



Austin City Council MINUTES

MARCH 3, 1994 - 1:00 P.M.

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

MINUTES APPROVED

1. **Approval of Minutes for Regular Meetings of February 3, 10 and 24, 1994 and Special Meetings of February 17 (10:00 a.m.) and 24 (10:00 a.m.), 1994**

Approve minutes of Regular Meetings of February 3 and 24, 1994 and Special Meetings of February 17 and 24, 1994, on Mayor Pro Tem Nofziger's motion, Councilmember Goodman's second, 6-0 vote.

CITIZEN COMMUNICATIONS:

2. **Ms. Charlene Shillman, to-discuss the Capital Improvements Plan set up by the City of Austin - should include funding for the Museum of Fine Arts, Austin.**
3. **Mr. Leonard Lyons, to discuss oligarchy.**

ORDINANCES

4. **Approve a request to name a 14 acre unnamed park, located across Blue Meadow Drive in Southeast Austin as "Kendra Page Neighborhood Park". (Funding in the amount of \$600 for park signs was included in the 1991-92 Capital Budget of the Parks and Recreation Department.) (Recommended by the Parks Board.)**
5. **Amend Chapter 12-3 of the City Code, regulating the provision of Refuse Collection Services by private providers. (No fiscal impact) [Related to Item 6]**
6. **Amend the FY 1993-94 Fee Ordinance to increase Refuse Collection Service per vehicle fee and establish a Refuse Collection Service container fee. (Fee revenue will increase from \$5,800 annually to an estimated \$500,000 annually. Revenue in the amount of \$300,000 was included in the 1993-94 budget; estimated collection from the effective date for FY 1993-94 is \$250,000.) [Reviewed by Solid Waste Advisory Board] (Related to Item 5)**
7. **Approve defeasance by Maple Run at Austin Municipal Utility District of the District's Series 1986 Contract Revenue Bonds, at a cost not to exceed \$1,975,000. [Funding for the transaction would come from the existing Debt Service Reserve Fund for the Contract Revenue Bonds. Under current market conditions, after the defeasance is completed, the City would receive from its share (84.83%) of the 1986 debt service reserve fund \$367,071. Availability of this cash would allow the City to earn \$36,708 more in interest income over the next 32 months after funding the transaction costs.]**

Brackenridge Hospital (Items 8-10)

8. Amend Ordinance No. 930915-A, the 1993-94 operating budget for the Brackenridge Hospital Disproportionate Share Fund by increasing the transfers out to the Brackenridge Capital Budget by \$10,000,000 for the Brackenridge Hospital Strategic Capital Plan and increase the transfers out to the Brackenridge Hospital Operating Fund by \$24,937,734, for an ending balance of \$0.
9. Amend Ordinance No. 930915-A, the 1993-94 operating budget for the Brackenridge Operating Fund by increasing the total transfers in from the Brackenridge Hospital Disproportionate Share Fund by \$24,937,734, increasing the ending balance in the Debt to the Investment Pool to \$10,724,574, and increasing the ending working capital balance to \$14,813,485, for a total ending balance of \$4,088,911.

Item 4-9 approved on Councilmember Garcia's motion, Mayor Pro Tem Nofziger's second, 6-0 vote.

10. Amend Ordinance No. 930915-B, the 1993-94 Capital Budget for Brackenridge Hospital and Health and Human Services Department by transferring \$3,900,000 from the Health & Human Services Department Central Austin Medical Facility project and \$10,000,000 from the Brackenridge Disproportionate Share Fund to the Brackenridge Hospital Strategic Capital Plan project and by increasing the appropriation for the Brackenridge Hospital Strategic Capital Plan project by \$13,900,000.

Approved on Councilmember Garcia's motion, Mayor Pro Tem Nofziger's second, 5-0-1 vote, Councilmember Shea abstained.

RESOLUTIONS

11. Approve the filing of eminent domain proceedings to acquire a permanent access easement containing 7,841 square feet of land and a temporary storage site easement containing 3,000 square feet of land out of Lot "A" Sailors Subdivision Wastewater Project. (Appraised value is \$705.)
12. Approve an Interlocal Cooperation Agreement with Barton Springs-Edwards Aquifer Conservation District for a joint election on May 7, 1994. (Estimated savings of \$5,000 in election costs are expected to result from this agreement.)
13. Approve an Interlocal Cooperation Agreement with Austin Community College for a joint election on May 7, 1994, and the sharing of the optical scan voting system. (Estimated savings of \$60,000 in election costs are expected to result from this agreement.)
14. Approve the execution of an Interlocal Agreement with Austin Independent School District for preparation of meals for Parks and Recreation Department programs. (No fiscal impact) [Recommended by Parks Board]
15. Approve execution of a twelve (12) month service agreement with TEXAS INDUSTRIES FOR THE BLIND AND HANDICAPPED, Austin, Texas, for the procurement of janitorial services at Waller Creek Center, in an amount not to exceed \$93,993.34. [Funding in the amount of \$62,622.23 is available in the 1993-94 operating budget for Water

and Wastewater Utility. Funding for the final four (4) months of the service agreement is contingent upon availability of funding in future budgets.] (Recommended by the Water and Wastewater Utility Commission)

Item 11-15 approved on Councilmember Garcia's motion, Mayor Pro Tem Nofziger's second, 6-0 vote.

