



Austin City Council MINUTES

DECEMBER 8, 1994

Mayor Todd called to order the meeting of the Council, noting the absence of Councilmember Shea.

1. Approval of Minutes for Regular Meeting of November 17, 1994 and December 1, 1994 and Special Meetings of November 29, 30, and December 1, 1994

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

CITIZEN COMMUNICATIONS: GENERAL

2. Mr. Roger Baker, to discuss matters arising.
3. Mr. Tom Smith, to discuss signs and street numbering systems, tourist signage, building numbering requirements.
4. Ms. Lady Hughes, to discuss experiment.
Not present
5. Ms. Marcia Williams, to discuss increasing problems with transient population in Barton Springs area and possible solutions.
6. Mr. Joseph Horn, to discuss changes such as providing a word that could help provide peace, and to see that automobiles descend not exceed the speed limit.
7. Mr. Buell Steelman, to protest continued harassment of Critical Mass bike rides and to call for a citizen's review board to oversee APD actions.
8. Mr. Brendan Guilfoyle, to discuss biking in Austin.
9. Mr. Leopoldo Rodriquez, to complain about the lack of action by the Council with respect to the Critical Mass bike ride on November 18th.
10. Mr. Adam Cantu, to discuss auto shop dealership doing business without proper health care.
Not present
11. Mr. Joseph Beatty, to protest police harassment during Critical Mass bike rides and to protest how officers cheered on a tailgater rather than enforcing the law on him.

ORDINANCES

12. Approve third reading of a franchise to Metro Access Network, Inc., for a term of seven (7) years with a three (3) year renewal option, to provide competitive access communication services, and install permanent facilities in the City's rights-of-way.

Ordinance 941208-A approved on Councilmember Garcia's motion, Councilmember Goodman's second, 5-0-1 vote, Mayor Pro Tem Nofziger abstaining, Councilmember Shea absent.

13. Approve second/third readings of an ordinance amending Chapter 13-2 of the Austin City Code rezoning property locally known as 2005 to 2205 S. Pleasant Valley Road, Case No. C14-93-0142, from "GR", Community Commercial to "MF-4-CO", Multifamily Residence (moderate-high density)-Conditional Overlay, THE ASSURED GROUP (Don Valk), by Sarah Crocker. First reading on November 17, 1994; Vote 6-0, Mayor Todd absent. Conditions met as follows: conditional overlay incorporates conditions imposed by Council.
Ordinance 941208-B approved

14. Approve second/third readings of an ordinance amending Chapter 13-3 of the Austin City Code rezoning property locally known as 12440-12449 Research Boulevard, Case No. C14-94-0039, Tract 1: from "LI", Limited Industrial Services and "IP", Industrial Park to "MF-2-CO", Multifamily Residence (low density), and Tract 2: from "LI", Limited Industrial Services to "GR-CO", Community Commercial Conditional Overlay, TEXAS INSTRUMENTS (Don Corsentio), by Century Austin Partners (Matt Mathias). First reading on October 6, 1994; Vote 6-0, Councilmember Goodman absent. Conditions have been met.
Ordinance 941208-C approved

15. Authorize negotiation and execution of an Interlocal Agreement with Travis County to increase the volume of waste oil recycled in the Austin area through the development and implementation of a public education campaign and the installation and operation of a used oil recycling center at the City Landfill; amend Ordinance No. 940912-D, the 1994-95 operating budget, increasing budget revenues and expenditures by \$30,150 in the Solid Waste Services Fund. (Funding in the amount of \$30,150 is available from Travis County.)
Ordinance 941208-D approved

16. Amend Ordinance 940912-D, the 1994-95 operating budget, by decreasing the General Fund Contingency Reserve by \$57,475 and increasing the General Fund Transfer Out to the Support Services Fund by \$57,475; increasing the Support Services Fund Transfer In from the General Fund by \$57,475 and increasing the appropriation for the Financial Services Department by \$57,475; and adding two (2) full-time equivalents (FTEs) to support the Austin Telecommunications Commission.
(Related to Item 29)
Ordinance 941208-E approved

RESOLUTIONS

Brackenridge Hospital (Items 17-19)

17. Approve negotiation and execution of a contract with MARSHALL & STEVENS, INC., for inventory and valuation of major movable assets of Brackenridge Hospital, in an amount not to exceed \$57,500. (Funding is available in the 1994-95 operating budget of Brackenridge Hospital.) Best proposal of two (2). No M/WBE Subcontracting opportunities were identified.
Approved

Items 13-17 approved on Councilmember Garcia's motion, Councilmember Goodman's second, 6-0 vote, Councilmember Shea absent.

