



## **Austin City Council MINUTES**

**JULY 18, 1991**

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

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

1. Approved Minutes for Regular Meeting of July 11, 1991 and Special Meeting of July 10, 1991.

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

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

2. Mr. Neal Tuttrup provided a Barton Springs Update.
3. Mr. Rick Wheeler briefed City Council on upcoming Austin Aqua Festival.
4. Ms. Nikki Bryant briefed City Council on upcoming Austin Aqua Festival.
5. Mr. David Elliott discussed current City issues.
6. Mr. Jeremiah Branch to discuss inclusion of video music financing and independent cable channel for private enterprise subsidized by the City. Did not appear.
7. Mr. Ricardo Flores addressed the need for additional funding for Medical Assistance Programs (MAP) in Austin.
8. Mr. Leonard Lyons, to discuss communication to and from Council. Did not appear.

9. MONTHLY HOUSING REPORT (To be heard at 3:30 p.m. during the Austin Housing Finance Corporation meeting).

ITEMS CONTINUED FROM PREVIOUS MEETINGS

10. Approve negotiation and execution of a contract award with LEWIN/ICF, a Washington, D.C. and San Francisco, CA based Corporation, for assistance in developing a profile of and options for addressing the health care needs of the medically uninsured and underinsured persons in Austin and Travis County, in an amount not to exceed \$189,464. (Funding in the amount of \$139,464 included in the 1990-91 Operating Budget for Brackenridge Hospital and \$50,000 from Travis County.) 10% MBE, 5% WBE Subcontractor participation. [Continued from May 16, 1991]

Approved, subject to receiving \$50,000.00 from Travis County, on Councilmember Reynolds' motion, Mayor Pro Tem Urdy's second, 6-1 Vote, Councilmember Epstein voted No.

ORDINANCES

11. Authorized a grant agreement with the Junior League of Austin and amend the Parks and Recreation Department 1990-91 Special Revenue Fund by accepting \$10,110 from the Junior League of Austin for a grant to implement an outreach education program, "Elisabet Ney and Three Texas Heroes" and produce related curriculum materials and appropriating to the Parks and Recreation Department's Special Revenue Budget.

12. Approved second reading of the Urban Watersheds Ordinance amending Chapter 13-7, Article I, (Water Quality) of the Austin City Code of 1981 by providing regulations for development in Urban Watersheds; establishing a formula for payment in lieu of structural stormwater controls (13-7-19.1); and setting an effective date.

#11-12 on Councilmember Garcia's motion, Mayor Pro Tem Urdy's second, 7-0 Vote.

13. Approved an amendment to the Circle C Municipal Utility District (MUD) #4 Consent Agreement deleting the requirement for collection of a special rate before annexation (pre-annexation surcharge).
14. Approved an amendment to the Maple Run at Austin Municipal Utility District (MUD) Consent Agreement deleting the requirement for collection of a special rate before annexation (pre-annexation surcharge).

#13-14 on Mayor Pro Tem Urdy's motion, Councilmember Reynolds' second. 7-0 Vote.

15. Amended Section 10-4-4 of the Code of the City of Austin (public park curfews) to provide for regulation in the use of City parks and recreational facilities. (No fiscal impact.)

**Brackenridge Hospital (Items 16-19)**

16. Approved an average 8% rate increase for Brackenridge Hospital effective October 1, 1991. (The increase is necessary to fund inflationary cost increases, salary increases and needed capital improvements. The increase will generate approximately \$12,600,000.) (Related to Item 18)
17. Amended Ordinance No. 900913-D by amending the 1990-91 Operating Budget of Brackenridge Hospital by increasing estimated revenues by \$1,000,000 and increasing appropriations by \$1,000,000 in order to purchase the Professional Building. (Related to Item 19)

#15-17 on Councilmember Garcia's motion, Mayor Pro Tem Urdy's second, 7-0 Vote.

