



Austin City Council MINUTES

SEPTEMBER 9, 1993 - 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 September 2, 1993**

On Councilmember Garcia's motion, Councilmember Shea's second, 5-0 Vote, Mayor Pro Tem Urdy and Councilmember Goodman out of the room.

CITIZEN COMMUNICATIONS: GENERAL

- 2. Mr. Robert Brandes, to discuss the Balcones Canyonlands Conservation Plan.**
- 3. Mr. Robert Wilbourn, to discuss the Barton Creek Development Agreement.**
- 4. Mr. Neal Tuttrup, to discuss alternatives to the Development Agreement.**
- 5. Mr. Paul A. Garlinghouse, to communicate with Council about the process of considering the Barton Creek Community Development Agreement.**
- 6. Mr. Mike Workman, to invite the public to a planning meeting of the local Stephen F. Austin Bicentennial Committee on Tuesday, September 14, 1993 at 5:00 p.m. in the O'Henry Room of the Austin History Center, located at 810 Guadalupe.**
- 7. Mr. Leonard Lyons, to discuss "Does the City Manager have the courage to say no."**
- 8. Mr. Lance Winters, to request changing the street name of Hospital Drive at Brackenridge Hospital to Ron Lane Drive in memory of a 15 year City employee who worked so hard for better conditions at the hospital.**

9. Mr. Gary Farmer, to discuss the Real Estate Development Fee Study.
10. Mr. Richard Hill, to discuss the Real Estate Development Fee Study.
11. Ms. Charlene Shillman, to discuss spending \$3,000,000 on planning a downtown art museum; misappropriation of Bond money.

1:30 P.M. - CONTRACTUAL OBLIGATIONS AND PUBLIC IMPROVEMENT BONDS (Items 12-17)

12. Approve an ordinance authorizing the issuance of \$6,435,000 City of Austin, Texas, Certificates of Obligation, Series 1993.
4.7859% - Morgan Stanley
13. Approve an ordinance authorizing the issuance of \$8,820,000 City of Austin, Texas, Public Property Finance Contractual Obligations, Series 1993.
3.6% - J.P. Morgan
14. Approve an ordinance authorizing the issuance of \$25,000,000 City of Austin, Texas, Public Improvement Bonds, Series 1993.
4.7863% - Morgan Stanley
15. Approve a resolution executing a paying agent/registrar agreement with Ameritrust Texas, N.A., Austin, and a letter of representations for issuance of book-entry obligations, with respect to the \$6,435,000 City of Austin, Texas, Certificates of Obligation, Series 1993.
16. Approve a resolution executing a paying agent/registrar agreement with Ameritrust Texas, N.A. Austin, and a letter of representations for issuance of book-entry obligations, with respect to the \$8,820,000 City of Austin, Texas, Public Property Finance Contractual Obligations, Series 1993.
17. Approve a resolution executing a paying agent/registrar agreement with Ameritrust Texas, N.A. Austin, and a letter of representations for issuance of book-entry obligations, with respect to the \$25,000,000 City of Austin, Texas, Public Improvement Bonds, Series 1993.

#12-17 on Councilmember Reynolds' motion, Councilmember Garcia's second, 7-0 Vote.

ITEMS CONTINUED FROM PREVIOUS MEETINGS

18. Approve the selection of HDR ENGINEERING, INC., Austin, Texas, to provide professional engineering and associated services for Phase I (preliminary engineering services) of 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 Department of Public Works and Transportation.) Best qualification statement of eleven (11). 23.5% MBE, 7.5% WBE Subcontractor participation. Postponed one month.

