Austin City Council
MINUTES

OCTOBER 22, 1992 - 1:00 P.M.

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

Mayor Pro Tem Urdy called to order the meeting of the Council, noting the absence of Mayor Todd, who was out of the country to visit Austin's sister city in Japan, and Councilmember Reynolds, who would arrive later.

1. Approval of Minutes for Regular Meeting of October 15, 1992 and Special Meetings of August 26, and September 2, 4, 15, 16, and 17, 1992.

   As corrected, on Councilmember Larson's motion, Councilmember Garcia's second, 5-0 Vote, Mayor Todd and Councilmember Reynolds absent.

CITIZEN COMMUNICATIONS: GENERAL

2. Mr. Henry Ratliff, to discuss "Rules Revision."

3. Mr. Luthor Carpenter, to discuss Tales of the Crystal Palace - Scene 2.

4. Mr. Richard Trachtenberg, to discuss "The Incumbent's Channel."

5. Mr. Leonard Lyons, to discuss City issues.

6. Mr. John Lewis, to discuss trouble with airports.

55. Ms. Cecilia Bustamante to report on the Berlin Conference.

1:30 P.M. - REVENUE REFUNDING BONDS

7. Approve an ordinance authorizing the issuance of City of Austin, Texas Combined Utility Systems Revenue Refunding Bonds, Series 1992B, including approval and authorization of a Purchase Contract and Special Escrow Agreement and the Official Statement pertaining thereto.

8. Approve a resolution authorizing the execution of a Paying/Agent Registrar contract with Ameritrust Texas, N.A. in relation to such bonds.

9. Approve a resolution authorizing the redemption of certain outstanding bonds of the City of Austin.

#7-9 postponed to October 29, 1992.

ORDINANCES

10. Authorize acceptance of a grant in the amount of $25,000 from the United States Environmental Protection Agency; amend Ordinance No. 920922-E, the 1992-93 operating budget by appropriating the grant funds to the Water and Wastewater Utility Special Revenue Fund for the evaluation of three alternative techniques for making spot repairs to existing wastewater lines; and authorizing negotiation and execution of grant agreement with the United States Environmental Protection Agency setting out terms and conditions of the grant. (Recommended by Water and Wastewater Commission)

11. Amend Ordinance No. 910912-A, the 1991-92 operating budget of the Water and Wastewater Utility, to reduce transfers to CIP funds by $2,663,000; amend ordinance No. 910912-B, the 1991-92 CIP Budget, to reduce CIP expenditures by $2,663,000. (Recommended by Water and Wastewater Commission and Planning Commission)

#10-11 on Councilmember Epstein's motion, Councilmember Garcia's second, 6-0 Vote, Mayor Todd absent.

12. Approve the designation by the Federal Public Health Service of the Health and Human Services Department/Travis County Health Department Clinic system as a Federally Qualified Health Center (FQHC) and the creation of the Governance Board for the Federally Qualified Health Center (FQHC) with the goal of improving the health status of the community (with focus on low income persons) through the coordinated delivery of services that prevent and treat disease. (Reviewed by MAP Board) [Related to Item 41]

On Councilmember Garcia's motion, Councilmember Epstein's second, 5-0 Vote, Mayor Todd absent, Councilmember Nofziger out of the room.

13. Authorize acceptance of $150,000 in demonstration grant funds from the United States Department of Health and Human Services, Youth Gang Prevention grant program; amend Ordinance No. 920922-E, the 1992-93 operating budget, by appropriating $150,000 for the Health & Human Services Department (HHSD) Special Revenue Fund; and

authorizing 3.5 grant funded full-time employees. (City's match is $50,000 in budgeted expenses and foregone indirect cost recovery.)

On Councilmember Epstein's motion, Councilmember Garcia's second, 6-0 Vote, Mayor Todd absent.

