



Austin City Council MINUTES

MAY 27, 1993 - 1:00 P.M.

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

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

MINUTES APPROVED

1. Approval of Minutes for Regular Meetings of May 13 and 20, 1993, and Special Meetings of May 13 and 20, 1993

On Councilmember Nofziger's motion, Councilmember Garcia's second, 5-0 Vote, Mayor Pro Tem Urdy and Councilmember Reynolds out of the room.

CITIZEN COMMUNICATIONS: GENERAL

2. Mr. Henry Ratliff, to discuss the importance of participation.
3. Mr. Mike Workman, to comment on the SANE runoff and endorsements of Krueger over Hutchison, Goodman over Tschurr, and Shea over Larson.
4. Mr. Ron Lane, to discuss Hospital issues. Not present.

BOARD AND COMMISSION REPORTS

5. Austin Hospital Authority Board - Ms. Jan Frieze, Chair, to present status report. Report was presented.
6. PERFORMANCE REPORT

Charles Curry, Budget Officer, presented the report.

ORDINANCES

7. Approve second reading of an ordinance amending Chapter 13-2 of the Austin City Code rezoning property locally known as 2300-2400 Gracy Farms Lane, Case No. C14-93-0006, from SF-6,, Townhouse and Condominium Residence to MF-2, Multifamily Residence (low density), GUARANTY FEDERAL SAVINGS BANK (William White), by Strasburger &

Price, L.L.P. (Richard Suttle). First reading on April 22, 1993; Vote 6-0, Councilmember Epstein absent. Conditions met as follows: Applicant has requested that Council clarify conditions imposed at first reading.

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

8. Approve second/third readings of an ordinance amending Chapter 13-2 of the Austin City Code rezoning property locally known as the Rear portion of 14415-14421 Owen-Tech Boulevard, Case No. C14-93-0005, from "SF-2", Single Family Residence (standard lot) to "LO", Limited Office, TEXAS COMMERCE BANK-AUSTIN, N.A. (Doug Snyder), by Strasburger & Price, Armbrust (Richard Suttle). First reading on March 4, 1993; Vote 6-0, Councilmember Garcia abstained. Conditions met as follows: No conditions to be met.

On Councilmember Epstein's motion, Councilmember Larson's second, 6-0-1 Vote, Councilmember Garcia abstained.

9. Amend the Austin City Code to establish a speed limit of 45 mph on Burnet Road (FM 1325) south of Duval Road, resulting from the construction of MoPac Boulevard and the subsequent realignment of the intersection of Burnet Road (FM 1325) and Duval Road. (All costs to be paid by the Texas Department of Transportation.)
10. Amend the Austin City Code by modifying the Basic Traffic Ordinance, Chapter 16-4, Section 4 - Speed Limits, for the installation of a 20 mph school zone on East 5th Street, from Allen Street to Linden Street, for students attending Brooke Elementary School. (Funding in the amount of \$3,000 for flashing equipment is available in the 1992-93 operating budget of the Child Safety Fund.)
11. Authorize acceptance of an additional \$12,000 in grant funds from the State of Texas, Department of Transportation, to fund costs associated with the enforcement of seat belt and child safety seat regulations; amend Ordinance No. 920922-E, the 1992-93 operating budget for the Police Special Revenue Fund by increasing appropriations by \$12,000, for a total grant amount of \$32,000 for the period of May 27, 1993 through September 30, 1993. (A City match is not required.)
12. Authorize acceptance of \$42,914 in grant funds from the Texas State Library, Major Urban Resource Libraries, for the purchase of library reference materials; amend Ordinance No. 920922-E, the 1992-93 operating budget for the Library Special Revenue Fund, increasing appropriations by \$42,914 to fund the grant for the period beginning September 1, 1993 to August 31, 1994. (A City match is not required.)

