



Austin City Council MINUTES

MAY 28, 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.

1. Approval of Minutes for Regular Meeting of May 21, 1992 and Special Meetings of May 13, May 14, May 20 and May 21, 1992 (10:00 and 11:30 A.M.).

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

CITIZEN COMMUNICATIONS: GENERAL

2. Mr. Henry Ratliff, to discuss "power."
3. Mr. Dwight Lindsley, to discuss continuing erosion problems at Little Walnut Creek.
4. Mr. David Elliott, to discuss absurd bond proposals and Austin's horrendous bond debt - we must defeat all the bond issues.
5. Mr. Charlie Waits, to discuss choosing a new police chief.
6. Mr. Leonard Lyons, to discuss the Mayor's role in educating the public.
7. Mr. Luthor Carpenter, to present the sixth speech in a series on management, budget and Council concerns.

1:30 P.M. - REVENUE REFUNDING BONDS

8. Authorize the issuance of City of Austin, Texas,, Combined Utility System Revenue Refunding Bonds, Series 1992A, the execution of a Purchase Contract and Special Escrow Agreement, and approve and authorize distribution of an Official Statement pertaining thereto. In the amount of \$351,706,095.00

9. Authorize the execution of a Paying Agent/Registrar Agreement in relation to the City of Austin, Texas, Combined Systems Revenue Refunding Bonds, Series 1992A.
10. Authorize the redemption of certain outstanding bonds of the City of Austin.
11. Approve a Resolution acknowledging, approving and establishing the amount of surplus deposited to the credit of the Reserve Fund maintained for the payment and security of the City's outstanding Utility System Revenue Bonds.

#8-11, on Councilmember Garcia's motion, Councilmember Reynolds' second, 7-0 Vote.

ORDINANCES

12. Authorize acceptance of \$39,365 in grant funds from the Junior League of Austin for the EMS STAR Flight DWI Awareness Program; amend Ordinance No. 910912-A by appropriating \$39,365 in grant funds to the Special Revenue Fund of the Emergency Medical Services Department, and increasing expense refunds by the same amount. (No City match required.) [Recommended by the EMS Quality Assurance Team]
13. Amend the 1991-92 General Fund Operating Budget by appropriating \$251,643 in revenues and \$199,647 in expenditures to the Parks and Recreation Department for youth and adult programs at City recreation centers, the Dougherty Art Center and the Austin Nature Center. (Net revenues of \$51,996 to be generated through program registration fees.) [To be reviewed by Parks Board on May 26, 1992.] Vote was 5-0.
14. Amend Ordinance No. 910912-A, the 1991-92 Operating Budget, and Ordinance No. 910912-B, the 1991-92 Capital Budget, by transferring \$260,000 from the Drainage Utility Operating Budget to the Drainage Capital Budget for the 5th Street Storm Sewer Rehabilitation Project. (Funding included in the Drainage Utility Operating Budget and Drainage CIP Budget.) [Reviewed by Planning Commission, 5-1-3 Vote] (Related to Item 20)
15. Amend Ordinance No. 910912-V, the Emergency Services Department Fee Ordinance, to authorize a fee of \$25.00 per student for implementation of a pilot program for instruction in First Aid Procedures. (Estimated revenue in FY 1991-92 is \$10,000). (Recommended by EMS Quality Assurance Team.) [Related to Item 16]
16. Amend the 1991-92 General Fund Operating Budget (Ordinance No. 910912-A) by increasing Emergency Medical services revenues by

\$10,000 and increasing appropriations by \$8,200 to fund a program of instruction on First Aid procedures for the public and City employees. (Revenues to be generated from a \$25.00 per student fee.) (Recommended by EMS Quality Assurance Team.) [Related to Item 15]

#12-16 on Councilmember Nofziger's motion, Councilmember Reynolds' second, 7-0 Vote.

17. Amend Ordinance No. 910912-N by establishing an ozone depleting chemical operating permit application fee, annual renewal fee, and an application fee (for review of requests to be exempt from provisions of the ordinance) of fifty (\$50) each, for air conditioning service and repair businesses, to become effective August 1, 1992. (Estimated Revenue in FY 1991-92 is \$25,500.) (Recommended by Environmental Board; to be reviewed by Mechanical, Plumbing and Solar Board on May 26, 1992. Vote was 3-2.) (Related to Items 18 and 40)

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

RESOLUTIONS

18. Amend the 1991-92 General Fund Operating Budget by increasing revenues by \$25,500, increasing the General Fund transfer to Environmental and Conservation Services by the same amount; amend the 1991-92 Environmental and Conservation Services operating budget by increasing transfers by \$25,500 and expense refunds by the same amount and adding one full-time employee (FTE) to Environmental and Conservation Services to implement the Ozone Depleting Chemicals (ODC) Permit Program. (Recommended by Environmental Board; to be reviewed by Mechanical, Plumbing & Solar Board on May 26, 1992. Vote was 3-2.) [Related to Items 17 and 40]