14. Authorize acceptance of $47,193 in grant funds from the Texas Department of Health, Tuberculosis Elimination Division, for expanding outreach services to individuals who have or are at risk of developing tuberculosis; amend Ordinance No. 920922-E, the 1992-93 operating budget, by appropriating $47,193 for the Health and Human Services Department Special Revenue Fund; authorizing one (1) grant funded full-time employee. (A City match is not required).

    Postponed to October 29, 1992.

15. Authorize acceptance of $3,125,000 in Housing Opportunities for People Everywhere (HOPE 3) implementation funds from the U.S. Department of Housing and Urban Development (HUD), creating a Department of Planning and Development (Hope 3) special revenue fund; amend Ordinance No. 900922-E, the 1992-93 General Fund Operating Budget by transferring $250,000 from the General Fund Contingency Reserve to the Department of Planning and Development (HOPE 3) special revenue fund; amend the 1992-93 operating budget by appropriating $3,375,000 to the Department of Planning and Development (HOPE 3) special revenue fund. (City's match is $1,276,500.) (Recommended by Housing Subcommittee) [Related to Item 16]

16. Authorize waiving $170,625 of Capital Recovery and Land Development fees for the HOPE 3 Program and waiving the provisions of Section 13-3A-18C of the City Code. (Recommended by Housing Subcommittee) [Related to Item 15]

    #15-16 *on Councilmember Garcia's motion, Councilmember Epstein's* second, 5-0 Vote, Mayor Todd absent, Councilmember Nofziger out of the room.

RESOLUTIONS

17. Adopt a Work Plan to review the recommendations of the Health Care Task Force and Brackenridge Restructuring Subcommittee. Approved by Health Oversight Committee of the Council.

    On Councilmember Garcia's motion, Councilmember Reynolds second, 6-0 Vote, Mayor Todd absent.

18. Approve execution of a five (5) year contract with JOHN GALAGHER, dba South Sixth Street Boat Works, Austin, Texas, for rowboat concession on the south shore of Town Lake in Zilker Park, at an

estimated annual revenue of $3,000, for a total revenue of $15,000 over the initial term, with the option to extend for an additional five (5) year period, at an estimated annual revenue of $3,000, for a total contract revenue of $30,000. Revenue will be deposited in the General Fund.) Sole Respondent. No M/WBE subcontracting opportunities were identified. (Recommended by Parks Board)

On Councilmember Nofziger's motion, Councilmember Epstein's second, 6-0 Vote, Mayor Todd absent.

19. Approve execution of a five (5) year contract with the KINSER COMPANY, Austin, Texas, for the Butler Pitch and Putt Golf Course Concession, at an estimated annual revenue of $7,750 for the first year and $12,000, per year thereafter, for a total revenue of $55,750 over the initial term, with the option to extend the contract for one (1) additional five (5) year period, at an estimated annual revenue of $12,000, for a total revenue of $115,750. Revenue will be deposited in the Golf Enterprise Fund.) Best proposal of two (2). No M/WBE Subcontracting opportunities were identified. (Reviewed by Parks Board)

20. Approve execution of a five (5) year contract with RODRIGUEZ CONCESSION, INC., (MBE), Austin, Texas, for a food and drink concession at Barton Springs Pool, at an estimated annual revenue of $62,000 per year, for an estimated total revenue of $310,000, with the option to extend the contract for one (1) additional five (5) year period, for an estimated annual revenue of $62,000, for a total estimated revenue of $620,000. Revenue will be deposited in the General Fund.) Sole Respondent. The prime is a certified MBE; no subcontracting opportunities were identified. (Reviewed by Parks Board)

#19-20 postponed

21. Approve execution of a twelve (12) month supply agreement with AUSTIN CRUSHED STONE CO., Austin, Texas, for the purchase of 10,000 tons of flexible base used for the repair of water and wastewater pipe lines, in an amount not to exceed $51,700, with two (2) twelve (12) month extension options, in an amount not to exceed $51,700 per extension, for a total amount not to exceed $155,000. (Funding is available in the 1992-93 operating budget of the Water and Wastewater Utility;; funding for the extension options will be contingent upon availability of funding in future budgets.) Low bid of two (2). No M/WBE subcontracting opportunities were identified. Reference No. 920837-1SH.