13. Authorize acceptance of a grant in the amount of \$9,500 from the Governor's On-Site Wastewater Treatment Research Council for support of a symposium on On-site Wastewater Treatment Technology; amend Ordinance No. 920922-E, the 1992-93 operating budget and the Special Revenue Fund for the Water and Wastewater Utility by \$9,500, increasing revenues and expenditures by the same amount. (A City match is not required.) [Reviewed by Water and Wastewater Commission.]
14. Amend Ordinance 920922-E, the 1992-93 operating budget for the General Fund by increasing budgeted sales tax revenues by \$139,638, and increasing appropriations by the same amount in the Fire Department operating budget to fund a Medical Training Program, and authorizing one (1) additional non-Civil Service full-time equivalent. (Related to Item 15)
15. Amend Ordinance 920922-J, by adding one (1) Battalion Chief and two (2) Lieutenants, for a total of three (3) Civil Service positions for the Fire Department. (Related to Item 14)
16. Amend Ordinance No. 920922-E, the 1992-93 operating budget, by increasing budgeted Sales Tax revenue by \$139,875, and budgeted miscellaneous revenues by \$20,000; increasing appropriations for Health and Human Services, Social Services by increasing the expenses by \$159,875 to establish an informal work corner in the 400 block of West First Street. (Recommended by Economic Development Subcommittee; Reviewed by Community Action Network.) [Related to Item 19]

#9-16 on Councilmember Epstein's motion, Councilmember Larson's second, 7-0 Vote.

17. Amend Ordinance 920922-E, the 1992-93 General Fund Contingency Reserve to transfer \$40,773 to Emergency Medical Services CIP; amend Ordinance No. 920922-A, the approved 1992-93 Capital Budget for Emergency Medical Services, to increase the appropriation from \$135,000 to \$175,773 for the Medic 3 Station located at the Brackenridge Hospital Starflight facility. (To be reviewed by Planning Commission on May 25, 1993.) [Related to Item 18]

Pulled off agenda.

RESOLUTIONS

18. Approve a construction contract award to RIZZO CONSTRUCTION, INC., Austin, Texas, for the construction of an Emergency Medical Services, Medic 3 Station located at the Brackenridge Hospital Starflight facility, in the amount of \$132,773. (Funding included

in the amended 1992-93 Capital Budget for the Emergency Medical Services Department.) Low bid of seven (7). 11.90% MBE, 5.71% WBE Subcontractor participation. (Related to Item 17)

Pulled off agenda.

19. Approve an Interlocal Agreement between Travis County and the City of Austin for the construction of a Day Labor site to be located in the 400 block of West First Street. (Related to Item 16)
20. Approve execution of a twelve (12) month supply agreement with ROSS LABORATORIES, Columbus, Ohio, for nutritional formula for patients of Brackenridge Hospital who are on restricted diets, in an amount not to exceed \$50,453.55, including an option to extend thereafter for up to one (1) additional twelve (12) month period, in an amount not to exceed \$50,453.55 per extension, for a total amount not to exceed \$100,907.10. (Funding in the amount of \$16,817.85 is available in the 1992-93 operating budget of Brackenridge Hospital; funding for the final eight months of the original contract period and the extension option is contingent upon availability of funding in future budgets.) Low bid of four (4). No M/WBE Subcontracting opportunities were identified. Reference No. BS3-152.
21. Approve an Interlocal Cooperation Agreement with the Austin Housing Authority to provide health services to residents of the Thurmond Heights and Georgian Manor Housing Authority complexes. (Funding provided by a grant from the Texas Department of Health, Bureau of Maternal and Child Health.)
22. Ratify a \$22,133 change order to an emergency construction contract awarded to WATTINGER COMPANY, INC., Austin, Texas, for air quality improvements at the East Austin Multipurpose Center located at 211 Comal St., for a total contract amount of \$634,388. (Funding included in the 1992-93 Capital Budget for the Health and Human Services Department.) No M/WBE Subcontracting opportunities were identified.
23. Authorize application for and acceptance of eight (8) VISTA Volunteers to coordinate tutoring programs for youth at risk at Carver, Govalle, Oak Springs, Manchaca Road, University Hills, Terrazas and Riverside Branch Libraries, and in the Dove Springs Recreational Center. (No fiscal impact.)
24. Approve the negotiation and execution of a contract with COMTRAX SYSTEMS, INC., Cincinnati, Ohio, for an Integrated Property Management and Tenant Billing System for the Department of Aviation, including installation, training and one (1) year of maintenance, in an estimated amount of \$95,405. (Funding is available in the

