



Austin City Council MINUTES

MAY 21, 1992 - 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.

MINUTES APPROVED

1. Approval of Minutes for Regular Meeting of May 14, 1992 and Special Meetings of May 6, May 11 (4:00 P.M.).

On Councilmember Larson's motion, Councilmember Nofziger's second, 4-0 Vote, Mayor Pro Tem Urdy, Councilmembers Garcia and Reynolds out of the room.

CITIZEN COMMUNICATIONS: GENERAL

2. Mr. Dean Taylor, to present a report on Bicycle Austin Week, and to thank Council for declaring May 2-10 Bicycle Austin Week.
3. Ms. Aina Dodge, to discuss the S.O.S. Initiative Ordinance.
4. Mr. Henry Ratliff, to discuss "press forward."
5. Mr. David Elliott, to discuss inept City management and increasing Austin's horrendous bond debt.
6. Mr. Walt Wilson, to present proposed solutions to Senior issues.
7. Ms. Rachel Cywinski, to discuss all the treatment that I did not receive from the Austin Police Department when the windows of my house were broken out early May 15.

Not present.

8. Mr. Timothy Cook Ingham, to speak on behalf of the recent Bicycle Austin Week activities and their implications for the City of Austin and all Austin citizens.

9. Mr. Luthor Carpenter, to present the fifth speech in a series on management, budget and Council concerns.
10. Mr. Horace E. Willis, to discuss erosion of Walnut Creek.
11. Mr. Leonard Lyons, to discuss our consensus Mayor and his 4 to 3 votes.

BOARD AND COMMISSION REPORTS

12. Brackenridge Hospital Board - Betty Himmelblau, Chair, and Chris Eakle, Secretary, to discuss Disproportionate Share Funds.

Report was given by Chris Eakle.

ITEMS CONTINUED FROM PREVIOUS MEETINGS

13. Approve execution of a construction contract award to REDDICO CONSTRUCTION COMPANY, Austin, Texas, for the reconstruction of a collapsed storm sewer in Brazos Street between East 6th Street and Colorado River, for the Brazos Street Storm Sewer Rehabilitation Project, in the amount of \$616,483.10. (Funding in the amount of \$555,590.10 included in CIP 485-617-4100 (Drainage); \$57,893 included in CIP 379-227-0637 (Water); \$3,000 included in CIP 439-237-0918 (Wastewater). Low bid of six (6). 13.36% MBE, 2.21% WBE Subcontractor participation. (Reviewed by Water and Wastewater Commission.)
14. Approve execution of a construction contract award to CHASCO CONTRACTING, INC., Round Rock, Texas, for channel and bridge construction in the Angus Valley Channel, Part I, in the amount of \$299,983.83. (Funding in the amount of \$279,748.33 included in CIP 825-607-2074; \$7,071 included in CIP 388-227-6948 (Water) and \$13,164.50 included in CIP 439-237-6948 (Wastewater). Low bid of ten (10). 3.33% MBE, 9.79% WBE Subcontractor participation. (Reviewed by Water and Wastewater Commission.)

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

15. DENIED a request by Khaled Ali Shawabkah, owner of Hala Food Store, located at 3505 Webberville Road, to waive the minimum separation distance requirement between his business which intends to sell alcoholic beverages and the Friendship Baptist Church. (No fiscal impact.)

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

ORDINANCES

16. Approve second/third readings of an Ordinance amending Chapter 13-2 of the Austin City Code rezoning and partially deleting a portion of the site plan for the property locally known as 10127-10225 Research Boulevard, Case No. C14r-85-146(DE), from "CH", Commercial Highway, to "CH-CO", Commercial Highway-Conditional Overlay, Z-K REAL ESTATE, by Bob Liverman. First reading on April 23, 1992; Vote 7-0.
Conditions met as follows: Conditional Overlay incorporates conditions imposed by Council. (Public Hearing Closed - No Citizen Sign-Up)
17. Authorize acceptance of \$50,000 in grant funds from the Texas Water Development Board; amend the 1991-92 Operating Budget by appropriating \$50,000 to the Environmental and Conservation Services Special Revenue Fund for evaluating water conservation savings and other benefits of residential Xeriscape landscapes. (City's match is \$61,000 - Funding included in the 1991-92 Operating Budget of the Environmental and Conservation Services Department.) (Recommended by Resource Management Commission.)
18. Amend the 1991-92 General Fund Operating Budget, Ordinance No. 910912-A, increasing revenues by \$444,530 and expenses for physicians stipends by \$227,490, to pay for increased costs of a proposed amendment to the City's contract with the Central Texas Medical Foundation (CTMF) to allow for the purchase of a computer system, leasing of office space, and the increase of resident physicians' salaries. (Related to Item 19)

