



Austin City Council MINUTES

JANUARY 14, 1993 - 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.

MINUTES APPROVED

1. Approval of Minutes for Regular Meeting of December 17, 1992 and January 7, 1993 and Special Meeting of November 30, 1992

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

CITIZEN COMMUNICATIONS: GENERAL

2. Mr. Henry Ratliff, to discuss City Inertia.
3. Mr. Robert Brandes, to discuss the Balcones Canyonland Conservation Plan.
4. Mr. Barry Meador, to discuss property at 4808 Avenue H.
5. Mr. Kirk Becker, to discuss corporate tax abatements/exemptions and the City budget in general. Not present.
6. Mr. Max Kull, to discuss continuous quality improvement /customer feedback.

1:30 P.M. - REVENUE REFUNDING BONDS (Items 7-9)

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 Pulled off agenda.

ITEMS CONTINUED FROM PREVIOUS MEETINGS

10. Amend Ordinance No. 920922-B, the 1992-93 operating budget for the Brackenridge Hospital Disproportionate Share Fund by reducing revenues from Medicaid Dispro Funds to \$23,715,540 reducing the unfunded health care transfer to the Brackenridge operating fund to \$0.00, increasing the appropriation for capital to \$9,357,000 and providing for a transfer to the Special revenue Fund for Indigent Services of \$5,000,000, increasing the Ending Balance to \$22,753,645; amend the Brackenridge Hospital Operating Fund by eliminating the transfer of \$17,163,324 from the Disproportionate Share Fund and the transfer of \$14,624,000 to the Capital Improvement Program and providing for the transfer of \$14,624,000 to the Disproportionate Share Fund, reducing the Ending Balance to \$1,567,769; create a new Special Revenue Fund for Indigent Services for the Health and Human Services Department, appropriate \$307,400 for the purchase of certain equipment and structural improvements for the neighborhood clinic resulting in an Ending Balance of \$4,692,600; amend Ordinance No. 920922-A, the 1992-93 Capital Budget to eliminate the appropriations for the following Brackenridge Hospital projects in the total amount of \$14,624,000; Main Hospital Tower, \$5,386,000; Oncology Unit, \$1,000,000; Rewaterproofing subgrade at main entry, \$188,000; Sabine Site Asbestos Demolition; \$2,300,000; and Strategic Medical Equipment, \$5,750,000. (Recommended by Hospital Board; to be reviewed by Planning Commission on January 12, 1993)

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

ORDINANCES

11. Approve second/third readings of an ordinance amending Chapter 13-2 of the Austin City Code rezoning property locally known as 10306 Middle Fiskville Road, Case No. C14-91-0018, from "SF-2", Single Family Residence (standard lot) to "GR-CO", Community Commercial-Conditional Overlay, HASSAN KALANTARI. First reading on May 9, 1991; Vote 7-0. Conditions met as follows: Conditional overlay incorporates conditions imposed by Council.

12. Amend the Austin City Code by decreasing the speed limit in the East 9th Street alley from 30 mph to 15 mph between Brazos Street and San Jacinto Boulevard, adjacent to St. Mary's School. (Funding included in the 1992-93 operating budget of the Department of Public Works and Transportation.)

#11-12 on Councilmember Epstein's motion, Councilmember Garcia's second, 7-0 Vote.

13. Repeal Ordinance No. 860109-R which declared the necessity for paving and improvements of Brodie Lane, Phase I.

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

14. Ban the navigational and recreational uses of lakes, rivers and creeks during flood conditions and establishing fines for violations. (Fines amount to a minimum of \$100 for entering a restricted lake, river, or creek, and a minimum fine of \$200 for tampering with or removing a barrier preventing entry into a restricted area.)

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

15. Amend Ordinance 920922-A, the approved 1992-93 Capital Budget for the Convention Center by transferring \$230,000 from CIP Project No. 890-807-0017 to the Trask House Renovation Project. (Recommended by Planning Commission on January 12, 1993, 5-1 Vote; not yet reviewed by Economic Development Subcommittee.) (Related to Item 16)

RESOLUTIONS

16. Approve execution of a contract award to H.B. TRAVIS CONSTRUCTORS, INC., Georgetown, Texas, for site development and interior remodeling of the 1860's relocated Trask House, in the amount of \$189,900. (Funding included in the 1992-93 Capital Budget for the Convention Center.) Low bid of six (6). 15.6% MBE, 5% WBE Subcontractor participation. (Recommended by Historic Landmark Commission; not yet reviewed by Economic Development Subcommittee) [Related to Item 15]
17. Authorize negotiation and execution of a License Agreement with the Austin Steam Train Association to provide, locate, construct, maintain and operate a junction wye ("Y") for turnaround purposes at

Cedar Park in the Giddings-to-Llano Railroad right-of-way. (All costs to be funded by the Austin Steam Train Association.)

