



## Austin City Council MINUTES

APRIL 14, 1994 - 1:00 P.M.

Mayor Todd called to order the meeting of the Council, noting the presence of all of the Council.

### MINUTES APPROVED

1. Approval of Minutes for Regular Meeting of April 7, 1994 and Special Meetings of April 6 & 7, 1994

Approved on Councilmember Garcia's motion, Councilmember Goodman's second, 6-0 vote.

### CITIZEN COMMUNICATIONS: GENERAL

2. Ms. Charlene Shillman, to invite everyone to the Second Annual Spring Ball for the Museum of Fine Arts, Austin; Works by John Lennon, Franz, Botts, Reitcher and Alexander will be featured; Music by Cindy Flora, Los Hurtin Dogs and Sherrie Frushey.  
Did not speak
3. Mr. Charles Waits, to discuss prevention of youth related problems.
4. Mr. Roger Baker, to discuss "three good reasons to fire Boss Todd."
5. Mr. Leonard Lyons, to discuss "Bruce the First, Color him Teflon."
6. Mr. Brent White, to "express my gratitude to Mayor Todd for doing his best to help Freeport McMoran get around S.O.S."
7. Mr. Robert Macdonald, to present a progress report on the Hill Country Flyer.  
Mr. Ben Sarent spoke
8. Ms. Dorothy Turner, to request a progress report on the Central City Entertainment Center.
9. Mr. Leon Hernandez, to request information on "City zoning, parking and City Code; information on what it's going to take to open my restaurant."  
Not present
10. Ms. Diane Vasquez Valera, to discuss zoning changes.  
Not present
11. Mr. Richard Trachtenberg, to discuss current city issues.

#### ITEMS CONTINUED FROM PREVIOUS MEETINGS

12. Approve rate ordinance for Austin Cablevision (ACV) that will establish maximum charges; order refunds of payments from September 1, 1993 to the effective date of the ordinance for these services; submit rate ordinances and staff report to the Federal Communications Commission (FCC) to support the City's complaint concerning Standard service rates. (This results in a reduction of \$35,000 in franchise fee revenues). [Recommended by Cable Commission]

DELETED

13. Approve negotiation and execution of an Interlocal Agreement for a two-year research project with the Center for Research in Water Resources of the University of Texas at Austin to develop a Barton Springs/Edwards Aquifer groundwater model to analyze and predict total watershed impacts, enabling the City to estimate cumulative effects of prior and future urbanization, in the amount of \$52,000. (Funding is available in the 1993-94 operating budget of the Environmental and Conservation Services Department.) [Recommended by Environmental Board]

DELETED

14. Approve second/third readings of Campaign Finance Reform Ordinance. (Councilmembers Brigid Shea and Gus Garcia)

Refer back to Campaign Finance Task Force for further review and try to bring back on April 28, 1994, on Councilmember Shea's motion, Mayor Pro Tem Nofziger's second, 6-0 vote.

15. Approve second/third readings amending Subsection 504.2.1.3 of Appendix Chapter 53 of the Building Code governing the energy efficiency of water heaters in apartments and single family dwellings by banning the use of electric water heating as the primary source for hot water in new single and multi-family dwellings larger than 500 sq. ft. (Recommended by Resource Management Commission and Building and Fire Code Board)

Approve Ordinance No. 940414-J with amendments on second and third readings and waive Open Government Ordinance, on Councilmember Garcia's motion, Councilmember Goodman's second, 6-0 vote.

#### ORDINANCES

16. Approve second/third readings of an ordinance amending Chapter 13-2 of the Austin City Code rezoning property locally known as 8801 Research Boulevard, Case No. C14-93-0151, from GR, Community Commercial to LI-CO, Limited Industrial-Conditional Overlay. Jerry Deutser by Bury & Pittman (James B. Knight). First reading on February 3, 1994, vote: 5-0. (Council Member Shea out of the room; Council Member Urdy absent.) Conditions to be met: a conditional overlay incorporates conditions imposed by Council, and a restrictive covenant has been executed which provides for a rollback provision if the use ceases. Ordinance No. 940414-A

