



**Austin City Council
MINUTES
For**

NOVEMBER 8, 1990

Mayor Pro Tem Urdy called to order the meeting of the Council, noting the absence of Mayor Cooke who was ill.

MINUTES APPROVED

1. Approved Minutes for Regular Meeting of November 1, 1990 and Meeting as Electric Utility Board of November 1, 1990.

On Councilmember Epstein's motion, Councilmember Barnstone's second, 5-0 Vote, Councilmember Carl-Mitchell out of the room, Mayor Cooke absent.

1:00 P.M. - CITIZEN COMMUNICATIONS

2. Mrs. Sue Schorer, to address current City issues was not present.

3. Mr. James Allman discussed restaurant and bar permit documentation, and procedures for development streamlining.

4. Ms. Sue Littleton invited Mayor Cooke and Members of the City Council to appear at the Mexic-Arte Museum fund-raiser Art Auction, Saturday November 10th, from 7 p.m. to 10 p.m.

5. Mr. David N. Elliott discussed fraud and deception in Austin City Government.

6. Ms. Mackie McDonald, to find out the reason the City Council informed the Law Department not to pursue judgment against East Austin Chicano Development Corporation was not present.

7. Mr. Thom Prentice, to discuss City issues, was not present.

8. Mr. Leonard Lyons, to discuss facilitating public communication to and from City Council, was not present.

9. Mr. Richard Trachtenberg addressed facilitating communication to and from Council.

10. Mr. Eric Anderson, to discuss citizen communication of current City issues, was not present.
11. Ms. Shannon Sedwick discussed the removal of funding for Arts in Public Places (AIPP) Convention Center Art.

BOARD AND COMMISSION REPORTS

12. HUMAN RIGHTS COMMISSION - Status Report was presented to Council.

ITEMS CONTINUED FROM PREVIOUS MEETING

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

Approved, with the deletion of 3A and 3B. On Councilmember Carl-Mitchell's motion, Councilmember Nofziger's second, 5-1 Vote, Councilmember Epstein voted No, Mayor Cooke absent.

14. Approved the selection of subconcessionaires for Dobbs House, Inc., per the Dobbs Lease/Concession Agreement. (All subcontracts to Dobbs are local and certified Disadvantaged Business Enterprises). [Estimated revenue to the City amounts to \$584,140.00]

Motion

The Council, on Councilmember Barnstone's motion, Councilmember Larson's second, awarded the four sub-contracts for areas A,B,D,E (not the lounge area). (7-0 Vote)

Motion - FAILED

Councilmember Barnstone made a motion, seconded by Councilmember Larson to rebid the lounge area. Motion FAILED by a vote of 3-3 with Councilmember Nofziger, Mayor Pro Tem Urdy and Councilmember Carl-Mitchell voting No, Mayor Cooke absent.

Council directed contract for lounge area be re-posted for November 29, 1990.

ORDINANCES

15. Amended the 1990-91 Operating Budget for the Health and Human Services Department by increasing expenditures by \$222,361.00 and expense refunds by the same amount; adding 1 full-time employee; and, authorizing subcontracts under the HIV Health & Social Services Grant.

16. Authorized acceptance of two (2) grants from the Texas Department of Health under the Maternal & Infant Health Improvement Act (\$180,000.00/5.75 full-time employees [FTE's]), and Inner-City Immunization Initiative (\$92,836.00/3 FTE'S) for a total amount of \$272,836.00; and amend the Health and Human Services Department Operating Budget by increasing expenditures by

\$272,836.00 and expense refunds by the same amount, and adding 8.75 FTE'S.
(Related to Item 18)

#15 and 16 on Councilmember Carl-Mitchell's motion, Councilmember Nofziger's second, 6-0 Vote, Mayor Cooke absent.

17. Amend the 1990-91 Operating Budget by reappropriating \$183,800.00 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. (Related to Item 19)

Postponed to November 15, 1990. Councilmember Carl-Mitchell stated he would not be present at the meeting but wanted the record to reflect that he supports the item.

38. Amended the FY 1990-91 Operating Budget by appropriating \$75,000.00 from the General Fund Contingency Reserve to the Law Department to fund legal expanses associated with the Barton Creek PUD case.

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

RESOLUTIONS

18. Approved execution of a grant contract with the Texas Department of Health (TDH) for Health and Human Service Department grant programs and enter into renewals, extensions or amendments for up to three years. (Related to Item 16)

On Councilmember Epstein's motion, Councilmember Larson's second, 6-0 Vote, Mayor Cooke absent.