#15-17 on Councilmember Epstein's motion, Councilmember Garcia's second, 7-0 Vote.

Aviation (Items 18-20)

18. Approve negotiation and execution of a contract award for management/operation of the public parking concession at Robert Mueller Municipal Airport. (This is a revenue-producing contract and is estimated to generate \$4,604,000 per year, for a total estimated revenue of \$25,128,000. Estimated revenue exceeds the Aviation's Fund budgeted revenue by \$548,000.) Best proposal of five (5). 37.6% MBE, 1.2% WBE Subcontractor participation. (Reviewed by Aviation Subcommittee; Recommended by Airport Advisory Board)

Pulled off agenda.

19. Approve the selection of PARSONS, BRINCKERHOFF CONSTRUCTION SERVICES, INC., Austin, Texas, for program management support services for the redevelopment of Bergstrom AFB as Austin's new airport, and authorize negotiations and execution of a professional services agreement for Phase I - Program Development Services, in an amount not to exceed \$3,500,000. (Funding is included in the 1992-93 Airport CIP Budget. The project is eligible for 75% reimbursement of eligible costs from the Federal Aviation Administration.) Best proposal of six (6). DBE Subcontractor participation: 20% (12.5% MBE, 7.5% WBE) (Recommended by Aviation Subcommittee and Airport Advisory Board.) Approve staff recommendation.

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

20. Ratify a construction contract to W.K. JENNINGS ELECTRIC CO., INC., for emergency rehabilitation of the runway lighting system at Robert Mueller Municipal Airport, in the amount of \$87,780. (Funding is included in the 1991-92 Capital Budget for the Aviation Department.) Sole responsive bid of three (3). No M/WBE subcontracting opportunities were identified.
21. Approve a construction contract award to BASIC CONSTRUCTORS, INC., Houston, Texas, for Sedimentation and Recarbonation Basin Improvements at the Ullrich Water Treatment Plant for compliance with the Safe Drinking Water Act, in the amount of \$4,036,510.

(Funding included in the 1992-93 Capital Budget for the Water and Wastewater Utility.) Low bid of five (5) 3.25% MBE, 0.28% WBE Subcontractor participation. (Recommended by Water and Wastewater Commission)

22. Approve execution of a twelve (12) month supply agreement with K-PRO, Abilene, Texas, for the purchase of minor repair parts (nuts, bolts, screws, springs, pins) for use in the maintenance and repair of vehicles and equipment at the Fleet Service Centers and the Hornsby Bend Treatment Plant, in an amount not to exceed \$41,000, with options to extend the agreement for two (2) additional twelve (12) month periods, in the amount of \$41,000 per extension, for a total contract amount not to exceed \$123,000. (Funding in the amount of \$27,750 is available in the 1992-93 operating budget of the Fleet and Radio Fund; \$3,000 is available in the 1992-93 operating budget of the Water and Wastewater Utility; funding for the remaining \$10,250 and extension options is contingent upon availability of funding in future budgets.) Low bid of four (4). No M/WBE Subcontracting opportunities were identified. (Recommended by Water and Wastewater Commission) Reference No. IFB-930054-1RF.
23. Approve execution of a twelve (12) month service agreement with DUSTROL DAN SIMPSON, Ronanoke, Texas, for edge, surface and spot repair milling used for the resurfacing of city streets, in an amount not to exceed \$229,109.90, with one (1) twelve (12) month extension option, in an amount not to exceed \$229,109.90, for a total amount not to exceed \$458,219.80. (Funding is available in the 1992-93 operating budget of the Transportation Fund; funding for the extension option is contingent upon availability of funding in future budgets.) Low bid of two (2). No M/WBE subcontracting opportunities were identified. Reference No. IFB-930048-3RH.
24. Approve Change Order No. 4 to AUSTIN BRIDGE AND ROAD, INC., Austin, Texas, for removal and replacement of existing concrete pavement, as part of the Barton Springs Road Overlay Project, in the amount of \$18,066.71, for a total contract amount of \$471,822.44. (Funding is included in the 1991-92 Capital Budget for the Public Works and Transportation Department.) 8.50% MBE, 0.9% WBE Subcontractor participation.
25. Approve the selection of two professional engineering firms: AUSTIN RESEARCH ENGINEERS, INC., Austin, Texas; LICHLITER/JAMESON & ASSOCIATES, INC., Austin, Texas, for the 1993 Roadway Capital Improvements Program/Phase I (Montopolis Drive, Northeast Drive, Oltorf Street East, Spicewood Springs Road and South Congress Avenue), in the amount of \$320,000 and \$142,000, respectively, for a total amount of \$462,000. (Funding in the amount of \$357,000 is included in the 1992-93 Capital budget for the Department of Public Works and Transportation; \$105,000 is available in the 1992-93 operating budget of the Transportation Fund.) Best qualification

