



Austin City Council MINUTES For

NOVEMBER 15, 1990 - 1:00 P.M.

Mayor Cooke called to order the meeting of the Council, noting the absence of Councilmember Carl-Mitchell, who was in Japan on personal business, and Councilmember Barnstone, who arrived at 2:40 P.M.

MINUTES APPROVED

1. Approved Minutes for Regular Meeting of November 8, 1990

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

1:00 P.M. - CITIZEN COMMUNICATIONS

2. Mrs. Sue Schorer, to address current City issues, was not present.
3. Mr. James Allman discussed single family homes and permit acquisition with reference to development streamlining proposal.
4. Mr. Jimmy Jalapeeno (A.J. Bonar) discussed Art in Public Places program.
5. Mr. Bill Gilstrap, to discuss Anti-Apartheid Ordinance, did not appear.
6. Sister Mary Bernard Neulie discussed World Events.
7. Mr. Pericles Criss, to discuss appropriating parking between 11th & 12th and Colorado Street and assignment of same to legislators, was not present.
8. Mr. David N. Elliott discussed current City issues.
9. Mr. Thom Prentice discussed City issues.
10. Mr. R. Luthor Carpenter discussed issues regarding open government and mismanagement.
11. Mr. Leonard Lyons discussed citizen communications to and from City Council.

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

12. Bergstrom Air Force Base Task Force (Related to Item 19)
Report was given by Jim Steed.

ITEMS CONTINUED FROM PREVIOUS MEETING

Homeless Services (Items 13-14)

13. Amended the 1990-91 Operating Budget by reappropriating \$183,800 budgeted for Homeless Services in the 1989-90 Operating Budget; and, approve the allocation of these funds for a Homeless Resource Center and a Homeless Health Clinic. (Recommended from the Sixth Street Subcommittee)

On Mayor Pro Tem Urdy's motion, Councilmember Nofziger's motion, 6-0 Vote, Councilmember Carl-Mitchell absent.

14. Approved a twelve (12) month contract with HELPING OUR BROTHERS OUT, INC., (HOBO), 211 West 5th Street, Austin, Texas, for the provision of daytime shelter and other support services for the homeless, in an amount not to exceed \$115,000.

BEFORE THE CONTRACT IS SIGNED STAFF IS TO WORK WITH CONCERNS, I.E THE ADJOINING FACILITY, HOBO'S STAFF RESPONSE TO CLIENTS, FREE PHONE, ETC.

On Councilmember Nofziger's motion, Mayor Cooke's second, 6-0 VOTE, Councilmember Carl-Mitchell absent.

15. Approve a resolution supporting Texas Municipal League's amendments to the Municipal Civil Service Act. (Mayor Lee Cooke and Councilman Robert Barnstone)
Pulled from Agenda

16. Approved amendments to Chapter 10-5 (Renaissance Market) and fee increases to vending licenses currently held. (Councilmember Michael "Max" Nofziger)

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

ORDINANCES

17. Approved an amendment to the Austin City Code to modify the following Speed Zones:

11-2-100 (b) 40 mph
Delete: West Braker Lane from Parkfield Drive to Burnet Road

11-2-100 (c) 45 mph
Delete: Braker Lane from Research Boulevard (US 183) to Burnet Road (FM 1325)

11-2-100 (b) 40 mph
Add: West Braker Lane from Jollyville Road to Research Boulevard (U.S. 183)

11-2-100 (c) 45 mph

Add: West Braker Lane from Research Boulevard (U.S. 183) to North Lamar Boulevard (Loop 275)

On Councilmember Epstein's motion, Mayor Pro Tem Urdy's second, 5-0 Vote, Councilmembers Barnstone and Carl-Mitchell absent.

18. Approve 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 is provided to the City.

Pulled from Agenda

19. Amended the Department of Aviation Operating Budget to provide funding for the Bergstrom Air Force Base Economic Conversion Task Force. (Requested by the Bergstrom Air Force Base Task Force) [Related to Item 12]

On Councilmember Barnstone's motion, Councilmember Nofziger's second, 5-1-0 Vote, Mayor Pro Tem Urdy voted No, Councilmember Carl-Mitchell absent.

Convention Center (Items 20-24)

20. Amended Ordinance No. 890914-A by transferring \$371,984 from the Convention Center Operating Reserve Fund to the Convention Center Operating Fund and appropriating \$371,984 for City staff support charges and marketing of the Convention Center.

21. Amended Ordinance No. 900913-D by transferring \$613,016 from the Convention Center Operating Reserve Fund to the Convention Center Operating Fund and appropriating \$613,016 for City staff support charges and marketing of the Convention Center.

#20-21 On Councilmember Barnstone's motion, Councilmember Epstein's second, 6-0 Vote, Councilmember Carl-Mitchell absent.

