



Austin City Council MINUTES

FEBRUARY 17, 1994 - 1:00 P.M.

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

MINUTES APPROVED

1. Approval of Minutes for Regular Meetings of February 3 and 10, 1994 and Special Meetings of February 2, 1994, February 3, 1994 (10:00 a.m. and 5:00 p.m.), February 9, 1994 (1:30 p.m.), February 9, 1994 (6:00 p.m.), February 10, 1994 at (10:00 a.m.), February 10, 1994 (5:00 p.m.)

Approval of minutes of the Special called meetings of February 2, 1994, February 3, 1994 (10:00 a.m. and 5:00 p.m.), and February 10, 1994 (10:00 a.m. and 5:00 p.m.) on Councilmember Garcia's motion, Councilmember Shea's second, 6-0 vote.

CITIZEN COMMUNICATIONS: GENERAL

2. Mr. Melvin Hines, to debate smoking.
Not present
3. Ms. Jeanne Morey, to discuss the South Texas Nuclear Project.
4. Mr. Rodney Doerscher, to discuss investigation of STNP.
5. Mr. Victor "Blane" LeBlanc, to discuss "stop/shutdown/containment" of STNP.
Not present
6. Mr. Brian Blassingame, to request a City investigation of STNP.
7. Mr. Douglas Ross, to discuss the South Texas Nuclear Project.
8. Mr. Mohammed A. Maraqa, to discuss STNP.
9. Ms. Dorothy Chambers, to request a delay on relocating the T.B. Center to the St. John's Neighborhood Center until a meeting is held with the St. John's Neighborhood Association.
10. Mr. Lance Winters, to ask Council to conduct an investigation and an audit of the Risk Management Division of the Human Resources Department concerning their practices, handling of safety concerns, asbestos concerns, Bob Mason's letter, and the great cover-up.
Withdrew
11. 2:00 P.M. - Congressman J.J. "Jake" Pickle - Intermodal Transportation At Bergstrom

ITEMS CONTINUED FROM PREVIOUS MEETINGS

12. Approve third reading of an ordinance amending Chapter 12-5 of the City Code entitled "Smoking in Public Places" to prohibit smoking in public places. (Councilmember Gus Garcia and Mayor Bruce Todd) [Public Hearing Closed - No Citizen Sign-Up]

Mayor Todd brought up the item for third and final reading and recognized Councilmember Garcia for any amendments.

Amendment to Motion

Councilmember Garcia offered the following amendment: "Separate H-VAC systems and airfiltering equipment mean equipment systems and equipment that meet the following specific requirements, and then we would, in that section place the requirements, in the letter from Mr. Hart. Those would be one through five and five had A through S. The requirement of this section can also be satisfied by an alternative professional engineering study that documents compliance with the American Society of Heating, Refrigeration and Air Conditioning Engineers, ASHRAE Standard Number 62-1989, the standards for acceptable indoor air quality."

The motion, seconded by Mayor Todd, FAILED by a 3-3 vote, Mayor Pro Tem Nofziger and Councilmembers Goodman and Reynolds voting NO.

Amendment to Motion

Councilmember Garcia offered the following amendment: "Smoking will be banned in all restaurants and in all restaurants without bars and the entire dining areas of restaurants with bars effective 24 months after the effective date of this ordinance."

The motion, seconded by Mayor Todd, FAILED by a 3-2-1 vote, Mayor Pro Tem Nofziger and Councilmember Reynolds voting NO, Councilmember Goodman Abstaining.

Amendment to Motion

Councilmember Garcia offered the following amendment: "In bars, lounges, taverns, live music venues and bars located within the restaurants, a minimum of 50 per cent of the floor area must be designated as non-smoking within 24 months of the effective date of the adoption of this ordinance."

The motion, seconded by Mayor Todd, FAILED by a 3-3 vote, Mayor Pro Tem Nofziger and Councilmembers Goodman and Reynolds voting NO.