18. Approve negotiation and execution of a contract with IBM CREDIT CORPORATION, Austin, Texas, for an operating lease providing computer hardware consisting of a processor, tape system, disk space, operating system software, and maintenance, in an amount not to exceed \$457,308, with an option to extend for two (2) additional twelve (12) month periods in an amount not to exceed \$457,308 per extension, for a total amount not to exceed \$1,371,924. (Funding is available in the 1993-94 amended Capital Budget of Brackenridge Hospital.) Sole Source. No M/WBE Subcontracting opportunities were identified. (Recommended by Hospital Board)

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

19. Approve negotiation and execution of a contract with SHARED MEDICAL SYSTEMS CORPORATION (SMS), Malvern, Pennsylvania, for upgrades to the existing patient accounting software, application license fees, installation and software support for twelve (12) months, in an amount not to exceed \$1,867,736.50, with an option to extend software support for four (4) additional twelve (12) month periods, in an amount not to exceed \$234,066 per extension, for a total amount not to exceed \$2,804,000.50. (Funding in the amount of \$1,809,220 is available in the 1993-94 amended Capital Budget of Brackenridge Hospital; funding in the amount of \$58,516.50 for maintenance is available in the 1994-95 operating budget for Brackenridge; funding for the remaining nine (9) months of the original maintenance agreement and the extension options is contingent upon available funding in future budgets.) Sole Source. No M/WBE Subcontracting opportunities were identified. (Recommended by Hospital Board)
Approved

20. Approve execution of a twelve (12) month supply agreement with VULCAN MATERIALS COMPANY, San Antonio, Texas, for the purchase of Aggregate Trap Rock used by the City of Austin Street and Bridge Division for street maintenance, in an amount not to exceed \$590,975 with the option to extend for two (2) additional twelve (12) month periods in an amount not to exceed \$590,975 for each option period, for a

total amount not to exceed \$1,772,925. (Funding in the amount of \$492,479 is available in the 1994-95 operating budget of the Transportation Fund. Funding in the amount of \$98,496 for the final two (2) months of the original contract period and the extension options will be contingent upon available funding in future budgets.) Sole Source. No M/WBE Subcontracting opportunities were identified.
Approved

21. Approve execution of an Interlocal Agreement with LOWER COLORADO RIVER AUTHORITY (LCRA), Austin, Texas, for maintenance, repairs and testing services for the City's fleet of aerial tower trucks, in an amount not to exceed \$150,000 for a twelve month period with two (2) twelve (12) month extension options in an amount not to exceed \$150,000 each, for a total contract amount not to exceed \$450,000. (Funding in the amount of \$112,500 is available in the 1994-95 Fleet Maintenance Fund. Funding for the remaining \$37,500 of the contract period and the extension options will be contingent upon available funding in future budgets.)
Approved
22. Approve execution of a twelve (12) month supply agreement with DAVIS TRUCK AND EQUIPMENT COMPANY, San Antonio, Texas, for the purchase of repair parts for the City's fleet of Heil refuse collection trucks, in an amount not to exceed \$200,000 with options to extend agreement for two (2) additional twelve (12) month periods in amounts of \$200,000 each, for a total contract amount not to exceed \$600,000. (Funding in the amount of \$150,000 is available in the 1994-95 Fleet Maintenance Fund. Funding for the remaining \$50,000 amount of the contract period and the extension options will be contingent upon available funding in future budgets.) Sole Source. No M/WBE Subcontracting opportunities were identified.
Approved

Items 19-22 approved on Councilmember Garcia's motion, Councilmember Goodman's second, 6-0 vote, Councilmember Shea absent.

23. Approve the selection of TRINITY ENGINEERING TESTING CORPORATION, Austin, Texas, and authorize negotiation and execution of a contract to provide concrete testing services for the Austin-Bergstrom International Airport, in an amount not to exceed \$150,000 with two (2) one (1) year extension options in amounts not to exceed \$740,000 per option, for a total contract amount not to exceed \$1,630,000. (Funding was included in the 1994-95 Capital budget of the Aviation Department.) Best qualification statement of five (5). DBE participation 30%: 25% MBE, 5% WBE (Reviewed by the Airport Advisory Board)

Motion made by Councilmember Garcia and seconded by Councilmember Mitchell to award the contract to Fugro-McClelland (Southwest) Inc.