**RESOLUTIONS**

18. Authorized a compensation program for various critical health care positions in Brackenridge Hospital and the Health and Human Services Department. (Related to Item 16)
  - a. Brackenridge Hospital - program implementation July 28, 1991, at a cost of \$420,000 in FY 1990-91 and an estimated cost of \$3.2 million for FY 1991-92. (Funding in the amount of \$420,000 from current revenues for FY 1990-91 and \$3.2 million for FY 1991-92 derived from the proposed 8% rate increase.)
  - b. Health and Human Services - program implementation October 1, 1991, at a cost of up to \$740,000 for FY 1991-92. (Funding included in the FY 1991-92 Operating Budget of the Health and Human Services Department.)
19. Authorized negotiation and execution of a contract to purchase the Brackenridge Professional Building from the Resolution Trust Corporation as Receiver for Resource Savings, in the amount of \$1,400,000. (Funding included in the 1990-91 Operating Budget of Brackenridge Hospital). (Related to Item 17)
20. Approved execution of a contract with GOLDTHWAITE'S OF TEXAS, San Antonio, Texas, for a twelve (12) month supply agreement for Toro irrigation repair parts, in an amount not to exceed \$40,000 with one (1) twelve (12) month extension option in an amount not to exceed \$40,000, for a total amount not to exceed \$80,000. (Funding in the amount of \$10,000 included in the 1990-91 Operating Budget of the General Services Department; the remaining \$30,000 will be included in the proposed 1991-92 Operating Budget.) Low bid of two (2). 0% M/WBE Subcontractor participation. The prime did not identify any subcontracting opportunities. Reference No. 910605-1CM.

21. Approved execution of a contract with GOLDTHWAITE'S TEXAS, San Antonio, Texas, for a twelve (12) month supply agreement for Toro riding mower repair parts, in an amount not to exceed \$50,000 with two (2) six (6) month extension options, in an amount not to exceed \$25,000 per extension, for a total amount not to exceed \$100,000. (Funding in the amount of \$12,500 included in the 1990-91 Operating Budget of the General Services Department; the remaining \$37,500 will be included in the proposed 1991-92 Operating Budget.) Low bid of two (2). 0% M/WBE Subcontractor participation. The prime did not identify any subcontracting opportunities. Reference No. 910580-1CM.

#18-21 on Councilmember Larson's motion, Mayor Pro Tem Urdy's second, 7-0 Vote.

22. Approved a construction contract award to CHASCO CONTRACTING, Round Rock, Texas, for the Shoal Creek Blvd. bridge and channel improvements, in the amount of \$908,628.15. (Funding in the amount of \$892,968.15 from C.I.P. No. 824-607-1942; \$10,000 from C.I.P. No. 388-227-0946; and \$5,660 from C.I.P. No. 439-237-0946.) Low bid of four (4). 0.97% MBE, 5.96% WBE Subcontractor participation.

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

23. Approved execution of a contract with TENNANT COMPANY, Norcross, Georgia, for the purchase of a power scrubber for use at Palmer Auditorium, in the amount of \$31,530. (Funding included in the 1990-91 Vehicle Acquisition Fund of the General Services Department.) Low bid of two (2). 0% M/WBE Subcontractor participation. The prime did not identify any subcontracting opportunities.
24. Approved execution of a contract with GULF STATE CRANE & EQUIPMENT CO., INC., Houston, Texas, for the purchase of a truck mounted, hydraulic loader and brush dump body, in an amount not to exceed \$34,977.25. (Funding included in the 1990-91 Vehicle Acquisition Fund of the General Services Department.) Low bid of two (2). 0% M/WBE Subcontractor participation. The prime did not identify any subcontracting opportunities.
25. Approved execution of a twelve (12) month contract with PIONEER CONCRETE OF TEXAS, Austin, Texas, for the purchase of asphalt concrete materials, in an amount not to exceed \$834,980, including an option to extend the contract for an additional twelve (12) month period, in an amount not to exceed \$834,980, for a total amount not to exceed \$1,669,960. (Funding in the amount of \$125,000 included in the 1990-91 Operating Budget of the Department of Public Works and Transportation; the remaining \$709,980 dependent upon next fiscal year appropriation). Low bid of three (3). 0% M/WBE Subcontractor participation. The prime did not identify any subcontracting opportunities. Reference No. 910620-1SA.

