



Austin City Council MINUTES

For SEPTEMBER 4, 1986 - 1:00 P.M.

Council Chambers, 307 West Second Street, Austin, Texas

City Council

Frank C. Cooksey
Mayor

John Treviño, Jr.
Mayor Pro Tem

Council Members
Mark Rose
Smoot Carl-Mitchell
Sally Shipman
George Humphrey
Charles E. Urdy

Jorge Carrasco
City Manager

Elden Aldridge
City Clerk

Memorandum To:

Mayor Cooksey called to order the meeting of the Council, noting the presence of all Councilmembers.

MINUTES APPROVED

The Council, on Councilmember Humphrey's motion, Councilmember Urdy's second, approved minutes for special meetings of August 26 and 27, 1986. (5-0 Vote, Mayor Pro Tem Trevino and Councilmember Carl-Mitchell out of the room.)

CITIZENS COMMUNICATIONS

Mr. Jason Justice Jr. discussed minority procurement by the City of Austin. Ms. Judy Young also discussed the same subject. Mr. Richard T. Suttle discussed his request for approval of the site plan for Zoning Case C14r-84-233. Mr. David Worden talked about the Brushy Creek Regional Sewer Interceptor. Mr. T.J. Morton did not appear.

ZONING ORDINANCES - OLD BUSINESS

The Council, on Councilmember Carl-Mitchell's motion, Councilmember Shipman's second, passed through SECOND & THIRD READING of ordinances amending Chapter 13-2 and 13-2A of the Austin City Code (Zoning Ordinance) to cover the following changes: (6-0 Vote, Mayor Pro Tem Trevino out of the room.)

COMMERCIAL SQUARE
GENERAL PARTNER
C14-86-069

7914 Burleson Road From "DR" to
"IP" & "RR"

Second and third readings. First reading on June 5, 1986, (7-0). Conditions have been met as follows: Restrictive covenant incorporating conditions imposed by Council has been executed. Right-of-way on Burleson Road has been dedicated by Street Deed.

9/4/86

OVIDA DALE HARVELL & 3714 Manchaca Road From "SF-3" to
SHARON MARIE CLARK "MF-4"
C14-85-290

Second and third readings. First reading on
December 5, 1985, (6-0). Councilmember Smoot Carl-
Mitchell absent. Conditions have been met as follows:
Right-of-way on Manchaca Road has been dedicated by
Street Deed. Development restricted to that shown
on site plan attached as Exhibit "A" to the ordinance.

ROBERT SALAZAR 415 Montopolis Dr. From "SF-3" to
by Jimmy Nassour "LO"
C14-85-286

Second and third readings. First reading on
February 6, 1986, (7-0). Conditions have been met
as follows: Right-of-way on Montopolis & El Mirando
has been dedicated by Street Deed. Restrictive
covenant incorporating conditions imposed by Council
has been executed.

BURNET ROAD JOINT 13205 Burnet Road From "GO" to
VENTURE "GR"
C14r-86-068

Second and third readings. First reading on
June 5, 1986, (7-0). Conditions have been met as
follows: Restrictive covenant incorporating condi-
tions imposed by Council has been executed.
Development restricted to that shown on site plan
as exhibit "B" to the ordinance.

EAST AUSTIN ASSOCIATES 4100-4400 Tannehill From Interim "SF-3",
By Richard Mathias 5700-6000 Tracor Ln. "SF-3" & "MF-3"
C14-85-382 4200-4400 Ed Bluestein to "IP"
Boulevard

Second and third readings. First reading on
March 6, 1986, (6-0). Councilmember George Humphrey
absent. Conditions have been met as follows:
Restrictive covenant incorporating conditions
imposed by Council has been executed.

(5-0 Vote, Councilmember Humphrey abstained, Mayor Pro
Tem Trevino out of the room.)

JODI G. WILLIAMSON, 8226-8240 Georgian From "GR" to
TRUSTEE Drive "W/LO"
C14-85-250 112-120 Powell Lane

Second and third readings. First reading on
May 8, 1986, (6-0). Councilmember Mark Rose out of room
at roll call. No conditions to be met.

