



## Austin City Council MINUTES

FEBRUARY 13, 1992 - 1:00 P.M.

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

1. Approval of Minutes for Regular Meeting of February 6, 1992.  
On Councilmember Garcia's motion, Councilmember Nofziger's second, as corrected, 6-0 Vote, Mayor Pro Tem Urdy out of the room.

### CITIZEN COMMUNICATIONS: GENERAL

2. Mr. Jerry L. Garcia, to discuss employee issues.
3. Mr. David Elliott, to discuss current City issues.
4. Mr. Steve Kinslow, to support Council's decision to fund Child Care Resource Center.
5. Mr. Tim Jones, to present visual evidence demonstrating the need for a strong Comprehensive Watersheds Ordinance, particularly addressing the Edwards Aquifer Recharge Zone.
6. Mr. Henry Ratliff, to discuss citizen awareness.
7. Mr. David Van As, to report to City Council on status of Austin Cablevision labor dispute.

### BOARD AND COMMISSION REPORTS

8. HUMAN RIGHTS COMMISSION - Human Rights Week  
Jim Hill presented the report on Human Rights Week.

### ITEMS CONTINUED FROM PREVIOUS MEETINGS

9. Amend the Austin City Code by modifying the Basic Traffic Ordinance, Chapter 11-2, Article IV, Speed Limits, by increasing the speed limit for East 26th Street from San Jacinto Boulevard to Manor Road

from 30 mph to 35 mph. (Funding in the amount of \$300 for signage included in the 1991-92 Operating Budget of the Public Works Department.)

Pulled Off

10. Amend the Austin City Code by modifying the Basic Traffic Ordinance, Chapter 11-2; Article IV Speed Limits, by increasing the speed limit on Enfield Road from West Lynn Street to Lake Austin Boulevard/Scenic Drive from 30 mph to 35 mph. (Funding in the amount of \$420 for signage included in the 1991-92 Operating Budget of the Public Works Department.)

Pulled Off

11. Appeal by Mr. Dan Pike of the Bull Creek Homeowners Association of the Planning Commission's decision to approve a consolidated site plan for Twin Rocks Apartments, located at 7700 N. Capital of Texas Highway (Loop 360).

Motion - Withdrawn

Councilmember Epstein made a motion, seconded by Councilmember Garcia to send this back to Planning Commission. After discussion the motion was withdrawn.

Motion

Councilmember Epstein made a motion to DENY THE APPEAL, seconded by Councilmember Reynolds. Motion passed by a vote of 6-1 with Councilmember Nofziger voting No.

12. Approve implementation of the first year of the Urban Watersheds Retrofit and Monitoring Business Plan by amending the 1991-92 Operating Budget as follows: (a) increasing the number of full-time positions by one (1) in the Department of Public Works and Transportation, by two (2) in the Law Department, and by six (6) in the Environmental and Conservation Services Department; and (b) reallocating \$5.0 million within the approved 1991-92 Drainage Utility Operating Budget as well as increasing expenditures and expense refunds by \$1,610,367 in the Environmental and Conservation Services Department Operating Budget and \$48,444 in the General Fund Operating Budget (for the Law Department). (Funding provided by the Drainage Utility Fund.)

Motion

Councilmember Epstein made a motion, seconded by Councilmember Reynolds to send this back for review by the Environmental Board and

Water and Wastewater Commission and bring back in two weeks. Also, consider putting the positions in the Public Works Department. Bring back to Council February 27, 1992. (6-0 Vote, Mayor Pro Tem Urdy out of the room.)

#### ORDINANCES

13. Approved second/third readings of an ordinance amending Chapter 13-2 of the Austin City Code rezoning property locally known as 7000-7009 E. Ben White, Case No. C14-86-316, from "SF-2", Single Family Residence & "SF-3", Family Residence to: "CS-CO", Commercial Services-Conditional Overlay (Tract 1) & "LI-CO", Limited Industrial Services-Conditional Overlay (Tract 2) SOUTHEAST AUSTIN ASSOCIATION by Mathias Company, Jim Whitliff. First reading on December 13, 1990; Vote 5-0 (Dr. Urdy out of room, Mr. Barnstone was absent). Conditions met as follows: Conditional Overlay incorporates conditions imposed by Council. Restrictive Covenant has been executed.

14. Approved second/third readings of an ordinance amending Chapter 13-2 of the Austin City Code rezoning property locally known as 12156, 12166, 12174, 12180, 12190, 12200 Metric Blvd.; 1911, 1917 and 1923 Cedar Bend Drive; and 2001 and 2009 Park Bend Drive, Case no. C14-90-0083, from I-RR to: Tracts 1 and 2 - GR-CO, Community Commercial-Conditional Overlay; Tract 3 - LR, Neighborhood Commercial, CITY OF AUSTIN, by the Department of Planning and Development. First reading on May 16, 1991; vote 5-0 (Council Members Barnstone and Epstein out of the room). There were no conditions to be met other than submittal of field note descriptions for building footprints (Tracts 1 and 2).