16. Approve a construction contract award to REDDICO CONSTRUCTION CO., INC., Leander, Texas, for Water and Wastewater improvements on Congress Avenue from 1st to 11th Street, in the amount of \$2,272,275 with an additional \$568,068.75 contingency fund to be used for change orders, for a total amount not to exceed \$2,840,343.75. (Funding in the amount of \$2,840,343.75 was included in the 1991-92 Capital Budget of the Water and Wastewater Utility.) Low bid of six (6). 3.30% MBE, 4.60% WBE Subcontractor participation. (Recommended by the Water and Wastewater Commission)

Approved on Councilmember Garcia's motion, Mayor Pro Tem Nofziger's second, 6-0 vote.

17. Approve execution of a contract with GOLDTHWAITE'S OF TEXAS, San Antonio, Texas for the purchase of a Toro large scale turf mower for City parks, in the amount of \$45,701. (Funding in the amount of \$45,701 is available in the 1993-94 operating budget for Parks and Recreation Department.) Low bid of two (2) meeting specifications. No MBE/WBE Subcontracting opportunities were identified.

18. Approve negotiation and execution of a contract with BARAKAT & CHAMBERLAIN, Irving, Texas to perform technical evaluations of (1) Environmental and Conservation Services Department's Demand Side Management Program impacts on peak demand and energy usage, and (2) Electric Utility Department's Integrated Planning Process, in an amount not to exceed \$97,175. (Funding in the amount of \$97,175 is available in the 1993-94 operating budget for the Electric Utility Department.) Best proposal of six (6). No MBE/WBE Subcontracting opportunities were identified. (Recommended by the Electric Utility Commission and the Resource Management Commission)

19. Approve execution of a seven (7) month contract with INDUSTRIAL DISPOSAL SUPPLY COMPANY, San Antonio, Texas, for the purchase of five (5) street sweepers, in an amount not to exceed \$394,425, with two (2) twelve (12) month extension options to buy up to six (6) additional units in the first extension period, in an amount not to exceed \$496,976 and six (6) additional units in the second extension period, in an amount not to exceed \$521,823, for a total contract amount not to exceed \$1,413,224. (Funding in the amount of \$394,425 was included in the 1993-94 Capital Budget of Solid Waste Services; funding in the amount of \$1,018,799 for the extension options will be contingent upon availability of funding in future budgets.) Low bid of four (4). No M/WBE Subcontracting opportunities were identified.

20. Approve negotiation and execution of a contract amendment to the Urban Homesteading Program Agreement with the Austin Housing Finance Corporation which will authorize home ownership opportunities to eligible low income families under the U.S. Department of Housing and Urban Development's (HUD) HOME and Community Development Block Grant programs.

21. Authorize a grant to the Austin Housing Finance Corporation (AHFC) for the acquisition of homes for the Urban Homesteading Program in the amount of \$150,000. (Funding is available in the 19th Year Community Development Block Grant/Dollar Home Program Grant funds, budgeted in the Special Revenue Fund of the Department of Planning and Development)
22. Approve 12 HOME Reconstruction Loans for reconstruction of one-story single family dwellings, for twelve (12) eligible families, in an amount not to exceed \$40,000 each for a total amount not to exceed \$480,000. (Funding is available in the HOME Year 1 Grant funds, budgeted in the Special Revenue Fund of the Department of Planning and Development.)
23. Approve the negotiation and execution of an amended professional service contract with DAVID R. BOLTON, INC. to provide services as a real estate appraiser and consultant associated with the SOS Ordinance litigation in an amount not to exceed \$33,500, for a total contract amount of \$67,500. (Funding is available in the 1993-94 operating budget of the Environmental and Conservation Services Department.)
24. Authorize entering into an agreement with the law firm of SUSMAN GODFREY L.L.P., Houston, Texas, to provide legal services and representation related to the City of Austin's ownership interest in the South Texas Project (STP), and Austin's claims against Houston Lighting & Power Company for its contractual breaches in failing to operate and maintain STP in an efficient and economical, in an amount not to exceed \$5,000,000, unless additional funds are approved by the City Council, payable at an hourly rate, plus a performance bonus to be determined by the City Council. (Funding for the estimated \$2,000,000 to be used this year is available in the 1993-94 operating budget for the Electric Utility Department; funding for the remainder of the contract is contingent upon availability of funding in future budgets.)
25. Set a public hearing on appeals by Mr. Dan Molina and Mr. Dan Pike of the Planning Commission's decision to approve a Hill Country Roadway site plan for the Twin Rock Apartments, 7700 Capital of Texas Highway North. (Suggested date and time: March 24, 1994 at 4:30 p.m.)