22. Authorized the use of funds in the amount of \$200,000 previously designated for art for art work for the Convention Center Project for construction of the Convention Center Project. (Funding included in C.I.P. Project No. 493 827 1000 - Convention Center Bonds). [Recommended by the Convention Center Subcommittee]

As Amended, on Councilmember Barnstone's motion, Councilmember Epstein's second, 5-1 Vote, Councilmember Nofziger voted No, Councilmember Carl-Mitchell absent.

RESOLUTIONS

23. Approved a Change Order to the construction contract (Bid Package IV) between the City of Austin and Hogan Demolition Company, P.O. Box 50443, Austin,

Texas in the amount of \$11,840 for Austin Convention Center, C.I.P. Project No. 493-827-1000. (Funding included in CIP No. 493 827 1000 - Convention Center Bonds).

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

24. Approved a construction contract to SPAW-GLASS/CAHABA, for the Main Building Package (Bid Package XI) relating to the Convention Center, CIP Project No. 493 827 1000, in the amount of \$40,480,000; Execution of the contract is subject to an audit of insurance costs and appropriate credit pursuant to bid document agreement. (Funding included in C.I.P Project No. 493 827 1000 - Convention Center Bonds). Low bid of three (3) bids. 18.97% MBE, 6.60% WBE Subcontractor participation.

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

Eminent Domain: U.S. 183 (Items 25-27)

25. Authorized filing of Eminent Domain Proceedings to acquire a Water and Wastewater Easement containing 2,124 square feet of land out of Lot A, Rio Subdivision in Austin, Travis County, Texas owned by Guaranty Federal Savings Bank for the U.S.Highway 183 Improvement Project.

26. Authorized the filing of Eminent Domain Proceedings to acquire title to 4.499 acres of land; a Drainage Easement in, along, upon and across three tracts containing a total of 0.643 acre of land; and a water and wastewater easement in, along, upon and across two tracts containing a total of 27,777 square feet of land out of the James D. Goode Survey No. 30 in Austin, Travis County, Texas, owned by Texas Instruments, Incorporated for the U.S. Highway 183 Improvement Project.

27. Authorized the filing of Eminent Domain Proceedings to acquire title to 3.928 acres of land; a Drainage Easement in, along, upon and across two tracts containing a total of 0.128 acre of land; a Wastewater Easement containing 1,514 square feet of land; and a Waterline Easement containing 5,257 square feet of land out of the F.G. Secrest Survey No. 23, Abstract No. 725 in Austin, Travis County, Texas, owned by Minnesota Mining and Manufacturing Company, fka APC Industries, Inc., fka Communications Research Company and the City of Austin for the U.S. Highway 183 Improvement Project.

28. Authorized release of the Drainage and Public Utility Easement recorded in Book 6, Travis County Property Records (TCPR), and release of a 5' x 40' anchor easement and a 5' easement described in Book 12, page 12, Travis County Plat Records, and a 5' easement located on the south property line described in Restrictive Covenant Volume 1410, Page 518, Real Property Records Travis County, (RPRTC), located on Lot 19, Block A of Eubank Acres Section 2 (12001 Oakwood). [Request submitted by Real Estate Services Division of the City of Austin on behalf of the property owner, Clark Titus - \$250 application fee has been waived.]

29. Authorized release of a portion of the 12.5' Public Utility Easement and Drainage Easement of record in Book 84, Page 82B and 82C Travis County Property

Records (TCPR), located on Lot 16, Block H, Northwest Hills, Lakeview III, locally known as 4300 Wild Plum Court. (Request submitted by Frederick Hartman Incorporated on behalf of Ravi Venkatrao - \$250 application fee has been paid)

#25-29 on Councilmember Nofziger's motion, Councilmember Larson's second, 4-0 Vote, Mayor Pro Tem Urdy out of the room, Councilmembers Barnstone and Carl-Mitchell absent.

30. 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 - \$250.00 application fee has been paid. No annual fee will be assessed since the encroachment enhances the right of way.)
Pulled from agenda

31. Approved a contract award to TEXAS INDUSTRIES FOR THE BLIND AND HANDICAPPED, 314 Highland Mall Blvd., Suite 258, Austin, Texas, for Vegetation Control in detention/water quality ponds, in the amount of \$31,053.81. (Funding included in the Drainage Operating Budget of the Public Works and Transportation Department).

32. Approved a contract award to TEXAS INDUSTRIES FOR THE BLIND AND HANDICAPPED, 314 Highland Mall Blvd., Suite 258, Austin, Texas, for vegetation control in creeks, in the amount of \$382,656.86. (Funding included in the Drainage Operating Budget of the Public Works and Transportation Department).