ALFRED HUGHES
By Ambrust & Brown
C14r-85-143
(Revised PDA)

9121 United Drive

From "LI"
to "LI/PDA"

Second and third readings. First reading on
August 28, 1986, (6-0). Councilmember Mark Rose out of
room at roll call. Conditions have been met.

ITEM POSTPONED

Postponed to October 9, 1986 is a resolution to consider adopting a standard policy for the lease and sale of City owned property.

CONSENT ORDINANCES

The Council, on Councilmember Humphrey's motion, Councilmember Carl-Mitchell's second, waived the requirement for three readings and finally passed the following ordinances in one consent motion: (5-0 Vote, Mayor Pro Tem Trevino and Councilmember Urdy out of the room.)

North Austin Municipal Utility District Bonds

Approved \$2.1 million in District Bonds for North Austin Municipal Utility District No. 1.

Bonds

Approved the issuance of \$1,760,000.00 Travis County Water Control and Improvement District No. 14 Waterworks System Combination Unlimited Tax and Revenue Bonds, Series 1986.

District Revenue Note

Approved the issuance of a District Revenue Note for \$100,000.00 by Northwest Travis County Municipal Utility District No. 2.

Item Postponed

Postponed to September 18, 1986 is consideration of approving the agreement regarding water improvements along FM 1826 and U.S. 290.

Fee Ordinance

Approved amending the Fee Ordinance reducing the fees charged for existing City facilities to be rezoned "P" Public District to the cost of notification, and place such cases on the consent agenda.

Street Name Change

Approved the following street name change:

Pitter Pat Lane to Midwood Parkway from State Highway 71 to the City limit line. (Request submitted by Cunningham-Graves, Inc. on behalf of the adjoining property owner, Town and Country Group, Inc.)

Zoning Ordinances

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

- a. HOWARD PAYTON 10903-11109 Bluff From Interim "SF-2"
By Gail Temple Bend Road to "LO" & "SF-6"
C14-85-163

Heard and granted September 5, 1985, (7-0). No conditions to be met.

- | | | | |
|----|--|------------------------|--------------------------------|
| b. | CITY OF AUSTIN
By Office of Land
Development Services
C14-73-253 (part) | 2601 Reichhold
Road | From Interim "SF-3"
to "LI" |
|----|--|------------------------|--------------------------------|

Heard and granted February 7, 1974, (7-0). No conditions to be met.

- c. BARTON-LAREDO INTEREST, III 2658-2712 Capital From Interim "SF-2"
By T. J. Morton of Texas Highway to "LO"
C14r-84-027 South

Heard and granted May 3, 1984, (6-0). Councilmember Sally Shipman absent. Conditions have been met as follows: Development restricted to that shown on site plan attached as Exhibit "B" to the ordinance. Restrictive covenant incorporating conditions imposed by Council has been executed.

- d. MR. H. C. CARTER 3816 Spicewood From "MF-2" to
By Edgar James Springs & 7901-
C14-81-149 7906 Baywood Dr. "LO"

Heard and granted October 8, 1981, (7-0). Conditions have been met as follows: Development restricted to that shown on site plan attached as Exhibit "A" to the ordinance.

Council Meetings Cancelled

Approved cancelling all City Council meetings for weeks of
September 22-26 and September 29-October 3, 1986.

CONSENT RESOLUTIONS

The Council, on Councilmember Shipman's motion, Councilmember Carl-Mitchell's second, adopted the following resolutions in one consent motion: (5-0 Vote, Councilmember Urdy and Mayor Pro Tem Trevino out of the room.)

Capital Improvements

Approved acquisition of 79.80 acres of land along Bull Creek located on Spicewood Springs Road, for park purposes. C.I.P. Nos. 83/86-01, 81/86-01, 83/86-18 & 75/86-13.

Approved changing the project limits for the Chicon-Lafayette/ 26th-12th Street. C.I.P. No. 85/62-42.

