNCILMEMBER CARL-MITCHELL'S SECOND, 7-0 VOTE.

46. Approved execution of a construction contract award to HAEGELIN CONSTRUCTION COMPANY, INC., P.O. Box 9086, Austin, Texas, for the Kincheonville Water and Wastewater Improvements, in the amount of \$184,730. (Funding in the amount of \$84,952 available in C.I.P. 388-227-0771 - Water Fund; \$99,778.00 available in C.I.P. 443-237-0783 - Wastewater Fund). Low bid of three (3). 1.95% MBE, 2.20% WBE Subcontractor participation.

47. Approved a construction contract award to CASH CONSTRUCTION COMPANY, P.O. Box 1027, Pflugerville, Texas, for construction of the East Ben White 24" Water Transmission Main, in the amount of \$2,220,329.30. (Funding available from 1985 Revenue Bonds). Low bid of six (6). 2.46% MBE, 3.52% WBE Subcontractor participation.

#46-47 ON COUNCILMEMBER NOFZIGER'S MOTION, COUNCILMEMBER CARL-MITCHELL'S SECOND, 7-0 VOTE.

48. Approved execution of a contract with DANNENBAUM ENGINEERING CORP., 8627 North MoPac Boulevard, Austin, Texas, for selection of professional engineering services to develop, design, and provide construction phase services for the Robert Mueller Municipal Airport Main Runway Pavement Evaluation and Rehabilitation Program, in the amount of \$330,000. (Funding in the amount of \$90,000 available in C.I.P. 881-817-0518; and \$240,000 available in C.I.P. 881-817-0519. The City anticipates 75% grant funding from the Federal Aviation Administration). 23% DBE (23% MBE, 0% WBE).

POSTPONED TO DECEMBER 13, 1990

49. Approved execution of a contract with HARUTUNIAN ENGINEERING INC., 111 West

Anderson Lane, Austin, Texas, for selection of professional engineering services to develop, design and assist in the implementation of a computer base system to monitor wastewater lift stations, in the amount of \$200,000.00. (Funding available in C.I.P. 439-237-0797). 10% MBE, 5% WBE Subconsultant participation.

50. Approved execution of a contract with ANTECH COMPUTERS, (MBE) 3701 Guadalupe Street, Austin, Texas, for the purchase of ten (10) Computer Cash Register Systems for Municipal Court, in an amount not to exceed \$41,260. (Funding included in FY 1990-91 Budget for Municipal Court). Sole bidder. The prime did not identify any subcontracting opportunities. Reference IFB No.: 900814-3AB

51. Approved execution of a contract with EASTMAN KODAK COMPANY, 9020 Capital of Texas Highway, Austin, Texas, for copier machine chemicals, in an amount not to exceed \$33,292, with the option to extend the contract for up to one (1) additional twelve (12) month period in an amount not to exceed \$33,292, for a total amount not to exceed \$66,584. (Funding included in the 1990-91 Operating Budget for the General Services Department). Low bid of three (3) bids. 0% MBE/WBE Subcontractor participation. The prime did not identify any subcontracting opportunities. Reference File No. 900831-1CM.

§49-51 ON COUNCILMEMBER NOFZIGER'S MOTION, COUNCILMEMBER CARL-MITCHELL'S SECOND, 7-0 VOTE

Brackenridge Hospital (Items 52-58)

52. Approve an Ordinance amending the 1989-90 Brackenridge Hospital Operating Budget by increasing total net revenues by \$5,021,784 and increasing expenditures by \$2,417,848 due to increased patient load.

