



## **Austin City Council MINUTES**

**MARCH 19, 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 March 12, 1992 and Special Meetings of March 4, 5, 11 and 12, 1992

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

### **READING OF CONSENT AGENDA**

Items 18-34, 47-50, 53-55 and items that may be added by addendum will be read into the record by the City Clerk. Members of the City Council shall state which items they wish to pull for discussion.

Citizens wishing to speak to consent items shall sign up for the Consent Agenda - during the General Citizen Communications. Comments must be limited to a maximum of three (3) minutes for each speaker.

Citizens may speak to only one (1) of the posted Citizen Communications, but may speak to items pulled for discussion and posted public hearings.

### **CITIZEN COMMUNICATIONS: GENERAL**

The following citizens signed up to speak in writing with the City Clerk by 12:00 noon on the preceding Friday. Speakers scheduled during this time have a maximum of three (3) minutes to address the listed subject and/or address items on the consent agenda which are of concern to them.

2. Ms. Erlinda Herrera, to discuss area health concerns. Did not speak.
3. Ms. Rosa Vargas, to discuss area health concerns. Did not speak.
4. Ms. Rachel Cywinski, to inform Council of neighborhood efforts to combat crime, and outline ways the City can help.
5. Mr. Leonard Lyons, to discuss relevant information.
6. Mr. Henry Ratliff, to discuss Austin condition.
7. Mr. Donald Richards, to discuss delays in obtaining benefits, and problems and hardships due to the delay.
8. Mr. Charlie Waits, to question the wisdom wherein the Austin City Council repeatedly attempts to lead or save the world with taxpayer money, and to request that they stop spending our money on square earth concepts and "Tom Terrific" solutions to non existing problems.
9. Mr. Charles Foster, to discuss support of Save Our Springs ballot initiative.
10. Mr. David Elliott, to discuss costly City Management and Austin Bond debt.
11. Mr. William David Plasky, to discuss pedestrian safety and enforcement of ordinances.

**1:30 P.M. - Bond Sale**

The following, #12-16 were postponed to March 26, 1992.

12. Authorize the issuance of City of Austin, Texas, Public Improvement Refunding Bonds, Series 1992, calling for redemption prior to maturity certain outstanding obligations of the City, enacting other provisions relating thereto.
13. Authorize the execution of a Paying Agent/Registrar Agreement in relation to the City of Austin, Texas, Combined Utility Systems Revenue Refunding Bonds, Series 1992.
14. 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.
15. Authorize the issuance of City of Austin, Texas Combined Utility Systems Revenue Refunding Bonds, Series 1992, the execution of a

purchase contract and Special Escrow Agreement, and approve and authorize distribution of an Official Statement pertaining thereto.

16. Authorize the redemption of certain outstanding bonds of the City of Austin.

#12-16 postponed to March 26, 1992.

CITIZEN COMMUNICATIONS: CONSENT AGENDA

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

ACTION ON CONSENT AGENDA

BOARD AND COMMISSION REPORTS

17. Greater Austin Task Force on Crime, Gangs, Drugs and Youth - Status Report

Report was presented by Judge Coronado, Rev. Hunter Morris and Dr. Betty Phillips.

ITEMS CONTINUED FROM PREVIOUS MEETINGS

18. Approved third reading of the partial implementation of the first year of the Urban Watersheds Retrofit and Monitoring Business Plan by amending the 1991-92 Drainage Utility Operating Budget by allocating \$1,045,933 for certain erosion control projects in the Urban Watersheds, and allocating \$140,000 for upgrading of the Convention Center water quality facility. (Funding in the amount of \$1,185,933 provided by the Drainage Utility Fund.) [Recommended by the Planning Commission and Environmental Board] (related to item 22)

On Councilmember Reynolds' motion, Mayor Todd's second, 6-1 Vote, Councilmember Epstein voted No.

19. Approved execution of a twelve (12) month contract with BOISE CASCADE OFFICE PRODUCTS, Austin, Texas, for the purchase of office supplies through a stockless system, in an amount not to exceed \$750,000, with the option to extend for two (2) additional twelve (12) month periods, in an amount not to exceed \$750,000, for a total amount not to exceed \$2,250,000. (Funding included in the 1991-92 departmental operating budgets for office supplies. Extensions will be requested in each respective fiscal year budget. Privatization

Project - expected annual savings is \$80,000.) Low bid of two (2). The prime identified one area of subcontracting; there were no known certified M/WBE's capable of performing the scope of work.

On Councilmember Garcia's motion, Councilmember Reynolds' second, 5-2 Vote, Mayor Pro Tem Urdy and Councilmember Epstein voted No.

