



## **Austin City Council MINUTES**

**APRIL 9, 1992 - 1:00 A.M. P.M.**

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

Mayor Todd called to order the meeting of the Council, noting that Mayor Pro Tem Urdy and Councilmember Nofziger were not yet present.

### **APPROVAL OF MINUTES**

1. Approval of Minutes for Regular Meeting of April 2, 1992.

On Councilmember Garcia's motion, Councilmember Larson's second, 5-0 Vote, Mayor Pro Tem Urdy and Councilmember Nofziger not yet present.

### **CITIZEN COMMUNICATIONS: GENERAL**

2. Ms. Alicia L. Lee, to request accessible health care for the homeless, and present facts about individuals who are homeless.
3. Ms. Helen Hill, to provide a background of individuals who are homeless, and purpose and history of services.
4. Ms. Margo Kaiser, to present benefits of services to the homeless and facts about services.
5. Mr. Carl Siegenthaler, to provide recommendations on what we need to do to provide a comprehensive approach to providing and coordinating services to individuals who are homeless.
6. Mr. Robert Hageman, to discuss problems with implementation of new energy efficient technologies into the framework of current Environmental and Conservation Services Department rating for new homes.
7. Ms. Rosemary Castleberry, to discuss Cinco de Mayo festivities.
8. Mr. Luthor Carpenter, to present the first of a series of speeches regarding management, the budget and Council concerns.
9. Ms. Elizabeth Sears, to discuss the "Child Care Worthy Wage" campaign.
10. Mr. Henry Ratliff, to discuss possible solutions.

11. Mr. Charlie Waits, to discuss communication with Council members.

**1:30 P.M. - BOND SALES**

12. Authorize the issuance of City of Austin, Texas, Public Improvement Refunding Bonds, Series 1992, calling for redemption prior to maturity of certain outstanding obligations of the City, enacting other provisions relating thereto.

Postponed to April 23, 1992.

13. Authorize the execution of a Paying Agent/Registrar Agreement and a Letter of Representations for issuance of book-entry obligations, with respect to the City of Austin, Texas, Public Improvement Refunding Bonds, Series 1992.

Postponed to April 23, 1992.

**CITIZEN COMMUNICATIONS: CONSENT AGENDA**

Citizens will have a maximum of three (3) minutes to address the consent agenda.

**ACTION ON CONSENT AGENDA**

**ITEMS CONTINUED FROM PREVIOUS MEETINGS**

**Energy Programs (Items 14-16)**

14. Approve second/third reading to amend Ordinance No. 890615-E, revising the Financial Policy for the City of Austin by establishing a yearly transfer of electric service area sales to the Environmental and Conservation Services Department for energy efficiency programs as part of the annual budget process.
15. Approve policy goals for energy efficient investments, replace previous multi-family, commercial and thermal storage energy systems program guidelines and approve new program guidelines for energy efficient investments.
16. Direct the City Manager to provide for in the proposed 1992-93 budget, and in proposed budgets thereafter through 2002-2003, sufficient funding from Electrical Utility revenues to be used by the Environmental and Conservation Services Department to achieve a savings of a minimum of 21 megawatts per year until the goals for energy conservation initiatives jointly established by the Electric

Utility Department and Environmental and Conservation Services Department for the year 2002 are reached. (Councilmember Gus Garcia)

#14,15,16 referred to Electric Utility Commission.

17. Amended Ordinance No. 910912-A, the Operating Budget, by transferring \$65,000 from the General Fund Contingency Reserve to the Law Department budget for legal services provided by outside counsel in connection with the Save Our Springs Coalition et al v. City Council of Austin, Texas, et al.
18. Approved an agreement with BICKERSTAFF, HEATH AND SMILEY for legal services as outside counsel in connection with Save Our Springs Coalition, et al v. City Council of Austin, Texas, et al. in the amount of \$65,000. (Funding included in the General Fund Contingency Reserve.)