POSTPONED TO DECEMBER 13, 1990

53. Approved an Ordinance amending the 1990-91 Brackenridge Hospital Operating Budget by increasing revenues by decreasing uncompensated care by \$200,000 and increasing expenditures by \$200,000 for partial funding of stipends for neurosurgeons and other trauma surgeons. (Related to Item 54)

54. Authorized entering into agreements with and to provide stipends for neurosurgeons and other trauma surgeons who take trauma calls, in an amount not to exceed \$3,084,000, with an option to extend for two (2) additional twelve (12) month periods at a cost of \$3,084,000 per option, for a total cost not to exceed \$9,252,000. (Funding included in the 1990-91 Brackenridge Hospital Operating Budget, including the \$200,000 budget amendment to decrease uncompensated care. Related to Item 53)

§53-54 ON MAYOR PRO TEM URDY'S MOTION, COUNCILMEMBER BARNSTONE'S SECOND, 7-0 VOTE. (FURTHER STUDY BY STAFF RE APPROPRIATE MEANS TO FINANCE)

55. Approved negotiation and execution of a contract with LIBERTY NURSING INC., 512 E. Riverside, Austin, Texas, BARTON CREEK INVESTMENTS, INC., dba BARTON CREEK HEALTH CARE, P.O. Box 161327, Austin, Texas; MEDICAL PERSONNEL POOL, 3500 Jefferson St., Austin, Texas, NURSES PLUS INC. (WBE), 911 W. 38th Street, Austin, Texas; and NORRELL HEALTHCARE, INC. 3724 Jefferson St., Austin, Texas, for the provision of supplemental temporary nursing personnel, at an

amount not to exceed \$4,412,200, including the option to extend the agreement for up to one twelve (12) month period in an amount not to exceed \$4,412,200, for a total cost not to exceed \$8,824,400. (Funding for this service was included in the FY 1990/91 Operating Budget for Brackenridge Hospital). 0% M/WBE Subcontractor participation. The prime did not identify any subcontracting opportunities. Reference File No. BCO-243.

56. Approved execution of a three (3) year contract with AVS FOOD SERVICES, INC., Buda Texas, for a Vending Machine Concession at Brackenridge Hospital, with the option to extend the contract for two (2) one (1) year periods, for an estimated revenue of \$73,800 per year or \$221,400 over the term of the contract. (Revenues will be placed in the Brackenridge Hospital Operating Fund). High bid of two (2) received. 0% M/WBE Subcontracting participation. The prime did not identify any subcontracting opportunities. Reference IFB No. 900769-3JR

§55-56 ON COUNCILMEMBER NOFZIGER'S MOTION, COUNCILMEMBER CARL-MITCHELL'S SECOND, 7-0 VOTE.

57. Approve execution of a twelve (12) month Service Agreement Contract with AMPCO PARKING, 2135 Gulf Central Drive, Houston, Texas, for management of the Brackenridge Hospital Parking Garage, for a net revenue of \$172,618 to the Hospital, with an option to extend for up to one (1) twelve (12) month period for a total estimated revenue of \$345,236. Best overall proposal of six (6) proposals. 7.05% MBE, 8.46% WBE Subcontractor participation.

POSTPONED TO DECEMBER 13, 1990

Brackenridge Hospital (Items 52-58) (continued)

58. Approved an amendment to extend the contract with EMERGENCY HEALTH SERVICES ASSOCIATES for an additional 12 month period to provide for emergency physicians services at Brackenridge Hospital, at an estimated cost not to exceed \$2,512,000. (Funding included in the 1990-91 Operating Budget for Brackenridge Hospital).

ON COUNCILMEMBER NOFZIGER'S MOTION, COUNCILMEMBER CARL-MITCHELL'S SECOND, 7-0 VOTE.

59. Approved execution of a contract with XEROX CORPORATION, 6836 Austin Center Blvd., Austin, Texas, to upgrade an existing Printer and to purchase a Xerox 9790 Printer and a dual cartridge tape storage system for printer support and backup capability, in an amount not to exceed \$1,587,994. (First year funding in the amount of \$100,000 included in the Information Systems Department; \$55,388 included in the Electric Utility Department; \$40,281 included in the Water and Wastewater Department; and \$5,035 included in the Aviation Department. Years two through five will be budgeted in the General Fund of the Information Systems Department). Sole Source. 0% M/WBE Subcontractor participation. The prime did not identify any subcontracting opportunities.

