



Austin City Council MINUTES

For AUGUST 21, 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 absence of Mayor Pro Tem Trevino

MINUTES APPROVED

The Council, on Councilmember Humphrey's motion, Councilmember Shipman's second, approved minutes for regular meeting of August 14, 1986 and special meetings of August 12 and 13, 1986. (4-0 Vote, Mayor Pro Tem Trevino absent, Councilmembers Carl-Mitchell and Urdy not yet in the Council Chamber.)

CITIZENS COMMUNICATIONS

Mr. Mark Beers discussed the Austin Marathon. Mr. Robert A. Bond talked about water and wastewater taps. Mr. Dennis Lilley, Ms. Glenn Scott, Mr. Bill Stelle all talked about concerns on the proposal to contract out a portion of Building Inspections. Mr. Randy Reece talked about the Town Lake Corridor. Mr. Robert Ogorzaly talked about a zoning change at 4812 Rowena. Mr. Enrique Lopez appeared briefly, but waived his time. Ms. Mary-Margaret Navar discussed minority procurement by City of Austin. Mr. Steve Hurst discussed water and wastewater service.

COMMISSION FOR WOMEN TASK FORCE REPORT

Carol Green presented the Report on City of Austin Commission for Women. Council directed there be a public hearing on September 4, 1986 at 5:30 p.m. on their proposed ordinance.

Second and third readings. First reading on December 3, 1985, (6-0). Councilmember Charles Urdy absent. Conditions have been met as follows. Restrictive covenant incorporating conditions imposed by Council has been executed.

(5) E. E. & NANCY BOYD
By Thomas L. Luth
C14-84-476

1701 Matthews Lane From Interim
7233 Manchaca Rd. "SF-3" & "RR" to
"SF-6" & "MF-2"

Third reading. Second reading on July 31, 1986, (4-2).
Mayor Pro Tem John Trevino, Jr. and Councilmember Mark Rose
voted "NO". Councilmember Charles Urdy absent. No con-
ditions to be met.

ITEM POSTPONED

Postponed to August 28, 1986 is consideration of the following
zoning ordinance:

JOHN REYNOLDS & ASSOC.,
C14-86-040

1100 Block of
Bluff Bend Drive

From "SF-2" to
"SF-6" & "LO"

~~Second~~ reading only. First reading on June 5, 1986,
(7-0 Tr. 1) and (4-3 Tr. 2) Councilmembers Smoot Carl-
Mitchell, George Humphrey and Sally Shipman voted "NO".
~~Clarification needed for conditions regarding employees.~~

PP 8-28-86

ITEM POSTPONED

Postponed to September 4, 1986 is consideration of a resolution
adopting standard policy for the lease and sale of City owned property.

CONSENT ORDINANCES

The Council, on Councilmember Shipman'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 absent, Councilmember Urdy out of
the room.)

North Central Austin Growth Corridor MUD No. 1

Approved the issuance by North Central Austin Growth Corridor
MUD No. 1 of \$4.595 million in M.U.D. bonds.

Item Postponed

Postponed until September 11, 1986 is consideration of declaring
the necessity for, and ordering improvements to Rain Creek Parkway &
Fireoak Drive, consisting of 2 units covering approximately 12 blocks.

Child Care Commission

Amended the Child Care Commission Ordinance (851031-F) to provide for staggered terms of service for its members.

Legal Description

Amended the following ordinance to correct the legal description and local address:

Ordinance No. 860626-B - Case No. C14-85-183

Item Postponed

Postponed until September 11, 1986 is consideration of amending and clarifying certain provisions of Ordinance No. 850926-0, the Art in Public Places Ordinance.

Speed Zones

Approved amending the Austin City Code to modify the following speed zones:

a. SECTION 11-2-59(g) (School Speed Zone) 30 mph

DELETE: Nuckols Crossing Road from 200 feet north of Palo Blanco to 200 feet south of Village Square Drive.