1992-93 operating budget of the Aviation Department.) Best proposal of six (6). 0% MBE, 3.9% WBE Subcontractor participation. Reference No. 930015-3JR.

#19-24 on Councilmember Epstein's motion, Councilmember Larson's second, 7-0 Vote.

25. Approve the Requests for Qualifications (RFQ) and selection matrices for the Passenger Terminal Design Architect and for Services from various architectural consultants for the Passenger Terminal Concourses and Automobile Parking Structure Project for the new Austin Airport at Bergstrom. (No fiscal impact.) [Recommended by Aviation Subcommittee]

Councilmember Garcia made a motion, seconded by Mayor Pro Tem Urdy to approve, with changes. Later, the motion was withdrawn, and the item was postponed to June 3, 1993.

26. Approve execution of a contract with WYLE LABORATORIES, Austin, Texas, for the purchase of two (2) VAX computer systems, operating software and networking equipment for the Environmental and Conservation Services Department (Drainage Utility Geographic Information System and Energy Conservation Programs), in an amount not to exceed \$202,988, including three (3) years of post-warranty maintenance. (Funding is available in the 1992-93 operating budget of the Environmental and Conservation Services Department.) Low bid of three (3). No M/WBE Subcontracting opportunities were identified. (Related to Item 27)
27. Approve execution of a contract with WYLE LABORATORIES, Austin, Texas, for the purchase of three (3) high performance engineering workstations for engineering and mapping work for the Environmental and Conservation Services Department, in an amount not to exceed \$92,514, including three (3) years of post-warranty maintenance. (Funding is available in the 1992-93 operating budget of the Environmental and Conservation Services Department.) Low bid of six (6). No M/WBE Subcontracting opportunities were identified. (Related to Item 26)
28. Approve execution of a twelve (12) month supply agreement with ROYALL-MATTHIESSEN EQUIPMENT, San Antonio, Texas, for the purchase of miscellaneous tools (hammers, wood chisels, shovels, garden hoses, etc.) for use by all City departments, in an amount not to exceed \$36,763.55, with an option to extend for one (1) twelve (12) month period, in an amount not to exceed \$36,763.55, for a total amount not to exceed \$73,527.10. (Funding in the amount of \$12,254.52 is available in the 1992-93 operating budgets of user departments; funding for the remaining \$24,509.03 of the contract

period and the extension option is contingent upon availability of funding in future budgets.) Low bid of ten (10). No M/WBE Subcontracting opportunities were identified. Reference No. Bo93100008.

29. Authorize negotiation and execution of a License Agreement with SOUTHWESTERN BELL TELEPHONE COMPANY, to locate, construct, maintain and operate an underground fiber optic line under/across the Giddings-to-Llano Railroad right-of-way. (All costs to be paid by Southwestern Bell Telephone Company)
30. Approve a construction contract award to DELTA "O" SERVICES, INC., (WBE), Austin, Texas, for asbestos abatement of the theatre and pottery room at the Dougherty Arts Center, in the amount of \$123,500. (Funding is included in the 1992-93 Capital Budget of the Department of Public Works and Transportation.) Single bid. 6% MBE, 5% WBE Subcontractor participation.
31. Approve a construction contract award to JORDAN-WHITFIELD, INC., Austin, Texas, for re-roofing and heating/ventilation/air conditioning renovations at Fiesta Gardens, located at 2102 Bergman Drive, in the amount of \$119,432. (Funding is included in the 1991-92 Capital Budget of the Parks and Recreation Department.) Single bid. 7% MBE, 10% WBE Subcontractor participation.

