



Austin City Council MINUTES

For JANUARY 15, 1987 - 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 Shipman's motion, Councilmember Humphrey's second, approved minutes for regular meeting of January 8, 1987, and special meetings of January 5, 6, 7, 1987. (5-0 Vote, Councilmember Rose and Mayor Pro Tem Treviño out of the room.)

CITIZEN COMMUNICATIONS

Sam Hoerster III discussed City funded abortions. Dick Hertless talked about starting certain school programs. Susan Frost, Robb Southerland, George Kinney and Susanne Cannon discussed the convention center which is proposed. Cynthia Valadez spoke about conditions of certain apartments for the poor, where gas has been shut off for repairs and the people have no heat and no means to cook their food.

OLD BUSINESS - ORDINANCES

The Council, on Councilmember Carl-Mitchell's motion, Councilmember Urdy's second, passed an ordinance through SECOND AND THIRD READINGS converting previously annexed land from interim to permanent zoning. (6-0 Vote, Councilmember Rose out of the room.)

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

GREAT HILLS LIMITED
By Neal Graham
C14r-86-045

Proposed Arterial 8
(Forsythia Drive)

From "SF-2" & "DR"
to "LR" & "GR"

Second and third readings. First reading on August 28, 1986, (6-0).
Councilmember Rose out of the room. Conditions have been met as follows:
Development restricted to that shown on site plan attached as Exhibit to
the ordinances.

ITEMS POSTPONED

Postponed was consideration of the request of Judy Jonas to reconsider the class fee structure for the Parks and Recreation Department.

Postponed to January 29, 1987 was consideration of approval of an RFP to solicit professional services for the Civic Center Project and amend the previously adopted Civic Center District boundaries.

Postponed to January 29, 1987 is consideration of submittal of Texas Department of Health Operating Permit Application for waste-to-energy project.

Postponed to January 22, 1987 is an item introduced by Councilmember Carl-Mitchell concerning funding the sustainable industries proposal.

Postponed to January 29, 1987 at 4:30 p.m. at the applicant's request, is the public hearing on the appeal of the Planning Commission's denial of two Barton Creek related watershed variances.

Postponed to January 29, 1987 is consideration of zoning change involving The Terrace PUD W & G Partnership, 8-86-009.

Postponed for three months is consideration of zoning change involving Coxville Joint Venture, -85-149.22 (part)

CONSENT ORDINANCES

The Council, on Councilmember Carl-Mitchell's motion, Councilmember Urdy's second, waived the requirement for three readings and finally passed ordinances amending the following ordinances to correct legal descriptions: (6-0 Vote, Councilmember Rose out of the room.)

- a. Ordinance No. 861211-R - Case No. C14-86-231 located at 614 East Oltorf Street, Austin, Texas
- b. Ordinance No. 861030-D - Case No. C14-86-143 located at 2407-2603 Jones Road and 2602 Ektom Drive

CONSENT RESOLUTIONS

The Council, on Mayor Pro Tem Trevino's motion, Councilmember Carl-Mitchell's second, adopted the following resolutions all in one consent motion: (6-0 Vote, Councilmember Rose out of the room.)

Release of Easements

Authorized release of a 7.5' public utility easement, Lot A, amended Texana Addition. (Request submitted by Larry A. Turner on behalf of Don Joseph)

Authorized release of the 5' public utility easement located on Lot 13 and release of a portion of a 5' public utility easement located on Lot 14, Block C, North Meadows Subdivision, 10426 N. Lamar Boulevard. (Request submitted by William T. Peckham on behalf of River City Machinery Company)

Authorized release of electric easement of record in Volume 725, Page 471, of the Travis County Real Property Records, insofar as it affects Texas Oaks Section 7-A, 7-B, 7-C, Section 8-A, 8-B, Section 9 and Section 10. (Request submitted by Diane Roscioli on behalf of Bill Milburn, Inc.)

