



# **Austin City Council MINUTES For**

**FEBRUARY 21, 1991**

## **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 February 14, 1991

Minutes not available.

## **1:00 P.M. - CITIZEN COMMUNICATIONS**

2. Ms. Sudie Vassef, to discuss general communication, was not present.
3. Mr. Paul Robbins, to discuss City affairs, was not present.
4. Mr. David N. Elliott discussed current City issues.
5. Mr. David Burnham discussed forced retirement by Austin Fire Department, and unfair use of General Order Policies.
6. Ms. Carol Guthrie discussed open records and how difficult the City makes it to access public information.
7. Mr. Bill Bunch addressed citizen access and Austin's future and leadership.
8. Mr. Thom Prentice discussed City issues.
9. Mr. Leonard Lyons discussed communications to and from Council.
10. Mr. Darrell Burnette discussed personal concerns regarding the Austin Police Department and the City jail.
49. Hank Sinatra discussed Citizen Communication issues.

#### ITEMS CONTINUED FROM PREVIOUS MEETINGS

11. Appointment of a Citizens Task Force to address the redevelopment of Robert Mueller Municipal Airport (RMMA). [Mayor Lee Cooke]

No action.

12. Approved an Ordinance amending Chapter 13-2 of the Austin City Code rezoning the property locally known as 8801 South 1st Street, Case No. C14-90-0072, from "DR" and "SF-2" to "LI", NCNB TEXAS NATIONAL BANK, by Land Concepts.

#### Motion

Councilmember Carl-Mitchell made a motion, seconded by Councilmember Nofziger to adopt the Planning Commission recommendation of "W/LO".

#### Substitute Motion

Councilmember Barnstone made a substitute motion to approve "LI" zoning with the following exemptions as agreed to by the applicant and members of the neighborhood: that is to delete agricultural sales, automobile rentals, automotive sales, camp grounds, convenience stores, equipment repair stores, equipment sales, food sales, hotel/motel, kennels, restaurants drive-in, restaurants limited, restaurants general, scrap and salvage, basic industries, resource extraction, group home I, group home II, group home class 1 general and railroad facilities. Councilmember Larson seconded the motion, which passed by a vote of 5-2, Councilmembers Carl-Mitchell and Nofziger voted No.

#### ORDINANCES

13. Amended Ordinance No. 900913-D by amending the Health and Human Services Department FY 1990-91 Operating Budget by reducing expenses by \$83,738 and expense refunds by the same amount; accepting a \$98,611 State Legalization Impact Assistance Grant (SLIAG) from the Texas Department of Health.

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

14. Amended Ordinance No. 900913-D by amending the Health and Human Services Department Fiscal Year 1990-91 Operating Budget by reducing expenses by \$8,310 and expense refunds by the same amount to reflect changes in Sexually Transmitted Disease (STD) and AIDS grants with the Texas Department of Health.
15. Amended the 1990-91 Operating Budget to settle International Association of Fire Fighters Local 975 and Barney Oldham v. City of Austin by transferring \$386,000 from the Liability Reserve Fund to the General Fund and appropriating \$386,000 to the Fire Department to fund Fire Fighters' 1989 vacation accrual.

#14 - 15 on Councilmember Carl-Mitchell's motion, Councilmember Larson's second, 7-0 Vote.

## RESOLUTIONS

16. Approve execution of a contract in an amount not to exceed \$302,420 with AIDS Services of Austin (ASA) and Travis County for support services and education to prevent transmission of HIV.

Pulled off agenda.