#26-31 on Councilmember Epstein's motion, Councilmember Larson's second, 7-0 Vote.

32. Approve execution of a twelve (12) month supply agreement with ARRIGATION ENGINEERING COMPANY, INC., Arlington, Texas, for the purchase of approximately 3,000 gallons of root control chemical herbicide and lease of application equipment, including delivery and training, for use within the wastewater collection system to prevent blockages and overflows caused by root intrusion, in an amount not to exceed \$144,300, with two (2) twelve (12) month extension options, in an amount not to exceed \$144,300 per extension, for a total amount not to exceed \$432,900. (Funding for the first four (4) months of the contract period is available in the 1992-93 operating budget for Water and Wastewater Utility; funding for the final eight (8) months of the original contract period and the extension options is contingent upon availability of funding in future budgets.) Low bid of three (3). No M/WBE Subcontracting opportunities were identified. (Reviewed by Water and Wastewater Commission.)

Postponed to June 10, 1993.

33. Approve selection of THONHOFF CONSULTING ENGINEERS, INC., Austin, Texas, for negotiation and execution of a contract to provide wastewater lift station relief and rehabilitation improvements, in

the amount of \$300,000. (Funding in the amounts of \$150,000 is included in the 1991-92 and 1992-93 Capital Budgets for the Water and Wastewater Utility.) Best qualification statement of sixteen (16). 10% MBE, 5% WBE Subcontractor participation. (Reviewed by Water and Wastewater Commission)

34. Approve the selection of BAKER-AICKLEN & ASSOCIATES, Austin, Texas, for negotiation and execution of a contract to provide professional engineering and associated services for the rehabilitation of deteriorated wastewater lines in the areas of West 42nd Street, Exposition/Enfield Road, West 33rd/Kerbey Lane and West 34th/Shoal Creek, in the amount of \$64,000. (Funding is included in the 1991-92 Capital Budget for the Water and Wastewater Utility.) Best qualification statement of twenty-three (23). 10.2% MBE, 5.2% WBE Subcontractor participation. (Reviewed by Water and Wastewater Commission)
35. Approve an amendment to the Wholesale Water Service Contract between the City of Austin and the Hill Country Water Supply Corporation to provide an additional six (6) month period for the Corporation to begin taking delivery of water from Austin. (This is a revenue producing contract; the extension could delay the receipt of revenues from the Corporation, estimated to be approximately \$10,200 per month under Cost of Service based rates.) [To be reviewed by Water and Wastewater Commission on May 26, 1993.]
36. Approve amendment of the Personnel Policies to revise Grievance Procedures, to become effective October 1, 1993.
37. Set a public hearing to amend provisions of the Land Development Code which relate to insurance requirements for private contractors working within public right-of-way. (No fiscal impact.) [Suggested date and time: June 17, 1993 at 4:30 p.m.] (Recommended by Planning Commission)
38. Set a public hearing to amend the Austin City Code - Section 13-8-3 of the Building Code Appendix of the Austin City Code to change the official effective date of the recently revised Flood Insurance Rate Maps to June 16, 1993. (Suggested date and time: June 17, 1993 at 5:00 p.m.) [To be reviewed by Building and Fire Code Board on May 25, 1993.]

ITEMS FROM COUNCIL

39. Set a public hearing to amend the City Code, Section 10-1-19 - Glass Containers, by adding the area bounded by the south curb of Martin Luther King Blvd., the east curb of Guadalupe Street, the north curb of West 29th Street, and the west curb of Rio Grande Street, as a

new area where glass containers are prohibited. (Suggested date and time: June 3, 1993 at 6:45 p.m.) [Economic Development Subcommittee]

40. Approve a resolution to co-sponsor the Juneteenth Celebration Parade on June 19, 1993, with the Texas Central Juneteenth Committee. (Mayor Pro Tem Charles Urdy)
41. Approve a resolution supporting the National Association of Town Watch sponsoring a nationwide crime and drug prevention program and declaring August 3, 1993 as "National Night Out in the City of Austin." (Councilmembers Louise Epstein and Bob Larson)

#33-41 on Councilmember Epstein's motion, Councilmember Larson's second, 7-0 Vote.