ORDINANCES

19. Authorize acceptance of \$163,121 in grant funds from the Texas Department of Health, Bureau of Chronically Ill and Disabled Children, for pediatric case management; amend Ordinance 920922-E, the 1992-93 operating budget, amending the Special Revenue Fund by appropriating \$163,121 for the Health and Human Services Special Revenue Fund, and authorize five (5) grant funded full-time equivalents.
20. Amend Ordinance No. 920922-E, the 1992-93 operating budget for the General Fund by increasing budgeted revenue by \$34,986 and appropriating \$34,986 to the Health and Human Services Department to fund animal shelter activities. (Funding provided by Travis County.) [Related to Item 23]
21. Accept an increase of \$32,065 in grant funds from the Texas Department of Health, HIV Health and Social Services for the first year of a two (2) year grant project for HIV Services in the Austin HIV Health Services Delivery Area (HSDA); amend Ordinance No. 920922-E, the 1992-93 operating budget, amending the Special Revenue Fund by increasing appropriations by \$32,065 in the Health and Human Services Department Special revenue Fund, for a total grant of \$401,897. (Funding for the second year is contingent upon availability of funds from the Texas Department of Health.) [Related to Item 22]

RESOLUTIONS

22. Approve negotiation and execution of twelve (12) month contracts with the following agencies for HIV Services under the Texas Department of Health, HIV Health and Social Services grant program: AIDS SERVICES OF AUSTIN, in the amount of \$200,000; CHILD AND FAMILY SERVICES,, in the amount of \$13,000, COMMUNITY ACTION, INC., in the amount of \$30,000; PEDIATRIC AIDS LEAGUE, in the amount of \$5,801; PEOPLE'S COMMUNITY CLINIC, in the amount of \$25,000; and PROJECT TRANSITIONS, in the amount of \$61,596, for a total amount not to exceed \$335,397, including the option to extend for two (2) additional twelve (12) month periods, in an amount not to exceed \$335,397 per extension, for a total amount of \$1,006,191. (Funding is included in the amended 1992-93 operating budget, Special Revenue Fund, for the Health and Human Services Department; funding for extension options is contingent upon availability of funds through Texas Department of Health.) [Related to Item 21]

23. Approve an Interlocal Agreement for Public Animal Shelter Services with Travis County for the provision of animal shelter services, in the amount of \$34,985.25 for the period July 1, 1993 to September 30, 1993, with one three (3) month extension option in the amount of \$34,985.25, for a total amount of \$69,970.50. (Funding provided by Travis County.) [Related to Item 20]

#19-23 on Councilmember Garcia's motion, Councilmember Nofziger's second, 7-0 Vote.

24. Authorize negotiation and execution of a contract award with AUSTIN COMMUNITY TELEVISION, for community access television and media management services, in an amount not to exceed \$575,000, with the option to extend thereafter for up to two (2) additional twelve (12) month extension options, in an amount not to exceed \$590,000 for the first extension, and in an amount not to exceed \$605,000 for the second extension, for a total amount of \$1,770,000. (Funding provided by annual access payment from Austin CableVision to the Cable Access Fund for 1993-94; funding for the extension options is contingent on funding in future budgets.) Sole proposal. No M/WBE Subcontracting opportunities were identified. (Recommended by Cable Commission and Council Committee for Cable Television) Postponed to September 16, 1993.
25. Approve issuance of a Letter of Intent to Wal-Mart, Inc., dba Sam's Wholesale, located at the northeast corner of Research Boulevard and Capital of Texas Highway, for a rebate in the amount of \$34,942.52 for the installation of energy efficient equipment (high efficiency interior lighting, air conditioning and building envelope systems.) (Funding is available in the 1992-93 operating budget of the Energy Conservation Rebate and Incentives Fund.) [Reviewed and recommended by Resource Management Commission on September 9, 1993.]
26. Approve a Housing Implementation Program Loan to Travis Park Apartments, a Texas general partnership, located at 1110 East Oltorf, for the renovation of Travis Park Apartments, in the amount of \$200,000. (Funding is available in 18th Year Housing Implementation Program funds budgeted in the Special Revenue Fund of the Department of Planning and Development.) [Recommended by Housing Subcommittee.]
27. Approve negotiation and execution of a contract award to INNOVATIVE HEALTH SYSTEMS, Sacramento, California, for medical transcription software to be used by the Medical Records Department of Brackenridge Hospital, in an amount not to exceed \$41,844. (Funding is available in the 1992-93 operating budget of Brackenridge

Hospital.) Best offer of two (2). No M/WBE Subcontracting opportunities were identified.

