



Austin City Council MINUTES

For MARCH 28, 1985 - 1:00 P.M.

Council Chambers, 307 West Second Street, Austin, Texas

City Council

Ron Mullen
Mayor

John Treviño, Jr.
Mayor Pro Tem

Council Members
Mark Rose
Roger Duncan
Sally Shipman
Mark E. Spaeth
Charles E. Urdy

Jorge Carrasco
City Manager

Elden Aldridge
City Clerk

Memorandum To:

Mayor Pro Tem Trevino called to order the meeting of Council, noting the absence of Mayor Mullen and Councilmember Spaeth.

MINUTES APPROVED

The Council, on Councilmember Shipman's motion, Mayor Pro Tem Trevino's second, approved minutes for regular meeting of March 21, 1985 & Special Meetings of March 16 & 20, 1985. (4-0 Vote, Councilmembers Spaeth, Rose and Mayor Mullen absent.)

CONSENT RESOLUTIONS

The Council, on Councilmember Shipman's motion, Mayor Pro Tem Trevino's second, adopted the following resolutions in one consent motion: (5-0 Vote, Mayor Mullen and Councilmember Spaeth absent)

Release of Easement

Authorized release of the following easement:

- a. A portion of the Blanket Easement recorded in Volume 680, Page 38, of the Travis County Real Property Records insofar as it affects an 18.647 acre tract of land out of the Robert Mays Survey No. 540 and the Carl Beck Survey No. 121, The Travis County, Texas, State Hwy. No. 71 @ Hamilton Pool Road.
(Request submitted by Mr. Bernard Snyder)

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3/28/84 ⁸⁵ cgmRELEASE OF EASEMENTS - (Continued)

- b. The 15' Drainage Easement on Lot 1, M-P Addition, Walsh-Tarilton Lane at Tamarron Boulevard. (Request submitted by Espey-Huston and Associates.

Lease Amendment

Approved entering into Lease Amendment No. Three with Petroleum Ltd. for additional lease space in the Petroleum Building, 1524 South IH 35.

Capital Improvements

Approved acquisition of a tract of land for the Spicewood Springs/ Mesa to 1,800 feet west project. (Spicewood Plaza, Ltd.) C.I.P. No. 78/62-31.

Contracts approved

- | | |
|--|---|
| a. SYRO STEEL COMPANY
P. O. Box 99
Centerville, Utah | - CAPITAL IMPROVEMENTS PROGRAM -
Johnson Creek Tunnel Bypass,
Public Works Department -
\$3,404,748.00 C.I.P. No. 83/60-84 |
| b. D. L. MEACHAM CONSTRUCTION CO.
2108 Hoskins
Houston, Texas | - CAPITAL IMPROVEMENTS PROGRAM -
Installation of Electric Ductline
at Hamilton Substation, Electric
Utility Department - \$171,241.00
C.I.P. No. 81/16-02 |
| c. GENERAL ELECTRIC SUPPLY COMPANY
3101 Longhorn Boulevard
Austin, Texas | - CAPITAL IMPROVEMENTS PROGRAM -
Capacitor Banks and Capacitors,
Electric Utility Department -
\$519,960.00 C.I.P. No. 85/14-02 |
| d. HAYWARD TYLER PUMP COMPANY, INC.
9446 Old Katy Road, Suite 105
Houston, Texas | - Replacement Impellers for Holly
Power Plant, Electric Utility
Department
Item 3 - \$27,562.00 85-0121-AV |
| e. GULF STATE CRANE & EQUIPMENT
7820 Pinemont
Houston, Texas | - Truck-mounted Hydraulic Crane
and Dump, Vehicle and Equipment
Services Department - \$41,845.69
85-0133-MB |

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CONTRACTS APPROVED - (Continued)

f. Bid award:

- (1) PAUL ANDERSON
213 East Alpine
Austin, Texas
- (2) THE FURNITURE MAKER (MBE)
1206 West 6th Street
Austin, Texas
- (3) ENVIRON, INC.
917 West Anderson Lane
Austin, Texas
- (4) LITTON OFFICE PRODUCTS
1950 Rutland Drive
Austin, Texas
- (5) CLEGG/AUSTIN
316 Congress
Austin, Texas
- (6) ROCKFORD BUSINESS INTERIORS
5524 Bee Caves Road
Austin, Texas

- Open Office Systems, Central
Stores Division
Twenty-four (24) Month Agreement
Total \$499,800.00 85-0155-DC
- Item 1
- Item 2
- Item 3
- Item 4
- Item 5
- Item 6
- Emulsified Asphalts, Public Works
Works Department
Twelve (12) Month Period
Items 1-5 - \$127,500.00 85-0144-AV

g. TEXAS EMULSIONS, INC.
1103 Perry Brooks Building
Austin, TexasLCRA Approval of Lake Austin Lowering

Authorized the City Manager to request the LCRA that Lake Austin be lowered on a continuing biennial basis of even numbered years, starting in January 1986.

Texas Department of Health Contract

Approved renewal of the contract with the Texas Department of Health to accept \$104,350.00 for Title X Family Planning Grant Funds. (April 1, 1985-March 30, 1986)

Ballet Folklorico Atzlan de Tejas

Approved a contract amendment for Ballet Folklorico Atzlan de Tejas to allow for two performances and reallocation of funding to provide classes for children.

Item Pulled

Pulled indefinitely from the agenda is a resolution to consider request for out-of-district service by the River Place M.U.D.

Public Hearings Set

Set public hearings on the following:

- a. An appeal from Mr. C.A. Elder of the decision to deny a Water Development Permit Application for 1514 and 1516 Parkway. No. 85-02-4339: April 25, 1985 at 4 P.M.
- b. An appeal from Mr. Jerry L. Harris of the Planning Commission's decision in Special Permit Case No. C14p-84-109, 12118 Walnut Park Crossing: April 25, 1985 at 5 p.m.
- c. An appeal of demolition order issued by the Building Standards Commission (1100 E. 9th Street Building A & B): April 11, 1985 at 3:45 p.m.
- d. Recommendations on Brackenridge Hospital: April 11, 1985 at 5:30 p.m.
- e. On-site public hearing of annexation case No. C7A-85-006: April 10, 1985 at 3 p.m., at the intersection of Darden Hills Road and FM 150. (NOTE: The Legal Department erroneously published the time at 3:30 p.m.)

BOND SALE

The Council, on Councilmember Rose's motion, Councilmember Duncan's second, approved the form and content of the Notice of Sale and Bidding Instructions, the Official Bid form and Official Statement, and authorization of the use of the aforementioned documents in the City's offering of \$225,000,000 Combined Utility Systems Revenue Bonds, Series 1985, and to receive bids and authorize the sale of the aforementioned bonds to Bear, Stearns & Co., at 10.6525% (5-0 Vote, Mayor Mullen, Councilmember Spaeth absent)

CONSENT ORDINANCES

The Council, on Councilmember Duncan's motion, Councilmember Rose's second, waived the requirement for three readings and finally passed the following ordinances in one consent motion: (5-0 Vote, Mayor Mullen, Councilmember Spaeth absent)

Operating Budget Amendments

Amended the 1984-85 Operating Budget by accepting an additional \$4,042.00 of Title X Family Planning Funds and amend the agreement between the City of Austin and the Texas Department of Health.

CIP

Amended the 1984-85 Capital Improvements Program by appropriating \$112,000 for the Givens District Park/Center.

Legal Description Correction

Amended Ordinance No. 840110-I (Zoning Case No. C14r-84-018) to correct the legal description and the use designation.

Moratorium Extended

Approved extending the moratorium on rezoning actions in the Rosedale Neighborhood Area to June 7, 1985.