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

42. C14-93-0035 - HEALTHVEST (Gregory Herring), by Minter, Joseph & Thornhill, P.C. (Ken Brown), 1110 East 32nd Street. From NO-H to GO-H. Planning Commission Recommendation: To grant GO-H-CO, General Office-Historic-Conditional Overlay zoning with conditions agreed to by the applicant, and with the provisions of the overlay as follows: (1) prohibition of access to Hollywood Avenue; (2) uses limited to those permitted in the LO district; and (3) the only permitted GO use would be guidance services. The applicant agreed to a Restrictive Covenant which would allow the City to rollback the zoning to NO if the GO use ceased.

Continue public hearing on July 1, 1993; staff prepare LDC amendment, on Mayor Pro Tem Urdy's motion, Councilmember Epstein's second, 7-0 Vote.

43. C14-93-0045 - NASH PHILLIPS/COPUS,, INC., (James A. Howard), by Urban Design Group (Laura Touns), 12100 Metric Boulevard. From LO to MF-3. Planning Commission Recommendation: To grant MF-1, limited to 12 units per acre.
First Reading

Motion

Councilmember Reynolds made a motion, seconded by Mayor Pro Tem Urdy to grant MF-2 with seventeen units to the acre.

Substitute Motion - FAILED

Councilmember Garcia offered a substitute motion, seconded by Councilmember Nofziger, to grant the Planning Commission recommendation. Motion FAILED by a vote of 3-4 with Mayor Pro Tem Urdy, Councilmembers Epstein, Larson and Reynolds voting No.

Roll Call on Main Motion

4-3 Vote, Mayor Todd, Councilmembers Garcia and Nofziger Voted No.

RECESS - The Council, on Councilmember Larson's motion, Councilmember Garcia's second, recessed the meeting to 6:40 P.M. 7-0 Vote.

44. C14-93-0038 - FRANKLIN FEDERAL BANCORP (by Vera D. Massaro), by Minter, Joseph & Thornhill (Glenn Weichert), 6403-6511 Sanderson Avenue. From MF-2 to GR. Planning Commission Recommendation: To Grant LR-CO, Neighborhood Commercial-Conditional Overlay, subject to the following conditions: (1) Items no. 2, 4, 5, 6, and 9 of the Westcreek Neighborhood Association letter dated May 10, 1993; (2) development on the combined tracts will not exceed .21 FAR; (3) allow erection of a six foot tall solid concrete, cinder block, or other masonry fence on top of a two foot earthen berm on the 75 foot setback line from the Westcreek Neighborhood properties, with native vegetation on the Westcreek neighborhood side (this fence is to define the 75 foot buffer zone between the development and the neighborhood and the fence shall have no breaks to allow for pedestrian traffic to enter the buffer zone from the development); (4) Sanderson Avenue will be vacated at the southernmost section of Westcreek to allow for construction of a new cul-de-sac south of this boundary for school bus turnaround; (5) no vehicular access will be allowed from Sanderson Avenue to the development; (6) a minimum of 175 feet building setback and the prohibition of arts and crafts (limited) and service station.

Motion

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

Motion to Approve - FAILED

Councilmember Larson made a motion, seconded by Mayor Pro Tem Urdy to approve the Planning Commission recommendation, which FAILED by a vote of 3-3-1 with M; Mayor Todd, Councilmembers Garcia and Nofziger voting No, and Councilmember Reynolds abstained.

