



Austin City Council MINUTES

SEPTEMBER 5, 1991 - 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.

1. Approval of Minutes for Regular Meeting of August 29, 1991

Approved as corrected, on Mayor Pro Tem Urdy's motion, Councilmember Larson's second, 7-0 Vote.

1:00 P.M. - CITIZEN COMMUNICATIONS

2. Mr. David Van Os discussed mismanagement and labor law violations by Austin Cablevision franchise causing labor strike by Communications Workers of America (CWA).
3. Ms. Elaine Celovsky discussed potential problems in relation to the unavailability of trained technical work force involved in current work stoppage at Austin Cablevision.
4. Mr. David Elliott discussed current City issues.
5. Mr. Henry Ratliff discussed City opportunities.
6. Mr. Phil Howry, to discuss the Havana Street petition paving project. Did not appear.
7. Mr. Terry Liberty Parker, to discuss current City issues. Did not appear.

BOARD AND COMMISSION REPORTS

8. M/WBE PROCUREMENT ADVISORY COMMITTEE - Status Report

Pulled off agenda.

ITEMS CONTINUED FROM PREVIOUS MEETINGS

9. Approved execution of a twelve (12) month supply agreement contract with ELF ASPHALT, Austin, Texas, for the purchase of HFRS-2P Emulsion to be used for seal coat resurfacing of city streets, in an amount not to exceed \$468,000, including the option to extend thereafter for one (1) additional twelve (12) month period, in an amount not to exceed \$468,000, for a total amount not to exceed \$936,000. (Funding in the amount of \$19,500 included in the 1990-91 Operating Budget of Public Works and Transportation; the remaining \$448,500 is included in the 1991-92 Operating Budget of the Public Works and Transportation Department.) Sole Source. 0% M/WBE Subcontractor participation. The prime did not identify any subcontracting opportunities. Reference No. 910791-1RF.

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

10. Approved negotiation and execution of a twelve (12) month contract with WILLIS-ROLLINSON INC., Dallas, Texas, for administration of the City's Worker's Compensation Program, in an amount not to exceed \$861,380, including two (2) twelve (12) month extension options, in an amount not to exceed \$892,000 for the first option year and \$922,500 for the second option year, for a total amount not to exceed \$2,675,880. (Funding included in the 1991-92 Worker's Compensation Fund.) Best proposal of five (5). 5.69% MBE. 0% WBE Subcontractor participation.

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

ORDINANCES

11. Granted consent to the annexation of 53.8 acres into Northwest Travis County MUD No. 1 (NWTC MUD 1). [No fiscal impact].

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

12. Amended the 1990-91 Operating Budget and Capital Improvement Budget of the Public Works Department by appropriating \$725,000 from the Drainage Fund to the Capital Budget to fund critical storm sewer repairs.

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

13. Amended Ordinance No. 900913-D, the Special Revenue Funds Budget of the Health and Human Services Department by accepting \$35,048 in grant funds from the Texas Department of Community Affairs, and appropriating those funds to the Emergency Community Services Homeless Grant Program (EHP), and increasing expense refunds by the same amount.

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

14. Established a Transportation User Fee. (Estimated cost of implementation amounts to \$450,000; funding included in the 1991-92 Transportation Fund.)

First Reading

15. Set a rate for Fiscal Year 1991-92 for the Transportation User Fee.

First Reading

#14-15 - On Councilmember Garcia's motion, Councilmember Larson's second, 4-3 Vote, Councilmember Epstein, Mayor Pro Tem Urdy and Councilmember Reynolds' voted No.

RESOLUTIONS

16. Approved execution of a ten (10) month contract with WEATHER-RITE, Austin, Texas, for weatherization services for up to 100 low to moderate income households in the Southern Union Gas and City of Austin Utility service area, in an estimated amount not to exceed \$150,000. (Funding included in the 1990-91 Operating Budget for Environmental and Conservation Services Department.) Low bid of seven (7). 0% M/WBE Subcontractor participation. The prime did not identify any subcontracting opportunities. Reference No. 910657-3RW/LI.

On Councilmember Garcia's motion, Councilmember Nofziger's second, 5-0 Vote, Councilmembers Epstein and Larson out of the room.