17. Approved execution of a contract with COPY DUPLICATING PRODUCTS, Austin, Texas, for a twelve (12) month Supply Agreement for copier machine chemicals in an amount not to exceed \$34,878, including the option to extend thereafter for up to one (1) twelve (12) month period in an amount not to exceed \$34,878, for a total amount not to exceed \$69,756. (Funding included in the FY 1990-91 Operating Budget of the General Services Department). Low bid of five (5) bids. 0% M/WBE Subcontractor participation. The prime did not identify any subcontracting opportunities. Reference IFB No. 910040-1CM

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

18. Approved execution of a contract award to STANLEY SMITH, INC. 4910 Burnet Road, Austin, Texas, for a twelve (12) month service agreement for security guards at the Utility Customer Service Office, in an amount not to exceed \$36,802.57, with two (2) twelve (12) month extension options at a cost of \$36,802.57 per each option, for a total amount not to exceed \$110,407.71. (Funding included in the 1990-91 Operating Budget of the Utility Customer Service Department). Low bid of three (3). 0% M/WBE Subcontractor participation. The prime did not identify any subcontracting opportunities. Reference File No. 900764-3JR

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

19. Approved execution of a contract award with BROWNING-FERRIS INDUSTRIES, INC., 3424 FM 973, Del Valle, Texas, for refuse collection services at Brackenridge Hospital, in an amount not to exceed \$47,263, including the option to extend thereafter for up to one (1) additional twelve (12) month period in an amount not to exceed \$47,263, for a total amount not to exceed \$94,526. (Funding included in the 1990-91 Operating Budget of Brackenridge Hospital). Low bid of three (3) bids. 0% M/WBE Subcontractor participation. The prime did not identify any subcontracting opportunities. Reference File No. BC1-002.

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

20. Approved execution of a contract with ABCO PAPER and AUSTIN CHEMICAL CO., Div. of Pollock Paper Dist., for a six (6) month Supply Agreement for coarse paper products in an amount not to exceed \$34,275 and \$34,651 respectively, including the option to extend for up to one (1) six (6) month period in amounts not to exceed \$68,550 and \$69,302 respectively, for a total amount not to exceed \$137,852. (Funding included in 1990-91 Operating Budget of the General Services Department). Low bid of seven

(7) bids. 0% M/WBE Subcontractor participation. The prime did not identify any subcontracting opportunities. Reference IFB File No. 910023-1CM

On Councilmember Nofziger's motion, Mayor Cooke's second, 6-1 Vote, Councilmember Epstein voted No.

21. Approved execution of six (6) month Supply Agreement contracts with PRIESTER-MELL & NICHOLSON, INC., Austin, Texas, in an amount not to exceed \$74,553, POLELINE ELECTRIC SUPPLY, INC., Austin, Texas, in an amount not to exceed \$61,627 and TECHLINE, INC., Austin, Texas in an amount not to exceed \$37,730, for miscellaneous electrical hardware items to be used by the Electric Utility Department for the maintenance and repair of the electric distribution system. (Funding included in the 1990-91 Operating Budget of the General Services Department). Low bid of eight (8) bids. 0% M/WBE Subcontractor participation. The prime did not identify any subcontracting opportunities. Reference IFB No. 910109-1RD
22. Approved amendment of a contract with AUTOMATION ENERGY TECHNOLOGY, INC., for an increase in the scope of work to include the East Austin Substation in the Integrated Energy Management and Control System and Electronic Security Card Access System for the Austin Police Department, in an amount not to exceed \$41,828.75, 16.2%, above the original contract price of \$258,398, for a total contract amount not to exceed \$300,526.75. (Funding in the amount of \$20,885.75 from C.I.P. funds for energy conservation; \$20,943 from 1990-91 Operating Budget of the Austin Police Department).

#21-22 on Councilmember Carl-Mitchell's motion, Councilmember Larson's second, 7-0 Vote.

23. Approved execution of a contract with WESTVACO, U.S. ENVELOPE, Dallas, Texas, for a twelve (12) month Supply Agreement for envelopes to be used by the Utility Customer Service Office and General Services Department in the mailing and receipt of utility bills, in an amount not to exceed \$205,344, including the option to extend thereafter for up to two (2) additional twelve (12) month periods in an amount not to exceed \$205,344, per extension option, for a total amount not to exceed \$616,032. (Funding included in the 1990-91 Operating Budget of the General Services Department). Low bid meeting specifications. 0% M/WBE Subcontractor participation. The prime did not identify any subcontracting opportunities. Reference IFB File No. 910082-1CM

On Councilmember Nofziger's motion, Mayor Cooke's second, 6-1 Vote, Councilmember Epstein Voted No.