20. Approve a Resolution creating and appointing a Taxpayers Task Force. (Councilmembers Bob Larson and Louise Epstein)

Motion

Councilmember Larson made a motion, seconded by Councilmember Reynolds to adopt the resolution.

Substitute Motion

Councilmember Garcia offered a substitute motion, seconded by Councilmember Nofziger to send this to the Audit Committee for review.

Motion and Substitute Motion Withdrawn

After discussion, in which Councilmember Larson stated he felt questions and answers probably could be worked out with a few citizens in his office, he withdrew his motion. Councilmember Garcia withdrew his Substitute Motion.

21. Direct the City Manager to develop proposals for possible City/County partnerships or consolidations, as well as, consolidations internal to City operations; discuss possible consolidations with Travis County, and provide a report to Council within 90 days. (Mayor Bruce Todd and Councilmember Ronney Reynolds) Councilmember Reynolds added: "and request the City Council to join the County Commissioner's Court in its Resolution, which is basically the same as ours but there is provision for both the County Commissioners and City Council to sign".

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

22. Approved the completion of the implementation of the first year of the Urban Watersheds Retrofit and Monitoring Business Plan by amending the FY 1991-92 Operating Budget as follows: (a) increasing the number of full-time positions by one (1) in the Department of Public Works and Transportation, by two (2) in the Law Department, and by six (6) in the Environmental and Conservation Services Department; and (b) increasing revenues by \$15,000 in the FY 1991-92 Drainage Utility Operating Budget; and (c) reallocating \$3,829,067 within the approved FY 1991-92 Drainage Utility Operating Budget as

amended by (b); and (d) increasing expenditures and expense refunds by \$952,222 in the Environmental and Conservation Services Department Operating Budget and \$48,400 in the General Fund Operating Budget (for the Law Department). (Funding in the amount of \$3,829,067 provided by the Drainage Utility Fund). (To be reviewed by the Environmental Board on March 18, 1992. (related to item 18

On Councilmember Reynolds' motion, Mayor Todd's second, 6-1 Vote, Councilmember Epstein voted No.

23. Amended the 1991-92 Capital Budget by appropriating \$5,150,000 in Capital Metro 1992 Public Transportation Mobility Funds to the Public Works Capital Budget. (\$5,000,000 is for Transit Street backlog maintenance; \$150,000 is for Pleasant Valley Road right-of-way acquisition.) (Recommended by Planning Commission.) (Related to Item 24)

#### RESOLUTIONS

24. Approved the selection of four professional engineering firms: ARE, INC., Austin, Texas; LICHLITER/JAMESON & ASSOCIATES, INC., Austin, Texas; BAKER-AICKLEN & ASSOCIATES, INC., Austin, Texas; MARTINEZ & WRIGHT ENGINEERS, INC. (DBE), Austin, Texas, for the planning and design of bus route roadway improvements, at an estimated amount of \$110,000 per firm, for a total amount of \$440,000. (Funding provided by Capital Metro Transit Authority.) Best qualification statements of fourteen (14). DBE Subconsultant participation - ARE Inc.: 25%; Lichliter/Jameson & Assoc.: 25%; Baker-Aicklen & Associates, Inc.: 25% (Related to Item 23)
25. Approved a construction contract award to CAPITAL EXCAVATION COMPANY, Austin, Texas, for the East Oltorf Street paving and drainage improvements, from University Business Park to Montopolis Drive, in the amount of \$524,643.80. (Funding in the amount of \$400,457 included in CIP 825-607-2023 - Public Works; \$93,064.80 included in CIP 825-607-2058 - Public Works; \$31,122 included in CIP 376-227-0515 - Water.) Low bid of six (6). 27.78% MBE, 1.0% WBE Subcontractor participation. (Reviewed by Water and Wastewater Commission.)
26. Approved execution of a twelve (12) month supply agreement with EAGLEBROOK INC., Galveston, Texas, for the purchase of 150,000 lbs. of liquid ferric sulfate for use in the treatment process of drinking water, in an amount not to exceed \$60,000, with one (1) twelve (12) month extension option, in an amount not to exceed \$60,000, for a total amount not to exceed \$120,000. (Funding in the amount of \$35,000 included in the 1991-92 Operating Budget of Water and Wastewater Department; \$25,000 will be requested in the 1992-93 budget; funding for the final five 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 three (3). The prime did not identify any subcontracting opportunities. Reference No. 920335-1R0.