Contracts Approved

Approved the following contracts:

- | | |
|--|---|
| <p>a. GENERAL ELECTRIC COMPANY
1550 N. E. Loop 410, Suite 206
San Antonio, Texas</p> | <p>- Protective Relays, Electric
Utility Department
Items 1-8 - \$772,234.68
C.I.P. No. 85/16-12, 86/16-14,
86/16-07, 86/13-03, 85/16-19,
85/16-06, 86/13-04, 85/16-20,
86/16-12, 85/16-08, 85/16-03,
85/16-17, 86/16-15, 86/16-20,
85/16-18, 86/16-13 & 86/16-04</p> |
| <p>b. BERGEN BRINSWIG
3318 Tree Grove
San Antonio, Texas</p> | <p>- Disposable Prep Trays, Brackenridge
Hospital San Antonio, Texas
Twelve (12) Month Supply Agreement
Total \$34,808.64 BS6-314</p> |
| <p>c. AUSTIN BUSINESS MACHINES
8745 N. Lamar Boulevard
Austin, Texas</p> | <p>- Two (2) Patient Identification
Card Embossing Machines,
Brackenridge Hospital
Total \$39,995.00 BH6-285</p> |

Item Postponed

Postponed until September 18, 1986 is consideration of approval of a contract for computer aided dispatch system.

Approach Mains

Approved the following approach mains: (4-0 Vote, Councilmember Rose abstained, Councilmember Urdy and Mayor Pro Tem Trevino out of the room.)

NOTE: The amount of LUE's approved for wastewater commitment does not guarantee services in the event that the flows to affected treatment plants exceed legally permitted flows, and does not imply commitment for land use. (Water and Wastewater Commission recommends approval.)

- a. 688 Davol Park (Wastewater)
- b. 706 Davol Park (Water)
- c. 998 Spicewood Bluffs Center (Water)
- d. 1000 Sierra Verde Subdivision (Water)

Postponed until 9/11/86 are consideration of

999 Spicewood Bluffs Center
1001 Sierra Verde Subdivision

Service Contracts

Authorized service contracts with the following firms to assist with legal support in the Valero natural gas proceeding:

- a. Miller and Lents, Ltd.: Natural gas production and sales
- b. National Economic Regulatory Assoc., Inc.: Economic issues related to Valero's gas sales
- c. Deloitte Haskins and Sells: Accounting issues

Item Postponed

Postponed to September 11, 1986 is consideration of ratifying the City Manager's appointment of resource people to the final four Comprehensive Plan Task Groups.

Access Television Fund Budget

Amended the Fiscal Year 1986-87 Access Television Fund Budget.

Grant Application

Authorized submission of a grant application to the National Park Service, Southwest Regional Office for UPARR funds totaling \$25,000.00.

Transmission of Power from Valley View

Authorized addition of a non-substantive clarifying provision at the request of Central & South West Company to a resolution passed on July 3, 1986 in connection with the wheeling and/or interconnection

agreements with Valley View Energy Corporation, Central Power and Light, West Texas Utilities Company, and Public Service Company of Oklahoma to facilitate the transmission of power produced by Valley View to the City of Austin.

Public Hearings Set

Set public hearings on the following:

- a. The dedication of a permanent fifteen foot water and wastewater easement and a fifty foot temporary construction easement across City owned land known as Adams Park:
October 16, 1986 at 5:30 p.m.
- b. Amending Chapter 13-2A Sections 5940a, 5970d, and 5960e amending requirements for historic zoning procedures:
October 9, 1986 at 5:00 p.m.
- c. Amending Chapter 10-5 adding a new section 10-5-20 providing for protection of the Moonlight Towers:
October 9, 1986 at 5:30 p.m.

Release of Easement

Approved release of the following easement: A portion of a Public Utility Easement located on the common lot line of Lots 3 & 4, Block 5, Monroe Heights Addition, 1700 Briar Street. (Request submitted by Mary Cubberly Bell)

LBJ School Airport Study

Approved granting a 45 day extension to the LBJ School Airport Study contract.