17. Amend the Austin City Code by modifying the Basic Traffic Ordinance, Section 16-4-4, (D) Speed Limits, for the installation of a 20 mph school zone on Rio Grande Street for students attending St. Martin's School. (Funding in the amount of \$2,500 for flashing signals is available in the 1993-94 Child Safety Fund of the Department of Public Works and Transportation Department.)  
Ordinance No. 940414-B
18. Amend the Austin City Code by modifying Sections 16-2-18, 16-2-31, 16-2-32 and 16-4-6 to authorize the Traffic Engineer or designee to establish speed limits and temporary traffic control regulations for construction zones. (No fiscal impact.)  
Ordinance No. 940414-C
19. Amend Section 16-5-98 of the Austin City Code regarding parking in spaces designated for persons with disabilities to make it consistent with State Law. (No fiscal impact.)  
Ordinance No. 940414-D
20. Amend Ordinance No. 930915-A, the 1993-94 operating budget for the Department of Planning and Development by authorizing five (5) additional full-time equivalent positions for construction inspection services.  
Ordinance No. 940414-E

Item 16-20 approved on Councilmember Garcia's motion, Councilmember Goodman's second, 6-0 vote.

21. Amend Ordinance 930915-D, the 1993-94 Fee Ordinance, to authorize the waiver of certain land development fees for Capital Metro in accordance with the "Build Austin" Interlocal Agreement. (This will result in a \$125,000 reduction of revenue in future years.)  
Ordinance No. 940414-F

Approved on Councilmember Garcia's motion, Councilmember Goodman's second, 5-0-1 vote, Councilmember Reynolds abstaining.

Health and Human Services (Items 22-24)

22. Authorize acceptance of a \$41,114 grant renewal from the Texas Department of Health, Tuberculosis Elimination Division, for Tuberculosis outreach and treatment activities; amend Ordinance 930915-A, the 1993-94 operating budget, amending the Special Revenue Fund by increasing appropriations by \$41,114 in grant funds for the Health and Human Services Department.  
Ordinance No. 940414-G
23. Authorize acceptance of a \$36,751 grant renewal from the Texas Department of Health, Tuberculosis Elimination Division, for Tuberculosis outreach and treatment activities; amend Ordinance 930915-A, the 1993-94 Operating Budget, amending the Special Revenue Fund by increasing appropriations by \$36,751 in grant funds for

the Health and Human Service Department and authorize 1.0 grant funded full-time equivalent (FTE).

Ordinance No. 940414-H

## RESOLUTIONS

24. Approve a construction contract award to SOUTHWEST CONSTRUCTORS, INC., Austin, Texas, for accessibility improvements to ten (10) Health & Human Service facilities for compliance with the Americans with Disabilities Act (ADA), in the amount of \$138,620. (Funding was included in the 1993-94 Capital Budget of the Department of Public Works & Transportation Department.) Low bid of four (4). 9.66% MBE, 6.11% WBE Subcontractor participation.

### Brackenridge Hospital (Items 25-27)

25. Approve execution of a twelve (12) month supply agreement with GEN-PROBE, INC., San Diego, California, for reagents and instrument for use in the Laboratory Department to perform DNA probe tests, in an amount not to exceed \$36,700.20 to include an option to extend thereafter for up to two (2) additional twelve (12) month periods in an amount not to exceed \$36,700.20 for each extension, for a total amount not to exceed \$110,100.60. [Funding for an estimated \$18,350.10 is available in the 1993-94 operating budget of Brackenridge Hospital; funding for the final six (6) months of the original contract period and the extension options is contingent upon availability of funding in future budgets.] Sole Source. No M/WBE Subcontracting opportunities were identified.
26. Approve execution of a twelve (12) month supply agreement with CAMPBELL ASSOCIATES, INC., Dallas, Texas, for filters used to remove white blood cells prior to transfusion of blood to a patient, in an amount not to exceed \$123,385.60, including an option to extend thereafter for up to two (2) additional twelve (12) month periods, in an amount not to exceed \$123,385.60 for each extension, for a total amount not to exceed \$370,156.80. [Funding for an estimated \$61,692.80 is available in the 1993-94 operating budget of Brackenridge Hospital; funding for the final six (6) months of the original contract period and the extension options is contingent upon availability of funding in future budgets.] Sole Source. No M/WBE Subcontracting opportunities were identified.
27. Approve negotiation and execution of a third amendment to the contract with the Austin Hospital Authority to provide a sixty (60) day time extension from the current termination date of April 30, 1994 to June 30, 1994. (Funding is available in the 1993-94 operating budget of Brackenridge Hospital.)
28. Approve the execution of a contract with WYLE LABORATORIES EMG, Austin, Texas, for the purchase of twelve (12) computer graphics terminals for the Planning and Development Department, in an amount not to exceed \$40,752. (Funding is available in the 1993-94 operating budget of the Planning and Development Department.) Low bid of six (6) meeting specifications. No M/WBE Subcontracting opportunities were identified.