#25-27 on Councilmember Garcia's motion, Councilmember Nofziger's second, 7-0 Vote.

28. Approve a construction contract award to AUSTIN ENGINEERING, CO., INC., Austin, Texas, for drainage improvements and construction of a hike and bike trail along Waller Creek from East 1st Street to East 3rd Street, in the amount of \$381,670. (Funding in the amount of \$341,000 was included in the 1991-92 Capital Budget of the Public Works and Transportation Department; \$40,670 was included in the 1992-93 Capital Budget of the Drainage Utility.) Low bid of three (3). 11.0% MBE, 0.07% WBE Subcontractor participation. Pulled off agenda.
29. Approve a construction contract award to NBS CONSTRUCTION, INC., Austin, Texas, for drainage improvements and street reconstruction on Federnales Street, Navasota Street and Diaz Street as part of the East Austin Miscellaneous Street and Drainage Improvements Phase II, in the amount of \$787,730.20. (Funding in the amount of \$639,250.20 was included in the 1991-92 Capital Budget of the Department of Public Works and Transportation; \$100,000 was included in the 1992-93 Capital Budget of the Electric Utility; \$42,980 was included in the 1991-92 Capital Budget of the Water Utility; and \$5,500 was included in the 1991-92 Capital Budget of the Wastewater Utility.) Low bid of two (2). 12.69% MBE, 3.56% WBE Subcontractor participation. (Recommended by Water and Wastewater Commission)
30. Approve a construction contract award to McLEAN CONSTRUCTION INC., Killeen, Texas, for relocation of existing water and wastewater facilities and extension of wastewater service to annexed areas along the U.S. 183 corridor from the Williamson County line to Balcones Woods Drive, in the amount of \$1,437,408.70, with an additional \$143,740.87 as a contingency fund to be used for change orders, for a total amount not to exceed \$1,581,149.57. (Funding was included in the 1991-92 Capital Budget of the Water and Wastewater Utility.) Low bid of eleven (11). 2.30% MBE, 2.31% WBE Subcontractor participation. (Recommended by Water and Wastewater Commission)
31. Approve Change Order #5 to CRAIG, SHEFFIELD & AUSTIN, INC., Houston, Texas, for modifications at the Thomas C. Green Water Treatment Plant in compliance with the Safe Drinking Water Act, in the amount of \$36,000.30, for a total contract amount of \$2,236,975.75. (Funding included in the amended 1992-93 Capital Budget of the Water and Wastewater Utility.) 18.56% MBE, 12.90% WBE Subcontractor participation. (Recommended by Water and Wastewater Commission)
32. Authorize negotiation and execution of an amendment to the professional services agreement with FREESE AND NICHOLS, INC., Ft.

Worth, Texas, for design and construction management phases professional engineering and associated services for the Walnut Creek Wastewater Treatment Plant Effluent Outfall to the Colorado River project, in the amount of \$210,748, for a total contract amount of \$444,748. (Funding was included in the 1991-92 Capital Budget of the Water and Wastewater Utility.) 13% MBE, 5% WBE Subcontractor participation. (Recommended by Water and Wastewater Commission)

