



Austin City Council MINUTES

AUGUST 26, 1993 - 1:00 P.M.

Mayor Todd called to order the meeting of the Council, noting that Mayor Pro Tem Urdy, Councilmembers Reynolds and Shea, were not yet present.

Mayor Todd asked that those present in the Council Chamber observe a minute of silence for the two City of Austin employees that had died during the past week. They were Richard A. Kingsley, Assistant City Attorney, and Ron Lane, Brackenridge Children's Hospital, who spoke frequently before Council.

1. Approval of Minutes for Regular Meeting of August 19, 1993 and Special Meetings of July 21, August 4, 18 and 19, 1993. With additions. On Councilmember Nofziger's motion, Councilmember Garcia's second, 4-0 Vote, Mayor Pro Tem Urdy, Councilmembers Reynolds and Shea absent.

CITIZEN COMMUNICATIONS: GENERAL

2. Mr. Dennis Paddie, to discuss the effects of over-development upon health of City.
3. Mr. Neal Tuttrup, to question why the Council is planning to extend City services to Jim Bob Moffett's development in clear violation of the Austin Tomorrow Plan and the concept of a compact city.
4. Mr. Leonard Lyons, to discuss Scripps Howard "Give the People a List and They Will Find Their Own Way."
5. Mr. Ron Lane, to discuss hospital issues. Did not appear, due to his demise.
6. Mr. R. Brandes, to discuss BCCP.
7. Mr. Charlie Waits, to discuss conservation of Austin Taxpayers money.
8. Mr. Felipe Garza, to ask Council to approve \$6,000.00 to continue work on repairing Sunken Gardens at Zilker Park.
9. Mr. Steve Ruiz, to ask Council to approve \$6,000.00 to continue work on repairing Sunken Gardens.

10. Mr. Gary Farmer, to discuss real estate fee analysis. Did not address Council.

11. DRAINAGE UTILITY C.I.P. REPORT

Report given by Bill Stockton, Director of Public Works and Transportation.

ORDINANCES

12. Approved third reading of an ordinance amending Chapter 13-2 of the Austin City Code rezoning property locally known as 12103-12299 North IH-35, Case No. C14-92-0150, from "SF-2" to "G0-C0, GR-C0, and CS-C0", Texas Commerce Bank-Austin, N.A. (Doug Snyder), by Holford Group (David Holt). First reading on May 6, 1993; Vote 5-0-1. Second reading on June 10, 1993; Vote 5-0-1. Conditions met as follows: conditional overlay incorporates conditions imposed by Council.
Postponed to October 7, 1993 at (First) request of applicant.
13. Approve second reading of an amendment to the franchise agreement between the City of Austin and the Texas Utilities Electric Company to increase franchise fees from 3% of gross receipts to 4% of gross receipts. (The 1% increase results in an estimated \$40,000 annual increased in revenue to the General Fund.) (Recommended by Audit and Finance Committee.)
On Councilmember Shea's motion, Councilmember Garcia's second, 7-0 Vote.

Jimmy Clay Golf Course Expansion (Items 14-15)

14. Amend Ordinance No. 920922-A, the approved 1992-93 Capital Budget for the Parks and Recreation Department to increase the appropriation of the Capital Improvements Project for expansion of the Jimmy Clay Golf Course from \$2,215,000 to \$5,188,242. (Funding in the amount of \$2,973,242 will be provided from Certificates of Obligation to be issued during FY 1993-94.)
Pulled off agenda.

RESOLUTIONS

15. Express the City Council's official intent to reimburse a portion of the costs of funding to award the contract for construction of an 18 hole golf course at Jimmy Clay Golf Course out of future certificates of obligation. (Funding in the amount of \$161,774 is available in the 1992-93 Golf Fund Capital Budget; funding for the remaining \$2,973,242 will be provided by the issuance of Certificates of Obligation during FY 1993-94.)
Pulled off agenda.
16. Approve an Interlocal Agreement with Travis County for courtroom space at Municipal Court to conduct eligibility hearings for the drug diversion program. (No fiscal impact.)