statements of seven (7). M/WBE Subcontractor participation: Austin Research Engineers (10% MBE, 5% WBE); Lichliter/Jameson & Associates (10% MBE, 5% WBE)

26. Approve the selection of SITE SPECIFICS (WBE), Austin, Texas, for negotiation and execution of a contract to provide land development and site feasibility consultant services for proposed capital projects, in the amount of \$40,000. (Funding included in the Capital Budgets of various departments with projects requiring land acquisition and site feasibility studies.) Best qualification statement of ten (10). 10% MBE, 5% WBE Subcontractor participation.

#20-26 on Councilmember Epstein's motion, Councilmember Garcia's second, 7-0 Vote.

27. Approve selection of six geotechnical/testing engineering firms: SOUTHWESTERN LABORATORIES, Austin, Texas; RABA-KISTNER-BRYTEST, Austin, Texas; MEYER, LITTON, ALLEN LABS, Austin, Texas; JONES & NEUSE, INC., Austin, Texas; JACK H. HOLT AND ASSOC., Austin, Texas; and PROFESSIONAL SERVICES INC., Austin, Texas, for an engineering services rotation list for streets, buildings and water and wastewater CIP projects for a period of two years, in the amount of \$700,000. (Funding is included in the Capital Budgets of the various departments for which the services are needed.) Best qualification statements of eight (8). M/WBE Subcontractor participation: Raba-Kistner-Brytest (10/5%); Southwestern Laboratories (0/5%); Meyer, Litton, Allen Labs (0/0%); Jones & Neuse (0/0%); Jack H. Holt & Assoc. (0/0%); Professional Services Ind. (0.93/1.86%)

On Councilmember Epstein's motion, Councilmember Garcia's second, 6-0 Vote, Councilmember Nofziger abstained.

28. Approve selection of five firms: AUSTIN DESIGN ARCHITECTS, INC., Austin, Texas; PARSHALL & ASSOCIATES ARCHITECTS (WBE), Austin, Texas; LAURIE SMITH DESIGN ASSOCIATES (WBE), Austin, Texas; THE BOMMARITO GROUP (WBE), Austin, Texas; SHEFELMAN NIX AND VOELZEL ARCHITECTS, Austin, Texas; for an architectural services rotation list to provide professional services on a variety of small projects for a period of approximately two years or until available funding is expended, in the amount of \$375,000 (estimated amount of \$75,000 per firm). (Funding is included in the Capital Budgets of the various departments needing the services.) Best qualification statements of thirty-one (31). Percentages of subcontractor participation cannot be determined at this time because the scope of work is unknown.
29. Set a public hearing on an appeal by Mr. Garry Wilkison of the Ridgetop Neighborhood Association, and Mr. Stephen Stubbs, of the Planning Commission's decision to approve a conditional use permit

site plan for an off-site playground at 903 and 905 East 53rd 1/2 Street. Date and time: February 11, 1993 at 5:30 p.m.

#28-29 on Councilmember Epstein's motion, Councilmember Garcia's second, 7-0 Vote.

30. Discussion on the formation of a Charter Revision Committee to consider and make recommendations on amendments to the City Charter. (Mayor Pro Tem Charles Urdy)

Council discussed possible issues to study, involvement of citizen groups and appointment of a citizen committee, and the need for a time frame.

31. Approve a resolution proclaiming the week of January 14th through the 20th as Martin Luther King Jr. week. (Mayor Pro Tem Charles Urdy and Councilmembers Gus Garcia and Michael "Max" Nofziger)
32. Approve co-sponsorship with the People's Coalition for a parade in honor of the Dr. Martin Luther King Jr. Holiday. (Mayor Pro Tem Charles E. Urdy and Councilmembers Gus Garcia and Michael "Max" Nofziger)

#31-32 on Councilmember Epstein's motion, Councilmember Garcia's second, 7-0 Vote.