SECTION 11-2-99(i) (School Speed Zone) 20 mph

ADD: Nuckols Crossing Road for 300 feet north of Palo Blanco Lane to 200 feet south of Village Square Drive.

b. SECTION 11-2-99(d) (School Speed Zone) 20 mph

DELETE: Palo Blanco Lane from Nuckols Crossing Road to Acacia Drive.

ADD: Palo Blanco Lane from Nuckols Crossing Road to Ainez Drive.

CONSENT RESOLUTIONS

The Council, on Councilmember Carl-Mitchell's motion, Councilmember Shipman's second, adopted the following resolutions in one consent motion: (6-0 Vote, Mayor Pro Tem Trevino absent)

Dedication

Approved dedication of the following:

a. 2,603 sq. ft. of land out of a City owned tract in Tarrytown 5 Subdivision for a drainageway and public utilities easement (open or enclosed).

- b. An ingress-egress easement over and across a City owned tract for public and emergency vehicles.
- c. A thirty foot (30') utility easement and twenty-five (25') temporary construction easement across a City owned tract located at US 183 at Loop 1.

Eminent Domain Proceedings

Authorized eminent domain proceedings to acquire the following:

- a. A drainage easement and fee simple for Brodie Lane improvements, more particularly as follows:
 - (1) 1.513 acres out of the Theodore Bissell League; and
 - (2) 2.204 acres as a drainage easement out of the Theodore Bissell League.
- b. 36,563 sq. ft. of land out of the Dallas and Wichita Railroad Company Survey No. 76.

License Agreement

Approved entering into the following license agreement:

- a. To allow the encroachment of a canopy into the Congress Avenue right-of-way at 907 Congress Avenue. (Request submitted by Mr. Gus Voelzel III, on behalf of Mr. Thomas C. Granberry)

Capital Improvements Program

Approved the selection of Bovay Engineers for professional engineering services in connection with the planning, design and construction of water and wastewater utility adjustment for the Boggy Creek Channelization project.

Change Orders

Approved the following change orders:

- a. In the amount of \$53,668.96 to Austin Road Company for Braker Lane Paving and Drainage Improvements. (1.33% increase of the original contract - Total changes to date 13.28%) C.I.P. No. 85/22-08.
- b. In the amount of \$58,000.00 to Syro Steel Company for Johnson Creek Stormwater By-Pass Tunnel. (1.7% increase of the original contract of \$3,404,748.00 - Total changes to date 2.774%) C.I.P. No. 83/60-84.

Contracts Approved

Approved the following contracts:

- a. WEST TEXAS SUN ELECTRIC SERVICES - CAPITAL IMPROVEMENTS PROGRAM -
dba Sun Electric Construction of Overhead Electric
1313 East 5th Street Distribution Facilities for IH-35
Odessa, Texas South from Ben White to Battle
Bend Reconductor, Electric Utility
Department
Total \$28,467.00 C.I.P. No.
86/14-02
- b. HAEGELIN CONSTRUCTION COMPANY - CAPITAL IMPROVEMENTS PROGRAM -
2600 Palmer Lane Installation of Underground
Austin, Texas Electric Ductline for The Estates
of Barton Creek - Equestrian
Boulevard, Stage II, Electric
Utility Department
Total \$136,118.00 C.I.P. No.
86/15-01
- c. W. K. JENNINGS ELECTRIC COMPANY - CAPITAL IMPROVEMENTS PROGRAM -
1707 Dungan Lane Construction of Overhead Electric
Austin, Texas Distribution Facilities for East
Riverside Drive, Electric Utility
Department
Total \$56,452.30 C.I.P. No.
86/14-03
- d. Bid award: - Sand and Sandy Loam Topsoil,
Purchasing Department
Twelve (12) Month Supply Agreement
Total \$37,562.00 86-0308-LR
- (1) PIONEER AGGREGATES/AUSTIN - Items 1 & 2
DIVISION
8900 Ramirez Lane
Austin, Texas
- (2) AUSTIN CRUSHED STONE - Items 1 & 2 (back-up award)
1807 Hydro
Austin, Texas
- e. AUSTIN CHEMICAL COMPANY - Disposable Can Liners, Purchasing
302 Bowie Department
Austin, Texas Twelve (12) Month Supply Agreement
Item 1-4 - \$44,977.00 86-0309-RM
- f. CONSTAR CONSTRUCTION COMPANY (MBE) - Remodel the west side of the
10104 FM 969 Calcasieu Building Phase II,
Austin, Texas Public Works Department
Total \$59,990.00 86-C266-JJ

