



Austin City Council MINUTES

MARCH 18, 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 of the Council.

APPROVAL OF MINUTES

1. Approval of Minutes for Regular Meeting of March 11, 1993
Minutes not ready for approval.

CITIZEN COMMUNICATION: GENERAL

2. Mr. Bill Jackson, to ask for investigation of the South Texas Nuclear Project.
3. Ms. Susan Lee, to ask for an investigation of the South Texas Nuclear Project.
4. Mr. Tim Curtis, to ask for an investigation of the South Texas Nuclear Project. Not present.
5. Mr. Paul Robbins, to ask for an investigation of the South Texas Nuclear Project.
6. Mr. Dave Sullivan, to ask for an investigation of the South Texas Nuclear Project, and to advocate conservation as an alternative.
7. Ms. Sherry Meddick, to discuss nuclear waste and nuclear power.
8. Mr. Keith Zimmerman, to provide an overview of the business services of the Chamber, including the Buy Greater Austin program.
9. Mr. Henry Ratliff, to address the topic "are the candidates explicit on the issues."
10. Mr. Robert Thomas, to enhance decent labor and industrial relations within the parks and recreation department; actions should be

requested towards job opportunities for minority contractors; and approval for a new recreational committee for the site management at Rosewood Recreation Center.

11. Mr. Leonard Lyons, to discuss how citizens have learned to live with their bums and suffer with them.

ITEMS CONTINUED FROM PREVIOUS MEETINGS

12. Amend the ordinance calling the General Municipal Election for May 1, 1993, to add a proposition for voter approval of the issuance of general obligation bonds in the amount of \$3,500,000 for flood control and storm water drainage in the Creekbend area of Williamson Creek. (Councilmember Bob Larson) (Related to Item 32)

Pulled off.

***** PLEASE NOTE: All items, which were taken on consent motion, show Councilmember Epstein making the motion and then she was not in the Council Chamber at time of roll call. This is accurate because there was time for citizen comment between the motion and the roll call.

ORDINANCES

13. Approve second/third readings of an ordinance amending Chapter 13-2 of the Austin City Code rezoning property locally known as West 5th Street and Powell Street, Case No. C14-92-0143, from "G0", General Office and "MF-4", Multifamily Residence (moderate-high density) to "LO", Limited Office, GRIFFITH PARTNERS (Bailey Griffith), by Kipp, Flores & Follmar (Sabas Flores). First reading on February 4, 1993; Vote 6-0, Councilmember Nofziger absent. Conditions met as follows: Conditional overlay incorporates conditions imposed by Council.

On Councilmember Epstein's motion, Councilmember Garcia's second, 5-0 Vote, Councilmembers Epstein and Nofziger out of the room.

14. Approve and authorize the issuance of commercial paper notes up to a maximum of \$250 million to provide low interest rates on interim financing on utility projects, limit borrowings to immediate cash needs and provide better cash management; and approve and authorize the execution of related agreements, including a Dealer Agreement, Issuer/Paying Agent Agreement and Reimbursement Agreement for the issuance of a letter of credit.

On Councilmember Garcia's motion, Mayor Pro Tem Urdy's second, 7-0 Vote. (A friendly amendment by Councilmember Nofziger to change the maximum amount to \$100,000,000.00 was not accepted.)

15. Approve changing the street name for the easternmost portion of Sierra Verde Trail to Galleria Cove due to roadway realignment.

On Councilmember Epstein's motion, Councilmember Garcia's second, 5-0 Vote, Councilmembers Epstein and Nofziger out of the room.

16. Approve a request to name the new City park in the Dove Springs Area to "Dove Springs Park." (No fiscal impact.) [Recommended by Parks Board]

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

RESOLUTIONS

Parks and Recreation (Items 17-21)

17. Approve a policy for the review and award of permanent and temporary concessions on parkland. (Reviewed by Parks Board; reviewed by Environmental Board on March 17, 1993)

On Councilmember Garcia's motion, Mayor Todd's second, 6-0 Vote, Councilmember Nofziger out of the room.

