



Austin City Council MINUTES

SEPTEMBER 10, 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 that Mayor Todd and Councilmember Nofziger would arrive shortly.

MINUTES APPROVED

1. Approval of Minutes for Regular Meeting of September 3, 1992.

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

CITIZEN COMMUNICATIONS - GENERAL

2. Mr. Henry Ratliff, to discuss "What's best for Austin?"
3. Mr. Gerald R. Rabun, to request a refund of all taxes collected or waiver of all fee's in connection with subdivision process requirements and water and wastewater connections at 2207 Waters Park Road.
4. Mr. William Johnson, to discuss stepping up construction and providing more cut curbsides for disabled persons in wheelchairs so that they have better accessibility to downtown areas; remove telephone and electric poles from middle of handicap ramps for wheelchair and blind individuals, and not make handicap ramps so steep.
5. Ms. Cathy Johnson, to discuss providing additional and safe handicap ramps in downtown area, and better accessibility for disabled individuals.
6. Mr. Luthor Carpenter to present another in a series of speeches on management, budget and Council concerns.
7. Mr. Leonard Lyons, to discuss oversight and accountability.

8. Mr. Robert Brandes, to discuss the Balcones Canyonlands Conservation Plan.
9. Ms. Brooks Kasson, to object to placement of commercial carousel at Zilker playscape.

1:30 P.M. - REVENUE REFUNDING BONDS

10. 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.
11. Approve a resolution authorizing the execution of a Paying/Agent Registrar contract with Ameritrust Texas, N.A. in relation to such bonds.
12. Approve a resolution authorizing the redemption of certain outstanding bonds of the City of Austin.

#10-12 POSTPONED TO SEPTEMBER 17, 1992.

BOARD AND COMMISSION REPORTS

13. URBAN TRANSPORTATION COMMISSION - Mr. Jim O'Donnell, Chair, to discuss infrastructure maintenance needs in the transportation system.

Report heard by Council.
14. AUSTIN COMMISSION FOR WOMEN - Ms. Judith Loreda, Chair, to discuss teen-age pregnancy.

Report heard by Council.

ORDINANCES

15. Approve second/third readings of an ordinance amending Chapter 13-2 of the Austin City Code rezoning property locally known as Convict Hill Road and Escarpment Boulevard, Case No. C14-92-0038, from "RR", Rural Residence to "SF-2-CO", Single Family Residence (standard lot)-Conditional Overlay, CRESCENT CONVICT HILL ASSOCIATES (Rhett Dawson), by Bruce Aupperle. First reading on July 9, 1992; Vote 5-2, Councilmembers Garcia and Nofziger voting "No". Conditions met

as follows: Conditional Overlay incorporates conditions imposed by Council.

On Councilmember Reynolds' motion, Councilmember Garcia's second, 5-2 Vote, Councilmembers Garcia and Nofziger voted No.

16. Authorize acceptance of a grant in the amount of \$125,000 from the Texas Department of Health, Bureau of Chronically Ill and Disabled Children, for pediatric case management; amend Ordinance 910912-A, the 1991-92 operating budget, amending the Special Revenue Fund by appropriating \$125,000 to the Health and Human Services Special Revenue Fund, and authorizing four grant funded full-time positions for comprehensive case management services.
 17. Approve an amendment to Chapter 13-3A-9 of the Land Development Code to allow installment payments of water and wastewater capital recovery fees (CRF) by homeowners demonstrating financial hardship; repeal subpart (g) of Section 13-3A-10, Land Development Code which limited installment payment of CRF to septic tank cutover situations. (Recommended by Water and Wastewater Commission.)
- #16-17 on Councilmember Reynolds' motion, Councilmember Garcia's second, 6-0 Vote, Mayor Todd out of the room.

18. Set a public hearing for paving assessments to be levied for Brodie Lane, Phase I. Date and time: January 14, 1993 at 4:30 p.m.