Short-Term Coal Contract

Authorized short-term coal contracts with Kaiser Coal Corporation and Elk River Resources, Inc.

Private Industry Council Nominations

Approved the Private Industry Council Nominations and request for two (2) year term reappointment of eleven (11) of its board-members whose terms expire on September 20, 1986.

Sculpture

Recognized the importance of the public/private venture between the City of Austin, owners of the sculpture entitled "Prelude" and the Downtown Partners to Public Art.

Austin Senior Aides Program

Authorized submission and acceptance of a seventh year renewal grant application to the National Council of Senior Citizens Title V Older Americans Act funding of approximately \$248,089.00 to operate the Austin Senior Aides program.

Hospital Caseworkers

Approved entering into a contract with the Texas Department of Human Services for participation in a hospital based program for caseworkers under the Texas Medical Assistance Program in the amount of \$60,000 for the period September 1, 1986 to August 31, 1987.

Utility Customer Services Office

Approved amending a sublease with Calcasieu Lumber Company for the Utility Customer Services Office at 701 West 5th Street.

Item Postponed

Approval of a resolution to record a vote on increasing the effective property tax rate by up to 7.99% and setting a public hearing on the proposed tax increase was postponed until August 28, 1986.

Public Hearings Set

Set the following public hearings:

- a. Dedication of easements and construction of the East Bouldin Creek By-Pass Phase II consisting of storm sewer box culverts from Barton Springs Road to Town Lake: October 2, 1986 at 2:30 p.m.

- b. Dedication of a 30' permanent subsurface easement for the construction of a wastewater diversion tunnel across a portion of Grove Park: October 2, 1986 at 2:45 p.m.
- c. Dedication of a permanent 30' subsurface easement for the construction of a wastewater diversion tunnel across a portion of the Colorado River: October 2, 1986 at 3:00 p.m.
- d. Dedication of a permanent 30' waterline easement across Pleasant Valley District Park: October 2, 1986 at 3:15 p.m.
- e. Dedication of a 30' permanent subsurface easement for the installation of a wastewater diversion tunnel across a portion of Onion Creek Preserve: October 2, 1986 at 3:30 p.m.
- f. Dedication of a 30' permanent subsurface easement for the installation of a wastewater diversion tunnel, along with a 32,078 sq. ft. of a wastewater diversion tunnel along with a 32,078 sq. ft. temporary work easement across a portion of Town Lake/Longhorn Shores: October 2, 1986 at 3:45 p.m.

DUPLEXES

The Council, on Councilmember Carl-Mitchell's motion, Councilmember Shipman's second, passed through third reading of an ordinance to amend 13-2A (Revised Zoning Regulations) to provide for a site plan review and additional regulations for duplexes containing six or more bedrooms per lot, as outlined in the alternate draft dated August 21, 1986. (6-0 Vote, Mayor Pro Tem Trevino absent.)

