



Austin City Council MINUTES

MAY 19, 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 Meetings of April 28, 1994 and May 12, 1994 and Special Meetings of April 27, 1994 and May 11, 1994

Approved Minutes for April 27, May 11 and May 12, 1994 on Councilmember Garcia's motion, Councilmember Shea's second, 6-0 vote.

CITIZEN COMMUNICATIONS: GENERAL

2. Mr. Josh Prikryl, to discuss the new towing fees.
3. Mr. C.J. Jones, to discuss the Rosewood Entertainment Center.
4. Mr. Paul Hernandez, to discuss the Rosewood Entertainment Center.
5. Mr. Gavino Fernandez, to discuss the Rosewood Entertainment Center.
6. Ms. Jennifer Cole, to discuss the Rosewood Entertainment Center.
7. Mr. Michael Fleming, to discuss the Rosewood Entertainment Center.
Not present
8. Mr. Christopher Smith, to discuss the Rosewood Entertainment Center.
9. Mr. Larry Jackson, to discuss the Rosewood Entertainment Center.
10. Mr. Gary Taylor, to discuss wrongful hazing practices throughout the City's Electric Department and wrongful termination for reporting unlawful sex act on City time and on City property, and being punished for being a whistleblower.
11. Ms. Lacey Sloan, to discuss the hazing of Gary Taylor by employees of the City Electric Department.

ITEMS CONTINUED FROM PREVIOUS MEETINGS

12. Approve Supplemental Amendment No. 1 with PARSONS BRINCKERHOFF CONSTRUCTION SERVICES, INC., Austin, Texas, for Phase II - Design Services and Initial Phase III - Construction Management Services to the Program Management Support Consultant professional services agreement for the redevelopment of Bergstrom as Austin's new airport, in the amount of \$6,500,000 for a total contract amount of \$10,000,000. (Funding was included in the 1993-94 Capital budget of the Aviation Department.) 20% DBE Subcontractor participation: 12.5% MBE, 7.5% WBE. (Reviewed by the Airport Advisory Board)

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

13. Approve the selection of BECHTEL CORPORATION, San Francisco, California, and authorize negotiations and execution of a professional services agreement for engineering services for the design of the Airport Security System for the New Austin Airport, in an amount not to exceed \$450,000. (Funding was included in the 1993-94 Capital Budget of the Aviation Department. The project is eligible for 75% reimbursement of eligible costs from the Federal Aviation Administration.) Best qualification statement of twelve (12). DBE Subcontractor participation: 32% (12% MBE, 20% WBE). [Reviewed by Aviation Advisory Board]

Contract awarded to CTI (Counter Technology Inc.) instead of BECHTEL Corporation on Councilmember Garcia's motion, Councilmember Shea's second, 5-0 vote, Councilmember Goodman out of the room.

14. Approve an ordinance placing a ban on skateboarding in certain areas. (Mayor Pro Tem Michael "Max" Nofziger)

Ordinance No. 940519-B approved on Mayor Pro Tem Nofziger's motion, Councilmember Garcia's second, 6-0 vote.

ORDINANCES

15. Approve second/third readings of an ordinance amending Chapter 13-2 of the Austin City Code rezoning property locally known as 8300 block of Manchaca Road (west side), Case No. C14-93-0147, from "DR", Development Reserve to "RR-CO", Rural Residence-Conditional Overlay and "SF-2-CO", Single Family Residence (standard lot)-Conditional Overlay, ROBERT M. ALLEN, by Mathias Company (Richard Mathias). First reading on February 3, 1994; Vote 6-0. Conditions met as follows: conditional overlay incorporates conditions imposed by Council. Compliance with all applicable Water Quality Control provisions currently in place. Approved Ordinance No. 940519-A

16. Approve second/third readings of a rate ordinance for Austin CableVision (ACV) that will establish maximum charges for Basic Service, installations and equipment 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 will result in a reduction of \$35,000 in franchise fee revenue). [Recommended by Cable Commission and the Council Committee on Telecommunications Infrastructure] Approved 2nd reading, 3rd reading will be on the agenda for the council meeting of May 26, 1994.

Items 15-16 approved on Councilmember Garcia's motion, Councilmember Goodman's second, 6-0 vote.

RESOLUTIONS

17. Authorize application of a loan to the Department of Housing and Urban Development (HUD) requesting a HUD Section 108 Loan in the amount of \$6,903,606 for the

purpose of developing the Central City Entertainment Center at 2334 Rosewood.
(Future Council action is required for acceptance of these funds.)