45. C14-93-0039 - ELI GARZA, by Minter, Joseph & Thornhill (Glenn Weichert), 4200-4210 West William Cannon Drive. From GR-CO to GR-CO. Planning Commission Recommendation: To Grant GR-CO, Community Commercial-Conditional Overlay subject to (1) EXHIBIT "A" and conditions 1, 2, 3, and 4 of the Westcreek Neighborhood Association letter dated May 10, 1993; (2) removal of the requirements for a fence separating Garza Tracts 2a and 2b and the Franklin Federal Tract; (3) development on the combined tracts will not exceed .21 FAR; (4) allow food sales as permitted use on tract

2b outside of 175 feet from common property line of Westcreek Section 10, Phase C; (5) allow erection of a six foot tall solid concrete, cinder block, or other masonry fence on top of a two foot earthen berm on the 75 foot setback line from the Westcreek Neighborhood properties with native vegetation on the Westcreek Neighborhood side (this fence is to define the 75 foot buffer zone between the development and the neighborhood, and the fence shall have no breaks to allow for pedestrian traffic to enter the buffer zone from the development; and (6) prohibition of the following uses: Arts and Craft Studios, Automobile Washing, Automotive Repair Services, and Service Station; (7) a 75' vegetative buffer; and (8) prohibition of underground storage tanks or uses requiring hazardous discharge permits.

First Reading

Motion

The Council, on Councilmember Larson's motion, Councilmember Garcia's second, closed the public hearing. 6-0 Vote, Councilmember Nofziger out of the room.

Motion

The Council, on Councilmember Larson's motion, Mayor Pro Tem Urdy's second, approved the Planning Commission recommendation. 4-3 Vote, Mayor Todd, Councilmembers Garcia and Nofziger voted No.

To be heard by Planning Commission on May 25, 1993; Recommendation to Follow

46. C14-92-0135 - DOUG SNYDER, by Prossner & Associates (Kurt M. Prossner), 3108 Oak Creek Drive. From SF-3 & GR to CS. Planning Commission recommendation CS, with the conditions: 1) Floor to area ratio (FAR) to be limited to .50; 2) Conditions agreed to previously relative to the Restrictive Covenant; and 3) Limit the W/LO impervious cover to 70 percent.
FIRST READING

The Council, on Councilmember Garcia's motion, Councilmember Epstein's second, closed the public hearing and approved the Planning Commission recommendation, 7-0 Vote.

PUBLIC HEARINGS AND APPROVAL OF ORDINANCES/RESOLUTIONS

47. 4:30 P.M. - Rate change request filed by Southern Union Gas Company.

Motion

The Council, on Councilmember Epstein's motion, Councilmember

Garcia's second, closed the public hearing. 6-0 Vote, Councilmember Reynolds out of the room.

48. Approve first reading of an Ordinance setting the rates to be charged by Southern Union Gas Company for retail public gas utility service.

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

EXECUTIVE SESSION (No Public Discussion on These Items)

Mayor Todd announced that Council would go into Executive Session, pursuant to Article 6252-17, Texas Revised Civil Statutes Annotated to receive advice from Legal Counsel, to discuss matters of land acquisition, litigation and personnel matters. No final action will be taken on any subject or matter unless specifically listed on the agenda for this meeting.

Pending/Contemplated Litigation - Section 2, Paragraph e

49. Discuss settlement of In re: Travis Country Utility District, Inc., Cause No. 90-10918-FM, (Chapter 7) pending in the U.S. Bankruptcy Court of the Western District Austin Division.

RECESS - Council recessed for executive session on Councilmember Garcia's motion, Mayor Pro Tem Urdy's second, 7-0 Vote.

ACTION ON THE FOLLOWING

50. Approve settlement in the amount of \$48,000.00, of In re: Travis Country Utility District, Inc., Cause No. 1 90-10918-FM, (Chapter 7) pending in the U.S. Bankruptcy Court of the Western District Austin Division.

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

ADJOURN - The meeting was adjourned at 9:10 P.M.