RESOLUTIONS

19. Approve execution of an amendment to the contract with the CENTRAL TEXAS MEDICAL FOUNDATION (CTMF), (a non-profit corporation), Austin, Texas, for the increase of the current annual Operating Budget by \$227,490, for a total annual budget of \$4,772,927, and an amendment to the personnel schedule increasing resident physician's salaries. (Related to Item 18)

#16-19 on Councilmember Garcia's motion, Councilmember Nofziger's second, 7-0 Vote.
20. Approve the selection of GREINER, INC., Dallas, Texas, as consultant, and authorize negotiation and execution of a professional services agreement to prepare supplemental environmental studies for an air carrier airport at Bergstrom Air Force Base, in an amount not to exceed \$500,000. (Funding included

in the 1991-92 Airport CIP Budget; the City anticipates reimbursement of 75% of eligible costs from the Federal Aviation Administration.) 40% DBE (5% MBE, 35% WBE) Subconsultant participation. (Recommended by Aviation Subcommittee)

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

21. Approve execution of a twelve (12) month supply agreement with MOORE BUSINESS FORMS AND SYSTEMS DIVISION, Austin, Texas, for the printing of the Utility Customer Service Office statements and termination notices, in an amount not to exceed \$38,745, with the option to extend for one (1) twelve (12) month period, in the amount of \$38,745, for a total amount not to exceed \$77,490. (Funding included in the 1991-92 Financial Services Operating Budget.) Low bid of seven (7) meeting specifications. The prime did not identify any subcontracting opportunities. Reference No. 920477-1SS.

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

22. Approve an Interlocal Agreement with the City of Georgetown to complete the transfer of a package wastewater treatment plant and associated facilities from the City of Austin's abandoned Williamson Creek Wastewater Treatment Plant, and to allow the City of Austin to retain one (1) metal building originally intended for transfer to the City of Georgetown. (Funding in the amount of \$750 to be refunded to the City of Georgetown for the metal building is included in CIP 430-237-0870.) (Recommended by Water and Wastewater Commission.)

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

23. Approve Change Order No. 4 to BRATH, INC., Round Rock, Texas, for reroofing Avante Plaza for the relocation of the Information Systems Department Data Center, in the amount of \$76,794, for a total contract amount of \$1,977,068. (Funding in the amount of \$38,397 included in CIP 392-227-6722 (Water); and \$38,397 included in CIP 430-237-0465 (Wastewater).

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

Opportunities for Youth (Items 24-26)

24. Authorize application for and acceptance of a \$750,000 grant from the U.S. Department of Health and Human Services' Administration for Children and Families to fund a Community-Based Consortia Demonstration Project. (\$250,000 in-kind match requirement

including contributions from participation agencies and community-based organizations. The City's portion of the match will be met with existing City personnel and resources. Funding for future years will be requested in future years' budgets.) (Reviewed by Opportunities for Youth Subcommittee.)

25. Authorize application for and acceptance of a \$150,000 grant from the U.S. Department of Health and Human Services' Administration for Children and Families to fund Employment Programs for Youth at Risk of Gang Participation Demonstration Project. (\$50,000 in-kind match requirement including contributions from participating agencies and community-based organizations. The City's portion of the match will be met with existing City personnel and resources. Funding for future years will be requested in future years' budgets.) (Reviewed by Opportunities for Youth Subcommittee)
26. Authorize application for and acceptance of a \$150,000 grant from the U.S. Department of Health and Human Services' Administration for Children and Families to fund a Gangproofing Young Children Demonstration Project. (\$50,000 in-kind match requirement including contributions from participating agencies and community-based organizations. The City's portion of the match will be met with existing City personnel and resources. Funding for future years will be requested in future years' budgets.) (Reviewed by Opportunities for Youth Subcommittee)

Convention Center (Items 27-30)

27. Approve execution of a contract with MIDNIGHT SOUND AND LIGHTING, Austin, Texas, for the purchase of spotlights to be used in the Convention Center, in an amount not to exceed \$45,102. (Funding included in the 1991-92 CIP of the Convention Center.) Sole bid. The prime did not identify any subcontracting opportunities. Reference No. 920654-1RW.

#24-27 on Councilmember Garcia's motion, Councilmember Nofziger's second, 7-0 Vote.