COMPREHENSIVE WATERSHED ORDINANCE WAIVERS

The Council, on Councilmember Carl-Mitchell's motion, Councilmember Rose's second, waived the requirement for three readings and finally passed Comprehensive Watershed Ordinance waivers for the following: (5-1 Vote, Mayor Cooksey voted No, Mayor Pro Tem Trevino absent)

- (1) Storm 290
- (2) Heritage Mesa
- (3) Stassney Lane
- (4) Cougar Creek

COMPUTING SYSTEM

The Council, on Councilmember Carl-Mitchell's motion, adopted a resolution approving an award of a supply agreement to Digital Equipment Corporation for an eighteen month period, for a new departmental computing system in the amount of \$5.5 million. (5-1 Vote, Councilmember Rose voted No, Mayor Pro Tem Trevino absent.)

Councilmember Carl-Mitchell asked if this is a non-exclusive supply agreement. He was told it is. He asked if the maximum is \$5.5 million. He was told it is.

A long discussion followed concerning the award of the contract and Councilmember Carl-Mitchell said in the future there needs to be guidelines for the purchase of data processing equipment because the acquisition of data processing equipment is always difficult.

MINORITY BUSINESS DEVELOPMENT

The Council, on Councilmember Urdy's motion, Councilmember Carl-Mitchell's second, adopted a resolution directing the Economic Development Commission to review and make recommendations to Council within 60 days concerning minority business development. (6-0 Vote, Mayor Pro Tem Trevino absent.)

ITEM FROM COUNCIL POSTPONED

Councilmember Humphrey's item to consider 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 was postponed to September 4, 1986.

TAXICAB RATE SURVEY

Dave Gerard, Assistant Director of Planning and Engineering, Urban Transportation Department, presented a report on Taxicab Fare Rate Survey. Copy of his report is on file in the City Clerk's office.

TAXICAB PERMITS AND APPLICATIONS

Councilmember Urdy's item to consider an ordinance relating to taxicab permits and applications was postponed for 30 days. He requested it first be sent to the Urban Transportation Commission and then return it to Council.

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. No official action of the City Council will be taken on any of these matters unless such item is specifically listed on the agenda.

a. Pending Litigation - Section 2, Paragraph e.

- (1) City of Austin vs. John A. Pfluger
- (2) Northwest MUD's
- (3) LCRA Water Contract

RECESS

Council recessed for executive session at 4:15 p.m. and resumed its recessed meeting at 6:30 p.m.

12TH YEAR CDBG PROGRAM

Mayor Cooksey opened the public hearing set for 5:00 p.m. on the allocation of supplemental funds for the 12th Year CDBG Program.

Hortencia Rangel discussed the Sims tract. Carmen Renteria also talked about the Sims tract for affordable housing. Zeke Romo appeared and talked. Adela Macias told Council to buy the Sims tract. Frank Wright said the funds should be used for affordable housing. Al Perez, AMEDC, asked for an improvement loan program. Stanley Walker appeared for the Economic Development Commission and Robert L. Williams spoke for CDC.

Motion

The Council, on Councilmember Shipman's motion, Councilmember Humphrey's second, closed the public hearing. (6-0 Vote, Mayor Pro Tem Trevino absent.)

ANTONE'S

Mayor Cooksey announced Council would have the zoning hearing on the following and at the same time hear the appeal of Ms. June Hawley and Ms. Stella Nilsen of the Planning Commission's decision to grant a conditional use permit for 2915 Guadalupe. C14p-86-005.

(1) -86 CLIFFORD J. 2915 Guadalupe
043 ANTONE Street

DENY APPEAL, GRANT CONDITIONAL USE PERMIT,
"CS-1" ZONING WITH COVENANT THAT IN CASE OF
CHANGE IN USAGE AS A NIGHT CLUB THE ZONING
SHALL REVERT TO "CS", FIRST READING OF
ORDINANCE

From "CS"
To "CS-1"
RECOMMENDED subject to
"CS-1" zoning being
tied specifically to
the current ownership
& operation of Antone's.
In case of change in
ownership or usage,
zoning shall revert
to "CS". Sexually orient-
ed activities shall not
be allowed..