Austin Commission for Women Terms

Amended Ordinance No. 850110-C to change the expiration date of terms of members of the Austin Commission for Women from June 30th to October 1st.

Zoning Ordinances

Amended Chapter 13-2 of the Austin City Code (Zoning Ordinance) to cover the following changes:

STEVE WIMBERLY By John Joseph C14-84-428	1101-1129 Barton Springs Road, 500-508 Dawson Road	From "CS" to "CS-1"
BRAKER LANE JOINT VENTURE By Cunningham-Graves, Inc. C14r-83-288	1100 Block I.H. 35 North	From Interim "SF-2" to "GR"

ZONING - (Continued)

EDDIE H. & MARGARET
HOOKS C14-83-003.17

1701-1705 Channel Road

From "SF-3" to "MF-2"

VICTORIA AUDISH
By Mitch Waynard
C14-83-328

801-811 West Stassney
Lane, 5600-5610 Nancy
Drive

From Interim "SF-3" to
"LO"

Ordinance Amendments

Amended the following ordinances to correct legal description:

- a. Ordinance No. 850110-K (Zoning Case No. C14r-84-136)
- b. Ordinance No. 850110-L (Zoning Case No. C14-84-137)

Election Precincts

Approved establishing boundaries of the City of Austin Election Precincts.

APRIL 18, 1985 MEETING TO BE CANCELLED

Mayor Pro Tem Trevino announced the April 18, 1985 meeting of the Council will not have a quorum, therefore, it should be cancelled and instructed an item be placed on the April 4, 1985 agenda cancelling the meeting.

TRAFFIC CONTROL SIGNAL SYSTEMS

The Council, on Councilmember Shipman's motion, Mayor Pro Tem Trevino's second, adopted a resolution approving Supplemental Amendment No. 1 to the Professional Services Agreement between the City of Austin and PRC Engineering (formerly PRC Voorhees), Inc., for Traffic Control Signal Systems Facilities Improvements. (5-0 Vote, Mayor Mullen and Councilmember Spaeth absent)

CAPITAL IMPROVEMENTS - CARDINAL HILLS ELECTRIC SUBSTATION

The Council, on Councilmember Shipman's motion, Mayor Pro Tem Trevino's second, adopted a resolution to purchase Lot 6, Cardinal Hills Unit 11 for the proposed Lakeway Electric Substation. CAPITAL IMPROVEMENTS PROGRAM No. 85/16-05; staff is to include landscaping in site development. (5-0 Vote, Mayor Mullen and Councilmember Spaeth absent.)

TRAVIS COUNTY WATER CONTROL AND IMPROVEMENT DISTRICT NO. 21

The Council, on Councilmember Urdy's motion, Mayor Pro Tem Trevino's second, adopted a resolution ratifying City consent to the creation of Travis County Water Control and Improvement District No. 21. (5-0 Vote, Mayor Mullen and Councilmember Spaeth absent)

PAYMENT OF PERMIT FEES ON VEHICLES AUTHORIZED

The Council, on Councilmember Rose's motion, Councilmember Urdy's second, voted to bring back for action on April 11, 1985, a resolution amending Section 8-7-102 to waive the payment of permit fees on vehicles authorized until such vehicles are actually placed in service. (5-0 Vote, Mayor Mullen and Councilmember Spaeth absent.)

Prior to the voted, Roy Velasquez of Roy's Taxi; Ron Means of Harlem Cab; and Terral Smith, Yellow-Checker, all spoke in favor of the ordinance.

CAPITAL RECOVERY FEE ORDINANCE AMENDMENT

Councilmember Shipman introduced an item to Council to consider amending the Capital Recovery Fee Ordinance to exempt projects which utilize Community Development Block Grant Funds to construct low-moderate income housing from the Capital Recovery Fee. She stated, "I put this on the agenda because it has been brought to my attention that CDBG housing construction is underway and did not have the funding for the Capital Recovery fee at this point in time. The Manager has some additional information and I think we can meet this need and not have to set a precedent."