33. Appoint Council members to serve on the following Council Committees: Community and Youth Services, Affirmative Action, Health and Hospital, Economic Development, Transportation and Infrastructure, Audit & Finance, Public Safety, Aviation, Cable, Housing and Environment and Legislative Subcommittee. See Attachment A

On Councilmember Garcia's motion, Councilmember Reynolds' second, 7-0 vote, adding Councilmembers Epstein and Larson to Public Safety.

RECESS

Council recessed from 3:28 to 4:06 P.M. Councilmember Epstein left the Council Chamber.

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

34. C14r-85-144 - SAM'S WHOLESALE CLUB/FDIC/TEXAS COMMERCE BANK, ESTELLE MORSE, by Bury & Pittman, 10127-10225 Research Boulevard. From CH to CH-CO. Planning Commission Recommendation: To delete a previously approved Principal Roadway Area site plan and to grant CH-CO, Commercial Highway-Conditional Overlay with the following conditions: subject to use restrictions outlined by the applicant in

Attachment "A", with the deletion of group homes and religious assembly uses and adding to the list of prohibited uses, any restaurant or service station uses on the portion of the site included in the Sams's site plan; building height of 35' within 200' of U.S. Hwy 183, and the remainder 45'; setbacks are to be: 50' front and street side yard, 25' interior side and rear yard; building coverage 85%; F.A.R. 0.5 to 1; natural area landscape buffer of 50' minimum from the public R.O.W. of Loop 360 with no disturbance other than for driveway access and utility line crossings, and the incorporation of tree preservation plans as approved by the City arborist in association with the Sam's site plan (SP-92-0365C), or no less than the tree preservation plans on the Sam's site plan to be allowed with any other development on the site. The traffic impact analysis and phasing agreements attached with the site plan are to be maintained with the site plan deletion. Cost participation in off-site intersection improvements and restrictions to build-out will be maintained as originally established with the site plan. For clarification purposes, the Planning Commission recommendation regarding the 50' undisturbed buffer should read as follows: an undisturbed natural area landscape buffer of 50' minimum from the public R.O.W. of Capital of Texas highway with no disturbance other than for driveway access and utility line crossings, exclusive of 10' either side of the driveway entrance onto Capital of Texas Highway, and 5' from the back of the curb which parallels the 50' buffer area as shown on the administrative consolidated site plan for Sam's Warehouse (SP-92-0365C). No clearing, including selective clearing will be permitted within this buffer area, with the exception of the area within the 10' and 5' allowed disturbance areas.

Katherine Loayza, Planning and Development, presented the following to Council: "Modifications to the Planning Commission's conditions of approval: (1) deleted reference to the building height of 35' within 200' of U.S. Highway 183 and instead that building height was to be 45'; and (2) the Planning Commission recommendation is being clarified as indicated in the City Council support material for enforcement purposes reflecting the administrative site plan for Sam's Warehouse project on the site".

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

35. C14r-85-144 - FEDERAL DEPOSIT INSURANCE CORP., by Bury & Pittman, Inc., 10127-10225 Research Boulevard. Planning Commission Recommendation: To amend the restrictive covenant, subject to

incorporating the proposed use and site development restrictions into a conditional overlay, and partial deletion of the site plan.

APPROVED RESTRICTIVE COVENANT AMENDMENT, with execution to take place after second and third reading of the rezoning.

36. C14r-85-080 - KATZ 360, by Con-Real Support Group, Inc., 614 Capital of Texas Highway South. From I-SF-2 to L0. Planning Commission Recommendation: To approve the extension subject to the site plan being in compliance with the current watersheds ordinance noting that the zoning case and site plan case are two separate issues. (Request for extension/dismissal)

Send back to Planning Commission

#35-36 on Councilmember Reynolds' motion, Councilmember Garcia's second, 5-0 Vote, Mayor Pro Tem Urdy out of the room, Councilmember Epstein absent.

FINAL CITIZEN COMMUNICATIONS

Speakers were Jane Basey, Robert Singleton, Al St. Louis, Christi Stevens, Roger Baker, Fred Ebner and John Correy.

RECESS - Council recessed from 4:19 to 5:09 P.M.

PUBLIC HEARINGS AND APPROVAL OF ORDINANCES/RESOLUTIONS

37. 5:00 P.M. - Request by Frank Littlefield to change the street name of Ralph Ablanado Drive to Slaughter Hill Road. (All costs associated with changing the street name to be paid by applicant.)