17. Approve execution of a contract award to GRIFFIN AUSTIN CO., INC., Manchaca, Texas, for construction of water distribution system improvements east of Ed Bluestein Boulevard, along Shelton Road and Regiene road, in the amount of \$161,731. (Funding was included in the 1991-92 Capital Budget of the Water and Wastewater Utility. Low bid of twelve (12). 6.18 MBE, 3.54% WBE Subcontractor participation. (Recommended by Water and Wastewater Commission.)

#16-17 on Councilmember Shea's motion, Councilmember Garcia's second, 7-0 Vote.

18. Approve the selection of WESTIN ENGINEERING, INC., Spicewood, Texas, for negotiation and execution of an agreement to provide professional engineering and associated services for pilot program services for the upgrade and renovation of a personal-computer based supervisory control and data acquisition (SCADA) system which monitors and controls all wastewater lift stations, in the amount of \$250,000. (Funding is included in the 1991-92 Capital Budget of the Water and Wastewater Utility.) Best qualification statement of four (4). 10% MBE, 5% WBE Subcontractor participation. (Recommended by Water and Wastewater Commission.)

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

19. Approve execution of a contract award to VICON CONSTRUCTORS, INC., (MBE), for construction of sidewalk improvements along the north side of Cumberland Road, from South 1st Street to South 5th Street, in the amount of \$37,834. (Funding is available in the 1992-93 operating budget of the Child Safety Fund.) Low bid of three (3). 10.12% MBE, 5% WBE Subcontractor participation.

20. Approve Change Order #4 to BURRIS CONSTRUCTION, INC., Georgetown, Texas, for asphalt overlay at the intersection of Manchaca Road and William Cannon Drive, in the amount of \$31,124.76, for a total contract amount of \$435,510.76. (Funding was included in the 1992-93 Capital Budget of the Department of Public Works and Transportation.) 75% MBE, 12% WBE Subcontractor participation.

21. Approve Change Order #3 to J.C. EVANS CONSTRUCTION CO., INC., Austin, Texas, for relocation of traffic signal cable conduits on South Lamar Boulevard from Riverside Drive to Barton Springs Road, as part of the South Lamar Boulevard and Barton Springs Road intersection improvement project, in the amount of \$56,650, for a total contract amount of \$1,805,265.38. (Funding was included in the 1992-93 Capital Budget of the Department of Public Works and Transportation.) 0% MBE, 5% WBE Subcontractor participation.

#19-21 on Councilmember Shea's motion, Councilmember Garcia's second, 7-0 Vote.

22. Approve the selection of HDR ENGINEERING, INC., Austin, Texas, to provide professional engineering and associated services for Phase I (preliminary engineering services) of the Lamar Boulevard Bridge and Roadway Improvements Project, in the estimated maximum amount of

\$374,000. (Funding was included in the 1992-93 Capital Budget of the Department of Public Works and Transportation.) Best qualification statement of eleven (11). 21% MBE, 10% WBE Subcontractor participation.
Postponed to September 2, 1993.