33. Approved a construction contract award to KEYSTONE CONSTRUCTION INC., 5806 Bee Caves Road, Austin, Texas, for the Lakewood Park Subdivision Water Improvements, in the amount of \$66,257. (Funding included in C.I.P. No. 388-227-077 - Water Services to Annexed Area Funds). Low bid of five (5) bids. 0% M/WBE Subcontractor participation. 3.01% MBE, .747% WBE Subcontractor participation. Bid Invitation No. 90- 0929-2-RW

34. Approved execution of a contract award to MEDLINE, 4525 Joseph Hardin Drive, #103, Dallas, Texas, for Admission Care Kits at an annual estimated cost not to exceed \$125,491 with one (1) twelve (12) month extension option at an annual estimated cost not to exceed \$125,491, for a total estimated amount not to exceed \$250,982. (Funding included in the 1990-91 Operating Budget for Brackenridge Hospital). Low bid of five (5) bids. 0% M/WBE Subcontractor participation. The prime did not identify any subcontracting opportunities. Reference File No. BSO-220.

35. Approved execution of contract awards for bandages, sponges and gauze to SOUTHERN SAFETY SALES, P.O. Box 4065, Austin, Texas, for at total cost not to exceed \$63,724, and KENDALL HEALTHCARE, 15 Hampshire St., Mansfield, Massachusetts, for a total cost not to exceed \$51,219 with one twelve (12) month extension option at a cost not to exceed \$63,724 to SOUTHERN SAFETY SALES, and \$51,219 to KENDALL HEALTHCARE, for a total estimated cost not to exceed \$229,886. (Funding included in the 1990-91 Operating Budget for Brackenridge Hospital). Low bid of eleven (11) bids. 0% M/WBE Subcontractor participation. The prime did not identify any subcontracting opportunities. Reference File No. BSO-223.

36. Approved execution of a contract with DAVIS TRUCK AND EQUIPMENT, CO., INC., 4300 Hwy. 90 East, San Antonio, Texas, for a twelve month supply agreement

for repair parts for Heil Refuse Trucks, in an amount not to exceed \$60,000 with the option to extend thereafter for up to two (2) additional twelve (12) month extension periods in an amount not to exceed \$60,000 for each period, for a total amount not to exceed \$180,000. (Funding included in the 1990-91 Operating Budget for the General Services Department). Low bid of two (2) bids. 0% M/WBE Subcontractor participation. The prime did not identify any subcontracting opportunities. Reference No. 900875-1L

37. Approved execution of a contract award with POWER SUPPLY OF AUSTIN, INC., 9804 Gray Blvd., Austin, Texas, for a twelve (12) month supply agreement for lights and associated replacement parts, in an amount not to exceed \$82,075. (Funding included in the 1990-91 Operating Budget for General Services Department). Low bid of five (5) bids. 0% M/WBE Subcontractor participation. The prime did not identify any subcontracting opportunities.

38. Approved execution of a contract with LINDSAY OFFICE PRODUCTS, INC., 7521 N. Lamar, Austin, Texas, for a twelve (12) month supply agreement for the purchase of office supplies, in an estimated amount of \$838,767. (Funding included in the 1990-91 Operating Budget for the General Services Department). Low bid of five (5) bids. 0% M/WBE Subcontractor participation. Reference File No. 900617-1B0.

§31-38 on Councilmember Nofziger's motion, Councilmember Larson's second, 4-0 Vote, Mayor Pro Tem Urdy out of the room, Councilmembers Barnstone and Carl-Mitchell absent.

39. Authorized and approved use of professional search firms for Brackenridge Hospital on a contingency fee basis to recruit for direct patient care and other critical positions. No fee to any recruitment firm will exceed \$29,000 without Council approval. (Funding included in the 1990-91 Operating Budget for Brackenridge Hospital.)

40. Approved an Interlocal Agreement with Northwest Travis County Road District No. 2 for integration of a Storm Sewer System originating at Burnet Road (FM 1325) and extending to the City Regional Pond at Metric Boulevard, at a cost of \$260,000, plus a 10% contingency fee to be used if the City's contribution is insufficient to fund the project. (Funding included in CIP and in Little Walnut Regional Stormwater Management Funds).

41. Authorized the negotiation and execution of an exchange of a part of the City's interest in Reilly Playground for a portion of Austin Independent School District's Sanchez Playground and the relocation of the playground equipment.

42. Authorized application to the the Texas Water Commission to combine and amend the City's existing water rights under Certificates of Adjudication Nos. 14-5471, and 14-5490. (City's cost is between \$100 and \$400 depending on Texas Water Commission notice requirements. Funding included in the 1990-91 Water and Wastewater Utility Operating Budget).

43. Extended the agreement for professional services with Bickerstaff, Heath & Smiley, to provide legal services for the cost of completing the appeal at the Court of Appeals level in State of Texas and City of Austin v. Westgate Ltd, et al, in an amount not to exceed \$10,500. Total amount of agreement equals \$38,500.00.