#17,18 on Councilmember Garcia's motion, Mayor Pro Tem Urdy's second, 5-2 Vote, Councilmembers Nofziger and Epstein voted No.

#### ORDINANCES

19. Approved second/third readings of an ordinance amending Chapter 13-2 of the Austin City Code rezoning property locally known as 100 through 1200 blocks of Little Texas Lane and 5900 block of South Congress Avenue, Case No. C814-91-0001, from "LR", Neighborhood Commercial; "MF-3", Multifamily Residence (medium density); and "GO", General Office to "PUD", Planned Unit Development, COHEN-EMMETT JOINT VENTURE, by Minter, Joseph, Thornhill. First reading on May 16, 1991; Vote 6-0, Councilmember Nofziger out of the room. Conditions met as follows: PUD, Planned Unit Development, General Land Use Plan incorporates conditions imposed by Council. Traffic Phasing Agreement and Restrictive Covenant incorporating conditions imposed by Council have been executed. Development restricted to that shown on the PUD General Land Use Plan attached as an Exhibit to the ordinance. (Public Hearing Closed - No Citizen Sign Up)

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

20. Approve second/third readings of an ordinance amending Chapter 13-2 of the Austin City Code rezoning property locally known as 5619-5710 F.M. 2222 Drive, Case No. C14-91-0015, from "SF-2", Single Family Residence to "GR-CO", Community Commercial-Conditional Overlay for Tract D.1, and RR, Rural Residence for Tract D.2, JOSIE CHAMPION, by Scanlon and Buckle. First reading on September 12, 1991; Vote 7-0. Conditions met as follows: Conditional Overlay and Restrictive

Covenant incorporate conditions imposed by Council. Street de satisfying right-of-way dedication requirement has been executed. (Public Hearing Closed - No Citizen Sign-Up)

**Pulled Off Agenda**

**Police Community Partnership (Items 21-23)**

21. Amended Title IX of the Code of the City of Austin, 1981, by adding Chapter 9-14 entitled "Controlled Substance Solicitation" making it an offense for a person to request, command, or induce another person to sell, donate, or otherwise transfer or deliver a prohibited substance to another person. (Violation would constitute a Class C misdemeanor with a minimum fine of \$200 and a maximum fine of \$2,000). (Recommended by the Sixth Street Subcommittee)

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

22. Amended Chapter 9-13 of the Code of the City of Austin, 1981, as amended regarding non-emergency curfews, by amending Section 9-13-1, Curfew Area No. 1, to include that area bounded by the south curb of 10th Street, the east curb of the U.S. Interstate Highway 35 West Frontage Road, the south curb of Fourth Street, the east curb of Congress Avenue starting at Fourth Street, south to the south curb of west Section Street, the west curb of San Antonio Street, the north curb of West Seventh Street, and the west curb of Congress Avenue, all located within the City of Austin; and Curfew Area No. 2, that area bounded by the south curb of West 4th Street; the west curb of Rio Grande Avenue, the north curb of West 7th Street and the west curb of San Antonio Street; applicable to persons under the age of seventeen, from 10:00 P.M. to 6:00 A.M. (No fiscal impact.) [Recommended by the Sixth Street Subcommittee]

On Councilmember Larson's motion, Councilmember Reynolds' second, with a friendly amendment by Councilmember Larson to add Curfew Area 2, and statement of hours. (7-0 Vote)

23. Amend Chapter 9-1 of the Code of the City of Austin, 1981, as amended, prohibiting the possession of certain glass containers in Curfew Area No. 1, That area bounded by the south curb of 10th Street, the east curb of the U.S. Interstate Highway 35 West Frontage road, the south curb of Fourth Street, the east curb of Congress Avenue starting at Fourth Street, south to the south curb of west Second Street, the west curb of San Antonio Street, the north curb of West Seventh Street, and the west curb of Congress Avenue, all located within the City of Austin, Texas, and Curfew Area No. 2, That area bounded by the south curb of West 4th Street,

the west curb of Rio Grande Avenue, the north curb of West 7th Street and the west curb of San Antonio Street. (No fiscal impact.) [Recommended by the Sixth Street Subcommittee] (This Ordinance applies to everyone.)