City Manager Carrasco stated, "The suggestion I have is that we do have flexibility in the fact that we used this in the past as a part of CDBG funding process to include part of the cost of construction and the associated expense of Capital Recovery costs, which are the cost of building and making the housing unit available. I understand from staff that we have in prior years funded the associated cost of Capital Recovery fees and urge the agencies that are serving as a conduit for actually building homes to include that in their cost estimates. There may be instances where they may not have allowed for that and that is why we may end up in some cases, with a funding crunch for the agencies. Our practice over the past two years has allowed those fees to be incorporated into those cost estimates so they are covered under CDBG funding allocations. One agency that may have raised some questions about this is one we need to get back with so we can find out what, if any, funding shortage they might have experienced. If we need to as part of our recommendation on this next year CDBG program, there will some reallocation of CDBG money which could be considered as the possible source of funds. I'd like to suggest we not take any steps to make any exemptions which may create other complications and allow us the

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AMENDMENT - (Continued)

opportunity to find out if there is a problem that applies to only one particular agency and see if we can't help them with it. As far as practice, we are going to incorporate capital recovery fees as the estimated cost of providing those units."

Councilmember Shipman stated, "Our concern is that these projects which are underway now not be jeopardized because of the recently enacted City imposed fee which was not anticipated and would not provide our objectives for providing low income housing."

City Manager Carrasco said, "As a part of recommendations on not only this but the next CDBG allocation fund we will come up with some way to address it. Councilmember Shipman asked for the report next week (April 4, 1985). Mr. Carrasco said it will be ready."

APRIL 4, 1985 COUNCIL MEETING STARTING TIME CHANGE

The Council, on Councilmember Urdy's motion, Councilmember Duncan's second, approved changing the starting time of the April 4, 1985 City Council meeting to 2:45 p.m.

HUMAN SERVICES ASSOCIATION RECOMMENDATIONS

Ms. Paula Phillips presented the City Manager report on Austin Area Human Services Association's Recommendations. Her report is on file in the City Clerk's office.

INDUSTRIAL LOCATION POLICY

City Manager Carrasco referred to the report he had distributed to Councilmembers on Industrial Location Policy, which presents economic development policy framework plan for implementation. Mr. Carrasco went over the highlights of the report which discusses recruiting new businesses, minority businesses and devotion of concern to small businesses.

Councilmembers Shipman and Duncan questioned the promotional campaign for new business.

WALNUT CREEK DRAINAGE BASIN

Mr. Terry Graham appeared before Council to discuss the Walnut Creek drainage basin.

WALNUT CREEK AREA

Mr. James H. Smith appeared before Council to discuss the Walnut Creek area.

ZONING CHANGES DISCUSSED

Ms. Janet Klotz discussed large number of requests for zoning changes.

ZONING DISCUSSED

Ms. Mary Hausmann appeared before Council to discuss zoning in the Braker Lane, Kramer Lane, North Lamar & I.H. 35 area.

PARK DISCUSSED

Mr. James Dean Smith appeared before Council to discuss the use of a public park or gathering place for a large gathering.

BRACKENRIDGE DISCUSSED

Mr. Max Nofziger appeared before Council to discuss Brackenridge Hospital.

PUBLIC HEARING ON APPEAL

Mayor Pro Tem Trevino opened the public hearing set for 3:00 p.m. on an appeal from Mr. James N. Rader of the Austin-Travis County Health Department decision to deny a permit for Larry Hamby dba Hambone Sewer-Ooter Service.

Dr. Randall appeared before Council to state Mr. Rader's problem is being worked on.

Motion

The Council, on Councilmember Shipman's motion, Councilmember Duncan's second, closed the public hearing. (5-0 Vote, Mayor Mullen and Councilmember Spaeth absent)

PUBLIC HEARINGS ON ANNEXATION

Mayor Pro Tem Trevino opened the public hearings scheduled for 3:00, 3:05 and 3:10 p.m. on annexations.