Approved on Councilmember Reynolds' motion, Councilmember Garcia's second, 6-0 vote. Councilmember Shea offered a friendly amendment to direct staff to pursue aggressively Magic Johnson's application and to work with the community. The amendment was accepted. 6-0 vote.

18. Approve negotiation and execution of a six (6) month extension with an amendment to a service agreement with SAFRA GROUP, INC., Southhampton, Pennsylvania, for automated billing and information services for Medicare and Medicaid, in the amount of \$150,000, with the option to extend for two (2) additional six (6) month periods in the amount of \$150,000 each, for a total contract amount not to exceed \$689,201. (Funding is available in the 1993-94 operating budget of the Federally Qualified Health Center Fund for the Health and Human Services department. Funding for the extension options is contingent upon available funding in future budgets.)
Approved
19. Approve a construction contract award to CHEROKEE CONSTRUCTION CO. (MBE), Austin, Texas, for replacement of a stormsewer pipe and minor water and wastewater adjustments in the Hyde Park area, in the amount of \$217,777. (Funding in the amount of \$177,142 was included in the 1991-92 Capital budget of the Public Works Department; \$40,635 was included in the 1991-92 Capital budget of the Water and Wastewater Utility.) Low bid of four (4). 13.20% MBE, 5.05% WBE Subcontractor participation. (Recommended by Water and Wastewater Commission)
Approved
20. Approve Change Order #3 to HAEGELIN CONSTRUCTION COMPANY, INC., Austin, Texas, for additional quantities of water and wastewater piping and appurtenances as part of Ludwig Subdivision Water and Wastewater Improvements Phase III, in the amount of \$12,690, for a total contract amount of \$716,904.68. (Funding in the amount of \$8,975 was included in the 1991-92 Capital budget of the Water and Wastewater Utility; \$3,715 was included in the 1993-94 Capital budget of the Drainage Utility.) No M/WBE Subcontracting opportunities were identified. (Recommended by Water and Wastewater Commission)
Approved
21. Approve execution of a contract through the State of Texas Cooperative Purchasing Program with SOUTHWAY FORD, INC., San Antonio, Texas, for the purchase of five (5) additional 1/2 ton pickup trucks to be used by the Construction Inspection Division of the Department of Planning and Development, in an amount not to exceed \$63,970. (Funding is available in the 1993-94 operating budget of the Planning and Development Department.)
Approved

Item 18-21 approved on Councilmember Garcia's motion, Councilmember Goodman's second, 6-0 vote.

22. Approve execution of a twelve (12) month supply agreement with TEXANA MACHINERY CORPORATION, Austin, Texas, for the purchase of Case heavy equipment repair parts for the City's fleet, in an amount not to exceed \$150,000, with options to extend agreement for two (2) additional twelve (12) month periods in amounts of \$150,000 each, for a total contract amount not to exceed \$450,000. (Funding in the amount of \$62,500 is available in the 1993-94 operating budget of the Fleet and Radio Fund; funding for the remaining \$87,500 of the contract period and the extension options is contingent upon available funding in future budgets.) Single bid. No M/WBE Subcontracting opportunities were identified.

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

23. Approve execution of a twelve (12) month supply agreement with CAPITOL CHEVROLET, Austin, Texas, for the purchase of equipment repair parts for the City's fleet of sedans and light trucks manufactured by General Motors Corporation, in an amount not to exceed \$90,000, with options to extend agreement for two (2) additional twelve (12) month periods in amounts of \$90,000 each, for a total contract amount not to exceed \$270,000. (Funding in the amount of \$37,500 is available in the 1993-94 operating budget of the Fleet and Radio Fund; funding for the remaining \$52,500 of the contract period and the extension options is contingent upon available funding in future budgets.) Low bid of two (2). No M/WBE Subcontracting opportunities were identified.
Approved

24. Approve execution of a twelve (12) month supply agreement with LEIF JOHNSON FORD TRUCK CITY, Austin, Texas, for the purchase of heavy duty brake parts for the City's fleet of heavy trucks, in an amount not to exceed \$90,000, with options to extend agreement for two (2) additional twelve (12) month periods in amount of \$90,000 each, for a total contract amount not to exceed \$270,000. (Funding in the amount of \$37,500 is available in the 1993-94 operating budget of the Fleet and Radio Fund; funding for the remaining \$52,500 of the contract period and the extension options is contingent upon available funding in future budgets.) Low bid of two (2). No M/WBE Subcontracting opportunities were identified.
Approved