28. Approve execution of a contract with KRUEGER INTERNATIONAL, INC., Green Bay, Wisconsin, for the purchase of stacking chairs for the Convention Center, in an amount not to exceed \$377,474.52. (Funding included in the 1991-92 CIP of the Convention Center.) Low bid of three (3) meeting specifications. The prime did not identify any subcontracting opportunities. Reference No. 920650-1RW.

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

29. Approve negotiation and execution of a five (5) year revenue contract with AVW AUDIO VISUAL INC., Dallas, Texas, for audio visual

services for the Convention Center Department, for a total estimated revenue of \$320,000, with termination by the City any time after the third year. Best proposal of four (4).

Convention Center (Items 27-30)

30. Approve execution of a contract with STAGERIGHT CORPORATION, Clare, Michigan, for the purchase of concert stage and staging risers for the Convention Center, in an amount not to exceed \$173,711. (Funding included in the 1991-92 CIP of the Convention Center.) Low bid of two (2). The prime did not identify any subcontracting opportunities. Reference No. 920651-1RW.
31. Approve the execution of amendments to existing agreements with the law firms of Haynes & Boone and Fulbright & Jaworski for representation of the City of Austin in the City of San Antonio et. al. vs. Westinghouse Electric Corporation, et. al., Cause No. 90-S-0684-C. (Related to Item 62) From Electric Utility Fund. In the amount of \$198,000.00.
32. Approved in the amount of \$198,000 from the Electric Utility Fund, Approve settlement of the civil rights case, Juan Enrique Pena and Josephine Pena v. David Mayfield, Jose Munoz and the City of Austin, Texas; Cause No. 386-602. (Related to Item 63) From Legal Liability Contingency Fund. In the amount of \$150,000.00.
33. Approve a Resolution authorizing real property acquisition for Parcel 132TE, 133, 133TE, 135E, 135TE, 136 and 136TE. (Related to Item 65)
34. Authorize City of Austin cost participation with the State of Texas in Real Property acquisition for the U.S. 290/SH 71 Projects (Account 74). (Related to Item 66)

Mayor Todd stated, "For items 33 and 34 those amounts were, collectively, I think, \$300,000.00, which is our percent share". Councilmember Garcia said, "As I understood it these were just advances. The actual amount is not going to be computed until the acquisition comes down the line. Is that not correct?" Mayor Todd said that is correct "and we will be charged 10% of whatever difference occurred between the estimate of \$3 million dollars that has been prepared as part of that acquisition process...charged or refunded."

#29-34 on Councilmember Garcia's motion, Councilmember Nofziger's second, 7-0 Vote.

35. Authorize the negotiation and execution of a purchase/lease for Convention Center parking. (Related to Item 67)

This is for the parking garage building at the southeast corner of Brazos and Second Street. The contract is with Western Southern Life for \$6,200,000.00 at 9.25% interest, plus \$575,000.00 for finish out and upgrade. Year one, the City will make payment of interest only in the amount of \$800,000. Years two, three and four the annual payment will be \$635,000.00 and the fifth year will be a buy out.

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

36. Set a public hearing to gather citizen input on a proposed Ozone-depleting chemical operating permit application fee, annual renewal fee and hardship application review fee of \$50 each, effective August 1, 1992. Date and time: May 28, 1992 at 6:45 p.m.

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

3:00 P.M. - ELECTRIC UTILITY (Items 37-55)

(To be reviewed by Electric Utility Commission on May 18, 1992.)

37. Electric Utility Commission Report.

No report.

38. Resource Management Report

No report.

39. Monthly Management Report (Fiscal, Operations, Fuel)

John Moore' Director of Electric Utility, gave the report.

40. Monthly Utility Receivable Report

Report given by Betty Dunkerley, Director of Finance.

41. Approve a construction contract award to TECOM CONSTRUCTION, INC., Austin, Texas, for the expansion of the Electric Utility Department's St. Elmo Service Center, Phase I, in the amount of \$1,504,499. (Funding included in the 1991-92 Electric Utility Capital Budget.) Low bid of ten (10). 10.64% MBE, 7.70% WBE Subcontractor participation.

42. Approve execution of a twelve (12) month service agreement with BLUME TREE SERVICES, INC., Conroe, Texas, for tree trimming services, in an amount not to exceed \$1,391,858, with the option to extend thereafter for an additional three (3) twelve (12) month periods, in an amount not to exceed \$1,391,858 per extension, for a total contract amount not to exceed \$5,567,432. (Funding in the amount of \$463,953 included in the 1991-92 Operating Budget of the Electric Utility Department; the remaining \$927,905 of the original contract period and the extension options will be contingent upon future available funding in the 1992-93, 1993-94, 1994-95, and 1995-96 budgets.) Low bid of four (4). 7% MBE, 18% WBE Subcontractor participation. (Reviewed by Urban Forestry Board)

#41-42 on Councilmember Garcia's motion, Councilmember Reynolds' second, 7-0 Vote.