18. Approve execution of a five year contract with RODRIGUEZ CONCESSION, (MBE), Austin, Texas, for a food and drink concession at Barton Springs Pool, at an estimated annual revenue of \$62,000 per year, with the option to extend the contract for one (1) additional five (5) year period, at an estimated annual revenue of \$62,000, for a total estimated revenue of \$620,000. Sole proposal. No M/WBE Subcontracting opportunities were identified. Reference No. 920783-3SS. (Reviewed by Parks Board)

19. Approve execution of a five (5) year contract with the KINSER COMPANY, Austin, Texas, for the Butler Pitch and Putt Golf Course Concession, at an estimated annual revenue of \$12,000, with the option to extend the contract for one (1) additional five (5) year period, at an estimated annual revenue of \$12,000., for a total estimated revenue of \$117,000. Best proposal of two (2). No M/WBE subcontracting opportunities were identified. Reference No. 920815-3SS. (Reviewed by Parks Board)

#18-19 on Councilmember Epstein's motion, Councilmember Garcia's second, 5-0 Vote, Councilmember Epstein and Nofziger out of the room.

20. Approve an Agreement with the Texas Cave Management Association for proper management, maintenance, security and scientific studies and inventories of certain caves and sinkholes on properties under the jurisdiction of the City. (Recommended by Parks Board)

21. Authorize negotiation and execution of a Park Improvement Agreement with St. Andrew's Episcopal School for improvements to Bailey Park. (Funding provided by St. Andrew's School).
22. Approve the Community Action Network (CAN) two-tiered recommendations for Social Services funding totaling \$10,757,601 (\$3,870,202 of which is included in the FY 1992-93 operating budget and \$6,887,399 contingent upon Council approval of future year operating budgets) through December 1994 and adopt CAN policy resolutions regarding human services funding.
23. Approve negotiation and execution of 8-month Social Services contracts with 54 Community Based Organizations, in an amount not to exceed \$3,730,489, including the option to extend the contracts for 12 months, in an amount not to exceed \$5,359,701, and the final option to extend for one (1) month, in an amount not to exceed \$444,143, for a total amount of \$9,534,333 over a 21 month period.
24. Approve negotiation and execution of a maintenance contract with UNISYS CORPORATION, for the annual maintenance of three (3) payment processors utilized by the Utility Customer Service Office to process payments for all utility bills, in the amount of \$42,653.47, with two (2) twelve (12) month extension options, in an amount not to exceed a 10% increase per extension, for a total amount not to exceed \$141,183. (Funding is available in the 1992-93 operating budget of the Utility Customer Service Office; funding for the extension options is contingent upon availability of funding in future budgets.) Sole Source. No M/WBE subcontracting opportunities were identified.
25. Authorize transfer of Out-of-District Wastewater Service from Southland Oaks MUD of the sixty acre Southland Oaks Section No. 2 Subdivision to Southwest Travis County MUD #1. (No fiscal impact) [Recommended by Water and Wastewater Commission]
26. Approve execution of a contract award to AUSTIN FILTER SYSTEMS, Austin, Texas, for construction of erosion control measures at Little Walnut Creek (Phase 2A), in the 6400 block of Greensboro Drive, in the amount of \$488,940.40. (Funding included in the 1992-93 Capital Budget of the Drainage Utility.) Low bid of six (6). 0.92% MBE, 7.72% WBE Subcontractor participation. (Reviewed by Environmental Board)
27. Approve negotiation and execution of contractual agreements with BETTY J. EDMOND, M.D., Austin, Texas, for the provision of professional medical services, in the amount of \$24,000, and the performance of administrative duties, in the amount of \$33,000 to support the Pediatric Infectious Disease Program at the Children's

Hospital, in an amount amount not to exceed \$57,000. (Funding is available in the 1992-93 operating budget of Brackenridge Hospital.) Sole respondent. No M/WBE subcontracting opportunities were identified.

#21-27 on Councilmember Epstein's motion, Councilmember Garcia's second, 5-0 Vote, Councilmembers Epstein and Nofziger out of the room.

28. Approve execution of thirty-six (36) month revenue contracts for the sale of materials collected by the City of Austin Curbside Recycling Program with CHAMPION RECYCLING CORPORATION, Houston, Texas, in the estimated amount of \$130,800, and ACCO WASTE PAPER OF AUSTIN, Austin, Texas, in the estimated amount of \$64,320, for a total estimated annual revenue of \$195,120, with the option to extend for up to two (2) twelve (12) month periods, in a total estimated amount of \$195,120 per extension, for a total estimated revenue of \$585,360. (Revenues will be credited to the Solid Waste Service Fund; recycling of waste results in a cost savings of approximately \$192,000 in disposal costs.) High bids of three (3). No M/WBE Subcontracting opportunities were identified.

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

29. Approve negotiation and execution of a contract with RECON REGIONAL ENVIRONMENTAL CONSULTANTS, San Diego, California, to prepare the Balcones Canyonlands Conservation Plan Environmental Impact Statement, in an amount not to exceed \$159,995. (Funding is available in the 1992-93 Capital Budget - Balcones Canyonlands Conservation Plan.) Best proposal of seven (7). 13% MBE, 21% WBE Subcontractor participation.