25. Approve execution of a twelve (12) month supply agreement with TEXAS ALTERNATOR STARTER SERVICE, Austin, Texas, for the purchase of replacement starters and alternators for the City's fleet of emergency vehicles, in an amount not to exceed \$120,000, with the option to extend the agreement for two (2) additional twelve (12) month periods in amounts of \$120,000 each, for a total contract amount not to exceed \$360,000. (Funding in the amount of \$50,000 is available in the 1993-94 operating budget of the Fleet and Radio Fund; funding for the remaining \$70,000 of the contract period and the extension options is contingent upon available funding in future budgets.) Low bid of three (3). No M/WBE Subcontracting opportunities were identified.
Approved

Item 23-25 approved on Councilmember Garcia's motion, Councilmember Goodman's second, 6-0 vote.

26. Approve execution of a twelve (12) month supply agreement with INDUSTRIAL POWER OF AUSTIN, Austin, Texas, for the purchase of repair parts for the City's fleet of diesel engines manufactured by Detroit, in an amount not to exceed \$120,000, with options to extend agreement for two (2) additional twelve (12) month periods in amounts of \$120,000 each, for a total contract amount not to exceed \$360,000. (Funding in the amount of \$50,000 is available in the 1993-94 operating budget of the Fleet and Radio Fund. Funding for the remaining \$70,000 of the contract period and the extension options is contingent upon available funding in future budgets.) Single bid. No M/WBE Subcontracting opportunities were identified.

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

27. Approve execution of a contract with TEXANA MACHINERY CORPORATION, Austin, Texas, for the purchase of a front-end loader to be used at the Hornsby Bend Treatment facility, in the amount of \$182,695.50. (Funding was included in the 1993-94 Capital budget of the Water and Wastewater Utility.) Low bid of three (3). No M/WBE Subcontracting opportunities were identified.

Approved

28. Approve a Change Order #2 to KEYSTONE CONSTRUCTION, INC., Austin, Texas, for electrical modifications and additions as part of the Chlorination/Dechlorination Improvements at the Walnut Creek Wastewater Treatment Plant, in the amount of \$128,716.13, for a total contract amount of \$2,500,369.13. (Funding was included in the 1991-92 Capital budget of the Water and Wastewater Utility.) 15.15% MBE, 0% WBE Subcontractor participation. (Recommended by Water and Wastewater Commission)

Approved

29. Approve the filing of eminent domain proceedings to acquire a permanent wastewater easement containing 2,080 square feet of land and a temporary workspace easement containing 3,728 square feet of land out of The Thomas Anderson Survey No. 90 in Austin, Travis County, Texas, owned by Center Hill Joint Venture, a Texas Joint Venture for the Hilltop Acres Wastewater Project, Phase III. (Appraised value is \$190.)

Approved

30. Approve expressing the City of Austin's official intent to reimburse eligible costs associated with the purchase of library books for the Austin Public Libraries, in an amount not to exceed \$2,000,000. (To be funded through a series of General Obligation bonds beginning in fiscal year 1994-95.) [Related to Item 31]

Approved

31. Approve execution of a twelve (12) month supply agreement with INGRAM LIBRARY SERVICES, INC., La Vergne, Tennessee, for the purchase of books for the Library Department, in an amount not to exceed \$1,675,000 with two (2) twelve (12) month extension options in an amount not to exceed \$1,175,000 per extension, for a total amount not to exceed \$4,025,000. [Funding in the amount of \$281,250 is available in the 1993-94 operating budget of the Library Department; funding in the amount of \$1,393,750 for the remaining seven (7) months of the original contract and

\$1,175,000 per extension option is contingent upon available funding in future budgets.] Low bid of five (5). No M/WBE Subcontracting opportunities were identified. (Related to Item 30)

Approved

Items 27-31 approved on Councilmember Garcia's motion, Councilmember Goodman's second, 6-0 vote.