43. Approve execution of a contract award with HAZCORP ENVIRONMENTAL, Austin, Texas, for the removal and disposal of oil contaminated soil at the Holly Street Power Plant, in an amount not to exceed \$64,560.50. (Funding included in the 1991-92 Operating Budget for the Electric Utility.) Low bid of seven (7). The prime did not identify any subcontracting opportunities. Reference No. 920518-3CM.

Pulled off Agenda

44. Approve execution of a contract with SIEMENS ENERGY & AUTOMATION, San Antonio, Texas, for the purchase of two (2) circuit switchers to be installed at the Oak Hill Substation, in the amount of \$64,000. (Funding included in 1991-92 Electric Utility CIP Fund.) Low bid of two (2). The prime did not identify any subcontracting opportunities. Reference No. 920532-1CM.
45. Approve execution of a contract with POWER STRUCTURES, INC., New Orleans, Louisiana, for the purchase of substation structural steel to be used at the Austin Dam Substation and Oak Hill Substation, in the amount of \$127,592. (Funding included in the 1991-92 Electric Utility CIP Fund.) Low bid of three (3). The prime did not identify any subcontracting opportunities. Reference No. 920519-1CM.
46. Approve execution of a contract with UNION METAL CORPORATION, Richardson, Texas, for the purchase of fifty (50) 25-foot and one hundred (100) 30-foot galvanized steel and aluminum street light pole assemblies, in the amount of \$45,692.50. (Funding included in the 1991-92 Operating Budget of the Electric Utility Department.

The Department will be charged appropriately as it withdraws items from the Central Stores.) Low bid of two (2). The prime did not identify any subcontracting opportunities. Reference No. 920486-1CM.

47. Approve execution of a contract with TRANSAMERICAN POWER PRODUCTS, Houston, Texas, for the purchase of fifty-two (52) traffic signal poles and twenty-four (24) traffic signal mast arms for the Public Works Department, in the amount of \$70,028. (Funding included in the 1991-92 Operating Budget of the Electric Utility Department. The Department will be charged appropriately as it withdraws items from the Central Stores.) Low bid of two (2). The prime did not identify any subcontracting opportunities. Reference No. 920517-1CM.
48. Approve execution of a contract with ENVIRONMENTAL RESOURCE CONSULTANTS (MBE), Houston, Texas, for a twelve (12) month service agreement for air monitoring and analysis services for asbestos abatement projects and facility inspection/audit services, in an amount not to exceed \$60,000, with the option to extend for up to two (2) twelve (12) month periods, in an amount not to exceed \$60,000 per extension, for a total amount not to exceed \$180,000. (Funding included in the 1991-92 Capital Budget for the Electric Utility Department.) Low bid of six (6). 0% MBE, 5% WBE Subcontractor participation. Reference No. 920488-3CM.
49. Approve execution of a contract with WESTINGHOUSE ELECTRIC CORPORATION, San Antonio, Texas, for the purchase of repair parts for the Decker Power Plant Unit #2 Main Boiler Feed Pump, in the amount of \$41,186. (Funding included in the 1991-92 Operating Budget of the Electric Utility Department.) Sole Source. The prime did not identify any subcontracting opportunities. Reference No. 1140012358.
50. Approve execution of a twelve (12) month service agreement with BURNUP & SIMS OF TEXAS, Austin, Texas, for the construction and maintenance of routine and/or emergency underground work in excess of the Utility's work force, in an amount not to exceed \$4,325,853.22, with an option to extend for an additional three (3) twelve (12) month periods in amounts not to exceed \$4,325,853.22, for a total amount of \$17,303,412.88. Funding included in the 1991-92 Capital Budget of the Electric Utility Department; funding for the extensions will be contingent upon appropriation of funding in future fiscal years.) Sole bid. 21.35% MBE, 5.64% WBE Subcontractor participation.