Authorized release of a portion of a public utility and drainage easement located on Lot 7, Block "D", Northwest Oaks-II, 7629 Rockpoint Drive. (Request submitted by Robert G. May)

Eminent Domain Proceedings

Authorized eminent domain proceedings to acquire the following tracts of land for the construction of right-of-way and related drainage improvements for Stassney Lane from Interstate Highway 35 to South Congress Avenue:

- a. Fee simple title to 0.0654 acre of land, being a portion of Lot A, Flournoy's East, a subdivision of a portion of the William Cannon League Survey No. 19, Abstract No. 6, for permanent street right-of-way purposes.
- b. Easement title to 0.0393 acre of land out of a portion of Lot A, Flournoy's East, a subdivision of a portion of the William Cannon League Survey No. 19, Abstract No. 6, for permanent lateral support easement.
- c. Easement title to 0.715 acre of land out of a portion of Lot A, Flournoy's East, a subdivision of a portion of the William Cannon League Survey No. 19, Abstract No. 6, for permanent drainage easement.

- d. Easement title to 0.526 acre of land out of a portion of Lot A, Flournoy's East, a subdivision of a portion of the William Cannon League Survey No. 19, Abstract No. 6, for Temporary Working Space Easement.

Capital Improvements Program

Approved acquisition of right-of-way for the 35th Street at Jefferson Improvement Project. C.I.P. No. 78/62-22

Approved acquisition of 0.1276 acre (5,500 square foot) tract of land out of the James M. Mitchell Survey No. 17, Abstract No. 521 for the purpose of Spicewood Springs Road right-of-way. C.I.P. No. 73/62-31.

Approved the following change orders:

- a. In the amount of \$769,020.00 to Clearwater Constructors, Inc., for the Walnut Creek Wastewater Treatment Plant Expansion. (8.23% increase of the original contract amount of \$9,347,000.00) C.I.P. No. 82/23-81
- b. In the amount of \$133,895.00 to Austin Power, Inc. for the Albert H. Ullrich Water Treatment Plant Expansion. (0.98% increase of the original contract amount of \$13,647,000.00 - total changes to date 1.58%) C.I.P. No. 73/22-98
- c. In the amount of \$49,393.55 to Mole Construction for the Davis Water Treatment Plant Transmission Main Phase VI Project. (1.29% increase of the original contract amount of \$3,831,771.88) C.I.P. No. 85/22-27.

Contracts Approved

Approved the following contracts:

- a. BRAUN & BUTLER CONSTRUCTION INC.
1703 Dugan Lane
Austin, Texas

CAPITAL IMPROVEMENTS PROGRAM
Improvements to the Electric
Departments meter shop at
Kramer Lane Service Center,
Transportation and Public
Services Department
Total \$107,400.00 C.I.P. No.
79/11-01

- | | |
|---|--|
| b. AUSTIN ENGINEERING COMPANY, INC.
6304 West Bee Cave Road
Austin, Texas | CAPITAL IMPROVEMENTS PROGRAM -
Installation of underground
electric distribution facilities
for the River Place substation,
Electric Utility Department
Total \$371,104.00 C.I.P. No.
86/16-20 |
| c. PELZEL-HARRIS AND ASSOCIATES INC.
P.O. Box 160518
Austin, Texas | CAPITAL IMPROVEMENTS PROGRAM -
Construction contract for a new
fire station at 2500 Parmer Lane,
Fire Department
Total \$526,439.00 C.I.P. No.
85/83-03 |
| d. WHITTAKER GENERAL MEDICAL
P.O. Box 19259
Austin, Texas | Disposable unsterile and sterile
gloves, Brackenridge Hospital
Twelve month supply agreement
Total \$44,587.92 BS7-050 |

Public Hearing Set

Set a public hearing on an appeal of the Building Standards Commission order of Vacation and Repair or Demolition on the structure located at 3200 Beverly Road: February 5, 1987 at 3:00 p.m.