ITEMS FROM COUNCIL

26. Approve an ordinance canceling the March 31, 1994 Council meeting. (Mayor Pro Tem Michael "Max" Nofziger and Brigid Shea)
27. Set a public hearing to consider adopting a Campaign Finance Reform Ordinance. (Suggested date and time: March 10, 1994 at 5:00 p.m.) [Councilmember Brigid Shea]

Item 17-27 approved on Councilmember Garcia's motion, Mayor Pro Tem Nofziger's second, 6-0 vote.

28. Approve an ordinance establishing prohibitions against loitering for the purpose of illegal drug activities or prostitution. (Councilmembers Brigid Shea and Gus Garcia, and Mayor Bruce Todd)

Approved on Councilmember Garcia's motion, Mayor Pro Tem Nofziger's second, 5-0-1 vote, Councilmember Goodman abstained.

29. Approve a resolution in support of improved child care licensing standards in Texas. (Councilmembers Jackie Goodman and Ronney Reynolds)

Approved on Councilmember Garcia's motion, Mayor Pro Tem Nofziger's second, 6-0 vote.

3:30 P.M. BOARD OF DIRECTOR'S MEETING OF AUSTIN HOUSING FINANCE CORPORATION

The Mayor will recess the City Council meeting. A Board meeting of the Austin Housing Finance Corporation (AHFC) will be conducted. Following adjournment of the AHFC Board meeting, the City Council will be reconvened. Items 30-34 are AHFC agenda items to be considered by the Austin Housing Finance Corporation's Board of Directors.

The Council recessed from 3:52 until 4:00 p.m. for the Austin Housing Finance Corporation meeting on Councilmember Reynolds' motion, Mayor Pro Tem Nofziger's second, 4-0 vote, Councilmember Garcia absent.

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

35. C14-94-0019 - AUSTIN CHURCH ON THE ROCK, INC. AND SOUTHWEST JOINT VENTURE (Dwight Davis), by Conley Engineering (Carl Conley), 2100 block of Walsh Tarlton Lane. From I-SF-2 to SF-2. Planning Commission Recommendation: To grant SF-2-CO, Single Family Residence (standard lot) Conditional Overlay subject to prohibition of access to Walsh Tarlton Lane from the subject tract, and subject to compliance with the Integrated Pest Management Program.

Approve applicant's request of one week delay on Councilmember Shea's motion, Councilmember Goodman's second, vote 5-0, Councilmember Garcia absent.

PUBLIC HEARING AND APPROVAL OF ORDINANCES/RESOLUTIONS

36. 5:00 P.M. - Approve a request to change the street name of Redwood Avenue to E. M. Franklin Avenue.

Approve on Councilmember Shea's motion, Mayor Pro Tem Nofziger's second, 5-0 vote, Councilmember Garcia absent.

Close public hearing on Councilmember Reynolds' motion, Councilmember Goodman's second, 4-0 vote, Mayor Todd and Councilmember Garcia absent.

37. 5:30 P.M. - Consider calling for an on-site inspection and a financial analysis of South Texas Nuclear Project (STNP) to assess the City of Austin's future risk in the plant. (Mayor Pro Tem Michael "Max" Nofziger and Councilmember Jackie Goodman)

Public hearing held, speaker cards on file in City Clerk's Office.

38. 6:45 P.M. - Public Hearing to consider City Charter amendments recommended by the Charter Review Committee to be considered by the voters at the election of May 7, 1994.

Close public hearing on Councilmember Reynolds' motion, Councilmember Goodman's second, 4-0 vote.

EXECUTIVE SESSION

The Executive Session was held on the morning of this date.

The City Council will announce it will go into Executive Session, if necessary, pursuant to Chapter 551 of the Texas Government Code, to receive advice from Legal Counsel, to discuss matters of land acquisition, litigation and personnel matters as specifically listed on the meeting agenda. Council would take any subsequent action in the open meeting as listed on the agenda. The City Council may also announce it will go into Executive Session, if necessary, to receive advice from Legal Counsel regarding any other item listed on this agenda.

39. Discuss legal issues related to local preference and compliance with State law requirements for competitive bidding and professional selection processes.
40. Discuss legal issues relating to audit of Barton Springs Edwards Aquifer Conservation District.
41. Discuss legal issues related to class action lawsuit styled R&D Business Systems, et al. v. Xerox Corporation, Civil Action No. 2:92-CV-042.
42. Discuss legal issues related to properties located within the 504.9 contour line.

ADJOURN at 8:25 p.m. on Councilmember Reynold's motion, Councilmember Goodman's second, 4-0 vote, Mayor Todd and Councilmember Garcia absent.

The Council recessed from 2:10 until 3:50 p.m. on Mayor Pro Tem Nofziger's motion, Councilmember Garcia's second, 6-0 vote.

The Council recessed from 4:02 until 5:00 p.m. on Councilmember Shea's motion, Councilmember Goodman's second, vote 5-0, Councilmember Garcia absent.

The Mayor Pro Tem recessed the Council from 5:17 until 5:52 p.m.

APPROVED ON THE 10th DAY OF March, 1994.

Approve minutes of Regular Meeting of March 3, 1994, on Councilmember Garcia's motion, Mayor Pro Tem Nofziger's second, 6-0 vote.