Amendment to Motion

Councilmember Shea offered the following amendment: Add a definition for ventilation and air filtration equipment as follows: "Separate HVAC System means a physically separate heating, ventilation and air conditioning system with a separate intake, outtake, and duct work that exchanges air equal to or greater than 20 times per hour."

Councilmember Garcia seconded the motion with the request that the definition be made a part of Section 12-5-1. Councilmember Shea accepted the friendly amendment, with a clarification that there be a two-year phase-in. Roll call on the motion showed a 3-3 vote, Mayor Pro Tem Nofziger and Councilmembers Goodman and Reynolds voting NO.

Amendment to Motion

Councilmember Garcia offered the following amendment: "I would like to move the adoption of Section 12-5-3 which is in the February 17th memorandum. Nothing in Item Number 2 and then in Section 12-5-5 the adding of Subsection A1 to be added and then for Section 12-5-5(A), Item Number 12, Number 13 be made part of the motion."

Mayor Todd seconded the motion. Councilmember Reynolds asked that the items be separated. Roll Call on amendments to Section 12-5-5 showed a 6-0 vote. Roll call on adding Section 12-5-3, entitled "Smoking in City Facilities Generally Prohibited" showed a 4-1-1 vote, Councilmember Goodman voting NO and Councilmember Reynolds Abstaining.

Amendment to Motion

Councilmember Reynolds offered the following motion: Under Section 12-5-3, exempt bars at the City Airport that are enclosed by four walls.

The motion, seconded by Councilmember Goodman, FAILED by a 3-3 vote, Mayor Todd and Councilmembers Garcia and Shea voting NO.

Amendment to Motion

Councilmember Reynolds offered the following amendment: Under Section 12-5-3, add "Exempt Palmer Auditorium and the City Coliseum to allow smoking areas in those facilities."

The motion, seconded by Councilmember Goodman, FAILED by a 2-4 vote, Mayor Todd, Mayor Pro Tem Nofziger and Councilmembers Garcia and Shea voting NO.

Amendment to Motion

Councilmember Reynolds offered the following amendment: Under Section 12-5-5(A)(9), after restaurant, add "bar or lounge" and in Section 12-5-5(A)(10), after restaurant, add "bar or lounge".

The motion, seconded by Councilmember Goodman, carried by a 4-1-1 vote, Mayor Todd voting NO and Councilmember Garcia Abstaining.

Acting City Manager Jesus Garza requested clarification of Section (14) under exemptions.

Amendment to Motion

Councilmember Reynolds offered the following amendment: Under Section (14) after 6:00 a.m. add "if the separate dining area is enclosed on all sides and has a separate HVAC system or if it is enclosed on three sides, has a separate HVAC system"

The amendment was accepted by acclamation.

Roll Call on Main Motion with Amendments

Roll call on main motion with amendments showed a 4-2 vote, Mayor Todd and Councilmember Garcia voting NO.

Acting City Manager Jesus Garza stated that after consulting with the Health Department, he would bring back for Council adoption the staff's interpretation of the technical amendments.