22. Approve execution of a twelve (12) month supply agreement with LONGHORN INTERNATIONAL EQUIPMENT INC., Austin, Texas, for the purchase of equipment repair parts for Crane-Carrier recycling trucks in the City's fleet, in an amount not to exceed $50,000, with

an option to extend for one (1) additional twelve (12) month period, in an amount of $50,000, for a total contract amount not to exceed $100,000. (Funding for eleven (11) months of this contract is available in the 1992-93 operating budget of the Solid Waste Services Division of the Environmental and conservation Services Department; funding in the amount of $4,167 for the final month of the original contract period and the extension option will be contingent upon available funding in future budgets.) Single bid. No M/WBE subcontracting opportunities were identified. Reference No. 920947-1RF.

23. Approve negotiation and execution of a twelve (12) month contract with CERTICARE BENEFITS, INC., Houston, Texas, for recovery of indigent health care costs from third party sources, in an amount not to exceed $600,000, including an option to extend thereafter for up to two (2) additional twelve (12) month periods, in an amount not to exceed $600,000 per extension, for a total amount not to exceed $1,800,000. (Funding is available in the 1992-93 operating budget of Brackenridge Hospital; funding for the extension options is contingent upon availability of funding in future budgets.) Best offer of three (3). No M/WBE subcontracting opportunities were identified. Reference No. BC2-259. (Recommended by Hospital Board)

24. Approve execution of a twelve (12) month supply agreement with VITAL SIGNS, Totowa, New Jersey, for disposable anesthesia bags, in an amount not to exceed $54,844.26, including an option to extend thereafter for up to one (1) twelve (12) month period, in an amount not to exceed $54,844.26, for a total amount not to exceed $109,688.52. (Funding in the amount of $50,273.91 is available in the 1992-93 operating budget of Brackenridge Hospital; funding for $4,570.35 and the extension option is contingent upon availability of funding in future budgets.) Sole bid meeting specifications. No M/WBE subcontracting opportunities were identified. Reference No. BS2-312.

25. Approve execution of contracts with AUSTIN BUSINESS FURNITURE, Austin, Texas, and WILSON BUSINESS FURNITURE, Austin, Texas, in the amounts of $70,971.65 and $45,333.35 respectively, for patient room and office furniture for the Texas Cancer Center at Brackenridge Hospital, for a total amount not to exceed $116,305. (Funding is available in the 1992-93 operating budget of Brackenridge Hospital.) Low bid of seven (7). No M/WBE subcontracting opportunities were identified. Reference No. BH2-359.

26. Approve negotiation and execution of a contract with PRISM IMAGING, INC./FREELAND SYSTEMS, Broomfield, Colorado, for the purchase of a Digital Stress ECHO System and Off-Line ECHO processing system (tests deficiency of blood supply to the heart muscle), in an amount not to exceed $52,099. (Funding is available in the 1992-93

operating budget of Brackenridge Hospital.) Best offer of two (2). No M/WBE subcontracting opportunities were identified. Reference No. BH2-316.

27. Approve execution of a twelve (12) month supply/service agreement with MOORE BUSINESS FORMS, Austin, Texas, for forms and a forms management program for Brackenridge Hospital, in an amount not to exceed $240,620.65, including an option to extend thereafter for up to two (2) additional twelve (12) month periods, in amounts not to exceed $240,620.65, per extension, for a total amount not to exceed $721,861.95. (Funding is available in the 1992-93 operating budget of Brackenridge Hospital; funding for the extension options is contingent upon availability of funding in future budgets.) Low bid of two (2). 11% MBE, 14.7% WBE Subcontractor participation.