Jim Duncan, Office of Land Development Service, reviewed the proposed annexations.

Gary Bradley appeared in support.

Rick Moore who lives on 1826 inquired where the annexation would occur. It was determined his home would not be affected.

Helen Wiesner spoke against annexation, as did Betty Garnett, Ann Jones, Michael Hannen, Diana George, Pat Crisp and Wade Collier.

Bill Howell asked for a plan of what Austin will do with the land, and Howard Kells questioned fire response time.

Motion

The Council, on Councilmember Duncan's motion, Mayor Pro Tem Trevino's second, closed the public hearing on annexation of 46.38 acres of land for limited purpose in the City of Austin to be converted to full purpose annexation out of land in the Thomas Anderson Survey No. 90, and the Jessie Williams Survey No. 62 in Travis County, Hwy. 290/FM1826 corridor - Phase I. C7a-85-004. (5-0 Vote, Mayor Mullen and Councilmember Spaeth absent)

Motion

The Council, on Councilmember Shipman's motion, Councilmember Urdy's second, closed the public hearing on annexation of 390 acres of land for full purposes out of and part of Travis and Hays Counties including Oak Hill Heights Section Four and Five and unplatted land, Phase I. C7a-85-004. (5-0 Vote, Mayor Mullen and Councilmember Spaeth absent)

Motion

The Council, on Councilmember Shipman's motion, Councilmember Urdy's second, closed the public hearing on annexation of 306 acres of land for full purposes out of Hays County along FM 1826, Phase II. FM 1826 corridor. C7a-85-005. (5-0 Vote, Mayor Mullen and Councilmember Spaeth absent.)

Motion

The Council, on Councilmember Shipman's motion, Councilmember Urdy's second, closed the public hearing on annexation of 406 acres of land for full purposes out of Hays County along FM 1826 and FM 150, Phase III FM 1826 - FM 150 corridor. C7a-85-006. (5-0 Vote, Councilmember Spaeth and Mayor Mullen absent)

CITIZEN DID NOT APPEAR

Mr. Robert Garrett, who had requested to appear before Council to discuss an investigation of the City Manager and Austin Police Department, did not appear.

REMODELING PERMIT

Ms. Judith Rouse appeared before Council requesting waiver of the policy requiring a homeowner to obtain a legal subdivision of their property in order to secure or be considered for a remodeling permit. City Manager Carrasco directed staff to investigate.

TEMPORARY SUSPENSION OF OPEN CONTAINER ORDINANCE

The Council, on Councilmember Rose's motion, Councilmember Duncan's second, approved the request of Mr. French N. Smith III to suspend the Open Container Ordinance on 6th Street on May 4 & 5, 1985 and September 28 & 29, 1985. (5-0 Vote, Councilmember Spaeth, Mayor Mullen absent)

NO ACTION ON REQUEST

No action was taken on the request by Carlos Velasquez that Council extend the age limitation on vehicles to 72 months instead of 60 months; and that out-of-service date be December 31, 1986 instead of October 1, 1986.

REQUEST DENIED

The Council, on Councilmember Rose's motion, Mayor Pro Tem Trevino's second, denied the request of Ms. Sharlene N. Collins to approve use of the procedure set forth in consent agreements with municipal utility districts as the procedure for processing changes to land plans approved in such consent agreements; and go through review process to be back on the agenda April 11, 1985. (5-0 Vote, Mayor Mullen and Councilmember Spaeth absent)

DEMOLITION PERMIT

The Council, on Councilmember Shipman's motion, Mayor Pro Tem Trevino's second, approved the request of Mr. Marcos Deleon that Council place a hold on a demolition permit until April 2 & 4 for 51 Rainey location. (5-0 Vote, Mayor Mullen and Councilmember Spaeth absent)

HOSPITAL TASK FORCE REPORT

Mr. Reg Todd appeared before Council to present a Report From the Future of Brackenridge Hospital Task Force. He said they recommend a community based non-profit corporation lease the hospital for 20 years for \$25-million up front and split their earnings with the City. Mr. Todd continued and explained in detail.