ON COUNCILMEMBER BARNSTONE'S MOTION, COUNCILMEMBER LARSON'S SECOND, 7-0 VOTE.

60. Approved execution of a twelve (12) month contract with PCS, INC., 501

E. Shea Blvd., Scottsdale, Arizona, for administration of a Pharmacy Preferred Provider Organization (PPO), in an estimated amount of \$62,500, with two (2) twelve (12) month extension options, in an estimated amount of \$62,500 per extension option, for a total amount of \$187,500. (Funding included in the Employee Benefits Fund). Best proposal of two (2). 0% M/WBE Subcontractor participation. The prime did not identify any subcontracting opportunities.

61. Approved execution of an amendment to the contract with PRUCARE OF AUSTIN, PRUDENTIAL HEALTH CARE PLAN, INC., and the CITY OF AUSTIN, to provide the adequate funding necessary to cover the cost of Health Maintenance Organization Services for City of Austin employees through 1990, in an estimated amount not to exceed \$40,000. (Funding available in the Employee Benefits Fund).

62. Approved execution of an amendment to the contract with PHYSICIAN'S CORPORATION OF AMERICAN (PCA) and the CITY OF AUSTIN, to provide the adequate funding necessary to cover the cost of Health Maintenance Organization Services for City of Austin employees through 1990, in an estimated amount not to exceed \$1,150,000. (Funding available in the Employee Benefits Fund).

63. Approved a resolution requesting that the State Legislature approve the amendment of Title 8, Government Code, Chapter 803, Proportionate Retirement Program, to allow the City of Austin Employee's Retirement System to participate.

#60-63 ON COUNCILMEMBER NOFZIGER'S MOTION, COUNCILMEMBER CARL-MITCHELL'S SECOND, 7-0 VOTE.

64. Approve an Interlocal Cooperation Agreement with Travis County to accept \$1,120,000 from the County for design and construction of a new City park in the Dove Springs community area.

POSTPONED TO DECEMBER 13, 1990

(FIRST APPROVED ON COUNCILMEMBER NOFZIGER'S MOTION, COUNCILMEMBER CARL-MITCHELL'S SECOND, 7-0 VOTE. MOTION TO RECONSIDER, ON COUNCILMEMBER LARSON'S MOTION, COUNCILMEMBER NOFZIGER'S SECOND, 7-0 VOTE. COUNCIL POSTPONED ITEM TO DECEMBER 13, 1990 BY UNANIMOUS ACCLAMATION.)

65. Approved an Interlocal Cooperation Agreement with Travis County to provide \$50,000 for use by the County toward construction of a new County park in the Windmill Run area of Southwest Austin. (Funding included in Windmill Run C.I.P. No. 833-867-0893).

ON COUNCILMEMBER NOFIZGER'S MOTION, COUNCILMEMBER CARL-MITCHELL'S SECOND, 7-0 VOTE.

90. Set a public hearing to approve the dedication of permanent and temporary easements across a portion of Walter E. Long Park to the Electric Utility Department for a natural gas pipeline and metering station to serve the Decker Creek Power Plat, in accordance with Sec. 26.001 et seq. of the Texas Parks and Wildlife Code. (Suggested date and time: January 10, 1990 at 4:30 P.M.)

NO ACTION

ITEMS FROM COUNCIL

91. Approved a resolution stating the intent of the City of Austin to strengthen requirements for wastewater discharge by amending the City's existing 10-15-2 permit with the Texas Water Commission by providing for average annual loading levels of 5-5-2 when the permit is up for renewal. (Councilmembers Epstein and Barnstone)

ON COUNCILMEMBER LARSON'S MOTION, COUNCILMEMBER BARNSTONE'S SECOND, 7-0 VOTE.

