



Austin City Council MINUTES

MARCH 26, 1992

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

1. Approval of Minutes for Regular Meeting of March 19, 1992 and Special Meetings of March 16, 18, 19, 1992.

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

CITIZEN COMMUNICATIONS: GENERAL

2. Ms. Rachel Cywinski, to ask Council for the response to the calls they placed and letters they all sent in accordance with their agreement during the Council meeting of March 5, 1992, and to discuss related issues about toxics in east Austin.
3. Ms. Berta Casares, to discuss area health concerns. Did not speak.
4. Ms. Ethel Turner, to discuss area health concerns. Did not speak.
5. Mr. David Elliott, to discuss costly City management and Austin's horrendous bond debt.
6. Mr. James Ascher, to discuss democracy and civic obligations of elected officials in American democracy.
7. Mr. David Brown, to discuss 911 response in East Austin.
8. Mr. Eric Boll, to discuss respect for democracy and possible violations of Texas Open Meetings Act by Councilmembers Larson, Epstein, Reynolds and Urdy.
9. Mr. Henry Ratliff, to discuss human condition as it relates to Austin.
10. Mr. Richard Trachtenberg, to discuss abstentions, lies and videotape.

1:30 P.M. - BOND SALES

The following, items 11-15, were postponed to April 2, 1992.

11. 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.
12. 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.
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.
14. 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.
15. Authorize the redemption of certain outstanding bonds of the City of Austin.

DETERMINATION OF STANDING ON APPEAL

16. Determination of appellants standing to appeal variance granted by the Planning Commission to preliminary subdivision plan C8-91-0134, Woods of Westlake Heights.

DENIED, on Councilmember Larson's motion, Mayor Pro Tem Urdy's second, 6-0 Vote, Councilmember Epstein absent.

BOARD AND COMMISSION REPORTS

17. ARTS COMMISSION - to discuss Cultural Contract Funding Guidelines

Postponed

ORDINANCES

18. Approved second/third readings of an ordinance amending Chapter 13-2 of the Austin City Code rezoning property locally known as 6320 La Calma Drive, Case No. C14-91-0094, from "CS", Commercial Services to "LI-CO", Limited Industrial Services-Conditional Overlay. EMPLOYERS CASUALTY COMPANY by Carson Planners (Bill Carson). First reading on January 9, 1992; Vote 7-0. Conditions met as follows: Conditional

Overlay incorporates conditions imposed by Council, restrictive covenant incorporating conditions imposed by Council has been executed. (Public hearing closed - No Citizen Sign-Up)

19. Amended the Fern Bluff Municipal Utility District Consent Agreement to extend by eighteen months the deadline for completing construction of certain required park facilities. (No fiscal impact.) [Recommended by Parks Board and Planning Commission.]
20. Authorized application for and acceptance of \$2,868,000 in HOME Investment Partnership Program funds from the U.S. Department of Housing and Urban Development; amend the 1991-92 Operating Budget of the Department of Planning and Development to include an additional Special Revenue Fund for the HOME Program and create three (3) new full-time equivalent (FTE) positions in the existing Community Development Block Grant (CDBG) Operating Budget. (Funding for FTE positions provided by 17th Year CDBG Funds.) [Recommended by Housing Subcommittee]
21. Increased grant reimbursements from the Texas Department of Health by \$99,813 for an increase in reimbursement authorization from the Women, Infants and Children (WIC) grant Special Supplemental Food Program which provides nutritional education and distribution of vouchers for nutrient rich food; authorize acceptance of \$34,977 from the Texas Department of Health WIC grant to reinstate the Breastfeeding Peer Counseling Program to provide support for counseling activities, for a total grant increase of \$134,790, and a total grant amount of \$1,065,790; amend Ordinance No. 910912-A, the 1991-92 Operating Budget, amending the Special Revenue Fund for the Health and Human Services Department by appropriating \$134,790, increasing revenues and expenditures, and authorizing four (4) grant funded full-time employees.

#18-21 on Mayor Pro Tem Urdy's motion, Councilmember Garcia's second, 5-0 Vote, Councilmember Epstein absent, Councilmember Reynolds out of the room.

22. Amend the 1991-92 Solid Waste Services Fund Operating Budget by increasing revenues by \$90,000 and increasing appropriations by \$340,000 to pay increased solid waste disposal fees to the Texas Department of Health. (Funding in the amount of \$90,000 provided from additional revenue from the proposed fee increase and \$250,000 from the Solid Waste Services Enterprise Fund ending balance. (Related to Item 41; Action to follow Item 41)

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

23. Authorize fee increases for City cemeteries burial spaces and related services. (Recommended by the Parks Board) (Estimated gross revenue total \$62,067)

Action on this item postponed and at the suggestion of Mayor Pro Tem Urdy, a public hearing was set on the fee increases for April 9, 1992 at 6:45 P.M.