Mr. Peter Fears presented the minority report and said the union wants the best care at the least possible cost.

RECESS

Council recessed its meeting at 5:00 p.m. and resumed its recessed meeting at 5:20 p.m.

ENERGY MANAGEMENT COMMISSION REPORT

Stuart Hersch presented the Energy Management Commission report on Energy Code Enforcement in MUD's. His report is on file in the City Clerk's office.

PUBLIC HEARING ON APPEAL

Mayor Pro Tem Trevino opened the public hearing set for 9:00 p.m. on an appeal from Mr. William M. Knolle of the Planning Commission's decision regarding a Special Permit for Hemphill Apartments. C14-84-092.

Marie Gaines, OLDS, reviewed and showed slides.

Bill Knolle discussed the 50 units approved and the traffic question, which he said would not be detrimental to neighborhood.

Art Haines, Freese & Nichols, said he had done a traffic study for the applicant, and based on official studies, there would not be a noticeable increase in traffic.

Councilmember Shipman said she made the motion to send it back to Planning Commission at an earlier meeting but said she did not state there should be 50 units.

Stella Nelson, North University Neighborhood Association, spoke against more density.

Motion

The Council, on Councilmember Shipman's motion, Councilmember Duncan's second, denied the Special Permit on Criteria 1,6,9. (5-0 Vote, Mayor Mullen, Councilmember Spaeth absent)

HEARING - (Continued)

The question arose as to whether the issue was denial of a special permit or the appeal which could be voted upon.

. Motion

Councilmember Duncan made a motion, seconded by Mayor Pro Tem Trevino to reconsider the vote. Motion passed unanimously.

After discussion it was decided Council could not vote to deny the special permit because the agenda item was an appeal from the applicant on a decision, not on a special permit.

Motion

The Council, on Councilmember Shipman's motion, Councilmember Duncan's second, denied the appeal from Mr. William M. Knolle. (5-0 Vote, Mayor Mullen, Councilmember Spaeth absent)

REPORT POSTPONED

The City Manager report on Affirmative Action was postponed until April 4, 1985.

STAFF RETENTION AND PROFESSIONAL ETHICS

City Manager Carrasco's report on Staff Retention and Professional Ethics is on file in the City Clerks office.

WILLIAMSON CREEK

City Manager Carrasco's report on Williamson Creek is on file in the City Clerk's office.

Motion

The Council, on Councilmember Rose's motion, Councilmember Urdy's second, approved Option 4 of the Williamson Creek proposal for a pay-back system. (5-0 Vote, Mayor Mullen and Councilmember Spaeth absent)

ITEM PULLED

Pulled from the agenda was an item to consider appointing a subcommittee to meet with Round Rock's subcommittee to work out an agreement on Austin/Round Rock ETJ boundaries.

EXECUTIVE SESSION

Mayor Pro Tem Trevino announced Council would enter into executive session pursuant to Article 6252-17, Texas Revised Civil Statutes Annotated, to discuss the following matters; and action, if any, on the matters will be taken during the public meeting after the conclusion of the executive session:

- a. Board and Commission Appointments, Section 2, Paragraph g.
- b. Pending Litigation, including but not limited to the following items, Section 2, Paragraph e.
 - (1) Houston Lighting and Power Company et al v. Brown and Root, et al in Matagorda County, and City of Austin vx. Houston Lighting and Power Company in Travis County - Section 2, Paragraph e.
 - (2) Application of City of Cedar Park for Certificated of Convenience and Necessity before the Public Utility Commission, Section 2, Paragraph e.

RECESS AND ADJOURNMENT

Council recessed for executive session at 7:30 p.m. and adjourned its recessed meeting at 7:55 p.m.