Motion

Councilmember Reynolds made a motion, seconded by Councilmember Larson, to approve Espey-Huston and Associates instead of Recon Regional Environmental Consultants.

Substitute Motion - Approved

The Council, on Councilmember Garcia's motion, Councilmember Nofziger's second, approved staff recommendation, 4-3 Vote, Councilmembers Larson, Reynolds and Epstein voted No.

30. Ratify an emergency construction contract with G.L. CARTER CO. (WBE), Cedar Park, Texas, for construction of approximately 300 feet of retaining wall within Shoal Creek near the 2500 block of North

Lamar, in the amount of \$85,662.40. (Funding included in CIP 485-617-4100 - Drainage Maintenance Fund.) 8% MBE, 1% WBE Subcontractor participation.

31. Approve a Joint Election Agreement with Travis County to hold the Special Election and the City Council Elections jointly on May 1, 1993.

#30-31 on Councilmember Epstein's motion, Councilmember Garcia's second, 5-0 Vote, Councilmembers Epstein and Nofziger out of the room.

32. Approve a financing plan to address flooding in the Creekbend area. (Related to Item 12)

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

33. Support legislation relating to the confidentiality of utility customer information. (To be reviewed by Legislative Subcommittee on March 15, 1993)

On Councilmember Epstein's motion, Councilmember Garcia's second, 5-0 Vote, Councilmembers Epstein and Nofziger out of the room.

34. Set a public hearing on a decision by the Historic Landmark Commission and Building Standards Commission regarding stabilization and protection of the historic structure located at 614 Blanco Street. (Suggested date and time: April 15, 1993 at 4:30 p.m.)

Pulled off agenda.

3:00 P.M. - ELECTRIC UTILITY (Items 35-49)

35. Electric Utility Commission Report - Report given by Merle Moden.
36. Resource Management Commission Report - Glenn Crow, Chair, gave the report.
37. Utility Receivable Report - Charles Curry, Acting Financial Services Director, reported.
38. Monthly Management Report - John Moore, Director of Electric Utility, reported.
39. South Texas Nuclear Project Report (Related to Item 50)
John Moore reported.
40. Approve a construction contract with WAGNER CONSTRUCTION CO., INC., San Antonio, Texas, for the restoration of 14 historic Moonlight

Towers, in the total amount of \$1,333,810. (Funding included in the 1992-93 Capital Budget for the Electric Utility Department.) Low bid of four (4). 14.25% MBE, 6.15% WBE Subcontractor participation. (Reviewed by Historic Landmark Commission)

On Mayor Pro Tem Urdy's motion, Councilmember Larson's second, 7-0 vote.

41. Approve selection of DAVID HOFFMAN AND CO., Austin, Texas, to provide professional architectural and engineering services for the Phase II Restoration of Austin's historic Moonlight Towers, in the estimated maximum amount of \$135,000. (Funding is available in the 1992-93 Capital Budget for the Electric Utility Department.) Best qualification statement of three (3). 15% MBE, 10% WBE Subcontractor participation.

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

42. Approve the selection of TIPPETT AND GEE, INC., Abilene, Texas, to provide continuing engineering services for Power Plant Improvements Projects, in the amount of \$1,500,000, with four (4) additional one (1) year options, in an amount not to exceed \$1,500,000 per extension, for a total contract amount not to exceed \$7,500,000. (Funding is available in the 1992-93 Capital Budget for the Electric Utility Department.) Best qualification statement of four (4). 10% MBE, 5% WBE Subcontractor participation.

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

43. Approve execution of a contract with RAMTECH MODULAR DESIGN, Mansfield, Texas, for the purchase, delivery and assembly of a portable building to be used as office space, training facility and a conference room at the Holly Power Plant, in the amount of \$37,994. (Funding is available in the 1992-93 Capital Budget for the Electric Utility.) Low bid of three (3). No M/WBE Subcontracting opportunities were identified.
44. Approve negotiation and execution of a twelve (12) month service agreement with HALL SOUTHWEST, Austin, Texas, to provide emergency management and on-site spill response services for oil and hazardous materials for the Electric Utility Department, in an amount not to exceed \$100,000, with two (2) additional one (1) year options, in an amount not to exceed \$100,000 per extension, for a total contract amount not to exceed \$300,000. (Funding is available in the 1992-93 operating budget of the Electric Utility Department; funding for the extension options will be contingent upon available funding in future budgets.) Best proposal of three (3). 10% MBE, 5% WBE Subcontractor participation.