29. Approve execution of a contract with DAVIS TRUCKING EQUIPMENT COMPANY, San Antonio, Texas, for twenty-three (23) hydraulic tipping devices to be mounted on refuse trucks to hydraulically lift and empty refuse carts, in the amount of \$89,000. (Funding is available in the 1993-94 operating budget of the Solid Waste Services Fund of Environmental and Conservation Services Department.) Low bid of three (3) meeting specifications. No M/WBE Subcontracting opportunities were identified.

Item 22-29 approved on Councilmember Garcia's motion, Councilmember Goodman's second, 6-0 vote.

Balcones Canyonlands Conservation Plan (BCCP) (Items 30-31)

30. Approve submittal to the U.S. Fish & Wildlife Service of the Balcones Canyonlands Conservation Plan (BCCP) Conserve as You Grow Strategy and approve negotiation and execution of an Interlocal Agreement with Travis County, the Lower Colorado River Authority and the Texas Department of Parks & Wildlife for implementation of the Conserve as You Grow Strategy. (Funding in the amount of \$100,000 is available in the 1993-94 operating budget of the Environmental and Conservation Services Department; funding in the amount of \$54,650 is subject to approval of the Interlocal Agreement.)

DELETED

31. Approve authorization to prepare an application for funding from the Statewide Transportation Enhancement Program provided for by the Intermodal Surface Transportation Efficiency Act of 1991 (ISTEA) to acquire land in east and west Austin for the protection of scenic viewsheds. (No fiscal impact.)

DELETED

32. Approve execution of a twelve (12) month supply agreement for the purchases of tires and tubes for the City's fleet of trucks, sedans and off-road vehicles with the following: WALKER TIRE CO., INC., Austin, Texas, in amount not to exceed \$755,000, with the option to extend for two (2) additional twelve (12) month periods in amounts of \$755,000 each, for a total contract amount not to exceed \$2,265,000. (Funding in the amount of \$314,584 is available in the 1993-94 operating budget of the Fleet and Radio Fund; funding for the remaining \$440,416 of the contract period and the extension options will be contingent upon availability of funding in future budgets.) Low bid of three (3). No M/WBE Subcontracting opportunities were identified.

33. Approve execution of a twelve (12) month service agreement with ISS SERVISYSTEM, INC., Austin, Texas, for custodial services at nine (9) City of Austin neighborhood centers, in an amount not to exceed \$44,037, with two (2) twelve (12) month extension options, in an amount not to exceed \$44,037 per extension, for a total amount not to exceed \$132,111. [Funding in the amount of \$22,018.50 is available in the 1994-95 operating budget of the Building Services Division (BSD), Department of Public Works and Transportation; funding for the remaining six (6) months (\$22,018.50) and the extension option is contingent upon availability of

funding in future budgets.] Low bid of five (5). No M/WBE Subcontracting opportunities were identified.

Item 32-33 approved on Councilmember Garcia's motion, Councilmember Goodman's second, 6-0 vote.