Burrell Johnston, representing the applicant stated: "One point we made at the Planning Commission, I said we would provide a restrictive covenant. There seems to be a question as to whether a restrictive covenant with a rollback provision would be enforceable. I submit to you that any kind of contract that would provide that any change in Antone's, the use change if the owner would initiate the action to roll it back and would be responsible for any legal fee incurred by any neighborhood association. I submit to you that could be changed slightly and say in the form of a bond upon the initiation of such action there would be no...the enforcement of the contract is simplistic. The cost of getting it done is something else. I submit that we can provide in advance for that cost and we are willing to do that as we have been all along. The parking questions, the ordinance says 200'. Whether you walk down 30th and back is your option. There is a light there and it does control traffic and I submit that the 117 spaces, 20 over what is required, assuming they will approve this (Board of Adjustment) some of the off site places that are a few feet over the 200' limit. Clifford Antone thought, at the closing, the property was zoned "CS-1". The CS-1 on either side is clear on the map and "CS-1" on the City's zoning map goes right through here. (Indicates area on map.)We urge you to grant the use permit, deny the appeal and grant the zoning change for all the reasons explained."

Motion

Councilmember Humphrey made a motion to deny the appeal, grant the conditional use permit, and grant "CS-1" zoning and approve ~~FIRST-READING-ONLY~~ of an ordinance. Councilmember Rose seconded the motion.

Councilmember Urdy asked if there is a restrictive covenant attached. Mr. Andy Martin, Assistant City Attorney, stated: "The Planning Commission recommendation is as outlined on your agenda, restricting it to the current ownership for the operation of Antone's and, in the case of change, it would revert as well as the statement concerning sexually oriented activities."

Discussion ensued concerning enforceability of restrictive covenant. Mayor Cooksey asked if it would be enforceable if it said, "In case of change in usage as a night club". Mr. Martin told him it would be.

Friendly Amendment

Mayor Cooksey offered a friendly amendment to make a change in the Planning Commission's language to add "in case of change in usage as a night club the zoning shall revert to "CS". Councilmembers Humphrey and Rose accepted the friendly amendment.

Roll Call on Motion with Friendly Amendment

4-2 Vote, Councilmember Carl-Mitchell and Shipman voted No, Mayor Pro Tem Trevino absent.

OAK HILL AREA STUDY POSTPONED

Zoning Case No. C14-85-288, numbers 61, 69, 70, 71, 89, 89, 90, 91, 94 and 95 was postponed to August 28, 1986 at 4:00 p.m.

PRE-SCHOOL NURSERY ON ENFIELD ROAD

Mayor Cooksey announced Council would hear two appeals:

- An appeal from Mr. Walter Wendlandt of the Planning Commission's decision to approve a Special Permit limiting the enrollment to 75 children rather than 115 at 2520 Enfield Road. C14p-86-013
- An appeal of the Fountainbleu owners and dwellers of the Planning Commission's decision granting a special permit for the pre-school nursery on Enfield Road. C14p-86-013.

After hearing several people speak the following motion was made:

Motion

The Council, on Councilmember Shipman's motion, Councilmember Rose's second, closed the public hearings upheld the appeal, denied the permit on criteria b, c,e,i,l. (6-0 Vote, Mayor Pro Tem Trevino absent.)

EXECUTIVE SESSION

Mayor Cooksey announced Council would go into executive session pursuant to Article 6252-17, Texas Revised Civil Statutes Annotated, to discuss the setting of electric rates as listed on the agenda.

RECESS

Council recessed from 11:05 to 11:15 p.m. for executive session.

PUBLIC HEARING - CITY'S ELECTRIC RATES

Mayor Cooksey opened the public hearing set for 7:30 p.m. on setting of City's Electric Rates. The following people spoke: Frank McBee, Larry Deuser, Bob Mossman, Shudde Fath, Ed Adams and Bill Oakey.

Council unanimously agreed to continue the public hearing on August 28, 1986 at 2:00 p.m.

ADJOURNMENT

Council adjourned its meeting at 12:00 midnight