24. Amended Section 6-4-20 of the City Code by authorizing time payment of pre-need burial spaces in City cemeteries on an installment basis. (Recommended by the Parks Board)

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

Energy Conservation (Items 25-26)

25. 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. (Reviewed by Electric Utility Commission and Resource Management Commission.)

Postponed to April 9, 1992.

RESOLUTIONS

26. 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. (No fiscal impact.) [Reviewed by Electric Utility Commission and Resource Management Commission.]

Postponed to April 9, 1992.

27. Approved a construction contract award to MISCOE CONSTRUCTION, INC., Austin, Texas, for the rehabilitation of Red River Bridge at Waller Creek, in the amount of \$140,306.24. (Funding in the amount of \$96,363.28 included in CIP 825-607-2015; \$43,942.96 included in CIP 824-607-1922.) Low bid of five (5). 14.05% MBE, 2.14% WBE Subcontractor participation.

28. Approved a construction contract award to SCHROEDER CONSTRUCTION COMPANY, Austin, Texas, for East St. Elmo Road wastewater

improvements, in the amount of \$179,833.95. (Funding included in CIP 439-237-0769). Low bid of eleven (11). 6.17% MBE, 4.67% WBE Subcontractor participation. (Reviewed by Water and Wastewater Commission)

29. Approved execution of a twelve (12) month supply agreement with CAPITOL AGGREGATES, INC., Austin, Texas, for the purchase of 26,000 tons of gem sand to be used during the repair of water and wastewater pipeline, in an amount not to exceed \$196,025, with two (2) twelve (12) month extension options, in an amount not to exceed \$196,025 per extension option, for a total amount not to exceed \$588,075. (Funding in the amount of \$98,012.50 included in the 1991-92 Operating Budget of the Water and Wastewater Department; funding for the final six (6) 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.) Only bidder meeting specifications; two bids submitted. The prime did not identify any subcontracting opportunities. Reference No. 920320-1SH.
30. Approved execution of a contract with ROCKFORD BUSINESS INTERIORS, Austin, Texas, for the purchase of modular office system and furniture for the Information Services Department, in an amount not to exceed \$275,303. (Funding included in the Water and Wastewater CIP Fund.) Low bid of four (4). The prime did not identify any subcontracting opportunities. Reference No. 920374-1RH.
31. Approved an amendment to the service agreement with THE CARA CORPORATION, Southampton, Pennsylvania, to provide automated billing and information of Medicaid and Medicare services for an additional twelve (12) month period, in an amount not to exceed \$173,825, with the option to extend for one (1) twelve (12) month period, in an amount not to exceed \$209,261, for a total amount not to exceed \$383,086, and ratify six (6) months of payments from October 1991 through March 1992, in the amount of \$61,102. (Funding in the amount of \$80,603 for the remainder of 1991-92 is included in the 1991-92 Operating Budget of the Health and Human Services Department; funding for subsequent years to be requested in subsequent budgets.) Best proposal of six (6).
32. Approved execution of a contract with MINO-MICROGRAPHICS, Austin, Texas, for the purchase of two microfiche and six microfilm coin operated reader/printers to replace obsolete reader/printers at the Central Library and the Austin History Center, in an amount of \$56,948.71. (Funding included in the 1991-92 Operating Budget of the Library Department.) Low bid of two (2). The prime did not identify any subcontracting opportunities. (Reviewed by Library Commission.) Reference No. 920280-1SS.

Aviation (Items 33-34)

33. Approved execution of Supplemental Amendment No. 4 with DANNENBAUM ENGINEERING CORPORATION, Austin, Texas, for construction phase professional engineering and laboratory testing services required by the Federal Aviation Administration during construction of the Robert Mueller Municipal Airport Runway 13R/31L Pavement Rehabilitation Project, in the estimated amount of \$115,000. (Funding included in CIP 881-817-5519. Federal Aviation Administration participation is estimated to be \$86,250.) (Recommended by Airport Advisory Board.)
34. Approved Change Order No. 7 to RACAL-CHUBB SECURITY SYSTEMS, INC., Austin, Texas, for construction of the Robert Mueller Municipal Airport Security Access Program, in the amount of \$5,131.37 (cumulative total of change orders to date exceeds the administrative approval level established by Council), for a total contract amount of \$608,567.62. (Funding included in CIP 881-817-0507 - Aviation Department. Federal Aviation Administration grant participation of \$3,843.55 to be requested.) (Recommended by Airport Advisory Board)
35. Authorized negotiation and execution of a Railroad Crossing Agreement with the Missouri Pacific Railroad for the replacement of the grade crossing on Burleson Road, in an amount not to exceed \$307,272. (Funding included in CIP 800-607-1000)
36. Approved a request by Abdul Ali, owner of Friend Circle Grocery Store to waive the minimum separation distance requirement between his business and the United Missionary Baptist Church.
37. Set a public hearing to gather citizen input on community needs to be addressed by activities funded under the 18th Year (Fiscal Year 1992-93) Community Development Block Grant (CDBG). Date and time: April 23, 1992 at 5:00 p.m.