34. Approve selection (RFQ) of five firms: AUSTIN DESIGN ARCHITECTS, INC. (MBE), Austin, Texas; THE AUSTIN GROUP ARCHITECTS, Austin, Texas; SHEFELMAN & NIX/ARCHITECTS, Austin, Texas; JESSEN, INC., (MBE), Austin, Texas; and COFFEE CRIER & SCHENCK, Austin, Texas, for an architectural services rotation list to provide professional services on a variety of small City projects for a period of approximately two (2) years or until available funding is expended, in the amount of \$500,000 (estimated amount approximately \$100,000 per firm). [Funding for these services is available in the operating budgets of the various departments needing the services.] Best qualification statements of twenty-five (25). Percentages of M/WBE subcontract participation cannot be determined at this time because the scopes of work are not known.  
DELETED
35. Approve Change Order #8 to J.C. EVANS CONSTRUCTION CO., INC., Austin, Texas, for unit price increases, modified intersection construction, transitional pavement, temporary riding surface, subgrade remediation, added concrete pavement, manhole removal, and water valve replacement, as part of the South Lamar Boulevard and Barton Springs Road intersection improvement project, in the amount of \$274,471.26, for a total contract amount of \$2,114,511.03. (Funding in the amount of \$249,856.26 was included in the 1992-93 Capital Budget of the Department of Public Works & Transportation; \$24,615 was included in the 1991-92 Capital Budget of the Water & Wastewater Utility.) 6.4% MBE, 0.5% WBE Subcontractor participation. (Recommended by Water and Wastewater Commission)  
Approved on Councilmember Shea's motion, Councilmember Goodman's second, 6-0 vote.
36. Amend the Interlocal Agreement with Travis County for an increase in cost for water line relocations for the Bluff Springs Road Project, in the amount of \$15,900 for unit price work and an additional \$20,000 in contingency funds to expedite change orders, for a total amount of \$35,900. (Funding was included in the 1992-93 Capital Budget of the Water and Wastewater Utility.) [Recommended by Water and Wastewater Commission]  
Approved on Councilmember Garcia's motion, Councilmember Goodman's second, 6-0 vote.
37. Authorize negotiation and execution of an amendment to the Professional Services Agreement with JONES AND NEUSE, INC., Austin, Texas, for additional Phase II design services and for Phase III construction services for Cat Mountain and Shepherd Mountain Water System Improvements, in the amount of \$129,037.56, for a total agreement amount of \$213,102.31. (Funding was included in the 1991-92 Capital Budget of the Water & Wastewater Utility.) 55.26% MBE, 4.07% WBE Subconsultant participation. (Recommended by Water and Wastewater Commission)  
Approved on Councilmember Shea's motion, Councilmember Garcia's second, 5-0 vote, Mayor Todd out of the room.

38. Approve execution of a contract award to MCLEAN CONSTRUCTION, INC., Killeen, Texas, for construction of water transmission mains on Ferguson Lane as part of the Dessau Road Water Transmission Main Project, in the amount of \$337,339. (Funding was included in the 1991-92 Capital Budget of the Water and Wastewater Utility.) Low bid of eight (8). 10.10% MBE, 6.68% WBE Subcontractor participation. (Recommended by Water and Wastewater Commission)
39. Approve the selection of CH2M-HILL, INC., Austin, Texas, for Phase I (preliminary engineering) of a three phase professional services agreement for engineering and associated services for the Hornsby Bend Sludge Management Facilities Improvements Project in the estimated amount of \$367,000. (Funding was included in the 1993-94 Capital Budget of the Water and Wastewater Utility.) Best qualification statements of four (4). 10% MBE, 5% WBE Subconsultant participation. (Recommended by Water and Wastewater Commission)
40. Approve the selection of HDR ENGINEERING, INC., Austin, Texas, for Phase I (preliminary engineering) of a three phase professional services agreement for engineering/architecture and associated services for the A. R. Davis Water Treatment Plant Improvements Project, in the estimated amount of \$337,500. (Funding was included in the 1991-92 Capital Budget of the Water and Wastewater Utility.) Best of seven (7) qualification statements. 16% MBE, 13.5% WBE Subconsultant participation. (Recommended by Water and Wastewater Commission)
41. Approve a construction contract award to JORDAN-WHITFIELD, INC., Austin, Texas, for the construction of first floor entry vestibules in Waller Creek Center for the Water & Wastewater Utility, in the amount of \$35,735. (Funding in the amount of \$23,324 was included in the 1991-92 Capital Budget of the Water & Wastewater Utility; \$12,411 was included in the 1993-94 Capital Budget of the Water & Wastewater Utility.) Low bid of three (3). 58.7% MBE, 0% WBE Subcontractor participation. (Recommended by Water and Wastewater Commission)
42. Approve Change Order #6 to AUSTIN BRIDGE AND ROAD, INC., Austin, Texas, to replace additional defective curbs, gutters, sidewalks, and driveways, and to remove failed asphalt pavement as part of the Montopolis Neighborhood Area Roadway Improvements Project, in the amount of \$114,934 for a total contract amount of \$972,672.58. (Funding was included in the 1993-94 Capital Budget of the Public Works and Transportation Department.) 45.43% MBE, 0% WBE Subcontractor participation.  
Item 38-42 approved on Councilmember Garcia's motion, Councilmember Goodman's second, 6-0 vote.
43. Approve the selection of HDR ENGINEERING, INC., Austin, Texas, for Phase I (preliminary engineering) of a three phase professional services agreement for engineering and associated services for the Lamar Boulevard Bridge and Roadway Improvements Project, in the estimated maximum amount of \$374,000. (Funding was included in the 1992-93 Capital Budget of the Public Works and Transportation Department.) Best qualification statements of eleven (11). 23.5% MBE, 7.5% WBE Subconsultant participation.  
Approved on Mayor Pro Tem Nofziger's motion, Councilmember Garcia's second, 6-0 vote.