24. Approved execution of a contract with McMORRIS FORD, Austin, Texas, for a twelve (12) month Supply Agreement for repair parts for Ford cars and light trucks in an amount not to exceed \$80,000., include the option to extend thereafter for up to two (2) additional twelve (12) month extension periods in an amount not to exceed \$80,000 per extension period, for a total amount not to exceed \$240,000. (Funding included in the FY 1990-91 budget) Low bid of two (2) bids. 0% M/WBE Subcontractor participation. The prime did not identify any subcontracting opportunities. Reference IFB No. 910128-1LI

25. Approved execution of a contract with PRESTIGE CHRYSLER/PLYMOUTH, Austin, Texas, for a twelve (12) month Supply Agreement for repair parts for Chrysler cars and light trucks in an amount not to exceed \$45,000, including the option to extend thereafter for up to two (2) additional twelve (12) month extension periods in an amount not to exceed \$45,000 per option, for a total amount not to exceed \$135,000. (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 IFB No. 910127-1LI

#24-25 on Councilmember Carl-Mitchell's motion, Councilmember Larson's second, 7-0 Vote.

26. Approved execution of an annual contract with COMPUTER ASSOC., Austin, Texas, for renewal licensing and maintenance of eleven (11) computer software products, in an amount not to exceed \$87,871.50. (Funding included in 1990-91 Operating Budget of the Information Systems Department). Sole Source. 0% M/WBE Subcontractor participation. The prime did not identify any subcontracting opportunities.

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

27. Approved execution of a contract award with TRANE Co., Austin, Texas for the purchase of a 550 ton centrifugal chiller for Brackenridge Hospital, in the amount of \$135,870. (Funding included in Brackenridge Energy Improvement Project). Low bid of three (3) bids. 0% M/WBE Subcontractor participation. The prime identified two subcontracting areas. M/WBE firms were solicited, but either did not respond or were not low bid. Reference No. 91077-1RD.

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

28. Approve a patient transfer policy for Brackenridge Hospital. (No City funding required).

Pulled off agenda.

29. Approve the implementation of a commercial paper program for financing and refinancing utility system/voter approved projects, including the selection of an investment banking firm to serve as a dealer for such program.

On Councilmember Carl-Mitchell's motion, Councilmember Larson's second, 6-1 Vote, Councilmember Epstein voted No.

30. Authorized selection of one or more underwriters for the refinancing of certain outstanding combined utility systems revenue notes due April 15, 1991. Fee distributed among the managers in proportion to the liability that they incur in the sale of the bonds.

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

31. Approved a resolution establishing the third Thursday of each month at 3:00 p.m., as the regular meeting of the City Council for the purpose of discussing, considering, and acting on matters and issues relative to the City's Electric Utility.

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

32. Set a public hearing to discuss an appeal of the Electrical Board's decision to deny Don R. Knowles' request to take the Master Electrician's license examination.  
Date and time: March 21, 1991 at 4:30 p.m.

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

#### PUBLIC HEARINGS AND APPROVAL OF ORDINANCES/RESOLUTIONS

33. 6:00 P.M. - Approve amendments to the 16th year Community Development Block Grant (CDBG) Program.

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

The Council, on Councilmember Barnstone's motion, Councilmember Nofziger's second, closed the public hearing and adopted the recommendations of the sub-committee. (5-0 Vote, Mayor Cooke and Councilmember Epstein out of the room.)

#### ITEMS FROM COUNCIL

34. Clarified Council's intent by requesting that the City Manager include development in the watersheds contributing to Barton Springs in the "non-degradation" ordinance requested in the October 4, 1990 resolution. (Councilmember Smoot Carl-Mitchell)

##### Motion

Councilmember Nofziger made a motion, seconded by Councilmember Carl-Mitchell to approve.

##### Substitute Motion -FAILED

Councilmember Larson made a substitute motion, seconded by Councilmember Epstein to postpone for one week. Motion FAILED by a vote of 3-4 with Mayor Cooke, Councilmembers Barnstone, Carl-Mitchell and Nofziger voting No.