Substitute motion made by Councilmember Goodman and seconded by Councilmember Reynolds to approve staff recommendation of Trinity Engineering Testing Corporation, 4-2 vote, Councilmembers Garcia and Mitchell voting No, Councilmember Shea absent.

24. Approve the selection of RODRIGUEZ ENGINEERING LABORATORIES (MBE), Austin, Texas, and authorize negotiation and execution of a contract to provide asphalt testing services for the Austin-Bergstrom International Airport, in an amount not to exceed \$60,000 with two (2) one (1) year extension options in an amount not to exceed \$30,000 per option, for a total contract amount not to exceed \$120,000. (Funding was included in the 1994-95 Capital budget of the Aviation Department.) Best qualification statement of two (2). DBE participation 100%: 100% MBE, 0% WBE (Reviewed by the Airport Advisory Board)
Approved
25. Approve ratification of an emergency construction contract award to IDEAL NATIONAL MECHANICAL CORPORATION, Austin, Texas, for HVAC system revisions to improve the indoor air quality at the RBJ Annex Health Clinic Building, located at 15 Waller Street, in the amount of \$191,932. (Funding was included in the 1994-95 Capital budget for the Health and Human Services Department.) 8.54% MBE, 0% WBE Subcontractor participation.
Approved
26. Approve execution of a twelve (12) month supply agreement with TAB PRODUCTS, Austin, Texas, for production, warehousing and delivery of preprinted case file folders for the Austin Municipal Court, in an amount not to exceed \$72,792.50 with two (2) twelve (12) month extension options in an amount not to exceed \$72,792.50 per extension option, for a total amount not to exceed \$218,377.50. (Funding in the amount of \$54,594.38 is available in the 1994-95 operating budget of the Municipal Court Department. Funding in the amount of \$18,198.12 for the remaining three (3) months of the original contract and extension options will be contingent upon available funding in future budgets.) Low bid of two (2). No M/WBE Subcontracting opportunities were identified.
Approved
27. Approve Interlocal Agreement between City of Austin and Travis County for operation of the Central Booking Facility. (Funding in the amount of \$1,751,868 is available in the 1994-95 operating budget of the Police Department. Historical information is not available to determine financial impact of cost allocation method implemented in new contract. Precise cost allocation will be determined at time of audit in August, 1995.)
Approved
28. Authorize an Interlocal Agreement with Pflugerville to allow Pflugerville to regulate fireworks sales within 5,000 feet of their city limits within Austin's ETJ. (No fiscal impact.)
Approved

ITEMS FROM COUNCIL

29. Amend Article IX of Chapter 2-4 of the City Code, renaming the Austin Cable Commission to the Austin Telecommunications Commission and expanding the

Commission duties to include advising the Council on all matters pertaining to telecommunications. (Council Committee for Telecommunications Infrastructure)
(Related to Item 16)
Ordinance 941208-F approved

* Items 24-29 approved on Councilmember Garcia's motion, Councilmember Goodman's second, 6-0 vote, Councilmember Shea absent.

PUBLIC HEARINGS AND APPROVAL OF ORDINANCES/RESOLUTIONS

30. 5:30 p.m. - Public hearing and approval of sidewalk cafes. (Downtown Subcommittee)

Close public hearing on Mayor Pro Tem Nofziger's motion, Councilmember Garcia's second, 5-0 vote, Councilmember Mitchell temporarily absent, Councilmember Shea absent.

Ordinance 941208-H approved on Mayor Pro Tem Nofziger's motion, Councilmember Goodman's second, 5-0 vote, Councilmember Mitchell temporarily absent, Councilmember Shea absent.

31. 5:45 p.m. - Public hearing on the Austin Redevelopment Authority's proposal. (Councilmember Eric Mitchell)

Close public hearing on Mayor Pro Tem Nofziger's motion, Councilmember Garcia's second, 5-0 vote, Councilmember Reynolds temporarily absent, Councilmember Shea absent.

PUBLIC HEARINGS AND APPROVAL OF ORDINANCES/RESOLUTIONS

32. 6:30 p.m. - Public hearing on the development and implementation of a plan for the Central Urban Redevelopment (CURE) proposal. (Councilmembers Eric Mitchell and Ronney Reynolds)

Close public hearing on Councilmember Garcia's motion, Councilmember Reynolds' second, 5-0 vote, Mayor Pro Tem Nofziger temporarily absent, Councilmember Shea absent.