CIRCLE C MUD 1, 2 & 4

The Council, on Councilmember Humphrey's motion, Councilmember Carl-Mitchell's second, waived the requirement for three readings and finally passed an ordinance approving revisions to the Circle C MUD 1, 2 & 4 consent agreements. (6-0 Vote, Mayor Pro Tem Trevino out of the room.)

ITEM POSTPONED

Postponed until September 18, 1986 is consideration of a resolution amending the City of Austin/APCOA, Inc. agreement to provide additional shuttle bus service and revise the public parking rates at Robert Mueller Municipal Airport. Council wants to hear the Airport Advisory Proposal before they vote.

FLOOD RELIEF FOR ANGUS VALLEY

The Council, on Councilmember Carl-Mitchell's motion, Councilmember Humphrey's second, adopted a resolution authorizing staff to proceed with design of a Flood Relief Project in Angus Valley as part of the City's drainage work associated with U.S. 183. (7-0 Vote)

SOUTH AFRICA

The Council, on Councilmember Humphrey's motion, Councilmember Carl-Mitchell's second, waived the requirement for three readings and finally passed an ordinance prohibiting business transactions between the City of Austin and those companies with particular business or financial concerns with South Africa or Namibia. (6-0 Vote, Mayor Pro Tem Trevino out of the room.)

DISCUSSION OF LOOP 360

Council discussed an item introduced to Council by Councilmember Shipman concerning a unified application plan for Loop 360 area.

WASTEWATER TREATMENT PLANTS

The Council, on Councilmember Humphrey's motion, Councilmember Carl-Mitchell's second, approved opposing all wastewater treatment plants and discharge applications appearing before the Texas Water Commission and appropriate state courts, when they are located in the contributing and recharge zones of the Edwards aquifer. (7-0 Vote)

JTPA CEO-PIC PARTNERSHIP AGREEMENT

The Council, on Councilmember Urdy's motion, Mayor Pro Tem Trevino's second, adopted a resolution approving the JTPA CEO-PIC Partnership Agreement for the period July 1, 1986 through June 30, 1988. (7-0 Vote)

ZONING ORDINANCE

The Council, on Councilmember Carl-Mitchell's motion, Councilmember Rose's second, passed through SECOND AND THIRD readings of an ordinance amending Chapter 13-2 and 13-2A of the Austin City Code (Zoning Ordinance) to cover the following changes: (5-0 Vote, Councilmember Humphrey abstained and Councilmember Shipman voted No.)

JIM PEARSON
By T. J. "Jack" Morton
C14-84-396

709 West Lynn

From "MF-4" to
"SF-3"

Second and third readings. First reading on August 22, 1986, (5-1-1). Councilmember Sally Shipman voted "NO" and Councilmember George Humphrey abstained. No conditions to be met.

PUBLIC HEARING - STREET VACATION

Mayor Cooksey opened the public hearing set for 3:00 p.m. to consider vacating the following:

Gaffney Street right-of-way 3500 Block. (Request submitted by Mr. W.A. Luce on behalf of Travis Bank and Trust)

Mr. Ridings, Director of Public Works, reviewed.

Ms. Natalie DeBlois appeared and said she opposes the parking lot.

Nelson Johnston said he wants the lot.

Motion

The Council, on Mayor Pro Tem Trevino's motion, Councilmember Urdy's second, closed the public hearing, waived the requirement for three readings and finally passed an ordinance vacating Gaffney Street right-of-way 3500 Block as per assessment. (7-0 Vote)

The Council, on Mayor Pro Tem Trevino's motion, Councilmember Urdy's second, adopted a resolution approving sale of a City owned tract of land adjacent to Gaffney Street (S-170). (7-0 Vote)

HEARING CONTINUED

Continued until October 9, 1986 at 3:00 p.m. is a public hearing on Water Conservation Rate Structure and passage of ordinance.