23. Approve negotiation and execution of a twelve (12) month contract with the CENTRAL TEXAS MEDICAL FOUNDATION (CTMF), Austin, Texas, for the period October 1, 1992, to September 30, 1993, for graduate medical education of interns and residents and the provision of physician services to indigent clients at Brackenridge Hospital and Health and Human Services Department clinics, in an amount not to exceed \$5,101,002, with five (5) twelve (12) month extension options, in an amount not to exceed \$4,772,920 per extension, for a total amount not to exceed \$28,965,602. (Approval of the 1992-93 contract amount will authorize CTMF to retain excess of audited receipts over disbursements in the amount of \$328,082 from 1991-92 operations. These unexpended funds resulted from physician faculty vacancies plus favorable operating results and collection activities.) (Funding in the amount of \$4,772,920 is included in the 1992-93 budget of the General Fund for Hospital physician stipends; funding for \$328,082 is included in the residual CTMF funds from 1991-92.) Sole Source. No M/WBE Subcontracting opportunities were identified.
24. Approve execution of a contract with CLOSNER EQUIPMENT COMPANY, INC., San Antonio, Texas, for the purchase of one (1) twelve ton pneumatic tire roller to be used by the Street and Bridge Division for maintenance of City streets, in an amount not to exceed \$37,450. (Funding is available in the 1992-93 operating budget of the Transportation Fund.) Low bid of two (2). No M/WBE Subcontracting opportunities were identified.
25. Approve execution of a contract with COOPER EQUIPMENT COMPANY, San Antonio, Texas, for the purchase of one (1) diesel powered motor grader to be used by the Street and Bridge division for the maintenance and reconstruction of City streets, in an amount not to exceed \$73,900. (Funding is available in the 1992-93 operating budget for the Transportation Fund.) Low bid of three (3). No M/WBE Subcontracting opportunities were identified.
26. Approve execution of a contract with COOPER EQUIPMENT COMPANY, San Antonio, Texas, for the purchase of one (1) liquid asphalt distributor to be used by the Street and Bridge Division in its seal coat program for maintenance of City streets, in an amount not to exceed \$52,045. (Funding is available in the 1992-93 operating budget of the Transportation Fund.) Low bid of two (2). No M/WBE Subcontracting opportunities were identified.
27. Approve execution of a contract with HENDRIX GMC TRUCKS, INC., Austin, Texas, for the purchase of two (2) medium duty trucks for use by the Street and Bridge Division to support the program for the construction of ramps for persons with disabilities, in an amount not to exceed \$67,792. (Funding is available in the 1992-93

operating budget for the Transportation Fund.) Low bid of three (3). No M/WBE Subcontracting opportunities were identified.

28. Approve execution of a contract with HENDRIX GMC TRUCKS, INC., Austin, Texas, for the purchase of two (2) full-size vans for use by the Fire Department and one (1) mini cargo van to be used by the Health Department to support operational needs, in an amount not to exceed \$44,303. (Funding in the amount of \$30,124 is available in the 1992-93 operating budget of the Fire Department; and \$14,179 is available in the 1992-93 Health and Human Services Disproportionate Share Fund.) Low bid of three (3). No M/WBE Subcontracting opportunities were identified.
29. Approve execution of a contract with TEXAS SCHOOL BUS CENTER, INC., Austin, Texas, for the purchase of one (1) custom 24 passenger mini-bus for use by the Senior Activity Center to transport senior citizens to and from various programs, in an amount not to exceed \$44,902. (Funding is available in the 1992-93 operating budget of the Parks and Recreation Department - \$25,000 was donated by the Senior Activity Center.) Single bid. No M/WBE Subcontracting opportunities were identified.
30. Approve execution of a contract with KUENSTLER MACHINERY COMPANY, San Antonio, Texas, for the purchase of one (1) front-end loader/backhoe tractor to be used in the sidewalk construction program of the Department of Public Works and Transportation, in an amount not to exceed \$44,609. (Funding is available in the 1992-93 operating budget of the Transportation Fund.) Low bid of three (3) meeting specifications. No M/WBE Subcontracting opportunities were identified.
31. Approve execution of one (1) twelve (12) month supply agreement with TEXAS ELECTRIC INSULATED CABLE (MBE), Houston, Texas, for the purchase of telephone cable for use by the Traffic Signal Division of the Department of Public Works and Transportation, in an amount not to exceed \$87,176.10, with two (2) twelve (12) month extension options, in an amount not to exceed \$87,176.10, for a total amount not to exceed \$261,528.30. (Funding in the amount of \$87,176.10 is available in the 1992-93 Capital Budget of the Public Works and Transportation Department; funding for the extension options is contingent upon availability of funding in future budgets.) Low bid of three (3). No M/WBE Subcontracting opportunities were identified.
32. Approve execution of a twelve (12) month service agreement with BROWNING FERRIS, INC., Del Valle, Texas, for the provision of waste collection and disposal service at Parks and Recreation, Electric Utility, Aviation, Public Works, Convention Center and Palmer Auditorium, Water/Wastewater, Library, Police and Environmental and Conservation Services, in an amount not to exceed \$134,216, with the option to extend for two (2) twelve (12) month periods, in an amount not to exceed \$134,216 per extension, for a total amount of \$402,648. (Funding in the amount of \$11,185 is available in the 1992-93 operating budgets for various departments; funding for the

final eleven (11) months of the original contract period and the extension options is contingent upon availability of funding in future budgets.) Low bid of four (4). No M/WBE Subcontracting opportunities were identified.