#23-25 on Councilmember Larson's motion, Mayor Pro Tem Urdy's second, 7-0 Vote.

26. Authorized amendment of a contract with YOUNGBLOOD GENERAL TIRE, Austin, Texas, for an increase in the funding level in an amount not to exceed \$38,593. An administrative increase in the amount of \$30,000 or 10.934% of the original contract amount of \$274,373 was executed May 21, 1991. The combination of these two (2) amendments will allow for a total increase of \$68,593 or 25% of the original contract amount, for a total amount not to exceed \$342,966. (Funding included in the 1990-91 Operating Budget for the General Services Department.)

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

27. Approved execution of a three (3) year contract award to KPMG PEAT MARWICK, Austin, Texas, for auditing and related services, in the estimated amount of \$163,500 per year, including the option to extend thereafter for up to two (2) twelve (12) month periods, for an estimated amount of \$163,500 per extension, for a total estimated amount of \$817,500. (Funding will be included in the 1991-92 Operating Budget of Financial Services Department and subsequent fiscal years.) MBE participation will range from 10% in the first year to 25% in the optional fifth year, with an average of 17% projected over the five (5) year period. Best and lowest proposal of three (3). Reference No. 910180-3LI.

28. Approved a construction contract award to PORT ENTERPRISES, INC., Port Lavaca, Texas, to reroof Oak Springs Library, located at 3101 Oak Springs Drive, in the amount of \$85,290. (Funding included in C.I.P. 816-857-5001 - Library Department.) Low bid of eight (8). 0.6% MBE, 4.5% WBE Subcontractor participation.

#27-28 on Councilmember Larson's motion, Mayor Pro Tem Urdy's second, 7-0 Vote.

29. Approved a contract with Travis County for social services provided at the Rural Neighborhood Centers under the Community Services Block Grant (CSBG) Program, in the amount of \$67,966. (Funding provided by CSBG program funds from the Texas Department of Community Affairs (TDCA). (No impact on General Fund)

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

30. Authorized execution of an Interlocal Agreement with the Travis County Commissioners Court for security patrols in the Palm Park area, in the amount of \$6,000. (Amount of funding totals \$14,280; Travis County's share amounts to \$6,000; the City's share amounts to \$8,284. Funding included in the 1990-91 Operating Budget of the Parks and Recreation Department)

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

**3:00 P.M. - ELECTRIC UTILITY (Items 31-43)**

**31. Electric Utility Commission Report**

**Report presented by Marilyn Jones, Electric Utility Commission Vice-Chairman.**

**32. Resource Management Commission Report**

**No report given.**

**33. Monthly Management Report (Fiscal, Operations, Fuel)**

**Report presented by John Moore, Director, Electric Utility Department.**

**34. Monthly Utility Receivable Report**

**Betty Dunkerley, Director of Finance, reported to Council.**

- 35. Approved execution of a twelve (12) month supply agreement with LUFKIN CREOSOTE, Lufkin, Texas, for the purchase of wood utility poles in an amount not to exceed \$622,100 with the option to extend for an additional two (2) twelve (12) month periods. (Funding included in the Electric Utility C.I.P. Budget Fund No. 317-117-2094). Low bid of eight (8) bids. 0% M/WBE Subcontractor Participation. The prime did not identify any subcontracting opportunities. Reference File No. 910627-1JD**

- 36. Approved execution of a twelve (12) month supply agreement with BROOKS PRODUCTS, INC., Arlington, Texas, for the purchase of concrete manholes in an amount not exceed \$60,600 with the option to extend for an additional twelve (12) month period. (Funding included in the Electric Utility C.I.P. Budget Fund No. 317-117-2097). Low bid of three (3) bids. 7.52% M/WBE Subcontractor Participation. The prime did not identify any subcontracting opportunities. Reference File No. 910629-1JD.**