APPEAL SET

The Council, on Councilmember Rose's motion, Councilmember Humphrey's second, set October 16, 1986 at 4:30 p.m. for the public hearing on the request of Mr. Joe R. Wyman-Young's appeal of the Planning Commission's decision regarding 1115 West 11th Street. SP-86-059. (7-0 Vote)

RENTAL REHABILITATION TARGET AREA

The Council, on Councilmember Shipman's motion, Councilmember Humphrey's second, adopted a resolution expanding the Rental Rehabilitation Target Area to include three additional neighborhoods: Thurmond Heights, Manchaca, and Cameron. (5-0 Vote, Mayor Pro Tem Trevino and Councilmember Rose out of the room.)

ZONING HEARINGS

Mayor Cooksey announced Council would hear zoning cases scheduled for 4:00 p.m. Council heard, closed the public hearings and passed through FIRST READING ordinances for the following cases:

(1) r-86	PLEASANT VALLEY	4410 East Riverside	From "GR"
156	LTD.	Drive	To "CS-1"
	By Gail Temple		RECOMMENDED
			<u>FIRST READING</u>

(On Councilmember Carl-Mitchell's motion, Councilmember Shipman's second, 6-0 Vote, Councilmember Rose out of the room.)

-86	CITY OF AUSTIN	6614 Blue Bluff	From "SF-3"
151	PARKS AND	Road and 7507	To Tr. 1 "P"
	RECREATION	Decker Lane	Tr. 2 "P"
	DEPARTMENT		Tr. 3 "CS-1"
	By Stuart Strong		Tr. 4 "CS-1"
	& Dan Railey		Tr. 5 "CS-1"
			Tr. 6 "CS-1"
			Tr. 7 "CS-1"

RECOMMENDED "P" on Tr. 2;
Trs. 1 & 3-7 granted as
recommended subject to
rollback to "P" on all
"CS-1" areas outside
building footprints; also
subject to dedication of
up to 45 feet of right-
of-way from the center-
line of Decker Lake Road
and Decker Lane (FM 3177)
and up to 60 feet of
right-of-way from the
centerline of FM 973.
Applicant is encouraged
to reserve an additional
40' feet of right-of-way
from the centerline of
FM 973.

FIRST READING

(On Councilmember Shipman's motion, Mayor Pro Tem Trevino's second, 7-0 Vote)

OPERATING BUDGET AMENDMENT

Council had before them for consideration an ordinance amending the 1985-86 Annual Operating Budget by appropriating \$250,000.00 (1/10 of a weeks payment to the South Texas Nuclear Project) from the General Fund Ending Balance to fund a South Texas Nuclear Project Education Campaign.

Amory Lovins reviewed. Steve Sawyer, Shudde Fath, Max Nofziger, T. Paul Robbins, Wendy Nine, Dan Harrison, Robin Mills, Lanette Cooper, Steve Beers and Tom Smith spoke to Council.

Motion

The Council, on Councilmember Rose's motion, Councilmember Carl-Mitchell's second, closed the public hearing. (6-0 Vote, Councilmember Urdy out of the room.)

Motion

The Council, on Councilmember Humphrey's motion, Councilmember Rose's second, waived the requirement for three readings and finally passed an ordinance amending the 1985-86 Annual Operating Budget by appropriating \$250,000.00 (1/10 of a week's payment to the South Texas Nuclear Project) from the General Fund Ending Balance to fund a South Texas Nuclear Project Education Campaign. (7-0 Vote)

PUBLIC HEARING - COMMISSION FOR WOMEN TASK FORCE

Mayor Cooksey opened the public hearing set for 5:30 p.m. on proposed ordinance from Commission for Women Task Force. Speakers were: Billy Passmore, Peggy Vasquez, Margaret Smith, Jan Triplett, Carol Green, Deborah Shaw, Marilyn Rickman, Diana Castaneda and Barbara Hudson.

Motion

The Council, on Councilmember Shipman's motion, Mayor Cooksey's second, closed the public hearing, waived the requirement for three readings and finally passed an ordinance concerning the Commission for Women Task Force with an effective date of October 24, 1986, with appointments to be made October 23, 1986 and become effective November 1, 1986. (6-0 Vote, Councilmember Humphrey out of the room.)