33. Approve execution of a twelve (12) month contract with AUSTIN COMMUNITY LANDFILL, Austin, Texas, for the disposal of solid waste collected within a portion of the Phase I Pay-As-You-Throw service areas located in north Austin, in a minimum amount of 13,000 tons at \$8.50 per ton, for a minimum amount of \$110,500 and a maximum of 26,470 tons at \$8.50 per ton, for an amount not to exceed \$225,000, with the option to extend for four (4) twelve (12) month periods, in an estimated amount of \$225,000 per year, for a total estimated amount of \$1,125,000. (Funding in the amount of \$225,000 is included in the 1993-94 operating budget of the Environmental and Conservation Services Department's Solid Waste Services Fund; funding for the extension options is contingent upon availability of funding in future budgets.) Low bid of two (2). No M/WBE Subcontracting opportunities were identified.
34. Approve execution of a contract with ATHERTON MACHINERY COMPANY, LTD., San Antonio, Texas, for the purchase of one (1) stationary trommel screen and three (3) conveyers used to remove plastic bags and large debris from yard waste at the Hornsby Bend composting site, in an amount not to exceed \$142,387. (Funding is included in the 1992-93 Capital Budget of the Environmental and Conservation Services Department. The City will be reimbursed for \$71,193.50 from a Texas Water Commission grant.) Low bid of seven (7) meeting specifications. No M/WBE Subcontracting opportunities were identified.
35. Approve negotiation and execution of a lease amendment with Two Commodore Inc., owners of Two Commodore Plaza, located at 206 East 9th Street for approximately 1,100 square feet of space for use by the Environmental and Conservation Services Department. (Funding in the amount of \$1,146 for the remainder of fiscal year 1992-93 is available in the 1992-93 operating budget of the Environmental and Conservation Services Department; funding in the amount of \$13,800 for FY 1993-94 is available in the proposed 1993-94 operating budget of the Environmental and Conservation Services Department.)

#23-35 on Councilmember Shea's motion, Councilmember Garcia's second, 7-0 Vote.
36. Express the City Council's interpretation of the ten percent (10%) Minority owned business participation goal, [5% sub-goal for Hispanic owned firms and 5% sub-goal for African American owned firms] and five percent (5%) Women owned business participation goal, as set forth in the City Code, Chapter 5-7.
Pulled off agenda.
37. Approve the issuance of a Letter of Intent to the Round Rock Independent School District for a rebate in the amount of \$42,000 for installation of a thermal energy storage system. (Funding is

available in the 1992-93 operating budget of the Energy Rebate and Incentive Fund.) (Recommended by Resource Management Commission.) On Councilmember Shea's motion, Councilmember Garcia's second, 7-0 Vote.

38. Approve scheduling a Council retreat.
October 19 - 5 to 9 P.M. and October 20 - 9 A.M to 5 P.M. (Location to be announced.)

39. Approve scheduling a Planning and Development Worksession.
(Suggested date and time: September 29, 1993 at 9:00 a.m. to 5:00 p.m.)

#38. and 39. on Councilmember Reynolds' motion, Councilmember Shea's second, 6-0 Vote.