#27-37 on Mayor Pro Tem Urdy's motion, Councilmember Garcia's second, 5-0 Vote, Councilmember Epstein absent, Councilmember Reynolds out of the room.

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

Council recessed its regular meeting to hold the Austin Housing Finance Corporation meeting from 4:04 to 4:25 P.M.

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

ZONING DISTRICTS

38. C14-92-0006 - BROWNE CHILDREN TRUST, by Jeffrey & Diane South, 601 West 18th Street, from GO to GO-MU. Planning Commission Recommendation: To grant GO-MU, General Office-Mixed Use zoning, subject to a restrictive covenant between the applicant and the City, includes area 100' from subject property and a private agreement between applicant and Mrs. Warner, and waiving compatibility standards for the adjacent property to the west.

FIRST READING - On Mayor Pro Tem Urdy's motion, Councilmember Larson's second, 6-0 Vote, Councilmember Epstein absent.

39. C14-89-0005 - JOHN D. BYRAM, By: Richard Suttle, Mopac Expressway S. & U.S. 290 W. From RR & GO to GR. (Request for two month extension).

Extension approved, on Councilmember Garcia's motion, Mayor Pro Tem Urdy's second, 6-0 Vote, Councilmember Epstein absent.

40. C14-91-0071 - CHESTER T. JOHNSON, ET AL, by Pete Dwyer, 1504 Capital of Texas Hwy. South. From SF-6, MF-2, LO, GO & GR to SF-1. Planning Commission Recommendation: To grant SF-1, Single-Family Residence zoning.

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

PUBLIC HEARINGS AND APPROVAL OF ORDINANCES/RESOLUTIONS

41. 5:00 P.M. - Proposed fee increase from \$3.00 per cubic yard to \$3.33 per cubic yard for compacted trash and \$2.50 per cubic yard to \$3.00 per cubic yard for uncompacted trash and from \$0.10 per gallon to \$0.20 per gallon for vacuum truck wastes at the City of Austin FM 812 Landfill to pass through costs of increased State fees and to encourage development of alternative disposal methods for vacuum truck wastes; and amend Ordinance 910912-F by approving the proposed landfill increases. (Related to Item 25)

Motion

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

Motion

The Council, on Councilmember Garcia's motion, Mayor Pro Tem Urdy's second, approved the fee increases. 5-0 Vote, Councilmember Epstein absent, Councilmember Nofziger out of the room.

FINAL CITIZEN COMMUNICATIONS

Speakers were Robert Singleton, Al St. Louis, Hank Sinatra and John Garrison.

ITEMS FROM COUNCIL

42. Direct the City Manager to provide for in the 1992-93 budget, and in budgets all years 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 Electrical Utility Department and Environmental and Conservation Services Department for the year 2002 are reached. (Councilmember Gus Garcia and Mayor Bruce Todd)

Postponed to April 9, 1992.

43. Approved a Resolution directing the City Manager to use available City resources, including Cable Municipal Access Channel 6, to allow for dissemination to the public information about the content and the impact of implementation of the Save Our Springs (SOS) Petition Ordinance. (Mayor Bruce Todd)

Mayor Pro Tem Urdy took the Chair. The resolution was approved on Mayor Todd's motion, Councilmember Garcia's second, 6-0 Vote, Councilmember Epstein absent.

44. Approved a Resolution instructing the City Manager, after proper certification to the Council, to refer the S.O.S. Petition to all relevant Boards, Commissions, and City departments, for a review of the merits and any concerns in comparison to current ordinances and rules in specific areas such as technical/scientific, operational, fiscal, economic and legal where allowed, and report back their findings, recommendations, and any appropriate alternatives to the City Council within 45 days. (Mayor Pro Tem Charles Urdy and Councilmember Ronney Reynolds)

Approved as amended, on Mayor Pro Tem Urdy's motion, Councilmember Reynolds' second, 5-1-0 Vote, Councilmember Nofziger voted NO, Councilmember Epstein absent. Because of the complexity of the amendments and changes, a COMPLETE TRANSCRIPT is on file in the City Clerk's office.

45. To enter into the record the petition submitted by Communication Workers of America.

PULLED OFF AGENDA

EXECUTIVE SESSION

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.

Provide Legal Advice - Section 2, Paragraph e

46. Discussion of the Save Our Springs Initiative Ordinance.

RECESS FOR EXECUTIVE SESSION

Council recessed from 2:01 to 3:59 P.M. for Executive Session.

ADJOURN

The meeting of the Council adjourned at 9:05 P.M.