PUBLIC HEARING - BOUNDARIES OF RED BLUFF SUB-DISTRICT

Mayor Cooksey opened the public hearing on amendment to the boundaries of the Red Bluff Sub-district of the Waterfront Overlay Combining District.

Andy Martin, Assistant City Attorney, described the amendment.

Enrique Lopez, Montopolis Neighborhood Association, discussed the changes. Susan Engelking, Chamber of Commerce, spoke in opposition because with the change, Superior Dairies may not be able to build a new plant. Peter Scholl, Ridgeview Industrial Plaza, spoke. Jim Cousar, representing Superior Dairies, discussed their situation.

Motion

The Council, on Councilmember Rose's motion, Councilmember Shipman's second, closed the public hearing, waived the requirement for three readings and finally passed an ordinance amending the boundaries of the Red Bluff Sub-district of the Waterfront Overlay Combining District. (6-0 Vote, Councilmember Humphrey out of the room.)

EXECUTIVE SESSION

Mayor Cooksey announced Council would go into Executive Session pursuant to Article 6252-17, Texas Revised Civil Statutes Annotated, to discuss matters of land acquisition, litigation and for personnel matters and, specifically for

Pending Litigation - Section 2, Paragraph e.

1. Edwards Aquifer Underground Water District

RECESS

Council recessed from 8:22 to 9:00 p.m. for executive session.

ANNOUNCEMENT

Mayor Cooksey announced Council would hold a Special Called Meeting on October 8, 1986 for regular zoning hearings, but Oak Hill cases would still be heard on October 9, 1986 as scheduled.

PUBLIC HEARING - SEXUALLY ORIENTED COMMERCIAL ESTABLISHMENTS

Mayor Cooksey opened the public hearing set for 6:00 P.M. on amendment to Section 13-2A-4350, et. seq. of the Zoning Ordinance relating to sexually-oriented commercial establishments.

Marie Gaines reviewed the ordinance. Mr. Swanee told Council higher crime rates, economic decline and lowered property values always occur around stores connected with pornographic items. Walt McCool, Assistant City Attorney, stated the issue is whether the City should regulate adult business through zoning.

The following citizens spoke to the issue: Mark Weaver, Citizens Against Pornography, who said we should keep the ordinance we have now and include nude modeling studios and topless bars. Mr. Weaver said citizens have a right against the secondary effect of pornography. They object, he said, to the latest draft of the ordinance which eliminates adult shops and theaters open 24 hours.

Mr. Weaver asked Council to not accept the Planning Commission's recommendation.

Donna Mobley, Central Texas Civil Liberties Union, said Austin does not need the resolution and it would endanger First Amendment rights.

Mary Hausman spoke against the Planning Commission recommendation, as did Paul Diaz.

John Henry Faulk said the ordinance is against the First Amendment. Dorothy Brown and Nan Boll agreed with him.

Glenn Rosales, Rory Derrick, Juricka Derrick, Ron Grissel.. all said this is not a First Amendment issue and they do not like the Planning Commission recommendation. Of the same opinion were Shirley Walker, Paulette Robish, Wanda Kadias.

Allen Pogue defended pornographic book stores.

Other speakers were Allison Alter, Don Stroud, Sidney B. Grief, Kim Kanoë, Jenny Fried, Terry Blub, Pauline Gamble, Barefoot Dale, Rick Fox, Ruth Epstein, Chris Deiser, B. Carter, Lehman Sedgwick, Susan Goss, Mary Kay Mobley, Herman Cavill, Bruce Kleinberg, Dirk Dozier, James Pinedo, Dave Dobbs, John Merritt, Craig Moody, Bryan Lynch, Jeffry Pittman, George Green, Renee Weaver, J.R. Gonzales and Frieda Greece.

Motion

The Council, on Mayor Pro Tem Trevino's motion, Councilmember Urdy's second, closed the public hearing. Action to be taken on October 9, 1986. (7-0 Vote)

ADJOURNMENT

Council adjourned its meeting at 11:50 p.m.