



**Austin City Council
MINUTES
For**

NOVEMBER 29, 1990

MEETING CALLED TO ORDER - 2:00 P.M.

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

1. Approved Minutes for Regular Meeting of November 15, 1990

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

2:00 P.M. - CITIZEN COMMUNICATIONS

2. Mrs. Sue Schorer, to discuss Current City Issues. Did not appear.
3. Mr. James Allman discussed development streamlining.
4. Mr. John R. Metcalf discussed inaccurate statements and wrong entries made by the Police Department with regard to his driving record.
5. Mr. Bruce A. Loyer discussed support of the Drug Free Workplace Ordinance.
6. Mr. David Elliott discussed Current City Issues.
7. Mr. Thom Prentice discussed City Issues.
8. Mr. R. Luthor Carpenter discussed open government and mismanagement.
9. Mr. Gavino Fernandez requested that a Spanish version of the Personnel Policies be made available to City employees.
10. Mr. Lance Winters addressed inequitable and subjective standards in the proposed Personnel Policies, and the effect the new policies are having on City employee morale.
11. Mr. Greg Powell discussed Employee Relations.

CITY MANAGER REPORT (No Austin Housing Finance Corporation meeting scheduled)

12. Monthly Housing Status Report

Report was presented by Gene Watkins, Director, Housing and Community Services.

ITEMS CONTINUED FROM PREVIOUS MEETING

13. Approved execution of a License Agreement for Reservation and use of Auditorium Shores with Austin Aqua Festival, Inc.

Motion

Councilmember Carl-Mitchell made a motion, seconded by Councilmember Nofziger to postpone action until January 10, 1990.

After discussion, the following motion was made:

Motion to Call Question

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

Substitute Motion

Councilmember Larson offered a substitute motion, seconded by Mayor Cooke to approve execution of a License Agreement for reservation and use of Auditorium Shores with Austin Aqua Festival, Inc., to stop music at 12:30 A.M. on Thursday, Friday and Saturday, to cease serving alcohol at 1:00 A.M. and to cease festivities at 2:00 A.M.

Friendly Amendment

Councilmember Epstein offered a friendly amendment to commit 50% of the revenue for improvements to Auditorium Shores and 50% to be used at the Parks Director's discretion and amend the last sentence of Paragraph 3 so that the contract does not conflict with the Town Lake Comprehensive Plan. (She also mentioned the parking and towing ordinance but was told that would have to come back to Council) Councilmember Larson and Mayor Cooke accepted the friendly amendment.

Friendly Amendment

Councilmember Nofziger offered a friendly amendment to set a forty day maximum for use of auditorium shores, which includes set-up and event days themselves, and to limit the use of Zilker Park to two days. Councilmember Larson added that anything over forty days 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 Larson and Mayor Cooke accepted the friendly amendment.

Roll Call on Substitute Motion

5-2 Vote, Councilmembers Carl-Mitchell and Nofziger voted No.

14. 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.

POSTPONED TO DECEMBER 6, 1990

15. Approved an Ordinance amending the FY 1990-91 Operating Budget by decreasing expenditures in the Parks and Recreation Dept. by \$7,500 and decreasing revenues by \$6,235, and appropriating \$15,060 in revenues and expenditures for the Renaissance Market in the Parks and Recreation Department Trust and Agency Account.

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

16. 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 CB14-90-0002, 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 DECEMBER 6, 1990

17. Consider an Ordinance excluding from Austin's Extraterritorial Jurisdiction, the land included in the application for approval of the Manor Industrial Airport PUD-ETJ (CB14-90-0002). [Councilman Robert Barnstone] (Related to Item 16)

POSTPONED TO DECEMBER 6, 1990

18. 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).

POSTPONED TO DECEMBER 6, 1990

19. Adopt an ordinance revising City of Austin Personnel Policies. (Related to Item 23)

On Councilmember Barnstone's motion, Mayor Cooke's second, FAILED on a vote of 3-4 with Councilmembers Carl-Mitchell, Epstein and Nofziger and Mayor Pro Tem Urdy voting No.