ORDINANCES

13. Amend the Austin City Code by modifying the Basic Traffic Ordinance, Section 16-4-4(D)-Speed Limits, for the lengthening of the existing 20 mph school zone on Berkeley Avenue at Cunningham Elementary School. (Funding in the amount of \$2,000 for the relocation of flashing equipment is available in the 1993-94 operating budget of the Public Works and Transportation Department.)
14. Approve a street name change request by the American Legion for the disconnected portion of West First Street to "Veterans Drive" (from the intersection of West First Street and the west right-of-way line of MoPac Expressway, to the south right-of-way line of Lake Austin Boulevard.) [No fiscal impact]
15. Amend Ordinance No. 930915-A, the 1993-94 operating budget for Brackenridge Hospital, reducing the Brackenridge Operating Fund beginning working capital balance to \$13,753,689, reducing total revenue to \$138,652,328, reducing total operating expenses to \$133,200,617, reducing total transfers out to \$8,999,554, and reducing total other requirements to \$4,930,095 for an ending working capital balance of \$1,375,751. Amend the Brackenridge Hospital Disproportionate Share Fund, increasing the beginning balance to \$25,850,574, increasing revenue from the Medicaid Disproportionate Share funds to \$28,320,386, increasing the interest revenue to \$648,820, and increasing the Medicaid Provider Tax to \$10,732,046, for an ending balance of \$34,937,734. (Recommended by Hospital Board)
16. Amend Ordinance No. 930915-B, the 1993-94 Capital Budget of the Public Works and Transportation Department by transferring appropriations as follows: (1) \$995,735 from the 1992 Street Resurfacing - Capital Metro Transportation Authority (CMTA) to the 1994 Build Austin Program; (2) \$712,450 to the 1991 Transit Activity Centers project from three other CMTA Accounts: 1991 Street Resurfacing (\$50,000); 1992 Annual Street Maintenance (\$562,450); and 1993 Street Improvements (\$100,000) (Funding in the amount of \$50,000 was included in the 1991-92 Capital Budget of the Public Works and Transportation Department. \$1,658,185 was included in the 1992-93 Capital Budget of the Public Works and Transportation Department.) [Reviewed by Planning Commission] (Related to Item 17) POSTPONE TO FEBRUARY 24, 1994

RESOLUTIONS

17. Approve a construction contract award to CLEAN CUT, INC., Austin, Texas, for construction of Capital Metro Transit Activity Centers at Rogge/Manor, East 7th/Pleasant Valley/ Woodward/Parker, Berkman, Briarcliff, and Bluff Springs/William Cannon, in the amount of \$547,780. (Funding was included in the 1993-94 amended Capital Budget of the Public Works and Transportation Department. Low bid of two (2). DBE Subcontractor Participation: 40.44% (31.77% MBE, 8.67% WBE Subcontractor participation.) [Related to Item 16]
POSTPONE TO FEBRUARY 24, 1994
18. Approve the negotiation and execution of a seven (7) year lease agreement for approximately 4,745 square feet of space in the City-owned Arthur B. DeWitty Center, located at 2209 Rosewood Avenue, to the Austin Travis County Mental Health and Mental Retardation Center for a community based outpatient clinic. (\$17,296 is currently budgeted as expense refunds in the 1993-94 operating budget for Health and Human Services Department. The annual amount will be \$46,122 for the first three (3) years, increasing in years four (4) through seven (7) for a total estimated amount of \$329,314.) [Related to Item 19]
19. Approve execution of a construction contract award to JORDAN-WHITFIELD, INC., Austin, Texas, for construction of improvements to office space at the Arthur B. DeWitty Center located at 2209 Rosewood Avenue, in the amount of \$102,890, as part of the lease agreement with the Austin Travis County Mental Health and Mental Retardation Center. (Funding in the amount of \$85,268 is available in the 1993-94 operating budget Special Revenue Fund of the Health and Human Services Department; \$17,622 was included in the 1993-94 Capital Budget for the Health and Human Services Department.) Low bid of four (4). 2.92% MBE, 7.63% WBE Subcontractor participation. (Related to Item 18)
20. Approve a construction contract award to PRISM DEVELOPMENT INC., (MBE), Austin, Texas, for the construction of sidewalk improvements on Chico Street, Garland Street, and Estes Avenue, in the amount of \$43,293.16. (Funding is available in the 1993-94 operating budget of the Child Safety Fund.) Low bid of seven (7). 10% MBE, 5.20% WBE Subcontractor participation.
21. Approve an Interlocal Agreement with Travis County concerning use of equipment, labor and materials for roadway maintenance within the incorporated boundaries of the City. (Estimated expenses and expense refunds in the amount of \$30,000 are included in the 1993-94 operating budget of the Transportation Fund.)
22. Approve a construction contract award to GRIFFIN-AUSTIN COMPANY, INC., Manchaca, Texas, for the construction of street and drainage improvements along Reyna Street/Krebs Lane, Dunlap Street and Wadford Street, as part of the Community Development District (CDD) 18, Phase 3C, Street and Drainage Improvement Project, in the amount of \$603,165.50. (Funding in the amount of \$452,730.50 was included in the 1992-93 Capital Budget of the Public Works and Transportation Department; \$149,385 was included in the 1992-93 Capital Budget of the Water Utility; and \$1,050 was included in the 1992-93 Capital Budget of the Wastewater Utility.) Low bid of five (5). 33.41% MBE, 7.60% WBE Subcontractor participation. (Recommended by Water and Wastewater Commission)