51. Approve execution of a contract amendment with WESTON SERVICES, INC., Houston, Texas, for remediation of hazardous materials (asbestos and PCBs) at the Seaholm Power Plant site, in an amount not to exceed \$341,500, for a total contract amount of \$4,188,527. (Funding included in the 1991-92 Capital Budget for the Electric Utility.)
52. Approve execution of a contract with AVO INTERNATIONAL, Dallas, Texas, for the purchase of relay test equipment, in the amount of \$74,682. (Funding included in the Capital Budget for the Electric Utility.) Sole Source. The prime did not identify any subcontracting opportunities. Reference No. 1170012268.
53. Approve execution of a twelve (12) month revenue contract with DELTA-Y-ELECTRIC COMPANY, Corning, Arkansas, for the sale of obsolete and damaged transformers, in an estimated amount of \$72,000, with an option to extend for one (1) twelve (12) month period, in an estimated amount of \$72,000, for a total estimated revenue of \$144,000. (This item was included in the 1991-92 Electric Utility Operating Budget.) High bid of two (2). The prime did not identify any subcontracting opportunities. Reference No. 920454-3CM.
54. Approve ratification of a contract with SHERMAN UTILITY STRUCTURES, INC., Bellville, Texas, for the emergency purchase of six (6) concrete transmission line poles, in an amount not to exceed \$38,250. (Funding included in the 1991-92 Capital Budget for the Electric Utility.) Sole Source. The prime did not identify any subcontracting opportunities. Reference No. 117001250.
55. Approve execution of a contract with SOUTHERN AMBULANCE BUILDERS, INC., LaGrange, Georgia, for the purchase of an emergency response vehicle for use by the Electric Utility, in an amount not to exceed \$50,049.30. (Funding included in the 1991-92 Vehicle Acquisition Fund for the Electric Utility.) Low bid of four (4). The prime did not identify any subcontracting opportunities. Reference No. 920588-1RF.

#44-55 on Councilmember Garcia's motion, Councilmember Reynolds' second, 7-0 Vote.

ITEMS FROM COUNCIL

56. Approve a Resolution to re-establish the Mexican American Cultural Center Task Force. (Councilmember Gus Garcia)

Councilmember Garcia said financial disclosure of the members can be included in the resolution.

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

57. Amend Ordinance No. 910912-B, the 1991-92 Operating Budget, by transferring \$70,000 from the Contingency Fund, and appropriating \$70,000 to the Police Department, to fund the University of Texas walking beat and Sixth Street walking beat, for the duration of the Drug Task Force. (Councilmembers Michael "Max" Nofziger and Ronney Reynolds).

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

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

ZONING DISTRICTS

58. C14-92-0030 - MILCO DEVELOPMENT, INC., by Huffcut & Associates, Landsman Drive and Callbram Lane. From SF-1 to SF-2. Planning Commission Recommendation: To grant SF-2 zoning as requested.

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

59. C14-92-0023 - CITY OF AUSTIN/DEPARTMENT OF PLANNING AND DEVELOPMENT, 5004 Crestmont Drive and 5001 Shoalwood Avenue. From CS to SF-3. Planning Commission recommendation: To grant SF-3.

VALID PETITION

ORDINANCE - On Councilmember Larson's motion, Mayor Todd's second, 6-0 Vote, Councilmember Reynolds abstained due to conflict of interest.

60. C14-89-0005 - JOHN D. BYRAM, By: Richard Suttle, Mopac Expressway S. & U.S. 290 W. From RR & GO to GR and RR. (Request one month extension.)

ONE MONTH EXTENSION - Approved, on Councilmember Larson's motion, Councilmember Garcia's second, 5-0 Vote, Mayor Pro Tem Urdy and Councilmember Epstein out of the room.

PUBLIC HEARINGS AND APPROVAL OF RESOLUTIONS/ORDINANCES

61. 5:00 P.M. - Public Hearing on Bond Election.

Speaker's cards are on file in the City Clerk's office. Public hearing closed on Councilmember Garcia's motion, Councilmember Reynolds' second, 4-0 Vote, Mayor Pro Tem Urdy, Councilmembers Larson and Reynolds out of the room.

6:00 P.M. - DINNER BREAK

Council took a dinner break from 6:10 to 6:30 P.M.

FINAL CITIZEN COMMUNICATIONS

Speakers were Cynthia Rylander, Al St. Louis, Robert Singleton, Hank Sinatra, Cathy Vasquez and Roy Wilson

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.

Land Acquisition - Section 2, Paragraph f

Review and discuss real property acquisition for:

- 67. Discussion of land acquisition for Convention Center Parking.
(Related to Item 35)**

RECESS

Council recessed for executive session from 5:06 to 5:21 P.M.

68. APPOINTMENTS

ELECTRIC UTILITY COMMISSION - 1

Appointed Merle Moden, on Mayor Todd's motion, Councilmember Nofziger's second, 7-0 Vote.

ADJOURN - The meeting of the Council was adjourned at 8:45 P.M., on Councilmember Epstein's motion, Councilmember Garcia's second, 7-0 Vote.