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

24. Amended Section 10-5-4(a) of the Austin City Code to control vending in the area immediately surrounding the Austin Convention Center. (No fiscal impact.) [Reviewed by the Convention Center Subcommittee]
25. Authorized acceptance of \$16,372 in grant funds from the Texas Department of Health to maintain active surveillance for AIDS cases, to conduct epidemiologic investigations and validation studies, and to add active surveillance and follow up of pediatric HIV infections; amend Ordinance No. 910912-A, the 1991-92 Operating Budget, amending the Special Revenue Fund for the Health and Human Services Department by appropriating \$16,372, increasing revenues and expenditures.

#24-25 on Councilmember Larson's motion, Councilmember Reynolds' second, 7-0 Vote.

26. Amended Ordinance No. 910912-A, the 1991-92 Operating Budget for the General Fund by increasing revenues by \$59,000 and appropriating \$57,514 to the Financial Services Department to fund the Disparity Study. (Related to Item 34)

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

27. Amended the 1991-92 Solid Waste Services Fund Operating Budget by increasing revenues by \$1,900,000, increasing appropriations by \$926,365 for the purchase of equipment. (Funding will be provided from the November, 1991 sale of Contractual Obligations.) [Related to Items 32-33]
28. Amended Ordinance No. 910912-A to increase the 1991-92 Operating Budget by \$397,000 for contracting dewatering of digested sludge in two drying basins at the Hornsby Bend Sludge Facility. (Funding included in the Water and Wastewater Utility Fund.) [Recommended by Water and Wastewater Commission] [Related to Item 35]

#27-28 on Councilmember Larson's motion, Councilmember Reynolds' second, 7-0 Vote.

**Asbestos Abatement Program (Items 29-31)**

29. Amended the 1991-92 General Fund Operating Budget by authorizing one (1) additional position for the Department of Public Works and Transportation; transferring \$325,000 from the General Fund Contingency Reserve, and appropriating \$275,000 to the Department of Public Works and Transportation and \$50,000 to the Department of Human Resources for implementation of an Asbestos Abatement Program for City of Austin facilities.

On Councilmember Larson's motion, Councilmember Reynolds' second, 6-0 Vote, Councilmember Nofziger abstained.

**RESOLUTIONS**

**Asbestos Abatement Program (Items 29-31) [continued]**

30. Approved the selection of two (2) professional services firms: ENVIRONMENTAL MONITORING SERVICES, INC., Austin, Texas; and RABA-KISTNER CONSULTANTS, INC., Austin, Texas, for an Asbestos Laboratory Services Rotation List for a variety of small fast turnaround projects, for a total amount of \$40,000. (Funding in the amount of \$20,000 will be provided through a General Fund budget amendment to the Public Works Department; \$5,000 from the Brackenridge Hospital Operating Budget, \$5,000 from the Water Utility CIP 392-227-6708; and \$5,000 from the Department of Aviation Operating Budget. The remainder of the funding will be requested in the 1992-93 Capital Budget.) Sole proposals. M/WBE Subcontractor participation: Environmental Monitoring Services (0% M/WBE); Raba Kistner Consultants, Inc. (0% MBE, 5% WBE).

On Councilmember Larson's motion, Councilmember Reynolds' second, 6-0 Vote, Councilmember Nofziger abstained.