19. Approve 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 \$115,000.00. (Related to Item 17)

Postponed to November 15, 1990. Councilmember Carl-Mitchell stated for the record that he is in favor of the item, but that he will not be present at the meeting.

20. Approved execution of a contract award with SOUTHERN SAFETY SALES, P.O. Box 4065, Austin, Texas, for Catheter Trays, at a total cost not to exceed \$95,501.00 with one (1) twelve (12) month extension option at an estimated cost not to exceed \$95,501.00 for a total estimated cost of \$191,002.00. (Funding included in the 1990-91 Operating Budget for Brackenridge Hospital). Low bid of twelve (12) bids. 0% M/WBE Subcontractor participation. The prime did not identify any subcontracting opportunities. Reference File No. BSO-026

On Councilmember Epstein's motion, Councilmember Larson's second, 6-0 Vote, Mayor Cooke absent.

21. Approved an ORDINANCE amending the 1990-91 Operating Budget by appropriating \$200,000 from the Economic Development Trust Fund and the

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Leveraged Loan Pool Fund to the Health and Human Services Department to fund the contract amendment for the American Institute for Learning.

On Councilmember Carl-Mitchell's motion, Councilmember Nofziger's second, 5-0 Vote, Councilmember Barnstone out of the room, Mayor Cooke absent.

22. Set a public hearing on an amendment to the Land Development Code requiring restaurants and cocktail lounges to provide parking for outdoor seating areas. (Suggested date and time: November 29, 1990, at 5:30 p.m.)

On Councilmember Epstein's motion, Councilmember Larson's second, 6-0 Vote, Mayor Cooke absent.

39. Approved negotiation and execution of a \$200,000 amendment to the Social Services contract with the American Institute for Learning.

Reduce LLP by \$20,000 and take \$20,000 from Contingency on Councilmember Carl-Mitchell's motion, Councilmember Nofziger's second, 5-0 Vote, Councilmember Barnstone out of the room, Mayor Cooke absent.

40. Authorized release of the 5' Public Utility Easement and/or Drainage Easement on either side of the common lot lines of Lot 1 & 2 recorded in Book 4, Page 344, Travis County Plat Records, located on Lot 1 & 2, Block A, Royal Oaks #2, locally known as 2206 West 9th Street.

On Councilmember Epstein's motion, Councilmember Larson's second, 6-0 Vote, Mayor Cooke absent.

PUBLIC HEARINGS AND APPROVAL OF ORDINANCES/RESOLUTIONS

23. 5:30 P.M. - Approve an Ordinance amending the Land Development Code creating a Convention Center Combining District which prohibits Commercial surface parking and requires first level pedestrian uses in downtown parking garages. Speaker's cards are on file in the City Clerk's office.

Motion

The Council, on Councilmember Carl-Mitchell's motion, Councilmember Epstein's second, closed the public hearing. 6-0 Vote, Mayor Cooke absent.

Motion

The Council, on Councilmember Carl-Mitchell's motion, Councilmember Nofziger's second, waived the requirement for three readings and finally passed an Ordinance amending the Land Development Code creating a Convention Center Combining District which prohibits commercial surface parking and requires first level pedestrian uses in downtown parking garages, as amended: (6-0 Vote, Mayor Cooke absent)

(1) Part 3 (Sec. 13-2-718)

In addition to any other applicable site development regulations, development after November 18, 1990, of a commercial off-street parking

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use in the CC Convention Center combining district shall comply with the following regulations: [No other changes]

(2) A new Part 4 to amend LDC by adding:

Sec. 13-2-2301 Uses in the CC Convention Center Combining District

After November 18, 1990, no commercial off-street parking use may be established in the CC Convention Center combining district at a site located east of IH-35.

(3) Renumber existing Parts 4-6 accordingly.

24. 6:00 P.M. - Conduct a public hearing on the annexation of the North Central Austin Growth Corridor Municipal Utility District (NCAGC MUD) and four outlying parcels. Speaker's cards are on file in the City Clerk's office.

Motion

The Council, on Councilmember Carl-Mitchell's motion, Mayor Pro Tem Urdy's second, closed the public hearing. (4-0 Vote, Councilmembers Barnstone and Noziger out of the room, Mayor Cooke absent.)

25. 6:30 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) Speaker's cards are on file in the City Clerk's office.

Motion

The Council, on Councilmember Carl-Mitchell's motion, Councilmember Epstein's second, voted to continue the public hearing to November 29, 1990. (5-0 Vote, Councilmember Barnstone out of the room, Mayor Cooke absent.)