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

19. Authorize an application for request for financial assistance from the Texas Water Development Board's State Revolving Loan (SRF) program for construction of the West Bouldin Creek Relief Main and a portion of the Little Walnut Creek Wastewater Interceptor projects; designate the City Manager or her designee to execute the application and appear before the Board, in the amount of \$7,225,000. (This loan will result in a present value savings of approximately \$300,000 based on current market rates.) [Reviewed by Water and Wastewater Commission. 4-0-3 Vote.]
20. Approve execution of a construction contract award to HAEGELIN CONSTRUCTION, COMPANY, INC., Austin, Texas, for the reconstruction

of a collapsed storm sewer for the East 5th Street Storm Sewer Rehabilitation Project, in the amount of \$292,098.50. (Funding in the amount of \$259,648.50 included in the Drainage CIP Budget; \$29,850 included in CIP 379-227-0637 (Water); \$2,600 included in CIP 439-237-0918 (Wastewater). Low bid of six (6). 1.80% MBE, 5.17% WBE Subcontractor participation. (Reviewed by Water and Wastewater Commission. 4-0-3 Vote.) [Related to Item 14]

21. Approve a construction contract award to CROUCH ELECTRIC, Austin, Texas, for electrical renovations in the A, B and C Screen Room at Govalle Wastewater Treatment Plant, in the amount of \$140,000. (Funding included in CIP 431-237-0908 (wastewater). Low bid of two (2). 13.68% MBE, 3.00% WBE Subcontractor participation. (Reviewed by Water and Wastewater Commission. 4-0-3 Vote.)
22. Approve execution of a twelve (12) month service contract with BROWNING-FERRIS INDUSTRIES, San Antonio, Texas, for the disposal of solid waste, in an amount not to exceed \$190,000 with one (1) twelve (12) month extension option, in an amount not to exceed \$190,000 for a total amount not to exceed \$380,000. (Funding in the amount of \$63,333 included in the 1991-92 Operating Budget for Environmental and Conservation Services Department; \$190,000 will be included in the 1992-93 Operating Budget, and \$126,667 will be included in the 1993-94 Operating Budgets.) Low bid of two (2). The prime did not identify any subcontracting opportunities.

#19-22 on Councilmember Nofziger's motion, Councilmember Reynolds' second, 7-0 Vote.

23. Approve execution of a contract through the State of Texas Cooperative Purchasing Program with HENDRIX GMC TRUCKS, INC., Austin, Texas, for the purchase of seven (7) Compressed Natural Gas (CNG) three quarter ton pick-ups, in the amount of \$112,325.50. (Funding in the amount of \$16,046.50 provided from the Water and Wastewater Department; \$48,139.50 provided by savings from General Fund contributions to the Vehicle Acquisition Fund; \$48,139.50 provided by Electric Utility CIP Capital Equipment Budget.) [Related to Item 35]

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

24. Approve selection (RFQ) of three professional engineering firms: CONLEY ENGINEERING, INC., Austin, Texas, RAYMOND CHAN AND ASSOCIATES (MBE), Austin, Texas, MARTINEZ & WRIGHT ENGINEERS, INC. (MBE), Austin, Texas, for a general civil engineering rotation list for a variety of small to moderate, fast turn around projects for a period of one year, in the amount of \$50,000+/- per firm, for a total estimated amount of \$150,000. (Funding for these services are budgeted in the projects for which the services are needed for the

respective Capital Improvements Projects.) Best proposals of twenty (20). M/WBE Subcontractor participation: 10/15% M/WBE (Conley Engineering); 10/10% M/WBE (Raymond Chan & Associates); 10/5% M/WBE (Martinez & Wright).

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

25. Approve execution of a twelve (12) month service agreement with UNIVERSAL ELECTRIC CONSTRUCTION COMPANY, Diboll, Texas, for overhead construction and maintenance of electric lines, in an amount not to exceed \$3,341,217.23, including the option to extend for an additional three (3) twelve (12) month periods, in an amount not to exceed \$3,341,217.23 per extension, for a total amount not to exceed \$13,364,868.92. (Funding included in the 1991-92 Capital Budget for the Electric Utility Department. Funding for extensions in future fiscal years will be contingent upon appropriation of funding.) Low bid of four (4). 10.29% MBE, 4.72% WBE, Subcontractor participation. Reference No. 920363-3CM.

Postponed to June 4, 1992.

26. State the City's intent regarding continued maintenance of the existing bridge over Huck Slough on Mt. Bonnell Road following its conversion to exclusive pedestrian use, as required by the Texas Historical Commission. (No fiscal impact.)
27. Authorize real property acquisition for the Alpine Detention Pond Project. (Related to Item 41) In the amount of \$135,250.00 for a tract of land 74,041 square feet.