Councilmember Reynolds offered a substitute motion, seconded by

Councilmember Epstein, to table this item until after passage of the budget. The motion was withdrawn.

17. Approve negotiation and execution of a twelve (12) month contract with RCG/HAGLER, BAILLY, INC., Boulder, Colorado, to perform a technical evaluation to determine the energy savings derived from the City of Austin Energy Code and availability of energy-efficient equipment in the marketplace, in an amount not to exceed \$82,640. (Funding included in the 1990-91 Operating Budget of Environmental and Conservation Services Department.) Best proposal of six (6). OX M/WBE Subcontractor participation. The prime did not identify any subcontracting opportunities. Reference No. 910245-3RW.

Motion

Councilmember Garcia made a motion, seconded by Councilmember Nofziger to approve.

Substitute Motion

Councilmember Reynolds offered a substitute motion, seconded by Councilmember Larson to table the resolution. Motion passed by a vote of 4-3 with Mayor Pro Tem Urdy, Councilmembers Garcia and Nofziger voting No.

18. Approved execution of a contract with JOHNSON FLEET SERVICES, INC., Austin, Texas, for the purchase of a 15 cubic yard recycling truck to be used by the Environmental and Conservation Services Department, in the amount of \$43,650. (Funding available in the 1990-91 Vehicle Acquisition Fund.) Low bid of two (2). OX M/WBE Subcontractor participation. The prime did not identify any subcontracting opportunities. Reference No. 910749-1RF.
19. Approved execution of a contract with M-B COMPANY, INC., Chilton, Wisconsin, for the purchase of a paint striping machine for street striping operations, in an amount not to exceed \$70,400. (Funding included in the 1990-91 Vehicle Acquisition Fund.) Low bid of three (3). OX M/WBE Subcontractor participation.) The prime did not identify any subcontracting opportunities. Reference No. 910726-1RF/LI.

#18-19 on Councilmember Epstein's motion, Councilmember Larson's second, 7-0 Vote.

20. Approved negotiation and execution of a contact with ONLINE SOFTWARE INTERNATIONAL, Fort Lee, New Jersey, for the installation and implementation of Verify Quality Assurance Software for the Information Systems Department, in an amount not to exceed \$54,000. (Funding included in C.I.P. 317-117-2075) Best proposal of five (5). OX M/WBE Subcontractor participation. The prime did not

identify any subcontracting opportunities. Reference File No. 910671-3JR

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

21. Approved execution of a contract award with SOUTHWEST SURGICAL SYSTEMS, Austin, Texas, for a twelve (12) month supply agreement for disposable bed underpads, in an amount to not exceed \$41,915.49, including the option to extend thereafter for up to one (1) additional twelve (12) month period, in an amount to not exceed \$41,915.49, for a total amount not to exceed \$83,830.98. (Funding in the amount of \$3,493 included in the 1990-91 Operating Budget of Brackenridge Hospital; \$38,422 included in the 1991-92 Operating Budget of Brackenridge Hospital.) Low bid of eight (8). 0% M/WBE Subcontractor participation. The prime did not identify any subcontracting opportunities. Reference File No. BS1-188

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

22. Approved execution of a contract award with PURITAN-BENNETT, Lawrenceville, Georgia, for the purchase of two (2) ventilatory systems for Brackenridge Hospital, in an amount not to exceed \$44,770. (Funding included in 1990-91 Contractual Obligations approved by the City Council in February 1991.) Sole Source. 0% M/WBE Subcontractor participation. The prime did not identify any subcontracting opportunities. Reference File No. BH1-176. Sole bid.

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

23. Approved the annual Access Fund budget and a request for payment from Austin Cablevision, in the amount of \$600,000.

During discussion, preceded by the vote, City Manager Barnett stated: "Councilmembers, one of the things that we can do if there is some flexibility in the Council's wording on the motion, if it is not specifically stated as November, let's state it as after these events happen, then there is some flexibility on the schedule if we do need to adjust it for reasons of just workload. We can bring back the schedule that we expect to have followed in the next few weeks after we have had time to be sure that we have all of the work identified. We would be happy to do that if that is the Council's desire".