23. Approve selection of MARTINEZ & WRIGHT ENGINEERS INC., (MBE), Austin, Texas, for negotiation and execution of a contract to provide professional engineering services for East perimeter road pavement rehabilitation at Robert Mueller Airport, in the amount of \$60,000. (Funding was included in the 1993-94 Capital Budget for Aviation). Best qualification statement of five (5). DBE Subconsultant Participation: 11% (0% MBE, 11% WBE) [Reviewed by Aviation Advisory Board]
24. Approve Change Order #1 to GOLF WORKS INC., Austin, Texas, for relocation of soil containing high levels of organic nitrogen as part of the new 18-hole golf course adjacent to Jimmy Clay Golf Course, in the amount of \$13,000, for a total contract amount of \$3,183,016. (Funding was included in the 1991-92 Capital Budget of the Wastewater Utility.) No M/WBE Subcontracting opportunities were identified. (Recommended by Water and Wastewater Commission)
25. Approve a construction contract award to OLIVER ROOFING SYSTEMS, Austin, Texas, for installation of roofing at the Parks and Recreation Department administration building, located at 200 South Lamar, in the amount of \$39,730. (Funding was included in the 1993-94 Capital Budget for the Parks and Recreation Department.) Low bid of six (6). No M/WBE Subcontracting opportunities were identified.
26. Approve execution of a contract with CENTRAL TEXAS EQUIPMENT COMPANY, Austin, Texas, for the purchase of five (5) rollers for use by the Street & Bridge Division in the compaction of sand, gravel, soil and asphalt used for small roadway repairs, in the amount of \$36,675. (Funding is available in the 1993-94 operating budget of the Transportation Fund.) Low bid of four (4). No M/WBE Subcontracting opportunities were identified.
27. Approve execution of a contract with TEXAS SCHOOL BUS CENTER, INC., Austin, Texas, for the purchase of one (1) custom 24 passenger mini-bus to be used by the Senior Activity Center, in the amount of \$45,342. (Funding is available in the 1993-94 Vehicle Acquisition Fund.) Low bid of three (3) meeting specifications. No M/WBE Subcontracting participation was identified.
28. Approve a Neighborhood Commercial Management Program Loan to Double Dave's PizzaWorks, for the purchase of a building located at 4701 Red Bluff Drive, in the amount of \$90,000. (Funding is available in the 19th Year Community Development Block Grant [CDBG] Neighborhood Management Program Grant Funds through the Special Revenue Fund of the Department of Planning and Development.)
POSTPONE TO FEBRUARY 24, 1994
29. Approve a Neighborhood Commercial Management Program Loan to Hull Supply Company, Inc., for the purchase of a building located at 5117 East Cesar Chavez Street, in the amount of \$100,000. (Funding is available in the 19th Year Community Development block Grant [CDBG] Neighborhood Management Program Grant Funds through the Special Revenue Fund of the Department of Planning and Development.)
POSTPONE TO FEBRUARY 24, 1994

30. Authorize renewal and execution of second amendment to Mental Health Unit Agreement between Travis County, Texas and the City of Austin for the operation and service of the Travis County Sheriff's Office Mental Health Unit, in the amount of \$93,500. (Funding is available in the 1993-94 operating budget of the Police Department.)

#13-30 on Councilmember Garcia's motion, Councilmember Shea's second, 6-0 vote.