- 37. Approved execution of a contract with GULFGATE ENGINEERING, INC., Houston, Texas, for the purchase of an oil purification unit in an amount not exceed \$189,300. (Funding included in the Electric Utility Operations & Maintenance Budget Fund No. 501-110-1303). Low bid of three (3) bids. 0% M/WBE Subcontractor Participation. The prime did not identify any subcontracting opportunities. Reference File No. 910561-1JD.**

- 38. Approved execution of a contract with SIEMENS ENERGY & AUTOMATION, INC., Houston, Texas, for the purchase of ten (10) 138kV circuit breakers to be installed at the Seaholm and Lytton Springs Substations in an amount not to exceed \$547,800. (Funding included in Electric Utility C.I.P. Budget Fund Nos. 315-117-1358 - \$328,680; 315-117-1335 - \$54,780; 318-117-1046 - \$54,780; 315-117-1407 - \$109,560). Low bid of two (2) bids. 0% M/WBE Subcontractor Participation. The prime identified one area of subcontracting; there were no available M/WBE's.**

39. Approved execution of a contract with PRIESTER-MELL & NICHOLSON, INC., Austin, Texas, for the purchase of transmission line conductor in an amount not exceed \$75,067.97. (Funding included in Electric Utility CIP Budget Fund Nos. 317-117-1954-2808-7145-3567). Low bid of five (5) bids. 0% M/WBE Subcontractor Participation. The prime did not identify any subcontracting opportunities. Reference File No. 910628-1JD.

#35-39 on Mayor Pro Tem Urdy's motion, Councilmember Nofziger's second, 6-0 Vote, Councilmember Garcia out of the room.

40. Approved negotiation and execution of a contract with INTERNATIONAL GAS CONSULTING, INC., Houston, Texas, to assist in an investigation of natural gas storage options, in an amount not to exceed \$62,764. (Funding included in the Operations and Maintenance Fund of the Electric Utility Department.) Low bid of three (3). 0% M/WBE Subcontractor participation. The prime did not identify any subcontracting opportunities. Reference No. 910056-2RW.

Approved with a friendly amendment by Mayor Todd to let Council know, when the amount of contract has reached \$17,000, whether or not they will proceed further. On Councilmember Nofziger's motion, Councilmember Larson's second, 5-1 Vote, Councilmember Epstein voted No, Mayor Pro Tem Urdy out of the room.

41. Approved execution of a contract with TEXAS TRUCK CENTER, San Antonio, Texas, for the overhaul and transfer of a 90' aerial device, in an amount not to exceed \$65,778.30. (Funding included in the 1990-91 Operating Budget of the General Services Department). Low bid of three (3). The prime identified one area of subcontracting; there were no available M/WBE's. Reference No. 910634-3RF.
42. Approved execution of a securities lending agreement with BANK ONE, Texas, N.A., Austin, Texas, for the lending of securities in the Nuclear Decommissioning Trust Fund.
43. Approved execution of a contract with GENERAL ELECTRIC POWER GENERATION COMPANY, Schenectady, New York, for a first stage nozzle plat for Holly Unit #4, in the amount of \$262,000. (Funding included in the 1990-91 Operating Budget of the Electric Utility Department). Sole Source. 0% M/WBE Subcontractor participation. Reference No. RX110007440. The Prime did not offer any sub-contract opportunities.

#41-43 on Mayor Pro Tem Urdy's motion, Councilmember Nofziger's second, 6-0 Vote, Councilmember Garcia out of the room.

#### RECESS

Council recessed its regular meeting from 3:53 to 3:58 P.M. to meet as Board of Directors of the Austin Housing Finance Corporation.