20. Approve 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)

POSTPONED TO DECEMBER 6, 1990

21. Approve the selection of Bonita Inc./Salas Concessions, Joint Venture, Sub-concessionaire, for Dobbs House, Inc., per the Dobbs/Lease Concession Agreement.

POSTPONED TO DECEMBER 6, 1990

ORDINANCES

22. Approve allocation of \$5,064.10 from the 1990-91 Social Services homeless

allocation to pay the fees for the "Feast of Sharing."

POSTPONED TO DECEMBER 6, 1990

23. Approve an Ordinance establishing rules and procedures implementing the drug testing policies established in the City of Austin Personnel Policies. (Related to Item 19)

PULLED OFF

Year End Budget Adjustments (Items 24-25)

24. Amend 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]

PULLED OFF

25. Amend 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).

PULLED OFF

RESOLUTIONS

26. Approved execution of a twelve (12) month contract with ERICSSON GE MOBILE COMMUNICATIONS, 1524 S. IH-35, Austin, Texas, for the purchase of radio repair parts required for the repair and maintenance of radio and communication services, in an estimated amount not to exceed \$45,000 with two (2) twelve (12) month extension options in the estimated annual amount not to exceed \$45,000 per option period, for a total estimated amount not to exceed \$135,000. (Funding included in the 1990-91 Operating Budget for General Services Department). Low bid of two (2) bids. OX M/WBE Subcontractor participation. The prime did not identify any subcontracting opportunities. Reference File No. 900768-3RF.

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

27. Approve execution of a contract with BRUNING COMPANY, 4930 Research Drive, San Antonio, Texas, for a twelve (12) month supply agreement for the purchase of blue-line and blackline paper for use in drafting requirements, in an amount not to exceed \$53,700, with an option to extend for up to one (1) twelve (12) month period in an amount not to exceed \$53,700, for a total amount not to exceed \$107,400. (Funding included in the 1990-91 Operating Budget for General Services Department). Low bid of two (2) bids. OX M/WBE Subcontractor

participation. The prime did not identify any subcontracting opportunities. Reference File No. 900835-1CM.

POSTPONED TO DECEMBER 6, 1990

28. Approved execution of a contract award with POWER SUPPLY OF AUSTIN, INC., Austin, Texas, for the purchase of station post insulators, in an amount of \$60,914. (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. Reference File No. 900867-1RD.

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

29. Approved a construction contract award to AUS-TEX PLUMBING, HEATING AND AIR CONDITIONING, INC., 7031 U.S. Highway 290 East, Austin, Texas, for replacement of Hot Water Generator #1 at Brackenridge Hospital, in an amount not to exceed \$57,002. (Funding included in the 1990-91 Brackenridge Hospital Capital Equipment Budget). Low bid of two (2) bids. 2.4% MBE, 0% WBE Subcontractor participation.

30. Approved execution of a contract with WEATHER-RITE of Austin, 4606 Burlason Road, Austin, Texas, for weatherization service for low-to-moderate income households in the Southern Union Gas and City of Austin Electric Utility Service area, in an estimated amount not to exceed \$145,000. (Funding included in the 1990-91 Operating Budget for the Environmental and Conservation Services Department). Low bid of nine (9) bids. 0% M/WBE Subcontractor participation. The prime did not identify any subcontracting opportunities. Reference File No. 900808-3RF.

#29-30, on Councilmember Epstein's motion, Councilmember Larson's second, 6-0 Vote, Councilmember Barnstone out of the room.

31. Approved a Supplemental Amendment to the Professional Services Agreement between the City of Austin and ACENTECH INC., 125 Cambridge Park Drive, Cambridge, Massachusetts, to provide engineering/architectural services for the sound insulation of three public schools near Robert Mueller Municipal Airport, in the amount of \$127,000. (Funding included in C.I.P. No. 881-817-0510. The project is eligible for 75% funding participation by the U.S. Department of Transportation, Federal Aviation Administration). The DBE (MBE) participation in the total contract will be 50%.