44. Authorize and approve an escrow agreement with the Texas Department of Transportation for rebuilding the Nixon Lane bridge over the unnamed branch of Walnut Creek to meet desired traffic loading requirements, in the amount of \$40,683. (Funding was included in the 1991-92 Capital Budget of the Public Works & Transportation Department.)
45. Approve Change Order #2 to JAMITCH ENTERPRISES, INC., (MBE), Austin, Texas, for accessibility improvements to the City Municipal Building at 124 West Eighth Street for compliance with the Americans with Disabilities Act (ADA), in the amount of \$53,971, for a total contract amount of \$719,746. (Funding was included in the 1993-94 Capital Budget of the Public Works & Transportation Department.) 8.15% MBE, 0% WBE Subcontractor participation.
46. Approve a contract award to RIZZO CONSTRUCTION, INC., Austin, Texas, for construction of Fire Station No. 34 at 11205 Harris Branch Parkway, in the amount of \$902,888. (Funding was included in the 1992-93 Capital Budget of the Fire Department.) Low bid of seven (7). 22.88% MBE, 5.12% WBE Subcontractor participation.
47. Authorize renegotiation and execution of an Interlocal Agreement with Capital Metro for continued use of 'Dillo park-and-ride lot for a three (3) year term with an option to renew for an additional three (3) year term. (Capital Metro will pay all costs.) [Recommended by the Parks and Recreation Board]
48. Amend the professional service agreement with Scott, Douglass & Luton, L.L.P. for legal services related to Cause No. 93-05611, City of Austin v. C.B.I. Walker, et. al. (Ullrich Water Treatment Plant), in the amount not to exceed \$260,000, for a total contract amount not to exceed \$400,000. (Funding was included in the 1992-93 Capital Budget of the Water and Wastewater Utility.)
49. Authorize negotiation and execution of an amendment to the Professional Services Agreement with CAMP DRESSER & MCKEE, Austin, Texas, to provide additional professional engineering services for the Ullrich Water Treatment Plant Improvements, in the amount of \$460,000, for a total agreement amount of \$5,120,000. (Funding was included in the 1992-93 Capital Budget of the Water and Wastewater Utility.) 21.88% MBE, 7.50% WBE Subcontractor participation. (Recommended by Water and Wastewater Commission)
50. Adopt a revised schedule for consideration of amendments to Chapter 5-7, Minority-Owned and Women-Owned Business Enterprise Procurement Program. (No fiscal impact).