EXECUTIVE SESSION (No Public Discussion on These Items)

Executive Session was held from 2:50 P.M. until 3:30 P.M. on items 33, 35, and 36.

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.

Pending/Contemplated Litigation - Section. 551.071

33. Discuss approval of settlement in Mary Moreno v. City of Austin; Cause No. 93-05272.

Advice from Counsel - Section 551.071

34. Discuss breach of Austin CableVision franchise pole rental agreement, and pending request to transfer said franchise to another entity.

EXECUTIVE SESSION (continued))

Land Acquisition - Section 551.072

35. Discuss real property acquisitions for park and recreational purposes and a regional stormwater detention facility.
36. Discuss land acquisition for the Balcones Canyonland Conservation Plan (BCCP).

ACTION ON THE FOLLOWING

37. Approve post-trial settlement of Mary Moreno v. City of Austin; Cause No. 93-05272.

Approved settlement in the amount of \$171,618.75 on Councilmember Garcia's motion, Mayor Pro Tem Nofziger's second, 5-0 vote, Councilmember Mitchell temporarily absent, Councilmember Shea absent.

38. Authorize negotiation and execution of a contract for purchase of a tract of land of approximately 42.292 acres from Richland Properties for park and recreational purposes and a regional stormwater detention facility.

Approved an amount not to exceed \$500,000.00 on Councilmember Garcia's motion, Mayor Pro Tem Nofziger's second, 5-0 vote, Councilmember Mitchell temporarily absent, Councilmember Shea absent.

39. Authorize the negotiation and execution of a contract for purchase of a tract of land of approximately 466 acres from FOB 466 Ltd. through the Texas Nature Conservancy for the Balcones Canyonland Conservation Plan (BCCP).

Approved purchase price of \$2,500,000.00 on Councilmember Garcia's motion, Mayor Todd's second, 4-1 vote, Councilmember Reynolds voting No, Councilmember Mitchell temporarily absent, Councilmember Shea absent.

40. APPOINTMENTS

BUILDING AND FIRE CODE BOARD OF APPEALS - Seth Fowler
BUILDING STANDARDS BOARD - Regular Members: Ethleyn Beebe, David Brown,
Jerry Garcia, and Joseph Luke
CITY OF AUSTIN COMMISSION FOR WOMEN - Ada Harden
DOWNTOWN COMMISSION - Sergio Lozano-Sanchez, Hispanic Chamber of Commerce
Representative; Paul Finch, Human Services to Downtown Clients
ECONOMIC DEVELOPMENT COMMISSION - Diana Soliz
ENVIRONMENTAL BOARD - Joseph Pantalione
IMPACT FEE ADVISORY COMMITTEE - Richard Kallerman

ITEMS FROM COUNCIL (continued)

41. Adopt a resolution directing the City Manager to bring back to Council amendments necessary to maintain the strongest ordinance possible, for water quality, yet be consistent with the verdict of the Jury and the Final Judgment submitted by Judge Forbis in Hays County. (Mayor Todd and Councilmember Ronney Reynolds)

Approved as amended, under First BE IT RESOLVED First Clause, strike: "That in order to protect and preserve in every possible way the 1992 Composite Ordinance;" and substitute: "That in order to protect our ability to enforce the Composite Ordinance;" on Councilmember Reynolds' motion, Councilmember Goodman's second, 5-0 vote, Councilmember Mitchell temporarily absent, Councilmember Shea absent.

42. Adopt an Ordinance waiving the requirement of filing 24 days in advance for a temporary street closure permit, and request that the City Manager accept an application for the closure of the parking lane on the south side of the 100 block of East Eighth Street on December 14, 1994. (Mayor Pro Tem Michael "Max" Nofziger and Councilmember Brigid Shea)

Approved Ordinance 941208-G on Councilmember Garcia's motion, Councilmember Goodman's second, 6-0 vote, Councilmember Shea absent.

RECESSED from 2:50 P.M. until 3:30 P.M. for Executive Session on items 33, 35, and 36.

RECESSED from 3:30 P.M. until 5:30 P.M.

RECESSED from 6:05 P.M. until 6:30 P.M.

ADJOURNED at 9:15 P.M. on Councilmember Reynolds' motion, Councilmember Mitchell's second, 5-0 vote, Mayor Pro Tem Nofziger temporarily absent, Councilmember Shea absent.

APPROVED this 15th day of December, 1994, on Councilmember Garcia's motion, Mayor Pro Tem Nofziger's second, 6-0 vote, Councilmember Goodman temporarily absent.