Councilmember Garcia stated, "This comes from approved CIP projects for East and West Bouldin".

28. Approve a settlement of the City's lawsuit against Austin Cablevision. (Related to Item 42) In the amount of \$315,000 paid to City of Austin.

#26-28 on Councilmember Nofziger's motion, Councilmember Reynolds' second, 7-0 Vote.

ITEMS FROM COUNCIL

29. Adopt a Resolution creating a Charter Revision Committee. (Councilmembers Bob Larson, Louise Epstein and Mayor Pro Tem Charles Urdy)

Postponed to June 11, 1992.

30. Adopt an Ordinance amending Chapter 3-3, Dogs and Cats, of the Code of the City of Austin, 1981, as amended, regarding definitions and miscellaneous provisions. (Councilmembers Bob Larson and Michael "Max" Nofziger)

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

31. Adopt an Ordinance creating an animal advisory commission for the City of Austin. (Councilmembers Bob Larson and Michael "Max" Nofziger)

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

32. Amend Ordinance No. 910912-B, the 1991-92 Operating Budget, by transferring \$25,000 from the Contingency Fund to the Library Department, to fund a summer library at Mendez Junior High School. (Councilmembers Bob Larson and Gus Garcia).

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

33. Direct the City Manager to enter into an agreement with the United States Air Force Museum, upon closure of Bergstrom Air Force Base, to maintain the Static Aircraft Display in Recce Park for the use and benefit of the City of Austin. (Councilmembers Gus Garcia and Bob Larson).

On Councilmember Larson's motion, with changes to the wording of the Resolution, which are incorporated in the above, Councilmember Garcia's second, 7-0 Vote.

34. Approve an Ordinance canceling the June 18, 1992 Council meeting. (Mayor Bruce Todd and Ronney Reynolds).

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

35. Direct the City Manager to reprioritize the next fiscal year's vehicle purchases to allow the City to take advantage of the State of Texas Cooperative Purchasing Program contract for dedicated Compressed Natural Gas (CNG) vehicles. (Councilmember Michael "Max" Nofziger). [Related to Item 23]

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

36. Approve an Ordinance authorizing transfer of ownership of American Television and Communications Corporation (ATC) assets, which include the Austin Cable Television franchise, to Time Warner Entertainment, a Delaware Limited Partnership. (Cable Television Subcommittee) [Related to Item 43]

Postponed to June 4, 1992

3:00 P.M. - MEETING OF THE AUSTIN HOUSING FINANCE CORPORATION

Council, on Mayor Pro Tem Urdy's motion, Councilmember Epstein's second, 6-0 Vote, Councilmember Garcia out of the room, recessed for this meeting from 5:51 to 5:52 P.M.

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

ZONING DISTRICTS

37. C814-82-0006.01(83) - LAKE AUSTIN COMMONS PUD, by Planned Environments, 1717 West 6th Street. Planning Commission Recommendation: To approve the revision to the subject to compliance with all applicable ordinance requirements.

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

FINAL CITIZEN COMMUNICATIONS

Speakers were Jimmy Castro, Robert Singleton, Bill Howell, Brent White and Al St. Louis.

PUBLIC HEARING AND APPROVAL OF ORDINANCES/RESOLUTIONS

38. 2:30 P.M. - Creation of Downtown Public Improvement District (PID) and proposed assessment.

Public hearing closed on Councilmember Reynolds motion, Councilmember Nofziger's second, 5-0 Vote, Councilmember Garcia and Mayor Pro Tem Urdy out of the room.

39. 5:00 P.M. - Public hearing on Bond Election.

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

40. 6:45 P.M. - Proposed Ozone-depleting Chemical Operating Permit application fee, annual renewal fee and application fee (for review of requests to be exempt from provisions of the ordinance) of \$50 each, effective August 1, 1992. (Related to Items 17 and 18)

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

EXECUTIVE SESSION (No Public Discussion on These Items)

The Executive Session was held at a special called meeting on the morning of this date.

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 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

41. Discussion of property acquisition for the Alpine Detention Pond Project. (Related to Item 27)

Pending/Contemplated Litigation - Section 2, Paragraph e

42. Discussion of settlement of the City's lawsuit against Austin Cablevision. (Related to Item 28)

Advice from Counsel - Section 2, Paragraph e

43. Discussion of proposed transfer of Austin Cablevision franchise. (Related to Item 36)

44. **APPOINTMENTS**

ARTS AND RECREATION SUB-COMMITTEE - 1

The Council, on Councilmember Nofziger's motion, Councilmember Epstein's second, appointed Anne DeBois. 6-0 Vote, Mayor Pro Tem Urdy out of the room.

10:10 P.M. - ADJOURN