ORDINANCE

31. Accept Austin CableVision's request for withdrawal and re-submittal of its Federal Communication Commission's (FCC) Form 393, supporting its current rates for basic cable service and related equipment, extend the date for City Review of Form 393 the additional ninety days as allowed by the FCC's rules, and order an accounting of amounts collected under rates at issue. (No fiscal impact).

On Councilmember Shea's motion, Councilmember Goodman's second, 5-0 vote, Mayor Todd out of the room.

ITEMS FROM COUNCIL

32. Approve a resolution establishing monthly community forums to be held on Saturdays from 10:00 a.m. to Noon. (Mayor Bruce Todd)

NO ACTION TAKEN

3:00 P.M. - ELECTRIC UTILITY (Items 33-45)

33. Electric Utility Commission Report - Jim Cash, Chair
34. Resource Management Commission Report - Glenn Crow, Chair
No report
35. Monthly Management Report
Presented by John Moore
36. Approve a construction contract award to J.C. EVANS CONSTRUCTION CO., Austin, Texas, for the Brackenridge Electric Substation, in the amount of \$136,615. (Funding was included in the 1993-94 Capital budget for the Electric Utility Department.) Low bid of five (5). 12.44% MBE, 6.59% WBE subcontractor participation.
37. Approve a construction contract award to HAEGELIN CONSTRUCTION CO., INC., Austin, Texas, for an underground electric ductline for IBM, in the amount of \$249,883. (Funding was included in the 1993-94 Capital budget for the Electric Utility Department.) Low bid of four (4). 4.86% MBE, 1.76% WBE Subcontractor participation.

38. Approve a construction contract award to HAEGELIN CONSTRUCTION CO., INC., Austin, Texas, for an underground electric ductline for the Oakhill Substation, in the amount of \$111,669.75. (Funding was included in the 1993-94 Capital Budget for the Electric Utility Department.) Low bid of eight (8). 5.51% MBE, 2.87% WBE Subcontractor participation.
39. Approve a construction contract award to INTERNATIONAL FABRICATORS, INC., dba EMPIRE ACOUSTICAL SYSTEMS, Mansfield, Ohio, for the installation of noise reduction enclosures at Holly Power Plant, Unit #3, in the amount of \$69,000. (Funding was included in the 1993-94 Capital Budget for the Electric Utility Department.) Low bid of four (4). 10% MBE, 5.58% WBE Subcontractor participation.
40. Approve execution of a contract with RODEO CHEVROLET, Bandera, Texas, for the purchase of two (2) cut-away vans, in an amount not to exceed \$39,126. (Funding was included in the 1993-94 Capital Budget for the Electric Utility Department.) Low bid of five (5). No M/WBE Subcontracting opportunities were identified.
41. Approve execution of contract with McMORRIS FORD, Austin, Texas, for the purchase of thirteen (13) cabs and chassis, in an amount not to exceed \$195,234; RODEO CHEVROLET, Bandera, Texas, for the purchase of six (6) cabs and chassis, in an amount not to exceed \$100,530; and LIEF JOHNSON FORD TRUCK CITY, Austin, Texas, for the purchase of four (4) cabs and chassis, in an amount not to exceed \$101,896, for a total amount not to exceed \$397,660. (Funding was included in the 1993-94 Capital Budget for the Electric Utility Department.) Low bids of seven (7). No M/WBE Subcontracting opportunities were identified.
42. Approve execution of a contract with W.K. JENNINGS ELECTRIC COMPANY, INC., Austin, Texas, for the purchase and installation of electrical equipment to provide electric service to portable buildings at the Decker Power Plant, in the amount of \$38,183. (Funding was included in the 1993-94 Capital Budget for the Electric Utility Department.) Low bid of three (3). 15.84% MBE, 0% WBE Subcontractor participation.
43. Approve execution of a twelve (12) month supply agreement with AIR PRODUCTS AND CHEMICALS, INC., Irving, Texas, for the purchase of industrial gases, in an amount not to exceed \$244,987, with the option to extend for an additional two (2) twelve (12) month periods, in an amount not to exceed \$244,987 per extension, for a total amount not to exceed \$734,961. (Funding in the amount of \$142,909 is available in the 1993-94 operating budget for the Electric Utility Department; funding for the final five months of the original contract period and the extension options is contingent upon availability of funding in future budgets.) Low bid of six (6). No M/WBE Subcontracting opportunities were identified.
44. Approve execution of three (3) twelve (12) month supply agreements with RUST REMEDIAL SERVICES, Houston, Texas, in an amount not to exceed \$160,320; USPCI, San Antonio, Texas, in an amount not to exceed \$65,650; BROWNING-FERRIS INDUSTRIES, Austin, Texas, in an amount not to exceed \$84,175, for the decontamination of transformers containing PCBs and waste disposal services, with the option to extend for up to two (2) twelve (12) month periods, in the amount of \$310,145 per extension, for a total amount of \$930,435. (Funding in the amount of \$180,945 is