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

RESOLUTIONS

19. Approve execution of a construction contract to AKIN-McCOMB CONSTRUCTION, Austin, Texas, for construction of the Fire Department storage building at Service Station No. 6, located at 2011 East 51st Street, in the amount of \$116,845.52. (Funding available in the 1991-92 operating budget of the Fire Department.) Low bid of three (3). 9.96% MBE, 4.03% WBE Subcontractor participation. Reference No. 92-0929-2RH.
20. Approve execution of a construction contract award to J.C. EVANS CONSTRUCTION CO., Austin, Texas, for pavement rehabilitation of West Terminal Access Road and Wilshire Boulevard at Robert Mueller Municipal Airport, in the amount of \$121,689.82. (Funding in the amount of \$55,923.57 included in CIP 881-817-5524 and \$65,766.25 included in CIP 881-817-5523. Federal Aviation Administration participation is estimated to be \$49,324.) Low bid of five (5). 4.34% MBE, 6.92% WBE Subcontractor participation. (Reviewed by Airport Advisory Board.)

21. Approve a construction contract award to W.K. JENNINGS ELECTRIC CO., INC., Austin, Texas, for taxiway lighting between the main runway and general aviation runway at Robert Mueller Municipal Airport, in the amount of \$47,988.30. (Funding included in CIP 881-817-5522. Federal Aviation Administration participation is estimated to be \$35,991.) Single bid. The prime did not identify any subcontracting opportunities. 52% MBE. (Reviewed by Airport Advisory Board.)
22. Approve Change Order No. 5 to the contract with AUSTIN BRIDGE & ROAD, INC., Austin, Texas, for construction of the Robert Mueller Municipal Airport taxiway and terminal apron pavement rehabilitation, in the amount of \$34,259.25, for a total contract amount of \$2,564,807.95. (Funding in the amount of \$34,295.24 included in the Department of Aviation CIP Funds. Federal Aviation Administration participation is estimated to be \$15,840.19.) [Reviewed by Airport Advisory Board.]

#19-22 on Councilmember Reynolds' motion, Councilmember Garcia's second, 6-0 Vote, Mayor Todd out of the room.

23. Approve execution of a twelve (12) month supply agreement with WASHING EQUIPMENT OF TEXAS, Austin, Texas, for the purchase of batteries and flashlights for use by all City departments, in an amount not to exceed \$34,584, with one (1) twelve (12) month extension option, in an amount not to exceed \$34,584 per extension, for a total amount not to exceed \$69,168. (Funding in the amount of \$2,799 is available in the 1991-92 inventory account of Financial Services/Material Management Services and various City departments operating budgets; funding for the final eleven (11) months of the original contract period and the extension options will be contingent upon future available funding in the 1992-93 and 1993-94 budgets.) Low bid of six (6). The prime did not identify any subcontracting opportunities. Reference No. 920822-3RH.

Postponed to October 1, 1992.

24. Approve execution of a twelve (12) month supply agreement with INSTANT PHOTOS, INC., Houston, Texas, for the purchase of Polaroid film for use by City departments to document fires, accidents, health code violations and building code violations, in an amount not to exceed \$95,000, with one (1) twelve (12) month extension option, in an amount not to exceed \$95,000, for a total amount not to exceed \$190,000. (Funding in the amount of \$7,917 is available in the 1991-92 inventory account of Financial Services/Materials Management and various City Departments operating budgets; funding for the final eleven (11) months of the original contract period and the extension option will be contingent upon available funding in

the 1992-93 and 1993-94 budgets.) Low bid of four (4). The prime did not identify any subcontracting opportunities. Reference No. 920902-1RH.

25. Approve execution of twelve (12) month supply agreements with TEXAS INDUSTRIES, Del Valle, Texas, for the purchase of 7,600 tons of sandy loam/topsoil, in an amount not to exceed \$38,563.85, and with CAPITAL AGGREGATES, Austin, Texas, for the purchase of 15,100 tons of sand, for use by the Water and Wastewater Utility, Parks and Recreation Department, Electric Utility and Public Works, in an amount not to exceed \$72,532, with an option to extend both contracts thereafter for an additional twelve (12) month period, in an amount not to exceed \$38,563.85 and \$72,532 respectively, for total contract amounts of \$222,191.70. (Funding in the amount of \$7,576.25 is available in the 1991-92 operating budget of the Water and Wastewater Utility; funding for the remainder of the original contract period is requested in the 1992-93 operating budget; funding for the extension option will be contingent upon future available funding.) Low bid of four (4). The prime did not identify any subcontracting opportunities. (Recommended by Water and Wastewater Commission.)
26. Approve execution of two (2) twelve (12) month supply contracts for the purchase of tires and tubes to be used for the City's fleet of trucks, Austin Police patrol sedans, ambulances and Emergency Medical Services supervisors' vehicles, with the following vendors: WALKER TIRE CO., INC., Austin, Texas, in an amount not to exceed \$158,000; and PURCELL TIRE CO., INC., Austin, Texas, in an amount not to exceed \$100,000, with options to extend each agreement for one (1) additional twelve (12) month period in amounts of \$158,000 and \$100,000 respectively, for a total contract amount not to exceed \$516,000. (Funding is contingent upon the approval of the 1992-93 operating budget of the Fleet Services Division; funding for the extension option will be contingent upon available funding in future budgets.) Low bids of three (3). the prime did not identify any subcontracting opportunities. Reference No. 920816-1RF.
27. Approve execution of a twelve (12) month supply contract with MAC HAIK FORD, Houston, Texas, for the purchase of equipment repair parts for the Navistar/International trucks in the City's fleet, in an amount not to exceed \$230,000, with an option to extend thereafter for one (1) additional twelve (12) month period, in an amount of \$230,000, for a total contract amount not to exceed \$460,000. (Funding is contingent upon the approval of the 1992-93 operating budget of the Fleet Services Division; funding for the extension option will be contingent upon available funding in future