28. Approve execution of a twelve (12) month supply agreement with the following vendors: AUSTIN CRUSHED STONE, Austin, Texas, in an amount not to exceed $63,082.30, CAPITOL AGGREGATES, INC., Austin, Texas, in an amount not to exceed $53,862.40, and SOUTHERN MATERIALS, Austin, Texas, in an amount not to exceed $42,784, for the purchase of rip rap rock and crushed stone used to stabilize ground conditions during the construction of water and wastewater lines, for a total amount not to exceed $159,728.70, with the option to extend each contract for an additional two (2) twelve (12) month extension option, in the amounts of $63,082.30, $53,862.40 and $42,784 respectively per extension, for a total amount not to exceed $479,186.10. (Funding is available in the 1992-93 operating budget of the Water and Wastewater Utility.) Low bid of four (4). No M/WBE subcontracting opportunities were identified. Reference No. 920920-1SH.

29. Approve the execution of Supplemental Amendment No. 2 to the professional services agreement with KPMG Peat Marwick, San Matero, California, to assist the Department of Aviation in addressing general aviation issues associated with developing an air carrier airport at Bergstrom Air Force Base, in an amount not to exceed $84,720. (Funding is included in the 1991-92 Airport Capital Budget.) [Recommended by Airport Advisory Board and Aviation Subcommittee]

#21-29 on Councilmember Epstein's motion, Councilmember Garcia's second, 6-0 Vote, Mayor Todd absent.

30. Approve selection (RFQ) of seven architectural firms: GRAEBER, SIMMONS & COWAN AIA ARCHITECTS, Austin, Texas; O'CONNELL ROBERTSON AND ASSOCIATES, INC., Austin, Texas; THE BOWER DOWNING PARTNERSHIP, INC., Austin, Texas; GIL & WATSON, Austin, Texas; THE AUSTIN GROUP ARCHITECTS, AIA, Austin, Texas; CARTER DESIGN ASSOCIATES (M/WBE), Austin, Texas; THE NYFELER ORGANIZATION, INC., Austin, Texas, for an architectural services rotation list to provide services to

Brackenridge Hospital for a variety of small, fast turnaround projects for a period of two years or until available funding is expended, in the amount of $700,000 (estimated amount of $100,000 per firm). (Funding is available in the 1992-93 operating budget of Brackenridge Hospital). Best qualification statements of twenty seven (27). M/WBE subcontractor participation cannot be determined at this time because the actual scope of work is unknown. (Recommended by Hospital Board)

On Councilmember Garcia's motion, Councilmember Epstein's second, 6-0 Vote, Mayor Todd absent.

31. Approve selection (RFQ) of five architectural firms: STUDIO TEXAS (WBE), Austin, Texas; MORTON & ASSOCIATES, ARCHITECTS, Austin, Texas; KATHERYN LOTT (WBE), Austin, Texas; DRS ARCHITECTS & PLANNERS, Austin, Texas; FROMBERG/ZAGORSKI ARCHITECTS, Austin, Texas; for an Architectural Services/Rotation List to provide a variety of small fast turnaround projects for professional services to Brackenridge Hospital for the Brackenridge Professional Building, for a period of two (2) years or until available funding is expended, in the amount of $400,000 (estimated amount approximately $80,000 per firm). (Funding is available in the 1992-93 operating budget of Brackenridge Hospital.) Best qualification statements of thirteen (13). M/WBE subcontractor percentages cannot be determined at this time because the actual scope of work is unknown. (Recommended by Hospital Board)

32. Approve selection (RFQ) of four architectural firms: THE BARR COMPANY (M/WBE), Austin, Texas; E/H JOINT VENTURE, Austin, Texas; CASA BELLA ARCHITECTS (MBE), Austin, Texas; ARCHITECTURE PLUS (WBE), Austin, Texas, for an Architectural Services Rotation List to provide professional services for the removal of architectural barriers in public buildings for compliance with the Americans with Disabilities Act (ADA), for a period of two years or until available funding is expended, in the amount of $144,000 (estimated amount approximately $36,000 per firm). (Funding is included in CIP 848-607-3500-Public Works.) Best qualification statements of twelve (12). M/WBE subcontractor percentages cannot be determined at this time because the actual scope of work is unknown.