available in the 1993-94 operating budget for the Electric Utility Department; funding for the remaining five (5) months of the original contract period and the extension options is contingent upon availability of funding in future budgets.) Low bids of seven (7). No M/WBE Subcontractor participation: Rust Remedial (0% MBE, 1% WBE); USPCI and Browning-Ferris (0% M/WBE).

45. Approve payment to HOUSTON, LIGHTING & POWER, Houston, Texas, for the City of Austin Electric Utility Department's 3.3% share of consulting and engineering services to develop the Electric Reliability Council of Texas (ERCOT) sponsored data link project, in the amount of \$48,578. (Funding was included in the 1993-94 Capital Budget for the Electric Utility Department.)

#36-45 on Councilmember Garcia's motion, Mayor Pro Tem Nofziger's second, 5-0 vote, Councilmember Goodman out of the room.

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

46. C14-93-0100 - DAVID RICHARDS, 505-507 East Riverside Drive. From G0-NCCD to SF-6-NCCD as amended by applicant. PLANNING COMMISSION RECOMMENDATION: To Deny MF-4-NCCD, Multifamily Residence (moderate-high density)-Neighborhood Conservation Combining District.

Approve SF-3-NCCD, 1st reading only, on Councilmember Shea's motion, Councilmember Goodman's second, 5-0 vote, Councilmember Garcia out of the room.

47. C14-83-003.25 Amendment #1 - KEITH A. AND JOHN E. DOUGLAS, by T. E. Haynie and Associates (Tim Haynie), 4925-D Ranch Road 2222. REQUEST TO AMEND A ZONING SITE PLAN. Planning Commission Recommendation: Approve subject to an Integrated Pest Management and homeowner education plan, and subject to approval of a recommended ordinance amendment to allow detached condominiums.
POSTPONE INDEFINITELY

On Councilmember Garcia's motion, Councilmember Shea's second, 5-0 vote, Councilmember Goodman out of the room.

EXECUTIVE SESSION (No Public Discussion on These Items)

The City Council will announce it will go into Executive Session, if necessary, to receive advice from Legal Counsel regarding any item listed on this agenda.

Section 551.072

48. Discuss the sale of all or parts of the old Southern Pacific Railroad right of way from Giddings to Llano.

49. APPOINTMENTS

AUSTIN COMMUNITY EDUCATION CONSORTIUM - A representative of the Parks and Recreation Board, a representative of the Austin Neighborhoods Council, Pat Delgado of South Austin Civic Association, Molly Raynor, Lillian Davis.

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

ADJOURN at 5:30 p.m. on Councilmember Reynold's motion, Councilmember Goodman's second, 6-0 vote.

APPROVED ON THE 10th DAY OF March, 1994.
Approval with correction on page 9, item 46, vote should read 6-0, on Councilmember Garcia's motion, Mayor Pro Tem Nofziger's second, 6-0 vote was 5-0-1, Councilmember Goodman Abstaining.