Approved and to be brought back as recommended by the City Manager, on Councilmember Reynolds' motion, Councilmember Epstein's second, 7-0 Vote.

24. Approved the negotiation and execution of a contract with COMMERCIAL VIDEO SYSTEMS, Austin, Texas, for the purchase and installation of the Austin Access Television Center Equipment Package consisting of television production equipment, microcomputer hardware, software, and maintenance for use by citizen public access producers, in an amount not to exceed \$132,500. (This is a joint procurement with Austin Cablevision. Funding is included in the City Cable Access Fund.) Best proposal of four (4). 0% M/WBE Subcontractor participation. The prime identified two areas of subcontracting, there were no known M/WBE's available to perform the scope of work. Reference No. 910699-3LI.

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

25. Approved issuance of a Letter of Intent to fund a rebate in the amount of \$27,857.76 to JMB Properties Company, for the installation of energy saving measures at Park Place Apartments. (Funding included in Brown and Root Funds.)
26. Approved issuance of a Letter of Intent to fund a rebate in the amount of \$17,046 to SSNA Properties Corporation, for the installation of energy saving measures at Riverside Place Apartments. (Funding included in Brown and Root Funds.)

#25-26 On Councilmember Nofziger's motion, Councilmember Garcia's second, 6-1 Vote, Councilmember Reynolds voted No.

27. Authorized execution of a cooperative agreement for water resource investigations between the City of Austin and U.S. Department of Interior/Geological Survey, in the amount of \$173,150. (Funding included in the 1990-91 Operating Budget of Environmental and Conservation Services Department. Total cost of project is \$342,220; \$169,070 will be funded by U.S. Department of Interior.)

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

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

ZONING DISTRICTS

Recommended as Requested

28. C14-91-0056 - THOMAS D. WYKOFF, By: R. W. Spencer, 6717 North Capitol of Texas Highway. From DR to SF-2. Planning Commission Recommendation: To Grant SF-2.

ORDINANCE

Recommended as Requested with Conditions

29. C14-91-0058 - JAMES H. WHETSTONE, By: Holford Group, 9200 South IH-35. From DR, SF-2 to GR. Planning Commission Recommendation: To Grant GR-CO, subject to: (1) Maximum Floor-to-Area Ratio of 0.26; (2) No Certificate of Occupancy to be issued until completion of the proposed extension of West Slaughter Lane and South Congress Avenue; (3) Access prohibited to the IH-35 service road.

FIRST READING

30. C14-91-0059 - NCNB TEXAS NATIONAL BANK, By: Larry Peel, Jollyville Road and Great Hills Trail. From GO to MF-3. Planning Commission Recommendation: To Grant MF-3-CO, limited to a maximum density of 24 units per acre.

ORDINANCE

31. C14-91-0061 - NCNB OF TEXAS, By: Trammell Crow Company, 10127-10225 Research Boulevard. From CH to GR. Planning Commission Recommendation: To Grant GR-CO, subject to the exclusion of the following uses: all automotive related uses, restaurant (drive-in, fast-food), commercial off-street parking, communication services, consumer repair services, extermination services, all civic uses (except religious assembly), indoor & outdoor entertainment, indoor sports and recreation, off-site accessory parking, pawn shop services, research services, and funeral services.

ORDINANCE

32. C14-91-0012 - BRADFIELD & CUMMINS, LTD., By: SPE Associates, 3400 Northland Drive. From SF-3 to NO. Planning Commission Recommendation: To Grant NO, subject to reservation of up to 75 feet of right-of-way from the existing centerline of Northland Drive.

ORDINANCE

33. C14-91-0057 - NATHAN LEISTICO, By: Barry Campbell, 5705 Mount Bonnell Road. From I-RR to SF-6. Planning Commission Recommendation: To Grant SF-6-CO and RR (for the floodplain), subject to no access to Small Drive, a maximum density of 5 units per acre.

ORDINANCE

#28-33 on Mayor Pro Tem Urdy's motion, Councilmember Reynolds' second, 6-0 Vote, Councilmember Nofziger out of the room.

(The following zoning cases will be postponed to a future date. Posting of these cases on this agenda is required due to a previous advertisement for a public hearing on this date.)