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

40. C14-86-082 - AL PETERSON, by Prossner Associates (Kurt Prossner), 5101, 5105, 5109, 5201 & 5205 Nuckols Crossing, 5200 Stassney Lane, 5201 Teri Road, and 5100-5206 Beryl Oak Drive. From SF-6 and SF-2 to LR for Tract 1 and MF-1 for Tract 2. Planning Commission Recommendation: To grant SF-2 for Tract 1; zoning request for Tract 2 was withdrawn by applicant.
Withdrawn

41. C14-85-149.88 - GUARANTY FEDERAL SAVINGS BANK (Robert Young), by Richard Suttle, 2300-2400 Gracy Farms Lane. Request to terminate restrictive covenant. Planning Commission Recommendation: To approve amendment to the restrictive covenant subject to the following: (1) a density limitation of 15 units per acre for Lot 1; (2) impervious cover limitation of 55% for Lot 1; and (3) Lot 2 shall remain undeveloped except for a hiking trail.
On Councilmember Nofziger's motion, Mayor Pro Tem Urdy's second, 7-0 Vote.

42. C14-93-0075 - ST. LOUIS CATHOLIC CHURCH (Sylvia Mosqueda), by Maricopa Southern, Inc. (Richard Harris), 7601 Burnet Road. From SF-2 to GR. Planning Commission Recommendation: To grant GR-CO zoning subject to the following: (1) restricting use of the property to church and community services; (2) closing and redesign of the driveways and re-striping of the parking areas prior to third reading; (3) limiting building height to 40 feet; (4) rollback to SF-3 if civic uses cease for more than 90 days, and limiting uses to the following: (a) Club or Lodge (conditional use); (b) Congregate Living; (c) Cultural Services; (d) Day Care Services (all categories); (e) Family Home; (f) Group Home Class I Limited); (g) Group Home Class I General; (h) Group Home Class III; (i) private primary educational; (j) private secondary educational; and (k) religious assembly.

FIRST READING - As recommended by Planning Commission: Approve GR-CO subject to (1) fiscal posting for redesign of driveways prior to 3rd reading; (2) closing and redesign of the driveways and re-striping

of the parking areas prior to Third Reading; (3) limiting building height to 40 feet; (4) rollback to SF-3 if civic uses cease for more than 90 days, and limiting uses to the following: (A) Club or lodge (conditional use); (B) congregate living; (C) cultural services; (D) day care services (All categories); (E) family home; (F) group home class I limited; (G) Group Home Class I General; (H) Group Home Class III; (I) private primary education; (J) private secondary educational; and (K) religious assembly.

On Councilmember Nofziger's motion, Councilmember Garcia's second, 7-0 Vote. Neighborhood to discuss issue presented re roadway before the second and third readings.

The following items will be postponed to a future date. Posting of this item on this agenda is required due to a previous advertisement for this date.

43. C14-93-0069 - H. C. BYLER, by LZT Architects (Herman Thun, Jr.), 2402-2406 South 4th Street. From LO to MF-3. Postponed to September 16, 1993 on Councilmember Reynolds' motion, Councilmember Garcia's second, 4-0 Vote, Councilmembers Nofziger, Shea and Mayor Pro Tem Urdy out of the room.

PUBLIC HEARING AND APPROVAL OF ORDINANCES/RESOLUTIONS

44. 5:00 P.M. - Proposed Water/Wastewater and Solid Waste utility rates.

Public hearing closed, on Councilmember Garcia's motion, Councilmember Reynolds' second, 7-0 Vote.

EXECUTIVE SESSION (No Public Discussion on These Items)

Session held in the morning in the Mayor's office.

Advice From Counsel - Section 2, Paragraph e

45. Discussion regarding the designation of the Central Business District for the purposes of filing a petition with the Texas Alcoholic Beverage Commission under Section 109.35 of the Texas Alcoholic Beverage Code prohibiting both the possession of open containers and the public consumption of alcoholic beverages.

Pending Litigation - Section 2, Paragraph e

46. Phillip Gutierrez, et al v. Mobil Oil Corp. et al; Cause No. 92-04889; in the 53rd Judicial District Court of Travis County, Texas.

ADJOURN - The meeting was adjourned at 7:25 P.M., on Councilmember Reynolds' motion, Councilmember Shea's second, 6-0 Vote, Mayor Pro Tem Urdy out of the room.