PUBLIC HEARINGS AND APPROVAL OF ORDINANCES/RESOLUTIONS

66. 5:00 P.M. - Social Services Contract Funding. (Councilmember Smoot Carl-Mitchell)

POSTPONED TO DECEMBER 13, 1990 AT 6:00 P.M.

67. 5:30 P.M. - (A) Amend Title XIII of the Austin City Code of 1981, to institute the Development System Improvements (DSI) relating to notice and appeal procedures, administrative approvals of certain applications required under the Land Development Code; and approval of Ordinance.

Motion

Councilmember Carl-Mitchell made a motion, seconded by Councilmember Nofziger to close the public hearing. (7-0 Vote)

Motion

Councilmember Carl-Mitchell made a motion to move approval of the Planning Commission recommendation on item 67 (A) with one change, "if interested parties are registered at the time of staff approval of the site plan, allow for a hearing date to be automatically established at the second Council meeting day after the 14-day appeal period. Notify only interested parties of these hearings at the time of approval. If no interested parties have appealed the plan after the 14-day appeal period and are not attending the hearings, the appeal will be automatically withdrawn."

Councilmember Nofziger seconded the motion.

Substitute Motion

Councilmember Larson made a substitute motion to approve staff recommendation. Mayor Cooke seconded the motion.

Friendly Amendment - Accepted

Mayor Pro Tem Urdy offered a friendly amendment to eliminate administrative variances and reinstate notices, not appeal. The friendly amendment was accepted.

Friendly Amendment - Not Accepted

Councilmember Epstein offered a friendly amendment to add a notice and appeal process to the motion that would provide for an appeal period of 14 days following approval of the site plan and then posting for action on the Council agenda for the next meeting. Amendment was not accepted.

Roll Call on Substitute Motion with Friendly Amendment

4-3 Vote, Councilmembers Carl-Mitchell, Epstein and Nofziger voted No. MOTION PASSED FIRST READING ONLY.

(B) Establish fees under Section 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.

Motion

The Council, on Councilmember Carl-Mitchell's motion, Mayor Cooke's second, approved the ordinance (B) on a vote of 7-0.

68. 6:00 P.M. - Annexation of the North Central Austin Growth Corridor Municipal Utility District (NCAGC MUD) and four outlying parcels.

CONTINUE PUBLIC HEARING TO DECEMBER 13, 1990 AT 7:00 P.M., ON COUNCILMEMBER CARL-MITCHELL'S MOTION, COUNCILMEMBER NOFZIGER'S SECOND, 4-0 VOTE, COUNCILMEMBERS BARNSTONE, EPSTEIN AND NOFZIGER OUT OF THE ROOM.

69. 6:30 P.M. - Vacation of a portion of the southeast corner of Farmer Lane and MoPac (2501 Farmer Lane); and approval of Ordinance.

EMERGENCY PASSAGE OF ORDINANCE, ON MAYOR PRO TEM URDY'S MOTION, COUNCILMEMBER NOFZIGER'S SECOND, 6-0 VOTE, COUNCILMEMBER EPSTEIN OUT OF THE ROOM.

70. 7:00 P.M. - Water quality in the Colorado River below Austin. (Councilmember Smoot Carl-Mitchell)

NO ACTION

71. 7:30 P.M. - Amendment to the Land Development Code requiring restaurants and cocktail lounges to provide parking for outdoor seating areas. (This item will be postponed to December 13, 1990).

POSTPONED TO DECEMBER 13, 1990, AT 7:30 P.M., ON COUNCILMEMBER CARL-MITCHELL'S MOTION, COUNCILMEMBER NOFZIGER'S SECOND, 4-0 VOTE, COUNCILMEMBERS BARNSTONE, EPSTEIN AND NOFZIGER OUT OF THE ROOM.

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

ZONING DISTRICTS

Recommended As Requested:

72. C14-90-0066 - FRANKLIN FEDERAL BANCORP., by Mathias Company, Jollyville

Road and Pavilion Boulevard, from "GR, LO" to "P".