#### ITEMS FROM COUNCIL

51. Approve a resolution authorizing continued participation in the Clean Cities Program, and authorizing execution of a Memorandum of Understanding to establish and implement the Clean Cities program in the Austin-Travis County area. (Councilmembers Jackie Goodman and Brigid Shea, and Mayor Bruce Todd)



52. Amend Ordinance 930915-A, the 1993-94 operating budget, to decrease the General Fund Contingency Reserve by \$42,000, and increase Transfers Out to the Solid Waste Services Fund by \$42,000; to increase the Solid Waste Services Fund Transfers In from the General Fund by \$42,000 and increase requirements by \$42,000, to fund a commercial recycling program effective June 1, 1994. (Councilmembers Gus Garcia and Jackie Goodman) [Recommended by Solid Waste Advisory Commission] Ordinance No. 940414-I
53. Direct the City Manager to develop an action plan for the City to take a pro-active posture toward the listing of the Barton Springs Salamander as an endangered specie. (Councilmembers Gus Garcia, Brigid Shea and Jackie Goodman)
54. Set a public hearing to take comments pertaining to placing a ban on skateboarding in certain public areas in the City of Austin. (Suggested date and time: April 21, 1994 at 5:30 p.m.) [Mayor Pro Tem Michael "Max" Nofziger]

Item 44-54 approved on Councilmember Garcia's motion, Councilmember Goodman's second, 6-0 vote.

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

The Executive Session was held on the morning of this date.

The City Council will announce it will go into Executive Session, if necessary, pursuant to Chapter 551 of the Texas Government Code, to receive advice from Legal Counsel, to discuss matters of land acquisition, litigation and personnel matters as specifically listed on the meeting agenda. Council would take any subsequent action in the open meeting as listed on the agenda. The City Council may also announce it will go into Executive Session, if necessary, to receive advice from Legal Counsel regarding any other item listed on this agenda.

55. Discuss the sale of all or parts of the old Southern Pacific Railroad right of way from Giddings to Llano.
56. Discuss legal issues related to the South Austin Outfall, Phase II, and litigation status of Save Our Springs Legal Defense Fund and Save Barton Creek Association v. City of Austin, et al. (South Austin Outfall, Phase II); Cause No. 92-16982 and Cause No. 3-93-087-CV.  
DELETED
57. Discuss status of Milburn Investments, Inc., et al v. City of Austin, et al, Cause No. 93-08464; in the 261st Judicial District Court of Travis County, Texas.  
DELETED
58. Seek advice of Counsel regarding performance of Spectrum Financial Services, Inc., under a collection contract commencing November 1, 1991.

## **59. APPOINTMENTS**

BOARD OF ADJUSTMENTS - JOHN HERNANDEZ, DOROTHY RICHTER, HANS HERMAN THUN, DIANE WINTEROWD  
CHILD CARE COUNCIL - SANDRA HAMILTON, SARA KELLEY  
COMMUNITY DEVELOPMENT COMMISSION - ELIZA MAY  
CONSTRUCTION ADVISORY COMMITTEE - ELIZA MAYJAIME MUNOZ  
EMS QUALITY ASSURANCE TEAM - MARY CAMPBELL  
MEDICAL ASSISTANCE PROGRAM ADVISORY BOARD - DAVID LASTINGER  
MEXICAN AMERICAN CULTURAL ARTS TASK FORCE - EDUARDO LANGORIA  
PARKS & RECREATION BOARD - ROSEMARY CASTLEBERRY  
URBAN TRANSPORTATION - LARRY ANDERSON, AUDLEY BLACKBURN, JIM O'DONNELL

Approved on Councilmember Garcia's motion, Mayor Pro Tem Nofziger's second, 6-0 vote.

## **ADDENDUM**

### **RESOLUTIONS**

60. Approve a resolution adding five (5) additional members to the Brackenridge/Health Delivery System Evaluation Team.

Approved on Councilmember Garcia's motion, Councilmember Goodman's second, 6-0 vote.

**ADJOURN** at 5:07 on Councilmember Goodman's motion, Mayor Pro Tem Nofziger's second, 4-0 vote, Mayor Todd and Councilmember Reynolds absent.

The Council recessed from 4:20 until 5:00 p.m. on Councilmember Shea's motion, Councilmember Goodman's second, 5-0 vote, Mayor Todd out of the room.

Approved on 21<sup>st</sup> day of April, 1994 on Councilmember Garcia's motion, Councilmember Reynolds' second, 5-0 vote, Councilmember Goodman absent.