34. C14-91-0052 - SOUTHWOOD CENTER, by: W. M. Faust, 4411 Russell Drive. From MF-3 & L0 to GR.

POSTPONED TO OCTOBER 3, 1991

35. C14-91-0054 - SOUTHWOOD CENTER, by: W.M. Faust, 4403 Russell Drive. From L0 to GR.

POSTPONED TO OCTOBER 3, 1991

36. C14-84-378 - NCNB OF TEXAS, by: W.M. Faust, 9212-9220 Jollyville Road and 9012 Mesa Drive. Request to terminate a Restrictive Covenant.

POSTPONED TO OCTOBER 3, 1991

37. C14-91-0053 - NCNB OF TEXAS, by: W.M. Faust, 9212-9220 Jollyville Road and 9012 Mesa Drive. From L0, SF-3 to MF-3.

POSTPONED TO OCTOBER 3, 1991

PUBLIC HEARINGS AND APPROVAL OF ORDINANCES/RESOLUTIONS

38. 4:30 P.M. - Authorized amendments to the Blackshear Urban Renewal Plan (Tex R-95) to allow for proposed land use changes required for the implementation of the Scattered Cooperative Infill Housing Program (SCIP).

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

39. 5:00 P.M. - Proposed 1991-92 Operating Budget and Capital Improvements Program.

Public hearing closed, on Councilmember Nofziger's motion, Mayor Pro Tem Urdy's second, 6-0 Vote, Councilmember Epstein out of the room.

ITEMS FROM COUNCIL

40. Selected Councilmember Garcia to serve on the Capital Area Planning Council Executive Committee. (Mayor Bruce Todd)

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

41. Approved staff recommendation for granting a waiver from Section 13-2-502(d) of the Land Development Code to Treemont, Phase B, subdivision preliminary plan. (File C8-82-44) (Councilmembers Bob Larson and Ronney Reynolds)
- On Councilmember Reynolds' motion, Councilmember Larson's second, 4-3 Vote, Councilmember Nofziger, Mayor Todd and Councilmember Garcia voted No.
42. Approved a Resolutions to be presented at the Texas Municipal League Annual Conference. (Legislative Subcommittee)
- On Councilmember Garcia's motion, Councilmember Reynolds' second, 5-0 Vote, Councilmember Epstein and Mayor Pro Tem Urdy out of the room.
43. Rescheduled the public hearing on amendments to the Comprehensive Watershed Ordinance from October 10, 1991 to October 3, 1991 at 5:00 P.M. (Councilmember Ronney Reynolds)
- On Councilmember Reynolds' motion, Councilmember Nofziger's second, 5-0 Vote, Mayor Pro Tem Urdy, Councilmember Epstein out of the room.
44. Discussion/Approval of a Resolution to establish a regular weekly item on the agenda that allows Councilmembers to bring up non-action points for general discussion. (Councilmember Ronney Reynolds)
- Discussed - no action.
45. Discuss/Approve a Resolution directing the Cable Commission to hold a public hearing to address the issues concerning the Communications Workers of America strike at Austin Cablevision. (Councilman Gus Garcia)
- Pulled off agenda.

EXECUTIVE SESSION

(No Public Discussion on These Items)

ALL ITEMS POSTPONED TO SEPTEMBER 12, 1991.

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.

46. Personnel Matters - Section 2, Paragraph g

Performance Review of City Clerk.

47. Land Acquisition - Section 2, Paragraph f

Review and discussion of real property acquisition for the U.S. Highway Expansion Project, Parcel 5, Account #8014-1-73.

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

Discussion of City of Austin v. Morin M. Scott, Individually and as Trustee, and Brown Building Ltd.; Cause No. 91-12458.

ACTION ON THE FOLLOWING

49. Approve a Resolution authorizing real property acquisition for the U.S. Highway 183 Expansion Project, Parcel 5, Account #8014-1-73.

SPEAKERS AT END OF MEETING

Speakers at the end of the meeting were Thom Prentice, Tina Marsh and Gavino Fernandez.

ADJOURN - The meeting was adjourned at 11:40 P.M.