##### Roll Call on Main Motion

5-1-1 Vote, Mayor Pro Tem Urdy voted No, Councilmember Larson abstained.

35. Adopted an interim "non degradation" Ordinance regulating the Barton Creek Watershed

and/or the Watersheds contributing to Barton Springs to expire in six months.  
(Councilmember Smoot Carl-Mitchell)

Barton Springs draft approved, on Councilmember Carl-Mitchell's motion, Councilmember Nofziger's second, 6-0 Vote, Mayor Cooke out of the room.

36. Consider an Ordinance establishing interim development controls in the Barton Creek Watershed relating to the filing of applications for development. (Councilmember Smoot Carl-Mitchell).

Pulled from agenda.

37. Approve a Resolution adopting a policy for Trees as Infrastructure. (Councilmember Michael "Max" Nofziger)

Postponed to February 28, 1991.

38. Approve payment of \$50,000 in order to continue Austin's membership in the Greater Austin-San Antonio Corridor Council. (Funding in the amount of \$25,000 provided from the Water and Wastewater Utility and \$25,000 from Electric Utility Department).  
[Councilmember Bob Larson]

Postponed to February 28, 1991.

39. Directed the City Manager to develop a plan based on the Parks and Recreation Board Rowing Committee recommendations and report back to Council within 90 days. (Mayor Lee Cooke)

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

40. Set a public hearing on the Urban Watersheds Ordinance. Date and time: March 21, 1991 at 6:00 p.m.) [Councilmember Michael "Max" Nofziger]

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

41. Adopt an amendment to the City of Austin's Legislative Program for the 72nd Session of the Texas Legislature to include the following item in the support category:  
"Self-enacting constitutional amendment authorizing, notwithstanding any other provisions of the Texas Constitution, the County of Travis, the City of Austin, and any cities, special districts, or fire districts within Travis County to:

a) Call a referendum on the issue of a City-County Charter Commission to propose a charter for a consolidation of governments in Travis County.

b) Provide that the charter commission shall be composed of five, seven, or nine members elected in a nonpartisan election by the qualified voters of Travis County.

c) Authorize a duly established Austin-Travis County Charter for a consolidated City-County government to become effective if approved by a majority of the qualified voters of Travis County." (Legislative Subcommittee)

Referred back to sub-committee, on Councilmember Barnstone's motion, Councilmember Carl-Mitchell's second, 5-0 Vote, Mayor Cooke and Councilmember Epstein out of the room.

**EXECUTIVE SESSION** (No Public Discussion on These Items)

Council did not conduct an executive session, therefore, no action on the following:

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.

**42. Pending/Contemplated Litigation, Section 2, Paragraph e**

- (a) Discussion of claims associated with the Waste to Energy Plant.
- (b) Discussion of settlement in Robert C. Carr and Judy G. Carr v. City of Austin.
- (c) Discussion on proposed settlement of claims from The Argee Corporation related to Ullrich Water Treatment Plant, Contract 5, C.I.P. No. 227935.
- (d) Barton Creek Properties, Inc. Appeal of Ordinance 901129-I to the Texas Water Commission.

**43. Land Acquisition - Section 2, Paragraph f**

- (A) Review and discussion of real property acquisition for:
  - (1) U.S. Highway 183/290 Project
    - (a) Account 68
    - (b) Account 74
- (B) Review and discuss real estate acquisition to accommodate space needs for City departments.

**ACTION ON THE FOLLOWING**

No action on any of the following:

- 44. Approve a settlement with Kone-Landel, Inc., for claims associated with the Waste to Energy Plant.**



45. Approve the disposition of the Waste to Energy Plant.
46. Approve a settlement in Robert C. Carr and Judy G. Carr v. City of Austin.
47. Authorize City of Austin participation with the State of Texas in Real property acquisition for the U.S. 183/290 projects. City cost is:
- (a) Parcel 31: \$199,130
  - (b) Account 74: \$800,000

48. APPOINTMENTS

No appointments made.

Minority and Women Owned Business Procurement Advisory Committee.

ADJOURN

The meeting was adjourned at 9:20 P.M.