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

**ZONING DISTRICTS**

44. C14h-90-0007 - NELSON DAVIS WAREHOUSE (Spaghetti Warehouse), 117 West 4th Street, from CBD to CBD-H.

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

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

45. 5:00 P.M. - Proposed 1991-92 Operating Budget and Capital Improvements Program.

Speaker's cards are on file in the City Clerk's office. Public hearing closed, on Councilmember Epstein's motion, Councilmember Larson's second, 6-0 Vote, Councilmember Nofziger out of the room.

46. Provided direction to the City Manager on the FY 1991-92 General Fund Operating Budget. Comments and suggestions were given by Council to the City Manager after the public testimony.

**ITEMS FROM COUNCIL**

47. Amended the 1990-91 Operating Budget by appropriating \$24,000 from the General Fund Contingency Reserve to the Law Department to fund a contract to Rayford Price & Associates for Lobbying Services for the City of Austin. (Legislative Subcommittee)

On Councilmember Nofziger's motion, Councilmember Reynolds' second, 6-0 Vote, Councilmember Epstein abstained.

48. DID NOT approve a Resolution requesting Governor Ann Richards to add to the call of the First Called Special Session of the 72nd Legislature or subsequent called special sessions TX72RHB 2868, relating to single member districts, as passed by the Texas House of Representatives during the 72nd Regular Session. (Legislative Subcommittee)

Motion to approve FAILED by a vote of 3-4 with Mayor Todd, Councilmembers Epstein, Larson and Reynolds voting No.

49. Approved a Resolution requesting Governor Ann Richards to add to the call of the First Called Special Session of the 72nd Legislature or subsequent called special sessions of TX72RHB 1905, The Asphalt Plant Bill, as passed by the Environmental Affairs Committee during the 72nd Regular Session, or other appropriate legislative action that accomplishes the same goal. (Legislative Subcommittee)

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



50. Approve an Ordinance which defines the duties and responsibilities of the City Auditor. (Audit Committee)

Pulled off agenda.

51. Directed the City Manager to form a Task Force to study and recommend revisions to the City's Limousine Permit Regulations, Art. IV, Chapter 8-7 of the City Code, within 45 days, and further to suspend the issuance of limousine permits for shared-ride and shuttle type services only pursuant to the City Code, Art. IV, Chapter 8-7, until the Task Force recommendations are considered by City Council. (Mayor Pro Tem Charles Urdy and Councilmember Gus Garcia)

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

52. Discussion/approval of a Resolution opposing the third option of the three local County Education District propositions for Travis County (personal property taxation) on the August 10, 1991 Special Election Ballot. (Councilmember Bob Larson)

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

55. Consider extending the interim Barton Creek Non-degradation Ordinance No. 910221-E to October 11, 1991. (Councilmember Reynolds and Mayor Pro Tem Urdy)

Postponed to July 25, 1991.

EXECUTIVE SESSION (No Public Discussion on These Items)

Mayor Todd announced that Council would enter 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.

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

- (a) Discussion of disputes concerning the amount of royalties due the City of Austin under certain mineral leases.
- (b) Discussion of contemplated litigation related to certain water rights and rates to which the City of Austin is subject.

- (c) Discussion of Texas Water Commission appeals by Citizens for responsible Government, Circle C Development Joint Venture and Barton Creek Properties, Inc.; and City of Austin v. Texas Water Commission, Cause No. 91-7133

**RECESS**

Council recessed its meeting for executive session from 7:47 to 8:40 P.M.

**54. APPOINTMENTS**

**ETHICS REVIEW COMMISSION - 4**

The Council, on Councilmember Garcia's motion, Councilmember Reynolds' second, confirmed the following appointments made to on July 11, 1991 to the Ethics Review Commission, as follows: (6-0 Vote, Councilmember Nofziger out of the room)

Edward House, Rev. Marvin Griffin, Dr. Alan Sager, and Alicia Limon

**SPEAKER AT END OF MEETING**

Bridge Hopkins spoke at the end of the meeting.

**ADJOURN**

Council adjourned its meeting at 8:41 P.M.