27. Approved a contract award to CHASCO CONTRACTING, Round Rock, Texas, for construction of sedimentation/filtration pond improvements at Barton Ridge Plaza, located at the intersection of South Lamar Boulevard and Ben White Boulevard, in the amount of \$223,994. (Funding included in CIP 824-607-1920 - Public Works). Low bid of twelve (12). 3.8% MBE, 10.0% WBE Subcontractor participation.
28. Approved execution of a contract with CDM Contract Furnishings, Austin, Texas, for the purchase of modular workstations for use at the Convention Center, in an amount not to exceed \$83,404.02. (Funding included in the Convention Center CIP fund.) Low bid of two (2). The prime did not identify any subcontracting opportunities.
29. Approved Change Order No. 2 to the construction contract for J.C. EVANS CONSTRUCTION CO., Austin, Texas, for replacement of an existing 8" wastewater line located on West 9th Street for the Group 2, 6, and 7 Water and Wastewater Rehabilitation Project, in the amount of \$26,259 (cumulative total of change orders to date exceeds administrative approval level established by Council), for a total contract amount of \$651,949.60. (Funding in the amount of \$26,259 included in CIP 430-237-0458) (Reviewed by Water and Wastewater Commission.)
30. Approved Change Order No. 1 to SPAV-GLASS, INC., San Antonio, Texas, for changes to the exterior pedestrian light fixtures and the addition of concrete pavers to all sidewalks for the Austin Convention Center, in the amount of \$43,363, for a total contract amount of \$1,381,288. (Funding included in CIP 495-827-3000 - Convention Center Bonds.) (Recommended by Convention Center Subcommittee)
31. Approved Change Order No. 12 to SPAV-GLASS/CAHABA, San Antonio, Texas, for miscellaneous interior and exterior changes and revisions relating to building finishes, roofing, lighting and various structural and mechanical items for the Austin Convention Center, in the amount of \$148,156, for a total contract amount of \$41,611,002. (Funding included in CIP 495-827-3000 - Convention Center Bonds.) (Recommended by Convention Center Subcommittee)
32. Authorized negotiation and execution of an Interlocal Agreement between the City of Austin and the City of Cedar Park, Texas for emergency water service. (No fiscal impact) (Recommended by the Water and Wastewater Commission)

33. Approved requesting the Department of Defense to convey the aviation easements and additional acreage at Bergstrom Air Force Base to the City at no cost for it's use as a Municipal Airport. (Recommended by the Aviation Subcommittee on March 11, 1992) Mayor Todd added: "Add to the first Therefore be in resolved, 'and other beneficial public use'".
34. Authorized application for and acceptance of \$184,000 in grant funds from the Texas State Library to provide interlibrary loan services. (No City match required.) (Recommended by the Library Commission.)
- #24-34 on Councilmember Reynolds' motion, Councilmember Larson's second, 6-0 Vote, Councilmember Garcia out of the room.

**3:00 P.M. - ELECTRIC UTILITY (Items 35-45)**

**35. Electric Utility Commission Report**

The report presented by Marilyn Jones was a recommendation for Council on this agenda.

**36. Resource Management Commission Report**

Report was given by Glenn Crow, Chairperson of Resource Management Commission.

**37. Monthly Management Report (Fiscal, Operations, Fuel)**

Report was given by John Moore, Director, Electric Utility.

**38. Monthly Utility Receivable Report**

Report was given by Dorinda Pulliam, UCSO Officer.

39. Approved execution of a contract with ABB POWER T & D COMPANY, INC., Houston, Texas, for the purchase of two (2) power transformers, in an amount not to exceed \$771,796. (Funding included in Electric Utility CIP Budget.) Low bid of eight (8). The prime did not identify any subcontracting opportunities. Reference File No. 920285-1CM.

40. Approved execution of a contract with WESTINGHOUSE ELECTRIC SUPPLY COMPANY, San Antonio, Texas, for the purchase of network protector repair parts, in an amount not to exceed \$304,659.75. (Funding included in Electric Utility CIP Budget.) Sole Source. The prime did not identify any subcontracting opportunities.

41. Approved execution of a contract with MULTI-AMP CORP., Charlotte, North Carolina, for the purchase of a network relay test system, in an amount not to exceed \$78,000. (Funding included in Electric

Utility CIP Budget.) Sole Source. The prime did not identify any subcontracting opportunities.