ORDINANCE

73. C14-90-0068 - AUSTIN WHITE LINE COMPANY, by Bury & Pittman, Inc., F.M. 620 North and West Farmer Lane, from "DR" to "GR".

ORDINANCE

#72-73 ON COUNCILMEMBER CARL-MITCHELL'S MOTION, COUNCILMEMBER LARSON'S SECOND, 4-0 VOTE, MAYOR PRO TEM URDY, COUNCILMEMBERS BARNSTONE AND NOFZIGER OUT OF THE ROOM.

Recommended As Requested, With Conditions:

74. 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."

FIRST READING, ON COUNCILMEMBER LARSON'S MOTION, MAYOR COOKE'S SECOND, 4-3 VOTE COUNCILMEMBERS BARNSTONE, CARL-MITCHELL AND NOFZIGER VOTED NO. - APPROVE AS RECOMMENDED WITH VEGETATION BUFFER, 175' OF CENTER LINE OF CREEK, 13 BUILDINGS 15 UNITS EACH, DEDICATE LAND AS PARKLAND, \$5000 IMPROVEMENTS TO PARK.

75. C14-90-0058 - MCNEIL 10, by Consort, Inc., 12007 Technology Blvd., from "GR" to "LI". Planning Commission Recommendation: "LI" subject to right-of-way reservation.

FIRST READING, ON COUNCILMEMBER BARNSTONE'S MOTION, COUNCILMEMBER CARL-MITCHELL'S SECOND, 6-0 VOTE, MAYOR PRO TEM URDY OUT OF THE ROOM.

76. C14-90-0063 - STEVEN RANDELL JUNG, BY Consort, Inc., 4708 S. Lamar Blvd., from "SF-2" to "GR". Planning Commission Recommendation: "GR" limited to a .05 floor-to-area ratio.

ORDINANCE, ON MAYOR PRO TEM URDY'S MOTION, COUNCILMEMBER LARSON'S SECOND, 5-0 VOTE, COUNCILMEMBERS CARL-MITCHELL AND EPSTEIN OUT OF THE ROOM.

To Be Heard by Planning Commission on December 4, 1990; Recommendation to Follow

77. C14-90-0059 - PANTHER AND SOUTH LAMAR, by Site Specifics, 3607-3725 S. Lamar Blvd., 2200-2400 Panther Trail, from "LR", to "GR and MF-2." Alternate Recommendation: Tract 1: "GR-CO", Tract 2: "MF-2".

FIRST READING ON COUNCILMEMBER BARNSTONE'S MOTION, COUNCILMEMBER CARL-MITCHELL'S SECOND, 6-0 VOTE, MAYOR PRO TEM URDY OUT OF THE ROOM.

78. GHW-90-0002 - NEW LIFE RENEWAL CENTER, by Erick W. Evans, 2904 Sweeney Lane.

(Group Home Waiver).

POSTPONED TO DECEMBER 13, 1990 AT 4:00 P.M.

To Be Heard by Planning Commission on December 11, 1990; Recommendation to Follow

79. C814-74-013 - LAKEWOOD SECTION 5-A (PUD), by Leon Thompson, 7505-7621 Lakewood Drive. (Planned Unit Development Ordinance Amendment).

POSTPONED TO DECEMBER 13, 1990 AT 4:00 P.M.

EXECUTIVE SESSION (No Public Discussion on These Items)

Mayor Cooke 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.

80. Land Acquisition - Section 2, Paragraph f

(a) Review and discussion of Easement and Right of Way acquisition
for:

(1) Montopolis Drive Improvement Project
a. Parcel # 2950.14

(2) U.S. Highway 183/290 Project
a. Account #8014-1-58

(b) Discussion of purchase of property for central computer facility and related relocation of City offices.

81. Pending/Contemplated Litigation - Section 2, Paragraph e

(a) Review and discuss 1990 Brackenridge Tract Property Settlement Agreement with the University of Texas system; Related Lease Amendment with the Lower Colorado River Authority (LCRA).