45. Approve negotiation and execution of a contract with DUKE ENGINEERING AND SERVICES, INC., Charlotte, North Carolina, for the development and implementation of safety program enhancements of City power plants for compliance with Occupational Safety and Health Association requirements, in an amount not to exceed \$165,660. (Funding is available in the 1992-93 operating budget for the Electric Utility Department.) Sole proposal. 10.2% MBE, 2.5% WBE Subcontracting opportunities were identified.
46. Approve execution of a contract amendment with HSB (HARTFORD STEAM BOILER) RELIABILITY TECHNOLOGIES, INC., Eden Prairie, Minnesota, for additional customization work for the Electric Utility and Water and Wastewater Utility Department's Computerized Facilities Maintenance Management System, in the amount of \$86,442, for a total contract amount of \$464,964. (Funding in the amount of \$18,442 is available in the 1992-93 Capital Budget for the Electric Utility Department; funding for \$68,000 is available in the 1992-93 Capital Budget for the Water and Wastewater Utility.) [Recommended by Water and Wastewater Commission.]
47. Approve execution of an Interlocal Agreement with Austin Community College Business & Technology Center, to provide for fundamentals of mathematics, electricity and magnetism training courses for the Electric Utility Department's Transmission and Distribution Division's Apprenticeship Program, in the amount of \$33,177.60. (Funding is available in the 1992-93 operating budget for the Electric Utility.)
48. Approve execution of a contract with GEC ALSTHOM TRANSMISSION & DISTRIBUTION INC., Blauvelt, New York, for the purchase of GEC Alsthom circuit breaker repair parts for the Electric Utility Department, in the amount of \$59,819. (Funding is available in the 1992-93 operating budget for the Electric Utility.). Sole Source. No M/WBE subcontracting opportunities were identified.
49. Approve execution of a twelve (12) month revenue contract with SOLOMON CORPORATION, Solomon Kansas, for the sale of obsolete and damaged transformers, in an estimated amount of \$64,854, with an option to extend for up to two (2) twelve (12) month periods, in an estimated amount of \$64,854 per extension, for a total estimated amount of \$194,562. High bid of two (2). No M/WBE Subcontracting opportunities were identified.

#43-49 on Mayor Pro Tem Urdy's motion, Councilmember Larson's second, 7-0 Vote.

ITEMS FROM COUNCIL

50. Direct the City Manager to take all appropriate actions to assure a thorough investigation of safety issues at South Texas Nuclear Plant, including communication with federal authorities to express Austin's interest in safety at the South Texas Nuclear Plant. (Councilmembers Michael "Max" Nofziger and Gus Garcia) [Related to Item 39]

On Councilmember Epstein's motion, Councilmember Garcia's second, 5-0 Vote, Councilmembers Epstein and Nofziger out of the room.

51. Approve a resolution to request that the Federally Qualified Health Clinics (FQHC) board create a subcommittee to ensure adequate representation of MAP clients. (Recommended by MAP Board) [Councilmember Gus Garcia]

Pulled from agenda until April 15, 1993.

64. Direct the City Manager to outline options available to the City for closure and permanent decommissioning of the Holly Street Power Plant; in the interim, develop and propose a plan that clearly delineates all the additional safety procedures, equipment and residential protection proposals that will be put in place to avoid future plant accidents and to protect the health and safety of the residents living in the area and of the users of the adjoining sports facility. (Councilmember Gus Garcia and Mayor Pro Tem Charles Urdy)

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

INTRODUCTION OF VISITOR

Mayor Todd introduced Andy Toll to the citizens present in the Chamber. Mayor Todd told them that Andy is working on his Eagle Scout Badge and one of his requirements is to attend a meeting of the City Council.

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

52. C14-92-0149 - K-MART CORPORATION, by Bury & Pittman (Greg Strmiska), 5010 U.S. Hwy. 290 West. From RR to GR. Planning Commission Recommendation: To Grant GR-CO, Community Commercial-Conditional Overlay, zoning limited to the uses and intensities listed as follows: General Retail - 0.27 FAR, Restaurant (Limited) - 0.20 FAR,

Restaurant (Drive-in, Fast-Food) - 0.06 FAR, Food Sales - 0.05 FAR, and Financial Services - 0.15 FAR.

Motion

Councilmember Garcia made a motion, seconded by Councilmember Nofziger, "to grant the zoning and place an S.O.S. CO (conditional overlay) on the property".