26. 7:00 P.M. - Conduct a public hearing on an appeal of the Planning Commission decision to deny an appeal of an approved site plan for Texaco Chemical Company, located at 7114 North Lamar (SP-90-115C). [Councilmember Bob Larson] Speaker's cards are on file in the City Clerk's office.

Motion

The Council, on Councilmember Barnstone's motion, Councilmember Epstein's second, closed the public hearing, taking no action. (6-0 Vote, Mayor Cooke absent.)

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

ZONING DISTRICTS

Recommended as Requested, With Conditions

27. C14-90-0025 - TWIN ROCK ASSOCIATES - by Land Strategies, Inc., 7700 North Capital of Texas Highway, from "DR" to "MP-2". Planning Commission Recommendation: MF-2-CO. POSTPONED TO DECEMBER 6, 1990 @ 4:00 P.M.

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

ZONING DISTRICTS (continued)

Recommended as Requested, With Conditions (continued)

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

POSTPONED TO NOVEMBER 29, 1990 @ 4:00 P.M.

Recommended by the Planning Commission, as Requested

29. C814-90-0001 - CAPROCK PUD, by Land Strategies, Inc. 4411 Spicewood Springs Road, from "SF-3" to "PUD".

POSTPONED TO NOVEMBER 29, 1990 @ 4:00 P.M.

ITEMS FROM COUNCIL

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

PULLED OFF AGENDA

31. Consider City of Austin Drug-Free Workplace Ordinance. (Councilmember Michael "Max" Nofziger)

PULLED OFF AGENDA

32. Consider amendments to the Renaissance Market Commission Ordinance. (Councilmember Michael "Max" Nofziger)

POSTPONED TO NOVEMBER 15, 1990

33. Consider action on an Ordinance amending Sec. 13-2-618 and 13-2-619 of the Land Development Code, relating to procedures and standards for approval for construction of public school facilities. (Councilman Robert Barnstone) [No Citizen sign-up]

Deleted Part II and approved on Councilmember Barnstone's motion, Councilmember Carl-Mitchell's second, 5-0 Vote, Councilmember Nofziger out of the room, Mayor Cooke absent.

34. Set a public hearing to approve a license across a portion of Walter E. Long Park to Valero Transmission L P for a Natural Gas Pipeline and Metering Station to serve the Decker Creek Power Plan and provide a "Loop System" between the Lone Star 20" and "Valero 20" pipelines in accordance with Sec. 26.001 et seq. of the Texas Parks and Wildlife Code. Date and time: December 13, 1990 at 4:30 p.m. [Councilman Robert Barnstone]

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

35. Direct the City Manager to identify funds and amend the FY 1990-91

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Operating Budget for the Police Department by adding \$19,500.00 for Project Hope. (Councilman Robert Barnstone)

PULLED FROM AGENDA

41. Directed the City Manager to identify a source of funding for City fees and operational expenses associated with the installation of ballfield lights at Chalmers Field, in exchange for the donation of ballfield improvements and labor by the West Austin Youth Association to the City of Austin.

On Councilmember Epstein's motion, Councilmember Barnstone's second, 6-0 Vote, Mayor Cooke absent.

EXECUTIVE SESSION

Mayor Pro Tem Urdy announced that Council would go into Executive Session pursuant to Article 6252-17, Texas Revised Civil Statutes Annotated, to discuss matters of land acquisition, litigation, and for personnel matters. No final action, decision or vote by the City Council will be taken on any subject or matter unless specifically listed on the agenda for this meeting.

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

(a) Seek legal advice on proposed settlement of claims from The Argee Corporation related to Ullrich Water Treatment Plant, Contract 5, C.I.P. No. 227935.

(b) Discussion of contemplated litigation concerning collection of money owed the City of Austin under certain leases of real property interests.

(c) Barton Creek Properties, Inc., vs. City of Austin (appeal to Texas Water Commission).

(d) Save Barton Creek, et.al.vs. City of Austin (appeal to Texas Water Commission)

ACTION ON THE FOLLOWING

37. Approved a settlement of contract claims between the City of Austin and The Argee Corporation, related to Contract 5, Ullrich Water Treatment Plant. C.I.P. No. 227935.

All contracts through November 9, 1990 and \$760,000 in claims, on Councilmember Larson's motion, Mayor Pro Tem Urdy's second, 5-0 Vote, Councilmember Carl-Mitchell out of the room, Mayor Cooke absent.

SPEAKERS AT CLOSE OF COUNCIL MEETING

At the close of the Council Meeting six people spoke on the proposed drug testing ordinance.

ADJOURN

Council adjourned its meeting at 9:23 P.M.