#39-43 on Councilmember Nofziger's motion, Councilmember Larson's second, 4-0 Vote, Mayor Pro Tem Urdy out of the room, Councilmembers Carl-Mitchell and Barnstone absent.

PUBLIC HEARINGS AND APPROVAL OF ORDINANCES/RESOLUTIONS

44. 5:30 P.M. - Conduct a public hearing to discuss cancellation of the Hoeke Lane Capital Improvement Project (Rodriguez) to create a child care facility project funded by 14th Year Community Development Block Grant Funds.

Speaker's cards on file in the City Clerk's office.

Public hearing closed, on Councilmember Epstein's motion, Mayor Pro Tem Urdy's second, 6-0 Vote, Councilmember Carl-Mitchell absent.

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

ZONING DISTRICTS

45. C814-90-0-0002 - CARPENTER DEVELOPMENT CO., by Lichliter/Jameson & Associates, Bois D'Arc Lane and E. U.S. Highway 290, from "Unzoned" to "PUD/ETJ". Planning Commission Recommendation: Forward to City Council without a recommendation due to lack of a quorum vote.

Speaker's cards on file in the City Clerk's office.

Public hearing closed, on Councilmember Epstein's motion, Councilmember Barnstone's second, 6-0 Vote, Councilmember Carl-Mitchell absent. ACTION ON NOVEMBER 29, 1990.

Recommended as Requested:

46. C14r-84-328 - LARRY NEIMAN, by Larry Neiman, 13850, 13858 & 13862 U.S. Highway 183 North, from "CS" to "CS". Request to delete site plan as condition of zoning. **ORDINANCE**

Recommended as Requested, With Conditions:

47. C14r-85-313 - ROGER JOSEPH PROPERTIES, INC., by Scott Young, Northwest Corner of U.S. Highway 183 North and Cameron Road, from "GR" to "GR-CO". Request to delete site plan as condition of zoning. **FIRST READING**

To Be Heard by the Planning Commission on November 13, 1990; Recommendation to Follow:

48. C14-90-0060 - THOMPSON LITHO SUPPLY, by Minter, Joseph & Thornhill, 5116-5130 Berkman Drive, from "MF-2" to "LI" and "RR". **FIRST READING**

#46-48 on Councilmember Epstein's motion, Mayor Cooke's second, 5-0 Vote, Mayor Pro Tem Urdy out of the room, Councilmember Carl-Mitchell absent.

ITEMS FROM COUNCIL

49. 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] (Related to Item 45)

Postponed to November 29, 1990

50. Approve waiving fees for the use of Palmer Auditorium for a "Feast of Sharing" to feed the Homeless on November 20, 1990. (Mayor Lee Cooke and Councilman Bob Larson)

Proceed with dinner and if fees cannot be funded with private funds, then bring an ordinance back on November 29, 1990 to take money out of Contingency Fund, on Councilmember Larson's motion, Mayor Cooke's second, 6-0 Vote, Councilmember Carl-Mitchell absent.

51. Received an interim report on development of an ozone depletion ordinance and postponed hearing a report from the Technical Review Task Force to December 13, 1990. (Councilmember Michael "Max" Nofziger)

Report was given to Council by Roger Duncan.

52. Established a City Council Subcommittee on Brackenridge Hospital and related health care issues. (Mayor Lee Cooke)

On Councilmember Nofziger's motion, Mayor Pro Tem Urdy's second, 6-0 Vote.

53. Amended the Hospital Board Ordinance to make the Vice-Chief of the Medical Staff an ex-officio member of the Board. (Mayor Lee Cooke)

On Councilmember Barnstone's motion, Mayor Pro Tem Urdy's second, 6-0 Vote, Councilmember Carl-Mitchell absent.

EXECUTIVE SESSION

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.

54. Land Acquisition - Section 2, Paragraph ph

- (a) Discuss acquisition of 16.327 acres of land in Sector 10 (Dove Springs Subdivision) for park and recreational purposes.

ACTION ON THE FOLLOWING

55. Authorized negotiation and execution of a contract for the acquisition of 16.327 acres of land in Sector 10 (Dove Springs Subdivision) for park and recreational purposes in an amount not to exceed \$171,500.00. (Funding

available in the Parkland Acquisition Account of the Parks and Recreation Department).

On Councilmember Barnstone's motion, Councilmember Larson's second, 6-0 Vote, Councilmember Carl-Mitchell out of the room.

56. APPOINTMENTS

BERGSTROM ECONOMIC CONVERSION TASK FORCE - (1)

Nash Martinez

ELECTRIC UTILITY COMMISSION - (6)

James Cash

Carlos Cardenas

Jim Smith

Karen Young

Neal Kocurek

Shudde Fath

MH/MR BOARD OF TRUSTEES - (1)

Michelle Brinkman

ADJOURN

The meeting was adjourned at 8:47 P.M.