3:00 P.M. - ELECTRIC UTILITY - (Items 32-43)

32. Electric Utility Commission Report - Jim Cash, Chair
Report presented by Jim Cash
33. Resource Management Commission Report - Glenn Crow, Chair
No report
34. Monthly Management Report
Report presented by John Moore
35. Approve a construction contract award to RGM CONSTRUCTION, CO., Austin, Texas, for the construction of a driveway and associated earth work for the Bee Creek Substation, in the amount of \$71,030. (Funding was included in the 1993-94 Capital budget for the Electric Utility Department.) Low bid of nine (9) meeting specifications. 9.98% MBE, 0% WBE Subcontractor participation.
Approved
36. Approve execution of a construction contract to DAYCO CONSTRUCTION CO., Austin, Texas, for the Brackenridge Electric Substation Switchgear 10-15 Addition, in the amount of \$126,692.50. (Funding was included in the 1993-94 Capital budget of the Electric Utility Department.) Low bid of four (4) meeting specifications. 5.19% MBE, 0.59% WBE Subcontractor participation.
Approved
37. Approve execution of a contract with HENDRIX GMC TRUCKS, INC., Austin, Texas, for the purchase of a twelve (12') foot steel platform, 30,000 pound winch, and truck cab and chassis to be used for pulling utility poles, securing conductor, and towing cable puller/tensioner units, in the amount of \$50,897. (Funding was included in the 1993-94 Capital budget of the Electric Utility Department.) Low bid of three (3). No M/WBE Subcontracting opportunities were identified.
Approved
38. Approve execution of a twelve (12) month supply agreement with GIFFORD-HILL, INC., Austin, Texas, for the purchase of pullboxes, manhole covers, and rings for warehouse stock replenishment, in the amount of \$179,663, with the option to extend for one (1) twelve (12) month period in the amount of \$179,663, for a total amount of \$359,326. [Funding in the amount of \$59,887 is available in the 1993-94 operating budget of the Electric Utility Department; funding for the final eight (8) months of the original contract period and the extension options is contingent upon available funding in future budgets.] Low bid of two (2). No M/WBE Subcontracting opportunities were identified.
Approved

39. Approve execution of a twelve (12) month service agreement with RAY'S CRANE SERVICE, INC., La Grange, Texas, for rental of hydraulic and lattice cranes with operators to complete Substation and Transmission Capital Improvements Projects, in an amount not to exceed \$296,730, with the option to extend for up to two (2) additional twelve (12) month periods in an amount not to exceed \$296,730 for each period, for a total amount not to exceed \$890,190. (Funding was included in the 1993-94 Capital budget of the Electric Utility Department.) Low bid of two (2). No M/WBE Subcontracting opportunities were identified.
Approved
40. Approve execution of a contract with UNC AIRWORKS, Millville, New Jersey, for additional repairs on gas turbine engine 1B located at the Decker Creek Power Plant, in an amount not to exceed \$43,155. (Funding is available in the 1993-94 operating budget of the Electric Utility Department.) Sole Source. No M/WBE Subcontracting opportunities were identified.
Approved
41. Approve execution of a contract with SIEMENS ENERGY & AUTOMATION, San Antonio, Texas, for the purchase of replacement parts for Siemen Allis tap changers (sets a voltage level in the electrical system), in the amount of \$87,986. (Funding is available in the 1993-94 operating budget of the Electric Utility Department.) Low bid of three (3). No M/WBE Subcontracting opportunities were identified.
Approved
42. Authorize negotiation and execution of an amendment for Phase II, vendor bid evaluation, and Phase III construction management services, with C.J. ANALYTICAL ENGINEERING, INC., Francisco, Indiana, for improvements to the turbine supervisory instrumentation system at Decker Power Plant Unit 2 and Holly Power Plant Units 3 and 4, in the maximum amount of \$60,000, for a total contract amount of \$86,270. (Funding was included in the 1993-94 Capital budget of the Electric Utility Department.) 10% MBE, 3.75% WBE Subcontractor participation.
Approved
43. Approve the issuance of a Letter of Intent and a rebate in the amount of \$60,103 to the Austin Gardens Village Apartments, 7401 North Lamar Blvd., for the installation of high efficiency air conditioning equipment, attic insulation, and solar screens. (Estimated energy improvements qualifying for this rebate will save an estimated 146.69 kilowatts at a program cost of \$408.89 per kilowatt and will save each residential unit approximately \$127.00 per cooling season in energy costs.) [Funding is available in the 1993-94 operating budget of the Conservation Rebates and Incentives Fund.]
Approved

Items 35 - 43 approved on Councilmember Garcia's motion, Mayor Pro Tem Nofziger's second, 5-0 vote, Councilmember Shea out of the room.