budgets.) Low bid of three (3). The prime did not identify any subcontracting opportunities. Reference No. 920844-1RF.

#24-27 on Councilmember Reynolds' motion, Councilmember Garcia's second, 6-0 Vote, Mayor Todd out of the room.

28. Approve negotiation and execution of a concession contract with CAROUSEL ASSOCIATES, LTD., for a traditional wooden carousel in Zilker Park for a period of five (5) years, with one (1) five (5) year extension option with estimated revenues to the City of approximately \$131,500 for the first five (5) years, and \$131,500 estimated for the option period, for a total estimated revenue of \$263,000. Best proposal of two (2). The prime did not identify any subcontracting opportunities. Reference No. 920691-3SS.

Direct the City Manager to locate an alternate site, either within or outside of Zilker Park. On Councilmember Larson's motion, Councilmember Reynolds' second, 7-0 Vote.

29. Approve submission to the Austin Transportation Study of candidate projects for potential federal funding under the Intermodal Surface Transportation Efficiency Act (ISTEA).

On Councilmember Nofziger's motion, Mayor Pro Tem Urdy's second, with a friendly amendment by Mayor Pro Tem Urdy to add Johnny Morris Road from MLK to Loyola as worded in the CIP, and a friendly amendment by Councilmember Larson to add Pleasant Valley Road from Oltorf to Button Bend.

30. Approve dedication of all remaining undeveloped land within Austin Memorial Park to cemetery related purposes. (Recommended by Parks Board)
31. Reappoint Ida Courtney to a three year term as Austin's representative to the Advisory Council of the Central Texas library system. (Recommended by Library Commission.)
32. Approve ratification of a contract with WESTON SERVICES, Austin, Texas, for the emergency purchase of transformer oil cleanup, in the amount of \$135,000.) Funding available in the 1992-92 operating budget of the Electric Utility.) 5% MBE, 10% WBE Subcontractor participation.
33. Set a public hearing on proposed amendments to the Ozone Depleting Chemicals Ordinance (No. 910912-N), deleting liability insurance requirements for permit applicants, substituting use restricts for sales restrictions on "component parts interfacing with refrigerants," amending refrigeration chiller requirements and amending ordinance definitions. (Suggested date and time: October 1, 1992 at 5:00 p.m.)

ITEMS FROM COUNCIL

34. Consider amendments to the Rules and Procedures of City Council meetings. (Rules and Procedures Subcommittee)

§30-34. on Councilmember Reynolds motion, Councilmember Garcia's second, 6-0 Vote, Mayor Todd out of the room.

Councilmember Reynolds read into the record the Resolution to consider amendments to the Rules and Procedures of City Council meetings as follows:

"Whereas the City Council adopted rules and procedures for conducting City Council meetings on April 9, 1992; and whereas revisions have been recommended to clarify certain provisions and enhance citizen communications to the City Council, therefore be it resolved by the City Council of the City of Austin that the rules and procedures for conducting City Council meetings as adopted on April 9, 1992 are amended to add the following: 1. Citizens will be permitted to sign up to speak to the City Council on any ordinance on which more than one year has elapsed since the date of the last reading of the ordinance. 2. Citizens who desire to address the City Council during Citizen Communication on the posted agenda, must sign up in the City Clerk's Office during the one week preceding 12:00 Noon of the Friday preceding the date of the City Council meeting. 3. The final citizen communications, which occur after the dinner break, or at the end of the meeting, will be increased to ten slots with each person being given three minutes to speak. Sign up for the slots will be divided up to five slots reserved on a first come first served basis to those who sign up at the City Clerk's office during the one week preceding 12:00 Noon of the Friday preceding the meeting. The remaining five slots will be available on a first come, first served basis to any speaker who signs up with the City Clerk after 12:50 P.M. on the day of the meeting."