33. Authorize negotiation and execution of an amendment to the professional services agreement to CAMP, DRESSER & MCKEE, Austin, Texas, for the design of the Tannehill Branch Channel Improvements Project, in the amount of \$356,106, for a total contract amount of \$1,059,352. (Funding was included in the 1991-92 Capital Budget of the Public Works and Transportation Department.) 14.6% MBE, 13.5% WBE Subcontractor participation.
34. Approve a construction contract award to EDWARD R. COLEMAN, Austin, Texas, for drainage improvements along Little Walnut Creek, beginning at the Lamar Bridge and extending to approximately 1000 feet downstream of Georgian Drive, in the amount of \$628,860. (Funding was included in the 1991-92 Capital Budget of the Department of Public Works and Transportation.) Low bid of five (5). 12.2% MBE, 3.6% WBE Subcontractor participation.
35. Approve the selection of the following four professional engineering firms: CAMP, DRESSER & MCKEE, INC., Austin, Texas, in the amount of \$127,000; CARTER & BURGESS, INC., Austin, Texas, in the amount of \$78,000; SANTOS AND ASSOCIATES (MBE), Austin, Texas, in the amount of \$197,000; and WOODWARD-CLYDE CONSULTANTS, Austin, Texas, in the amount of \$59,000, for a total contract of \$461,000, for the Drainage Utility Watershed Water Quality Retrofit Master Plans (Shoal Creek Watershed, Fort Branch Watershed, watersheds contributing to Barton Springs and East Bouldin Creek watershed.) [Funding is available in the 1992-93 operating budget of the Environmental and Conservation Services Department] Best qualification statements of thirteen (13). M/WBE Subcontractor participation: Camp, Dresser & McKee: 15% MBE, 5% WBE; Carter & Burgess, Inc.: 12.5% MBE, 7.5% WBE; Santos & Associates: 10% MBE, 5% WBE; Woodward-Clyde Consultants: 10% MBE, 5% WBE. (Recommended by Environmental Board)
36. Approve execution of a twelve (12) month service agreement with BURNS INTERNATIONAL, Austin, Texas, for armed and unarmed security guard services for the Department of Aviation at the Bergstrom site, in an amount not to exceed \$289,971.68, with the option to extend the agreement for up to two (2) twelve (12) month periods, in an amount not to exceed \$289,971.68 per extension, for a total amount not to exceed \$869,915.04. (Funding in the amount of \$10,000 is available in the 1992-93 operating budget of the Aviation

Department; funding for the remainder of the original contract and the extension options is contingent upon availability of funding in future budgets.) Low bid of six (6). 40.5% MBE, 0% WBE Subcontractor participation.

37. Approve the sale of 2,362 sq. ft. of City owned land out of the 3.04 acre tract of land conveyed to the City of Austin in Volume 868, Page 123, Travis County Real Property Records, to Mr. William D. Gaston, owner of the adjoining property, in the amount of \$7,771. (Recommended by Planning Commission)
 38. Approve the sale of a portion of Lots 15 and 17, Block 13, Pamela Heights, locally known as 1340 Marsha Street, to Walter G. and Joanne Birchfield, owners of the adjoining property, in the amount of \$7,200. (Recommended by Planning Commission)
 39. Set a public hearing to discuss amending the 18th Year Community Development Block Grant (CDBG) program by canceling CDBG assistance to the Sheltered Day Labor pick-up site and creating a new 18th Year CDBG activity to purchase and equip a mobile outreach van to improve services to families eligible for the Women, Infants and Children (WIC) nutrition and education program. (Suggested date and time: October 7, 1993 at 4:30 p.m.)
- #29-39 on Councilmember Garcia's motion, Councilmember Nofziger's second, 7-0 Vote.
40. 2:00 P.M. - Presentation by the Nuclear Regulatory Commission (NRC) on the South Texas Project. John Montgomery, Samuel J. Collins and Joe Gilleland spoke.

ITEMS FROM COUNCIL

41. Approve a resolution to proclaim the days of September 16 to October 12, 1993, as Tejano, Mexican American and Mexican Music month. (Councilmembers Gus Garcia and Michael "Max" Nofziger)
On Councilmember Garcia's motion, Councilmember Nofziger's second, 7-0 Vote.
42. Approve a resolution creating a Citizens Committee to review the remediation process at Bergstrom Air Force Base. (Councilmembers Brigid Shea and Jackie Goodman)
Postpone three weeks.
43. Approve a resolution directing the City Manager to initiate a comprehensive planning effort to meet a 90% advanced life support response time standard, and improve basic life support times. (Councilmember Jackie Goodman)
On Councilmember Garcia's motion, Councilmember Nofziger's second, 7-0 Vote.