NO ACTION

No action was taken on an item from Council to consider the Pilot Building Inspection Program because it had been taken care of previously.

CITIZENS COMMITTEE ON STATE LANDS INCREASED

The Council, on Councilmember Shipman's motion, Mayor Pro Tem Trevino's second, adopted a resolution increasing the membership of the Citizens Committee on State Lands to thirteen members. (6-0 Vote, Councilmember Rose out of the room.)

NO ACTION ON THE FOLLOWING

No action was taken on the following case. Council asked that this not be brought back to Council until the legal issues are resolved.

STEPHEN A. GREENBERG
By Kathryn E. Allen
C14-86-154

1512 Eva Street

From "SF-3"
To "NO"
NOT RECOMMENDED

SENNA HILLS M.U.D.

The Council, on Councilmember Humphrey's motion, Councilmember Urdy's second, waived the requirement for three readings & finally passed an ordinance approving agreement concerning creation & operation of Senna Hills MUD wherein a variance is granted to the Lake Austin Watershed Ordinance. (5-2 Vote, Mayor Cooksey and Councilmember Shipman voted No.)

LEASING OF PERSONAL PROPERTY FOR CITY DEPARTMENTS

The Council, on Councilmember Humphrey's motion, Councilmember Rose's second, waived the requirement for three readings and finally passed an ordinance relating to the approval and execution of documents pertaining to the acquisition and leasing of personal property for various City departments including approval of an official statement and purchase agreement. (6-0 Vote, Mayor Pro Tem Trevino out of the room.)

NO ACTION ON RESOLUTION

No action was taken on a proposed resolution to consider a resolution passed by the Electric Utility Commission regarding upfront refund of the electric fuel overcharge. Council did discuss it.

ROBERT MUELLER AIRPORT

The Council, on Councilmember Carl-Mitchell's motion, Councilmember Rose's second, adopted a resolution accepting and approving design work of the interim site recommendation of the Greiner Austin Team for Facility Development Option (FDO) 6b at Robert Mueller Airport and authorize negotiation with the Greiner Austin Team to develop cost data for development of longterm alternatives at Robert Mueller Airport. (4-0 Vote, Councilmembers Humphrey, Shipman and Urdy abstained due to possible conflict of interest.)

CONTRACT APPROVED

The Council, on Councilmember Rose's motion, Councilmember Carl-Mitchell's second, adopted a resolution approving the following contract: (7-0 Vote)

MMR CONSTRUCTORS, INC.
17261 Airline Highway
Baton Rouge, Louisiana

- CAPITAL IMPROVEMENTS PROGRAM -
Instrumentation contract IC of
the South Austin Regional
Wastewater Treatment Plant
Expansion and Improvements
Project, Transportation and
Public Services Department
Total \$2,287,350.00 C.I.P. No.
85/23-16

EXECUTIVE SESSION

Mayor Cooksey announced Council would go into executive session pursuant to Article 6252-17, Texas Revised Civil Statutes Annotated, to discuss the following matters. No final action will be taken except in open meeting, and unless specifically listed on the agenda for this meeting.

1. Pending Litigation - Section 2, Paragraph e

- (a) Northwest M.U.D.s
- (b) Overton et al v. City of Austin
- (c) Marsh v. City of Austin

RECESS

Council recessed its meeting for executive session at 4:05 p.m. and resumed its recessed meeting at 7:15 p.m.

EXECUTIVE SESSION

Mayor Cooksey announced Council would go back into executive session, pursuant to Article 6252-17, Texas Revised Civil Statutes Annotated, to discuss:

1. Pending Litigation - Section 2, Paragraph e

- (a) Northwest M.U.D.s

RECESS

Council recessed its meeting for executive session at 7:17 p.m. and resumed its recessed meeting at 7:30 p.m.