The Council, on Councilmember Reynolds' motion, Councilmember Nofziger's second, closed the public hearing. 6-0 Vote, Councilmember Epstein absent.

The Council, on Councilmember Garcia's motion, Mayor Pro Tem Urdy's second, DENIED the request. 6-0 Vote, Councilmember Epstein absent.

38. 5:30 P.M. Full purpose annexation of the Gaines Ranch area.

The Council, on Councilmember Nofziger's motion, Councilmember Larson's second, closed the public hearing, 5-0 Vote, Mayor Pro Tem Urdy out of the room, Councilmember Epstein absent.

RECESS - Council recessed from 5:45 to 6:34 P.M.

39. 6:45 P.M. - Creation of Travis County Municipal Utility Districts (MUD) 3-9 (Barton Creek Properties)

Public hearing closed, on Councilmember Larson's motion, Councilmember Garcia's second, 6-0 Vote, Councilmember Epstein absent.

40. Approve a resolution to establish a process to explore a comprehensive environmental and planning approach for the land area encompassed by the proposed Travis County MUDs 3-9 (Barton Creek Properties and surrounding area).

The Council, on Councilmember Nofziger's motion, Councilmember Reynolds' second, instructed the City Manager to instruct staff to draft in ordinance form. 6-0 Vote, Councilmember Epstein absent.

Health Services District and Hospital Authority (Items 41-42)

41. 7:00 P.M. - Approve third reading amending Chapter 6-1 of the City Code to create the Austin Hospital Authority to operate Brackenridge Hospital. (Recommended by Brackenridge Hospital Board)

The Council, on Councilmember Garcia's motion, Councilmember Nofziger's second, voted to continue this hearing to January 21, 1993 at 6:45 P.M. 6-0 Vote, Councilmember Epstein absent.

42. Discussion of the creation of a Health Services and Financing District.

EXECUTIVE SESSION (No Public Discussion on These Items)

Executive session was held in the Mayor's office on 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.

Pending/Contemplated Litigation - Section 2, Paragraph e

43. Discussion of Applications of Garwood Irrigation Company, and Pierce Ranch/Lower Colorado River Authority to amend Certificates of Adjudication Nos. 14-5434, 14,5477, respectively, pending before the Texas Water Commission.

47. Discussion of Forrest E. Smock, et al v. City of Austin, et al, Civil Action No. A90-CA-357-SS, in the United States District Court, Western District.

Personnel Matters - Section 2, Paragraph g

44. Interview and discussion of candidates for position of Relief Municipal court Judge.

ACTION ON THE FOLLOWING

45. Appoint Relief Municipal Court Judges and determine salary and benefits package.
No action.

46. APPOINTMENTS

The following appointments were made, on Councilmember Garcia's motion, Councilmember Nofziger's second, 5-0 Vote, Councilmember Epstein absent, Mayor Pro Tem Urdy out of the room.

AIRPORT ADVISORY BOARD - Brad Ellis, Willie Lewis, Bill Wilson, Ceryl Gilbert and Keith Warner

BOARD OF ADJUSTMENTS - Fred Ebner, Slyvia Herrera and George Harvey

BUILDING AND STANDARDS COMMISSION - Joe Albert Rivera, Della Green and Leo Buis

CHILD CARE COUNCIL - Dr. Kathleen Pinkert

COMMISSION FOR WOMEN - Susan Dolling, Dr. Judith Loreda, Sue Plattsmier and Deanna Rodriguez

DESIGN COMMISSION - Diana Gromala and Janet Seibert

DOWNTOWN COMMISSION - Richard Huffman and Mike Reynolds

ECONOMIC DEVELOPMENT - Diana Soliz

HOUSING AUTHORITY - Eric Mitchell and James Person

HUMAN RIGHTS COMMISSION - Dorothy Turner

LIBRARY COMMISSION - Mary Ashford, Chip Harris, Alicia Garcia and Harley Wied

MH/MR - PUBLIC RESPONSIBILITY COMMITTEE - Lupe Banda

URBAN RENEWAL BOARD OF DIRECTORS - John Moore, Luthor Simond and Margaret Uriegas

URBAN TRANSPORTATION - John Hickman, Clare Barry, Vincent Jackson, Jimmy Castro, Michael Rivera, Michael Simmons-Smith

10:00 P.M. - ADJOURN - On Councilmember Garcia's motion, Councilmember Reynolds second, 6-0 Vote, Councilmember Epstein absent.