44. Approve a resolution requesting the City Manager consider a change in the Personnel Policies to provide an increase in personal holiday leave hours for police officers. (No fiscal impact.)
(Councilmember Jackie Goodman and Mayor Pro Tem Charles Urdy)

Motion - Withdrawn

Councilmember Goodman made a motion, seconded by Councilmember Reynolds, "that the City Council requests the City Manager to consider recommending a change in the Personnel Policies to provide that additional personal holiday leave be provided to police officers provided that any recommendation for change does not impact mandated levels of police coverage, be affordable and be equitable to other City employees. The recommendation should be provided before January 1st, 1994".

Council discussed the motion, TRANSCRIPT ON FILE in City Clerk's Office. City Manager Barnett stated, "I think the discussion illustrates the complexity of looking at leave for one group of employees without looking at it for the others and I would respectfully request the Council to let me take a look at this and bring back a recommendation, because whatever you do in one area of the organization affects everybody else and there is no reason to try to benefit one group of employees and alienate others".

Mayor Todd asked: "What is the will of the Council? To withdraw the recommendation?" Councilmember Garcia, said, "Yes". Councilmember Goodman said, "Well, okay" and went on with further explanation. Councilmember Shea said ".....We need to address the situation and direct the City Manager to do that instead of doing a piece meal here and setting a precedent that is very difficult for us to do correctly in the future". After more discussion, Mayor Todd asked, "Councilmember Goodman, are you deferring the motion for the time being? Councilmember Reynolds stated: "I will concede to ask the City Manager to go back and review this issue of the leave, also to recognizing the stress in particular jobs in an effort that we are trying to be equitable not based upon the hours that are worked but that job that is being performed and I would hope that she would come back with a recommendation to us and I hope that Councilmember Goodman can agree with that. I have not changed my thoughts on this but I will be glad to let that process continue."

Mayor Todd asked, "Is everybody comfortable with that language? (Referring the the City Manager's request and Councilmember Reynolds remarks)....All in favor say aye". All Councilmembers said "Aye".

59. Approve a resolution directing the City Manager to address retiree dependent health insurance costs in the FY 1993-94 budget. (Mayor Bruce Todd)
On Councilmember Garcia's motion, Councilmember Nofziger's second, 7-0 Vote.

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

45. C8-91-0030.0A - MILLIGAN CREEK SUBDIVISION, by Pat Scudder, McNeil Road. RESTRICTIVE COVENANT AMENDMENT. Planning Commission Recommendation: To approve amendment to the restrictive covenant. Approved, on Councilmember Reynolds' motion, Councilmember Shea's second, 5-0-1 Vote, Councilmember Garcia abstained, Mayor Pro Tem Urdy out of the room.

The following items will be postponed to a future date. Posting of these items on this agenda is required due to a previous advertisement for this date.

46. C14-93-0046 - CLARK LYDA, by Bury & Pittman (Jim Knight), 3402 West Farmer Lane. From SF-6, RR to MF-1.
Postponed to October 7, 1993.
47. C14-93-0079 - LOUIS MURILLO, by AIC Designers (Adan I. Castaneda), 1110 Flores. From CS to CS-MU.
Postponed to September 16, 1993.

#46-47 on Councilmembers Reynolds' motion, Councilmember Shea's second, 6-0 Vote, Mayor Pro Tem Urdy out of the room.

PUBLIC HEARINGS AND APPROVAL OF ORDINANCES/RESOLUTIONS

48. 3:00 P.M. - Discuss the feasibility of implementing the Hospital Authority.
Public hearing closed on Councilmember Garcia's motion, Councilmember Goodman's second, 5-0 Vote, Councilmembers Reynolds and Shea out of the room. Speaker's cards on file.

RECESS - Council recessed from 6:05 to 6:50 P.M. on Councilmember Garcia's motion, Councilmember Shea's second, 5-0 Vote, Mayor Pro Tem Urdy and Councilmember Reynolds out of the room.

49. 4:30 P.M. - Public Hearing to consider renaming First Street, from MoPac Boulevard to Highway 183, to Cesar Chavez Boulevard. (Councilmember Jackie Goodman) [For discussion purposes only.]
Public hearing closed, on Councilmember Garcia's motion, Councilmember Shea's second, 6-0 Vote, Mayor Pro Tem Urdy out of the room. Speaker's cards on file.