31. Approved the selection of three (3) professional services firms: RABA-KISTNER -BRYTEST, Austin, Texas; ENVIRONMENTAL MONITORING SERVICE INC., Austin, Texas; and GREENLEAF LABS, INC., Round Rock, Texas, for an asbestos engineering services rotation list for a variety of small fast turn-around projects, in the amount of \$400,000. (Funding in the amount of \$130,000 will be provided through a General Fund Budget amendment to the Public Works Department; \$45,000 from the Brackenridge Hospital Operating Budget; \$10,000 from the Department of Aviation Operating Budget; and \$20,000 from the Water Utility CIP 392-227-6708. The remainder of the funding will be requested in the 1992-93 Capital Budget.) Best

proposals of five (5). M/WBE Subcontractor participation: Raba-Kistner (0% MBE, 5% WBE); Environmental Monitoring Service (0% M/WBE); Greenleaf Labs, Inc. (0% MBE, 10-15% WBE).

On Councilmember Larson's motion, Councilmember Reynolds' second, 6-0 Vote, Councilmember Nofziger abstained.

32. Approved execution of a contract with IGGESUND RECYCLING, Nisswa, Minnesota, for the purchase of a brush and wood waste grinder to be used by the Solid Waste Services Division for the size reduction of wood waste, yard waste and land clearing debris, in an amount not to exceed \$313,620. (Funding provided by the 1991-92 Solid Waste Services Fund.) Low bid of two (2). The prime did not identify any subcontracting opportunities. (Related to Item 27)
33. Approved execution of a contract with JOHNSON'S FLEET SERVICE, INC., Austin, Texas, for the purchase of a refuse collection truck for use by the Solid Waste Division, in an amount not to exceed \$48,745. (Funding provided by the 1991-92 Solid Waste Services Fund.) Low bid of three (3). The prime did not identify any subcontracting opportunities. (Related to Item 27)

#32-33 on Councilmember Larson's motion, Councilmember Reynolds' second, 7-0 Vote.

34. Approved negotiation and execution of a contract with D.J. MILLER AND ASSOCIATES (MBE), Atlanta, Georgia, for the performance of the Minority Business Enterprise Utilization Research Project (Disparity Study), in an amount not to exceed \$249,640. (Funding in the amount of \$10,000 provided by the Aviation Department; \$57,514 from the General Fund; \$112,631 from Electric Utility; \$67,099 from Water and Wastewater Utility; and \$2,396 from the Solid Waste Services.) Best proposal of five (5). 15.5% MBE, 8.8% WBE Subcontractor participation. Reference No. 910748-3LI. (Related to Item 26)

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

35. Approved execution of a contract award to OSCAR RENDA CONTRACTING, INC., Roanoke, Texas, for the Sludge Drying Basin Dewatering project at the Hornsby Bend Sludge Management Facility, in the amount of \$397,000. (Funding will be provided by the Water and Wastewater Utility Fund.) Low bid of four (4). 18.89% MBE, 0% WBE Subcontractor participation. (Recommended by Water and Wastewater Commission.) [Related to Item 28]
36. Approved a construction contract award to JACK SUSARREY BUILDER, Austin, Texas, for Phase III of the Lundberg Bakery (Old Bakery) Preservation Project, in the amount of \$329,000. (Funding in the amount of \$148,597 included in CIP 823-867-0786; \$180,403 included

in CIP 811-867-0275.) Low bid of five (5). 11.7% MBE, 5% WBE Subcontractor participation. (Reviewed by the Parks and Recreation Board)