ITEMS FROM COUNCIL

44. Approve a resolution acknowledging the Austin City Council's appreciation of the Peace Officers Memorial Foundation, Inc.'s efforts to create a memorial monument. (Councilmember Jackie Goodman)

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

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

45. C14-94-0029 - KNIGHTS OF COLUMBUS STATE (Charles Emery), by Minter, Joseph & Thornhill (Glenn K. Weichert), 2613 Columbus St. From SF-3 to NO. Planning Commission Recommendation: To grant NO-CO, Neighborhood Office-Conditional Overlay zoning subject to the following: 75 foot undisturbed buffer off MoPac; (2) 25% impervious cover; (3) limited to one entrance only off Columbus Drive; (4) 25 foot undisturbed buffer from Columbus Drive and 25-100 feet of undisturbed buffer allowing water quality controls only; and (5) compliance with an Integrated Pest Management Program.

Approved 1st reading only on Councilmember Shea's motion, Councilmember Garcia's second with friendly amendment offered by Councilmember Goodman to allow one egress and ingress for access on Mopac, leaving vegetative state for rest, and left turn only onto Columbus, 6-0 vote.

46. C14H-94-0001 - ELLIS HOUSE, 1712 Windsor Road. From SF-2 to SF-2-H. Planning Commission Recommendation: To Deny SF-2-H, Single Family Residence (standard lot)-Historic, zoning.

Public hearing closed on Councilmember Garcia's motion, Councilmember Reynolds' second, 5-0 vote, Councilmember Goodman out of the room.

Postponed indefinitely; staff is directed to process an amendment to the Tax Code and Historic Designation Criteria, I.E., Architectural style versus Historical Association on Councilmember Shea's motion, Councilmember Goodman's second, 6-0 vote.

PUBLIC HEARING AND APPROVAL OF ORDINANCES/RESOLUTIONS

47. 5:00 P.M. - Public hearing to consider the full purpose annexation of the Stenis tract and adjacent property comprising approximately 90 acres of land at Loop 360 and Spicewood Springs Road. (Councilmember Brigid Shea)
Closed public hearing on Councilmember Garcia's motion, Councilmember Goodman's second, 5-0 vote, Mayor Todd absent.

EXECUTIVE SESSION (No Public Discussion on These Items)

Items were discussed during the Executive Session held 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.

48. Discuss proposed settlement of a contract dispute between the City of Austin (Brackenridge Hospital) and Advanced Cancer Technologies, Inc.
49. Discuss status of Hector Polanco v. City of Austin; Civil Action No. 93-CA-385SS; In the United States District Court of the Western District of Texas, Austin Division.

50. 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.
51. Discuss status of Jerry J. Quick, et al v. City of Austin; Cause No. 92-0637; in the 22nd District Court of Hays County, Texas.

ACTION ON THE FOLLOWING

52. Approve settlement of a contract dispute between the City of Austin (Brackenridge Hospital) and Advanced Cancer Technologies, Inc.

Settlement of \$117,000.00 was approved on Councilmember Garcia's motion, Councilmember Goodman's second, 6-0 vote.

53. Approve a First Amendment Agreement to the contract between the City of Austin (Brackenridge Hospital) and Advanced Cancer Technologies, Inc.

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

54. APPOINTMENTS

ANIMAL ADVISORY COMMISSION - Robert Kelly for Veterinarian position
BRACKENRIDGE HOSPITAL BOARD - Smoot Carl-Mitchell
CHILD CARE COUNCIL - Vivian Heine-Lewis
CITY OF AUSTIN COMMISSION FOR WOMEN - Ruth Parshall
EMS QUALITY ASSURANCE TEAM - Dr. Robert Tatte, Dr. Patrick Crocker
HUMAN RIGHTS COMMISSION - John Medrano, Doris Standlee
MEDICAL ASSISTANCE PROGRAM ADVISORY BOARD - Carl Siegenthaler
MINORITY & WOMEN-OWNED BUSINESS PROCUREMENT ADVISORY BOARD - Carol Hadnot (Capital City Chamber of Commerce Rep.)

Approved on Councilmember Shea's motion, Councilmember Goodman's second, 5-0 vote, Mayor Todd absent.

ADDENDUM

55. Approved a resolution in settlement of Milburn Investments, Inc., et al v. City of Austin, Texas; Cause No. 93-08464; in the United States District Court of Travis County, Texas.

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

ADJOURN at 8:05 p.m. on Councilmember Garcia's motion, Councilmember Reynolds' second, 5-0, vote Mayor Todd absent.

Approved on 26th day of April, 1994 on Councilmember Garcia's motion, Mayor Pro Tem Nofziger's second, 6-0 vote.

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