Motion

The Council, on Councilmember Garcia's motion, Councilmember Reynolds' second, closed the public hearing. 7-0 Vote.

Substitute Motion

Mayor Pro Tem Urdy made a motion, seconded by Councilmember Reynolds to approve the Planning Commission recommendation on FIRST READING ONLY.

Friendly Amendment - Not Accepted

Councilmember Garcia offered a friendly amendment to grant the zoning and include S.O.S. CO on the property. The amendment was not accepted.

Roll Call on Substitute Motion - Passed First Reading

4-3 Vote, Councilmembers Garcia and Nofziger and Mayor Todd voted No.

53. C14-93-0001 - DAVENPORT LTD., by Griffin Engineering Group, Loop 360 South and Westlake Drive. From SF-2 to MF-4-CO. Planning Commission Recommendation: To Grant SF-6, Townhouse and Condominium Residence, zoning as amended, subject to the Comprehensive Watershed Ordinance.
Postponed to April 1, 1993.

To be heard by Planning Commission on March 16, 1993; Recommendation to Follow

54. C14-93-0009 - UNIVERSITY OF TEXAS, by Consort, Inc., 10909 Research Boulevard. From LO & P to GR. - Planning Commission Recommendation: To grant GR-CO, Community Commercial-Conditional Overlay, limiting development and/or redevelopment to uses and/or lease space that will generate no more than 3,049 trips per day, vote 5-0-2.
55. C14-93-0021 - STANDARD PACIFIC HOMES OF TEXAS, INC./DAVIS SPRINGS PROPERTY, LTD. (Michael Brady/Fred G. Eppright), by Huffcut & Associates (Lauretta Dowd), East Farmer Lane and Neenah Avenue.

From P and SF-4A to SF-2. Planning Commission Recommendation: To grant SF-2, Single Family Residence, vote 7-0.

#53-55 on Mayor Pro Tem Urdy's motion, Councilmember Garcia's second, 7-0 Vote.

56. C14-93-0011 - IBM CORPORATION, by McGinnis, Lochridge & Kilgore, 2300-2312 and 2400-2410 Gracy Farms Lane. From LO & DR to MI. Planning Commission Recommendation: To grant MI-CO, Major Industry-Conditional Overlay, limiting floor-to-area ratios as follows: 1) Medical Offices 0.095; 2) Administrative and Business Offices - 0.507; 3) Research services - 0.670; and 4) Retail - 0.063. Vote 7-0.

On Mayor Pro Tem Urdy's motion, Councilmember Garcia's second, 6-0-1 Vote, Councilmember Reynolds abstained.

PUBLIC HEARING AND APPROVAL OF ORDINANCES/RESOLUTIONS

57. 5:00 P.M. - Amend the Brackenridge Renewal Plan to create a new classification entitled "morgues" for the Travis County Medical Examiners Facility. (Recommended by Urban Renewal Board and Planning Commission)

Motion

The Council, on Councilmember Garcia's motion, Councilmember Nofziger's second, closed the public hearing. 6-0 Vote, Mayor Pro Tem Urdy out of the room.

Motion

The Council, on Councilmember Garcia's motion, Councilmember Nofziger's second, approved the amendment to the Brackenridge Renewal Plan. 6-0 Vote, Mayor Pro Tem Urdy out of the room.

EXECUTIVE SESSION (No Public Discussion on These Items)

The Executive Session was held in the Mayor's office, the morning of this day.

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

58. Discussion of Jerry J. Quick, et al v. City of Austin, et al, Cause No. 92-0637.
59. Discuss settlement of cost reimbursement claims of AMCOR Investment Corporation.
60. 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.

ACTION ON THE FOLLOWING

61. Approve payment of legal fees to Hilgers & Watkins for representing the City of Austin in Jerry J. Quick, et al v. City of Austin, et al, Cause No. 92-0637.

In the amount of \$40,000.

62. Approve settlement of cost reimbursement claim of AMCOR Investment Corporation.

In the amount of \$1,533,252.

#61-62 on Councilmember Epstein's motion, Councilmember Garcia's second, 5-0 Vote, Councilmembers Epstein and Nofziger out of the room.

63. APPOINTMENTS

Interim Coordinating Committee for the Balcones Canyonlands Conservation Plan - Council appointed Mayor Todd as chairperson and Councilmember Garcia, on Councilmember Epstein's motion, Councilmember Garcia's second, 5-0 Vote, Councilmembers Epstein and Nofziger out of the room.

ADJOURN- The meeting was adjourned at 7:20 P.M.

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