#13-14 on Councilmember Reynolds' motion, Councilmember Nofziger's second, 7-0 Vote.

15. Authorized acceptance of \$1,900 from the Texas Commission on the Arts for a touring visual arts exhibition to promote design excellence by displaying local winners of the Design Commission Annual Award Program; amend Ordinance No. 910912-A, the 1991-92 Special Revenue Fund of the Parks and Recreation Department by appropriating \$1,900, increasing revenues and expenditures. (City's match amounts to \$1,900 in in-kind services which are included in the 1991-92 Operating Budget of the Parks and Recreation Department.)

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

16. Amended the 1991-92 Operating Budget of Brackenridge Hospital by increasing revenues by \$43,000,000 and increasing expenditures for non-operating expenses by \$15,500,000 to allow Brackenridge Hospital

to participate in the State of Texas Medicaid Provider Tax Program. (The tax payment does not exceed \$15,500,000, resulting in proceeds of \$43,000,000 in gross revenue and approximately \$27,500,000 in net revenues. The increase in expenditures will be funded by increased revenue of \$43,000,000 made available by the State of Texas through Federal Medicaid matching funds.) [Recommended by Hospital Board]

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

17. Amended the 1991-92 Operating Budget of the Health Department by increasing the number of County Health positions converted to City full time employees (FTEs) from 40 to 48, and increasing the Health and Human Services Department appropriation by \$120,000, and expense refunds by the same amount. (Travis County reimburses actual cost for these positions per the Interlocal Health Authority Agreement.)

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

#### RESOLUTIONS

18. Approved the selection of the following underwriter group, Senior Manager: Merrill Lynch and Co-Managers: J.P. Morgan, Lehman Brothers, A.G. Edwards, Apex Securities, and Walton Johnson, in connection with the issuance of approximately \$160,000,000 in Public Improvement Refunding Bonds.
19. Approved the selection of the following underwriter group, Senior Manager: Morgan Stanley and Co-Managers: First Boston, Golman Sachs, PaineWebber, Legg Mason, Nationsbank, Grigsby Brandford, and Estrada Hinojosa, in connection with the issuance of approximately \$690,000,000 in Combined Utility System Revenue Refunding Bonds.

#18-19 on Councilmember Garcia's motion, Mayor Todd's second, 7-0 Vote.

20. Approved a construction contract award to NBS CONSTRUCTION COMPANY, Austin, Texas, for Red River Street improvements from Waller Creek Bridge to East 3rd Street, in the amount of \$210,803.50. (Funding in the amount of \$208,853.50 included in CIP 825-607-2015 - Public Works Fund; \$750 included in CIP 388-227-0996 - Water Fund; and \$1,200 included in CIP 439-237-0918 - Wastewater Fund.) Low bid of four (4). 19.93% MBE, 5.1% WBE Subcontractor participation.

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

21. Approved the selection of CH2M HILL, Austin, Texas, to provide professional engineering, design and construction management services for the Controls and Instrumentation Project at the South

Austin Regional Wastewater Treatment Plant, in the estimated amount of \$1,700,000. (Funding included in CIP 440-237-0438 - Water and Wastewater Utility.) Best proposal of two (2). 10% MBE, 5% WBE Subcontractor participation.

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

22. Approved the selection (RFQ) of THE NYFELE ORGANIZATION, Austin, Texas, and negotiation and execution of a contract to provide architectural design and construction phase services for the Robert Mueller Municipal Airport Terminal Building Rehabilitations, at an estimated maximum fee of \$152,000. (Funding included in CIP 881-817-5526. The project is eligible for 75%, or approximately \$38,000 of eligible costs from Federal Aviation Administration (FAA) Airport Improvements Program grant funds for renovations associated with the public areas.) Best proposal of seven (7). DBE Participation: 31%; 2% MBE, 29% WBE Subcontractor participation.

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

23. Approved execution of an eight (8) month supply agreement with CAMPBELL ASSOCIATES, INC., Dallas, Texas, for leukocyte removal filters to be used by Brackenridge Hospital Blood Bank transfusion service, in an amount not to exceed \$31,341, including an option to extend thereafter for up to one (1) additional twelve (12) month period, in an amount not to exceed \$53,728, for a total amount not to exceed \$85,069. (Funding included in the 1991-92 Operating budget of Brackenridge Hospital; funding for the extension option contingent upon approval of 1992-93 Operating budget.) Sole Source. The prime did not identify any subcontracting opportunities. Reference No. BS2-079.

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

24. Approved execution of a twelve (12) month supply agreement with SOUTHERN SAFETY SALES, INC., Austin, Texas, for anesthesia breathing circuits and filters, in an amount not to exceed \$32,297, including an option to extend thereafter for up to one (1) additional twelve (12) month period, in an amount not to exceed \$32,297, for a total amount not to exceed \$64,594. (Funding in the amount of \$18,839 included in the 1991-92 Operating Budget of Brackenridge Hospital; \$13,458 will be requested in the 1992-93 Operating Budget.) Low bid of six (6). The prime did not identify any subcontracting opportunities. Reference No. BS2-072.
25. Approved a request by the Austin Radio Control Association (ARCA) to name the radio controlled model airplane flying field located at

Lake Walter E. Long Metropolitan Park to Lester Field, in honor of C.H. Lester, a charter member of ARCA and instrumental in the construction of the model airplane flying field. (ARCA will pay for any costs associated with the formal naming.)