50. 5:00 P.M. - Public Hearing on proposed 1993-94 Operating and Capital Budgets.
Public hearing closed, on Councilmember Garcia's motion,
Councilmember Reynolds' second, 6-0 Vote, Mayor Pro Tem Urdy out of
the room. Speaker's cards on file.

EXECUTIVE SESSION (No Public Discussion on These Items)

Pending Litigation - Section 551.071

51. Discussion of Forrest E. Smock, et al v. City of Austin, in the
United States Court of Appeals for the Fifth Circuit; Cause No.
93-8139.

EXECUTIVE SESSION (No Public Discussion on These Items) [continued]

Land Acquisition - Sec. 551.072

52. Discuss acquisition of real property located at the corner of
Pinnacle Road and Allen Road. [Related to Items 54 and 55]
53. Discuss land acquisition for the Barton Creek Wilderness Park.
[Related to Items 56 and 57]

ACTION ON THE FOLLOWING

54. Approve the purchase of real property located at the corner of
Pinnacle Road and Allen Road from L.G. and Ruby Friar, for the Water
and Wastewater Utility Loop 360 Pump Station and Ground Storage
Facility. (Recommended by Water and Wastewater Commission)
[Related to Item 52]
Pulled off agenda.
55. Approve the purchase of real property located at the corner of
Pinnacle Road and Allen Road from Dr. Max H. Faykus and Martha D.
Faykus, for the Water and Wastewater Utility Loop 360 Pump Station
and Ground Storage Facility. (Recommended by Water and Wastewater
Commission) [Related to Item 52]
Pulled off agenda.
56. Approve an ordinance amending the 1992-93 Capital Budget for Parks
and Recreation to increase the appropriation for the Barton Creek
Wilderness Park, from \$1,000,000 to \$2,650,000. (Funding was
authorized as part of the 1992 bond election; \$1,000,000 of these
bonds were sold in September 1992. Future cash needs will be funded
from future bond sales.) [Related to Items 53 and 57]
Pulled off agenda.
57. Approve a resolution authorizing the negotiation and execution of a
contract for the lease purchase of 578 acres known as the Gaines

Ranch through the Trust for Public Land, at a purchase price not to exceed \$2,600,000 for the Barton Creek Wilderness Park. (A \$520,000 down payment was funded from the 1992 bond sale; lease payments will be made from future bond sales.) [Related to Items 53 and 56]
Pulled off agenda.

APPOINTMENTS

58. COMMUNITY DEVELOPMENT COMMISSION - 1 (1 Rep. of Public Officials to expire 3/1/95)

Raymond Rabold appointed on Councilmember Goodman's motion,
Councilmember Shea's second, 6-0 Vote, Mayor Pro Tem Urdy out of the room.

11:15 P.M. - ADJOURN - On Councilmember Reynolds' motion, Councilmember Nofziger's second, 6-0 Vote, Mayor Pro Tem Urdy out of the room.

1. The first part of the document is a letter from the President of the United States to the Congress, dated January 1, 1861. It is a very important document, as it sets out the policy of the new administration.

2. The second part of the document is a report from the Secretary of the Treasury, dated January 1, 1861. It contains a detailed account of the financial state of the country, and the measures which have been taken to improve it.

3. The third part of the document is a report from the Secretary of the Interior, dated January 1, 1861. It contains a detailed account of the state of the public lands, and the measures which have been taken to improve them.

4. The fourth part of the document is a report from the Secretary of the War, dated January 1, 1861. It contains a detailed account of the state of the army, and the measures which have been taken to improve it.

5. The fifth part of the document is a report from the Secretary of the Navy, dated January 1, 1861. It contains a detailed account of the state of the navy, and the measures which have been taken to improve it.

6. The sixth part of the document is a report from the Secretary of the State, dated January 1, 1861. It contains a detailed account of the state of the foreign relations of the country, and the measures which have been taken to improve them.

7. The seventh part of the document is a report from the Secretary of the War, dated January 1, 1861. It contains a detailed account of the state of the army, and the measures which have been taken to improve it.