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

32. Approved a five year lease from Bank One, Texas, N.A., of 5,079 square feet of space in the Riverside Place Shopping Center located at 2410 East Riverside Drive, Suite C-8, for use as a branch library. (Rental rate will amount to \$2,539.50 per month for Year One, \$2,793.45 per month for Year Two, \$3,026.45 per month for Year Three, and \$3,512.97 per month for Years Four and

Five. Funding available in the Library Department budget for FY 90-91 [\$2,539.50 per month for the first year totals \$30,474.60]).

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

33. Approve 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 grant award of \$17,850 will be paid by TWRI directly to co-grantee professors at Texas A&M University. The City's contribution is funded in the 1990-91 Environmental and Conservation Services Department Budget).

POSTPONED TO DECEMBER 6, 1990

34. Approved an arbitration award to OSCAR RENDA CONTRACTING, INC., 7 Benson Lane, Roanoke, Texas, for the construction of a Wastewater Relief Interceptor on Lower Little Walnut Creek, in the amount of \$130,000. (Funding included in C.I.P. No. 433-237-0540 - Water and Wastewater Department).

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

35. 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 6, 1990

36. Approved the vacation of certain water easements in conjunction with U.S. Highway 183 Utility Relocations and approving execution of Quitclaim Deed relinquishing former easement areas near Lake Creek Parkway as a condition to Highway Department reimbursement, and authorizing other documents necessary to obtain the reimbursement. (This action will result in an estimated utility relocation reimbursement to the City in the amount of \$195,153.34).

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

Community Development Block Grant (CDBG) [Items 37-39]

37. Authorized negotiation and execution of a contract to the AUSTIN TENANTS COUNCIL in the amount of \$143,800 for the Fair Housing and Tenant Counseling Program. (Funding available in the 16th Year (1990) Community Development Block Grant (CDBG) Program). [Reviewed by the Housing Subcommittee]

On Councilmember Epstein's motion, Mayor Pro Tem Urdy's second, 7-0 Vote.

38. Authorize 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]

POSTPONED TO DECEMBER 6, 1990

39. 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 6, 1990

40. Set a public hearing to consider amending the downtown service fee for businesses abutting the alleys north and south of East 6th St. as well as those east and west of Congress Avenue to cover the cost of portable toilets and sidewalk cleaning. Date and time: December 13, 1990 at 5:30 p.m. [Reviewed by East Sixth Street Subcommittee]

On Councilmember Epstein's motion, Mayor Pro Tem Urdy's second, 7-0 Vote.

PUBLIC HEARINGS AND APPROVAL OF ORDINANCES/RESOLUTIONS

41. 4:30 P.M. - Conduct a public hearing and approve an Ordinance to levy the assessments for Cameron Road, Phase 1 & 2.

Public hearing closed and ordinance approved as proposed, except Parcel #8 which will have no assessment if the applicant does not object to the roll back. On Councilmember Carl-Mitchell's motion, Councilmember Nofziger's second, 5-2 Vote, Councilmembers Epstein and Larson voted No.

42. 5:00 P.M. - Conduct a public hearing on an appeal of the Sign Review Board's decision to deny a sign variance for a billboard located at 12814 Research Blvd.

Public hearing closed and appeal DENIED, on Councilmember Carl-Mitchell's motion, Councilmember Epstein's second, 4-3 Vote, Mayor Pro Tem Urdy, Councilmember Barnstone and Larson voted No.

43. 5:30 P.M. - Conduct a public hearing on an amendment to the Land Development Code requiring restaurants and cocktail lounges to provide parking for outdoor seating areas.

POSTPONED TO DECEMBER 13, 1990 AT 7:30 P.M.

PUBLIC HEARINGS AND APPROVAL OF ORDINANCES/RESOLUTIONS (continued)

44. 6:00 P.M. - Conduct a public hearing to consider amending Chapter 2, of the City of Austin Code, 1981, by adding a designated Area 3 to the Alcohol Consumption Ordinance (Ordinance No. 900816-D). (Councilmember Bob Larson)

CONTINUE HEARING TO JANUARY 10, 1991 AT 6:00 P.M.

45. 6:30 P.M. - Conduct a public hearing and approve the vacation of 6900 Braker Lane at 10900 Giles Lane (that certain portion of Giles Lane near its intersection with Braker Lane) recorded in Vol. 9992, Pg. 370 and Vol. 9992, Pg. 385, Deed Records of Travis County, Texas.