26. Approved an Interlocal Agreement with Travis County to provide training for the volunteer EMS first responders in Travis County. (No fiscal impact - Travis County will reimburse the City up to \$9,000 per year for training on a direct cost reimbursement basis.)

#24-26 on Councilmember Reynolds' motion, Councilmember Nofziger's second, 7-0 Vote.

27. Approved a ten (10) year lease of 3,360 sq. ft. of office space located at Twin Oaks Shopping Center, 2301 South Congress, from Jung-Marley Partnership, for the expansion of the Twin Oaks branch library, in the amount of \$26,500. (Funding included in the 1991-92 Operating Budget of the Library Department.)

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

28. Set public hearings on the proposed Bond Election to review public input on the completion of current projects and the "Draft 1992 Bond election Candidate Projects." Date and time: February 27, May 21, and May 28, 1992 at 5:00 p.m.

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

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

##### ZONING DISTRICTS

To be heard by Planning Commission on February 11, 1992; Recommendation to Follow

29. C14-92-0002 - ROBERT L. AND JANIE LEE, 7702 Wynne Lane. From MH to SF-2.

ORDINANCE - Approved Planning Commission recommendation to grant "SF-2", on Councilmember Garcia's motion, Councilmember Larson's second, 6-0 Vote.

#### 6:00 P.M. - DINNER BREAK

##### FINAL CITIZEN COMMUNICATIONS

People who spoke were Robert Singleton and Celia Games

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

30. **6:30 P.M.** - Extend certain provisions, procedures and regulations of the Comprehensive Watershed Ordinance, as amended on October 17, 1991, to all other watersheds within Austin's planning jurisdiction. (Mayor Pro Tem Charles Urdy and Councilmember Ronney Reynolds.)

The Council voted to continue the public hearing to February 27, 1992 at 6:45 P.M., on Councilmember Reynolds' motion, Mayor Pro Tem Urdy's second, 7-0 Vote.

**ITEMS FROM COUNCIL**

31. Consider a Resolution directing the Planning Commission to consider and act on a recommendation to amend the fiscal security requirements related to final plats to address the problem of failure of fiscal security posted for certain recorded plats. (Councilmember Ronney Reynolds)

Pulled off agenda.

32. Whereas there is the need for the City of Austin to have a uniform water quality ordinance raising the standards for water quality to all watersheds affecting the Colorado River, and the fact that the Comprehensive Watershed Ordinance as amended on October 17, 1991, is recognized as the most stringent water quality ordinance of its kind in the nation, approve referring information as manifested in the public hearing Item #30 to the Planning Commission, where with the support of the related Boards and Commissions can identify problems and develop solutions and refer back to the City Council so that policy can be formulated and direction can be given to develop a uniform ordinance. (Councilmember Ronney Reynolds and Mayor Pro Tem Charles Urdy)

Pulled off agenda.

33. Discussion of selection process, compensation and benefit package for Municipal Judges. (Municipal Court Subcommittee)

(See #37)

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

Mayor Todd announced that Council would go into Executive Session, pursuant to Article 6252-17, Texas Revised Civil Statutes Annotated to receive advice from Legal Counsel, to discuss matters of land acquisition, litigation and personnel matters. No final action will be taken on any subject or matter unless specifically listed on the agenda for this meeting.

The Council entered into Executive Session two times. From 3:28 P.M. to 4:48 P.M. they discussed #34. During the second Executive Session from 4:54 to 7:40 P.M., they discussed #34 and #35.

Personnel Matters- Section 2, Paragraph g

34. Interview, discussion of benefits package and compensation, and selection of candidates for the municipal court judicial positions.

Pending/Contemplated Litigation - Section 2, Paragraph e

35. Discussion of contemplated litigation related to certain water rights and rates which the City of Austin is subject to.

Pursuant to Article 6252-17, Paragraph 2f

36. Land Acquisition open space/preserve property in the Upper Bull Creek Watershed. No discussion on #36.

ACTION ON THE FOLLOWING

37. Appointments of the Municipal Court Judges and approval of Compensation and Benefits Package for the Municipal Court Judge.

Special Administrative Relief Judge - Harriett Murphy, on Mayor Pro Tem Urdy's motion, Councilmember Reynolds' second, 7-0 Vote

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Presiding Judge - Phil Sanders  
Municipal Judges - Celia Castro, Evelyn McKee, Penny Wilkov, Nigel Gusdorf and Martin Thompson.

Alternate Judges - David Garza, Sandra Fitzpatrick, Chuck Wood, Elena Diaz and Sue Berkel

All on Councilmember Epstein's motion, Councilmember Garcia's second, 7-0 Vote.

10:00 P.M. - ADJOURN

The meeting was adjourned at 10:15 P.M.