(b) Review and discuss wastewater Discharge Permit Renewals before the Texas Water Commission.

(c) Discussion of City of Austin v. East Austin Chicano Development Corporation, Cause No. 383,839.

(d) Discussion of Ernest Lopez, Jr. et al v. Austin Police Department et al, Civil Action No. A90 CA 994.

(e) Discussion of Barton Creek Properties, Inc., v. City of Austin (appeal to Texas Water Commission).

(f) Discussion of Houston Lighting and Power v. City of Austin, CA: 87-S-0403-C, in 130th Judicial District Court, Matagorda County, Texas.

(g) Discussion of Houston Lighting and Power v. City of Austin: CA: 87-S-0616-C, in 130th Judicial District Court, Matagorda County, Texas.

(h) Contemplated litigation concerning claims associated with the Waste-to-Energy Plant.

(i) Discussion of The City of San Antonio, Texas et al. v. Westinghouse Electric Corporation, et al., No. 90-5-0684-C, in the 130th District Court of Matagorda County, Texas.

(j) Discussion of the City of Austin v. Bevill, Bresler and Schulman.

ACTION ON THE FOLLOWING

82. Approved a resolution authorizing execution of 1990 Lease Amendments with the Lower Colorado River Authority for properties near Tom Miller Dam.

ON COUNCILMEMBER CARL-MITCHELL'S MOTION, COUNCILMEMBER LARSON'S SECOND, 6-0 VOTE, COUNCILMEMBER NOFZIGER OUT OF THE ROOM.

83. Authorized action on City of Austin v. East Austin Chicano Economic Development Corporation, Cause No. 383,839.

ON COUNCILMEMBER EPSTEIN'S MOTION, COUNCILMEMBER LARSON'S SECOND, 5-0 VOTE, COUNCILMEMBER CARL-MITCHELL AND MAYOR PRO TEM URDY OUT OF THE ROOM.

84. Approved resolutions authorizing Easement and Right of Way Acquisition for:

(1) Montopolis Drive Improvement Project
a. Parcel #2950.14

(2) U.S. Highway 183/290 Project
a. Account #8014-1-58

ON COUNCILMEMBER CARL-MITCHELL'S MOTION, COUNCILMEMBER LARSON'S SECOND, 6-0 VOTE, COUNCILMEMBER NOFZIGER OUT OF THE ROOM.

85. Authorize execution of a settlement agreement between Austin and Houston Lighting & Power Company to settle Houston Lighting & Power Company vs. City of Austin, Texas, No. 87-S-0616-C and Houston Lighting & Power Company vs. City of Austin Texas, No. 87-S-0403-C.

NO ACTION

86. Approve payment of termination claim filed by Kone-Landel, Inc. associated with the Waste-to-Energy Plant.

NO ACTION

87. Authorize execution of agreements with the law firms of Haynes and Boone and Fulbright & Jaworski to represent the City of Austin in The City of San Antonio, Texas et al vs. Westinghouse Electric Corporation, et al., No. 87-S-0684-C, in the 130th District Court of Matagorda County, Texas.

NO ACTION

88. Approve an Ordinance authorizing the appropriation of \$22,500 from the General Fund Contingency Reserve to settle the City of Austin v. Bevill, Bresler and Schulman.

ON COUNCILMEMBER CARL MITCHELL'S MOTION, COUNCILMEMBER LARSON'S SECOND, 6-0 VOTE, COUNCILMEMBER NOFZIGER OUT OF THE ROOM.

89. APPOINTMENTS

ELECTRIC UTILITY COMMISSION - (1)
Hector DeLeon

PLANNING COMMISSION - (1)
Darrell Pierce

URBAN TRANSPORTATION COMMISSION - (4)
Patricia holtman, Michael Simmons-Smith, George Wellington
Smith, Alice Wightman

ADJOURN

4:00 A.M. December 7, 1990