33. Approve execution of a construction contract award with NBS CONSTRUCTION, Austin, Texas, for commuter and cargo ramp, perimeter road and access gate rehabilitation at the Robert Mueller Municipal Airport, in the amount of $431,425. (Funding is included in the 1992-93 Capital Budget for the Department of Aviation. The project is eligible for 75% reimbursement ($323,568) of eligible costs from the Federal Aviation Administration.) Low bid of two (2). 21.33%

MBE, 3.71% WBE subcontractor participation. (Recommended by Airport Advisory Board)

#31-33 on Councilmember Epstein's motion, Councilmember Garcia's second, 6-0 Vote, Mayor Todd absent.

34. Approve a construction contract award to LOMAS CONSTRUCTION COMPANY, Austin, Texas, for the installation of inlet filter frames and replacement of concrete inlets in or near the downtown area for the Storm sewer Inlet Retrofit Program, in the amount of $70,750. (Funding included in CIP 485-617-5001-Drainage Utility). Low bid of four (4). 8.48% MBE, 13.43% WBE Subcontractor participation. (To be recommended by Environmental Board on October 21, 1992)

On Councilmember Epstein's motion, Councilmember Nofziger's second, 6-0 Vote, Mayor Todd absent.

35. Approve Change Order #3 to the construction contract to JACK SUSARREY, BUILDER, Austin, Texas, for additional work to a structural wall in the Phase III Lundberg Bakery (Old Bakery) Preservation Project, located at 1006 Congress Avenue, in the amount of $5,906, for a total contract amount of $366,892.

36. Set a public hearing on an appeal of the Planning Commission's decision to deny a conditional use permit site plan for Child Inc. - Twin Crest Day Care, located at 7202-7204 Twin Crest Drive. (Suggested date and time: November 5, 1992 at 5:30 p.m.)

37. Set a public hearing to amend Title XIII (Land Development Code) related to modification of appeal hearing procedures. (Suggested date and time: November 12, 1992 at 4:15 p.m.)

38. Set a public hearing on an ordinance adopting the 1992 Uniform Building Code with local amendments. (Suggested date and time: November 12, 1992 at 5:00 p.m.) (Recommended by Building and Fire Code Board)

39. Set a public hearing pursuant to Texas Local Government Code, Chapter 395, to consider approval of proposed update to Impact Fee CIP and Land Use Assumptions; amendment of Impact Fee Service Area and Water and Wastewater Utility service area; and amendments to Chapter 13-3A, Land Development Code, approving and incorporating the amended Impact Fee CIP and Land Use assumptions. (Suggested date and time: December 3, 1992 at 4:30 p.m.)

ITEMS FROM COUNCIL

40. Approve a resolution approving the City of Austin's co-sponsorship with the Travis County Veterans Day Parade Committee of the Veterans Day Parade. (Councilmember Bob Larson)

#35-40 on Councilmember Epstein's motion, Councilmember Garcia's second, 6-0 Vote, Mayor Todd absent.

41. Approve an ordinance reducing the membership of the Medical Assistance Program Advisory Board from nine (9) to five (5) members. (Councilmember Louise Epstein and Gus Garcia) [Related to Item 12]

Postponed to November 5, 1992.

42. Approve a resolution requesting that the Capital Metro Board of Directors consider extending weekend Dillo Bus and van service into Zilker Park. (Councilmembers Louise Epstein and Michael "Max" Nofziger)

43. Approve a resolution requesting that the City Manager and Director of Parks and Recreation review and consider extending the ban on glass containers into additional areas. (Councilmembers Louise Epstein and Bob Larson)

#42-43 on Councilmember Epstein's motion, Councilmember Garcia's second, 6-0 Vote, Mayor Todd absent.

54. Adopt a resolution directing the City Manager to expedite the re-design and re-bid of the Dove Springs pool Construction Project.