37. Approved execution of a contract award with AUSTIN BRIDGE AND ROAD COMPANY, Austin, Texas, for the Barton Springs Road Overlay Project, in the amount of \$422,116.15. (Funding included in CIP 837-607-2391 - Capital Metro Public Transportation Mobility Fund.) Low bid of five (5). 8.05% MBE, 14.32% WBE Subcontractor participation.
38. Approved the negotiation and execution of a contract with SOUTHWESTERN BELL TELEPHONE COMPANY, Austin, Texas, for the purchase of a building distribution system for the new Austin Convention Center, in an amount not to exceed \$825,000. (Funding included in the Convention Center CIP Budget.) Best proposal of three (3). 44.98% MBE, 0% WBE Subcontractor participation. Reference No. 920468-3JR.
39. Approved execution of a twelve (12) month supply agreement with PATHMARK TRAFFIC PRODUCTS, San Marcos, Texas, for the purchase of traffic marking paint, in an amount not to exceed \$112,030, with two (2) twelve (12) month extension options, in an amount not to exceed \$112,030 per extension, for a total amount not to exceed \$336,090. (Funding in the amount of \$84,022.50 for the remainder of 1991-92 included in the 1991-92 Operating Budget of the Department of Public Works and Transportation; funding for the final seven (7) 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 seven (7). The prime did not identify any subcontracting opportunities. Reference No. 920364-1RH.
40. Approved negotiation and execution of a contract award to SOPHA MEDICAL SYSTEMS, INC., Columbia, Maryland, for the purchase of a gamma camera/computer system to be used by Brackenridge Hospital's Nuclear Medicine Department to perform medical imaging tests, including delivery and installation, in an amount not to exceed \$500,101. (Funding included in the 1991-92 Operating Budget of Brackenridge Hospital.) Best offer of eight (8). The prime did not identify any subcontracting opportunities. Reference No. BH1-247. (Recommended by Hospital Board)
41. Approved the selection of PARSONS/BRINCKERHOFF, INC., Austin, Texas, for professional engineering services to provide technical assistance for construction management of Small-Diameter Wastewater Interceptor Tunnels, in an estimated amount of \$292,000. (Funding in the amount of \$110,000 included in CIP 436-237-0365; \$86,000 included in CIP 443-237-0749; and \$96,000 included in CIP 439-237-0693.) Best proposal of five (5). 10% MBE, 5% WBE Subcontractor participation. (Recommended by Water and Wastewater Commission.)
42. Authorized application of \$4,000,000 in grant funds from the U.S. Department of Housing and Urban Development for the implementation of the Housing Opportunities for People Everywhere (HOPE) 2 Program.



(Recommended by the Housing Subcommittee)

43. Authorized application \$4,250,000 in grant funds from the U.S. Department of Housing and Urban Development for implementation of the Housing Opportunities for People Everywhere (HOPE) 3 Program. (Recommended by the Housing Subcommittee)
44. Authorized the negotiation and execution of a lease with Louis L. Hirschfeld for approximately 12,000 sq. ft. of office space located at 710 West 5th Street, to relocate the East Riverside field service office of the Utility Customer Service Office, in the amount of \$27,360. (Funding for July through September is budgeted in the 1991-92 Utility Customer Service Office Operating Budget.)

#35-44 on Councilmember Larson's motion, Councilmember Reynolds' second, 7-0 Vote.

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

**ZONING DISTRICTS**

45. C14-92-0001 - WILLIAM GIETEMA, by Richardson Verdoorn, 3400 to 3502 Manchaca. From SF-3 to MF-3. Planning Commission Recommendation: To deny MF-3. (7-0)

Withdrawn

46. C14-92-0005 - PEARL COLLINS NORRIS, by Consort, Inc., 1805 Airport Blvd. From SF-3 to GR. Planning Commission Recommendation: To deny GR. (8-0)

Postponed indefinitely

47. C14-81-215 - PEARL COLLINS NORRIS, by Consort, Inc., 3100 block of East 18th Street. (Termination of Restrictive Covenant). Planning Commission Recommendation: To deny the request to terminate the restrictive covenant. (8-0)

Postponed indefinitely

To be heard by Planning Commission on April 7, 1992; Recommendation to Follow

48. C14-92-0025 - NORWOOD-REUNION WALNUT HILL, by Norwood Properties, 9101 Wall Street. From I-RR to CS.

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

#### FINAL CITIZEN COMMUNICATIONS

Sign-up will be taken during the Council meeting. No more than six (6) persons shall speak, and each person will be given three (3) minutes to speak. These speakers cannot have spoken during Citizen Communications Consent or Citizen Communications General. Speakers were Robert Singleton, Eric Anderson, Christi Stevens and John Johnson.