42. Approved a thirty (30) day extension of the current service agreement with BURNUP & SIMS OF TEXAS, INC., Austin, Texas, for the installation of poles, anchors, underground conduit, and substation foundations, in an amount not to exceed \$400,000, with the option to extend for up to two (2) additional thirty (30) day periods, in an amount not to exceed \$400,000 per option, for a total amount not to exceed \$1,200,000. (Funding included in Electric Utility CIP Budget.)
43. Approved execution of a construction contract with J-C EXCAVATING & PAVING, Georgetown, Texas, for the construction of a parking lot located at 2309 Canterbury Street adjacent to the Metz Recreation Center, in an amount not to exceed \$53,171.15. Low bid of seven (7). (Funding included in Electric Utility CIP Budget.) 10.4% MBE; 9.07% WBE Subcontractor participation.
44. Approved execution of a contract amendment with BLUME TREE SERVICE, INC., Conroe, Texas, for tree trimming services for the Electric Utility Department, in an amount not to exceed \$300,000, for a total contract amount of \$1,529,358. (Funding included in the 1991-92 Operating Budget of the Electric Utility Department.)

#39-44 on Councilmember Garcia's motion, Councilmember Reynolds' second, 7-0 Vote.

45. Approved the purchase of a 7.27 acre tract located at 3810 Todd Lane from M. L. Van Orden as an alternate site for the construction of the Environmental and Conservation Services Department Waste Transfer Facility, to allow the expansion of the Electric Utility Department St. Elmo Service Center, in an amount not to exceed \$300,000. (Funding included in Electric Utility CIP Budget.) [To be reviewed by Electric Utility Commission on 3/16/92; Environmental Board to review on 3/18/92.]

On Mayor Pro Tem Urdy's motion, Councilmember Garcia's second, 6-1 Vote, Councilmember Epstein voted No.

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

46. 4:30 P.M. - Amend Chapter 13 (Land Development Code) of the Austin City Code of 1981 relating to Section 13-2-908 of the Sign Ordinance

which would delete the requirement that sign contractors carry worker's compensation insurance. (Recommended by Planning Commission).

The Council, on Councilmember Garcia's motion, Councilmember Larson's second, closed the public hearing and adopted the Ordinance. 6-0 Vote, Mayor Todd out of the room.

#### 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, Al St. Louis and Joan Chamberlain.

#### ITEMS FROM COUNCIL

47. Approve an Ordinance canceling the April 2, 1992 City Council meeting. (Mayor Bruce Todd and Councilmember Gus Garcia)

No action.

48. Authorized release of Restrictive Covenant imposed on the 500 block of Guadalupe Street in Austin, Travis County, Texas, as recorded at Volume 7921, Page 867 and at Volume 8390, Page 104, of the Travis County Real Property Records. (Councilmember Michael "Max" Nofziger)

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

49. Solicit citizen comment on the Community Partnership Plan against Crime and Drugs. (Mayor Bruce Todd and Councilmembers Ronney Reynolds and Gus Garcia)

Several citizens commented. Their names are on file in the City Clerk's office.

50. Approve a Resolution establishing the Public Safety Subcommittee. (Mayor Bruce Todd)

Members of the Public Safety Subcommittee are Mayor Todd, Councilmembers Larson and Garcia, approved on Councilmember Reynolds' motion, Councilmember Larson's second, 6-0 Vote, Councilmember Garcia out of the room.

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

Executive Session on the following was conducted in 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.

**Pursuant to Article 6252-17, Paragraph 2f**

- 51. Discuss land acquisition for Convention Center parking.
- 52. Discuss property acquisition for Downtown Arts Project.

**ACTION ON THE FOLLOWING**

- 53. Authorized a contract amendment with BICKERSTAFF, HEATH AND SMILEY, Austin, Texas, for additional representation provided the City in the negotiation and settlement of the Fayette Power Project water rate dispute, in the amount of \$8,280, for a total contract amount not to exceed \$39,280. (Funding included in the 1991-92 Operating Budget of the Electric Utility Department.)
- 54. Authorized a contract amendment with BICKERSTAFF, HEATH AND SMILEY, Austin, Texas, to represent the City in litigation now pending in Travis and Harris Counties regarding disputed royalty payments from certain oil and gas leases at the Fayette Power Project, in an amount not to exceed \$150,000, for a total contract amount not to exceed \$260,000. (Funding included in the 1992-92 Operating Budget of the Electric Utility Department.)
- 55. Approved negotiation and execution of a lease for property to be used for Convention Center parking as follows:

West 148' of Block 38 of the Original City of Austin  
Terms of the lease are:

First year beginning April 1, 1992 - \$4,500 per month  
Second year beginning April 1, 1993 - \$5,000 per month  
Third year beginning April 1, 1994 - \$5,500 per month

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

**ADJOURN** - Council adjourned its meeting at 6:12 P.M.