Closed the public hearing and approved, on Councilmember Barnstone's motion, Councilmember Larson's second, 6-0 Vote, Councilmember Nofziger out of the room.

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

ZONING DISTRICTS

Recommended as Requested, With Conditions

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

Motion

The Council, on Councilmember Barnstone's motion, Councilmember Larson's second, closed the public hearing, 7-0 Vote.

Motion

The Council, on Councilmember Barnstone's motion, Councilmember Epstein's second, postponed indefinitely, 7-0 Vote.

Recommended by the Planning Commission, as Requested

47. CB14-90-0001 - CAPROCK PUD, by Land Strategies, Inc., 4411 Spicewood Springs Road, from "SF-3" TO "PUD". PASSED THROUGH FIRST READING ONLY

Motion

The Council, on Councilmember Larson's motion, Councilmember Carl-Mitchell's second, passed through FIRST READING ONLY, with instructions to bring this back on January 24, 1991 for further consideration and put the land swap item on the May 4, 1991 ballot for voter consideration. (4-2-1 Vote, Councilmembers Epstein and Nofziger voted No, Councilmember Barnstone abstained due to conflict of interest.

48. C14h-81-008 - ARNOLD BAKERY, By City of Austin, 1010 East 11th Street, from "CS-1, SF-3-H" to "CS-1, SF-3". ORDINANCE

49. C14h-90-0011 - FINCH HOUSE, by Daniel E. Leary, 109 W. 33rd St., from "SF-3 to SF-H". ORDINANCE

50. C14h-90-0012 - WOOLDRIDGE PARK, by City of Austin, 900 Block Guadalupe, from "UNZ" to "P-H". ORDINANCE

51. C14h-90-0013 - REPUBLIC SQUARE, by City of Austin, 400 Block Guadalupe,, from "CBD" to "P-H". ORDINANCE

52. C14h-90-0014 - BARTON SPRINGS, by City of Austin, Robert E. Lee Road, from "P" to "P-H". ORDINANCE

#48-52, On Councilmember Carl-Mitchell's motion, Councilmember Larson's second, 6-0 Vote, Councilmember Epstein out of the room.

ITEMS FROM COUNCIL

53. Set a public hearing on Social Service Contract Funding. Date and time: December 13, 1990 at 6:00 p.m. [Councilmember Smoot Carl-Mitchell]

54. Approved an ordinance adopting interim development controls (90 day moratorium, to March 1, 1991) in the Barton Creek Watershed pending implementation of development standards designed to achieve the no degradation goal adopted by City Council. (Councilmember Michael "Max" Nofziger)

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

55. Approve a resolution stating that the Austin City Council will immediately commit itself to the construction of a new Airport at Manor. (Mayor Pro-Tem Charles Urdy and Councilmember Smoot Carl-Mitchell)

Motion to approve by Councilmember Carl-Mitchell and seconded by Mayor Pro Tem Urdy, FAILED by a vote of 2-3 with Mayor Cooke, Councilmembers Barnstone and Larson voting No, Councilmembers Epstein and Nofziger out of the room.

56. Approved a resolution directing that the City of Austin Personnel Policies be translated into Spanish. (Councilmember Louise Epstein)

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

EXECUTIVE SESSION (No Public Discussion on These Items)

ALL ITEMS SCHEDULED WERE NOT DISCUSSED BECAUSE SESSION WAS NOT HELD.

The City Council will announce that it will go into Executive Session, if necessary, 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.

57. Pending/Contemplated Litigation: Section 2 - Paragraph e

- (a) Review and discuss 1990 Brackenridge Tract Property Settlement Agreement with UT System; Related Lease Amendment with 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).

58. Land Acquisition: Section 2, Paragraph ph

- (a) Discussion of purchase of property for Central computer facility and relocation of City offices.

ACTION ON THE FOLLOWING

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

POSTPONED

60. Authorize action on City of Austin v. East Austin Chicano Economic Development Corporation, cause no. 383,839.

POSTPONED

ADJOURN - Council adjourned its meeting at 2:40 A.M., November 30, 1990.