On Councilmember Larson's motion, Councilmember Garcia's second, 6-0 Vote, Mayor Todd absent.

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

Council recessed from 3:32 to 3:47 P.M. to meet as the Board of Directors of the Austin Housing Finance Corporation.

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

44. C14-92-0005 - PEARL COLLINS NORRIS, by Ada Anderson, 1805 Airport Boulevard. From SF-3 to GR. Planning Commission Recommendation: To Deny GR, Community Commercial, zoning.

45. C14-81-215 - PEARL COLLINS NORRIS, by Ada Anderson, 1805 Airport Boulevard. Planning Commission Recommendation: To Deny the request

to terminate the restrictive covenant which would result in commercial traffic access to East 18th Street, a residential street.

#44-45 postponed to November 12, 1992.

46. C14-92-0058 - CANYON CREEK, LTD. (Perry O. Blanton), by Huffcut & Associates (James A. Huffcut), Boulder Lane and F.M. 620. From SF-6 to NO as amended. Planning Commission Recommendation: To Grant NO-CO, Neighborhood Office-Conditional Overlay zoning as amended, with the condition that access to R.M. 620 be prohibited.

ORDINANCE - On Councilmember Epstein's motion, Councilmember Garcia's second, 6-0 Vote, Mayor Todd absent.

RECESS - Council recessed its meeting from 5:00 to 6:30 P.M.

FINAL CITIZEN COMMUNICATIONS

Speakers were Robert Singleton, Neal Tuttrup and John Johnson.

PUBLIC HEARING AND APPROVAL OF ORDINANCES/RESOLUTIONS

47. 4:15 P.M. - Adoption of the 1991 Uniform Mechanical Code with local amendments.

The public hearing was closed, on Councilmember Garcia's motion, Councilmember Epstein's second, 6-0 Vote, Mayor Todd absent.

Adoption was approved on Councilmember Epstein's motion, Councilmember Garcia's second, 6-0 Vote, Mayor Todd absent.

48. 4:30 P.M. - Adoption of the 1991 Uniform Plumbing Code with local amendments.

The public hearing was closed on Councilmember Epstein's motion, Councilmember Garcia's second, 4-0 Vote, Mayor Todd absent, Councilmembers Larson and Nofziger out of the room.

Adoption was approved on Councilmember Epstein's motion, Councilmember Reynolds' second, 6-0 Vote, Mayor Todd absent.

49. 5:00 P.M. - Amend Title XIII (Land Development Code: 13-2-506) Austin City Code of 1992 to correct an inadvertent deletion and permit the granting of administrative variances for cut and fill over four feet, and to change and delete incorrect Code citations.

Pulled off agenda.

50. 6:45 P.M. - Approve changing the names of five (5) detached segments of streets (portion of Lott Avenue, Tannehill Street, Berger Street, Nickols Avenue and Custer Road), as part of the East Austin service improvement project. (All fees are absorbed in the operating budgets of the Departments of Planning and Development and Public Works and Transportation)

The public hearing was closed on Councilmember Nofziger's motion, Councilmember Reynolds' second, 5-0 Vote, Mayor Todd absent, Councilmember Epstein out of the room.

The changes were approved, on Councilmember Nofziger's motion, Councilmember Reynolds' second, 5-0 Vote, Mayor Todd absent, Councilmember Epstein out of the room.

EXECUTIVE SESSION (No Public Discussion on These Items)

The executive session was held in the morning on this date in the Mayor's office.

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.

Pending/Contemplated Litigation, Section 2, Paragraph e

51. Discussion of State of Texas v. City of Austin, Cause No. 477,213.

Land Acquisition, Section 2, Paragraph f

52. Discussion of proposed land acquisition of 3.19 acres located along South First Street near Sand Beach Reserve.

Advice from Counsel - Section 2, Paragraph e

53. Legal advice regarding Sand Beach Reserve property

ADJOURN - The Council, on Councilmember Larson's motion, Councilmember Nofziger's second, adjourned the meeting at 7:00 P.M.