35. Approve a resolution dissolving the Rules Committee which was previously formed and directed to consider rules for the implementation of Ordinance No. 911017-B, the Composite Ordinance. (Councilmember Michael "Max" Nofziger)

On Councilmember Nofziger's motion, Councilmember Garcia's second, 7-0 Vote, with a friendly amendment by Councilmember Reynolds that this shall be completed within 90 days.

36. Consider a resolution recommending action on deferrals requested by Austin Cablevision consistent with recommendations by Moss & Barnett's Performance Audit. (Council Subcommittee for Cable Television)

37. Consider a resolution directing the City Manager to implement recommendations of the Council Subcommittee for Cable Television on performance of Austin Cablevision. (Council Subcommittee for Cable Television)

#36-37 Postponed to October 1, 1992.

FINAL CITIZEN COMMUNICATIONS

Speakers were Lydia Perez, Mark Weaver, Bill Howell and Janet Klotz.

PUBLIC HEARINGS AND APPROVAL OF ORDINANCES/RESOLUTIONS

38. 4:30 P.M. - Full purpose annexation of the Mo-Pac South annexation area, located at the northeast corner of the MoPac/U.S. 290 intersection.

Public hearing closed, on Councilmember Reynolds motion, Mayor Pro Tem Urdy's second, 7-0 Vote.

39. 5:00 P.M. - Approve an ordinance waiving water capital recovery fees in the amount of \$1,308 and a water connection fee in the amount of \$375.00 for property located at 1302 Barbergale Street. (Councilmember Gus Garcia)

Pulled off agenda.

40. 5:15 P.M. - Proposed 1992-93 Operating Budget and Capital Improvements Program.

Public hearing closed, on Councilmember Garcia's motion, Councilmember Nofziger's second, 5-0 Vote, Mayor Pro Tem Urdy and Councilmember Reynolds out of the room. (Speaker's cards on file in City Clerk's office.)

41. 6:45 P.M. - Balcones Canyonlands Conservation Plan.

Public hearing to be continued on September 15, 1992 at 3:00 P.M. and September 17, 1992 at 5:00 P.M.

EXECUTIVE SESSION (No Public Discussion on These Items)

Mayor Todd announced that Council would enter 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.

Pending/Contemplated Litigation - Section 2, Paragraph e

42. Discussion of Dayton Independent School District et. a. v. U.S. Mineral Products Company, W.R. Grace & Co.-Conn., and United States Gypsum Company, No. B-87-00507-CA
43. Jerry J. Quick, Kaira G. Quick, F.L. "Tag" Freitag, Jane McCray Freitag and Eli Garza v. City of Austin, in the District Court of Travis County, Texas.
44. One Austin Capital Group, Inc., Petitioner, v. City of Austin, Respondent, before the Texas Water Commission.

Land Acquisition, Section 2, Paragraph f

45. Discussion of land purchase of Balcones Canyonlands Conservation Plan.

Advice from Counsel, Section 2, Paragraph e

46. Discuss settlement of a disputed claim filed by Reddico Construction Company.

RECESS

Council recessed from 6:08 to 7:00 P.M. for Executive Session.

ACTION ON THE FOLLOWING

47. Approve settlement of claims against W.R. Grace & Co.-Conn., Dayton Independent School District, et. a. v. U.S. Mineral Products Company, W.R. Grace & Co.-Conn. and United States Gypsum Company, No. B-87-00507-CA.
48. Approve settlement of a disputed claim for additional costs submitted by Reddico Construction Company, Inc. for the U.S. Hwy. 183 48-Inch Transmission Main Relocation Phase I project. In the amount of \$122,100.00.

#47-48 on Councilmember Garcia's motion, Councilmember Nofziger's second, 5-0 Vote, Mayor Pro Tem Urdy, Councilmember Reynolds out of the room.

10:05 P.M. - ADJOURN