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

49. 5:00 P.M. Rules and procedures for Council meetings as adopted by Council on February 6, 1992.

Public hearing closed on Councilmember Reynolds' motion, Councilmember Nofziger's second, 7-0 Vote. Speaker's cards are on file in the City Clerk's office.

50. 6:45 P.M. Authorize fee increases for City cemeteries burial spaces and related services; and approval of an Ordinance. (Estimated revenue to be generated by this fee increase amounts to \$52,136.) [Recommended by the Parks Board]

#### Motion

The Council, on Councilmember Garcia's motion, Councilmember Larson's second, closed the public hearing. (7-0 Vote) Speakers cards are on file in the City Clerk's office.

#### Motion

The Council, on Councilmember Garcia's motion, Mayor Pro Tem Urdy's second, waived the requirement for three readings and finally passed on EMERGENCY BASIS an ordinance authorizing fee increases for City cemeteries burial spaces and related services, and instructed staff to come back with structure for elderly people with low income. (Estimated revenue to be generated by this fee increase amounts to \$52,136.) [Recommended by the Parks Board] (7-0 Vote)

**51. 7:15 P.M. Proposed 1992-93 Operating and Capital Budget.**

**Motion**

The Council, on Councilmember Reynolds' motion, Councilmember Larson's second, closed the public hearing. 7-0 Vote. Speaker's cards are on file in the City Clerk's office.

**ITEMS FROM COUNCIL**

**54. Consider action on amendments to the resolution adopting Rules and Procedures for conducting City Council meetings. (Rules and Procedures Subcommittee)**

The Council, on Councilmember Nofziger's motion, Councilmember Reynolds' second, adopted a resolution approving amendments to the resolution as presented, with further amendments (1) Citizens may speak five times during a Council meeting, including Citizen Communications: General, plus speak at public hearings; (2) Final Communications will not begin before 5:00 P.M. (6-1 Vote, Councilmember Epstein voted No.)

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

The Executive Session was postponed to April 23, 1992.

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.

**52. Pending Litigation, Section 2, Paragraph e**

**Save Our Springs Coalition, et al v. City Council of Austin, et al.**

Postponed to April 23, 1992

**53. APPOINTMENTS**

Postponed to May 7, 1992

CABLE COMMISSION - 1

CHILD CARE COUNCIL - 9

COMMUNITY DEVELOPMENT COMMISSION - 1 COUNTYWIDE REP.; 1 NBL REP.

2 COUNCILMEMBER REPS.; 1 AUSTIN METRO MINISTRIES REP.

CONSTRUCTION ADVISORY COMMITTEE - 1 LABOR REP.

DESIGN COMMISSION - 2

DOWNTOWN COMMISSION - 1 REP. FROM MAYOR'S COMMITTEE FOR PEOPLE WITH  
DISABILITIES; 1 STATE OF TEXAS REP.  
ELECTRIC UTILITY COMMISSION - 1  
HUMAN RIGHTS COMMISSION - 1  
INET/EXNET AUTHORITY - 1 CITY EMPLOYEE  
MEDICAL ASSISTANCE PROGRAM ADVISORY BOARD - 1 PHYSICIAN  
MH/MR PUBLIC RESPONSIBILITY COMMITTEE - 3  
MINORITY AND WOMEN OWNED BUSINESS PROCUREMENT ADVISORY COMMITTEE - 1  
REP. OF CAPITAL CITY CHAMBER OF COMMERCE; 1 WOMEN'S CHAMBER REP.;  
1 CERTIFIED WBE/MBE CONTRACTOR; 2 PRIVATE SECTOR REPS.  
MUSIC COMMISSION - 1  
PARKS AND RECREATION BOARD - 1  
URBAN TRANSPORTATION COMMISSION - 2

ADJOURN - The meeting was adjourned at 9:18 P.M.