NORTHWEST M.U.D.'s

Councilmember Carl-Mitchell made a motion, seconded by Councilmember Rose that Council approve, in principle, the terms and conditions of the City's consent to Northwest Austin MUD's 1, 2 and 3 in accordance with the staff recommendation and the settlement outline, further the City Manager is to direct the staff to work with NPC to finalize all documents needed to effectuate the settlement outline which we have approved in principle and to bring the necessary documents back to Council for approval. Motion passed by a 6-0 Vote with Mayor Pro Tem Trevino out of the room.

12TH YEAR CDBG PROGRAM

Council had before them a resolution to consider awarding contracts for the Housing and Economic Development Fund sponsored by the 12th Year CDBG Program. The following motions were made:

Motion

The Council, on Councilmember Humphrey's motion, Mayor Pro Tem Trevino's second voted to give \$345,000 to Greater Montopolis Community and Southeast Economic Development Corporation. (7-0 Vote)

Motion

The Council, on Mayor Pro Tem Trevino's motion, Councilmember Humphrey's second, voted to give \$350,000 to Good Neighbor. (7-0 Vote)

Motion

Councilmember Carl-Mitchell made a motion, seconded by Councilmember Shipman to give \$350,000 to Anderson & Guadalupe Joint Venture, and delete the last sentence of the staff recommendation.

Substitute Motion

Councilmember Urdy offered a substitute motion, seconded by Mayor Pro Tem Trevino to postpone the money to Anderson & Guadalupe Joint Venture to January 29, 1987 for further consideration. Motion passed by a 4-3 vote with Councilmember Shipman, Mayor Cooksey and Councilmember Carl-Mitchell voting No.

CITY MANAGER REPORTS

The City Manager Report on Personnel Costs for a Conservation Retrofit Program was presented. There was no report presented on Legislative Issues, but the Mayor, Councilmember Carl-Mitchell and Councilmember Shipman listed several items they want postponed until the Council has a chance to discuss them.

PUBLIC HEARING - SUBDIVISION OF DUPLEXES

Mayor Cooksey opened the public hearing on subdivision of duplexes and establishing zoning for subdivided duplexes.

Jim Duncan, Director of OLDS, reviewed. Councilmember Rose suggested Council have the public hearing, pass the latest draft through first reading and schedule a vote on the second and third readings for January 29, 1987.

The following people spoke in favor of the ordinance: Avis Davis, Rich Ellmer, W.R. Coleman, Henry Gilmore, Martin Gonzalez, Jerry Harris, Beth Holt, Brooks Herring, Harris Maynard, John Nicholson, T.J. Morton, David Mazingo, Terry J. Sasser, M.L. Shirer, Curtis Williams.

Speakers against the ordinance were Dr. Jerry Roemisch, Stella Nilsen, Rick Iverson, and June Hawley.

Speakers neither for or against were Bobby Stord, Curt Schulze, Doug Rostedt and Dorothy Richter.

Motion

The Council, on Mayor Pro Tem Trevino's motion, Councilmember Urdy's second, closed the public hearing. (7-0 Vote)

Motion

The Council, on Councilmember Rose's motion, Councilmember Carl-Mitchell's second, passed through FIRST READING ONLY of an ordinance providing for the Subdivision of Duplexes, (7-0 Vote)

Second and third readings of the ordinance will be considered on January 29, 1987.

PUBLIC HEARING - NORTHWEST LAND USE GUIDANCE PLAN

Mayor Cooksey opened the public hearing set for 5:15 p.m. on an amendment to the Northwest Land Use Guidance Plan Ordinance for an 8.42 acre tract owned by Johnnie C. Fields, Sr. to allow an increase in floor-to-area ratio from .20 to 1 to .25 to 1. No one appeared to be heard.

Motion

The Council, on Councilmember Humphrey's motion, Mayor Pro Tem Trevino's second, closed the public hearing, waived the requirement for three readings and finally passed an ordinance amending the Northwest Land Use Guidance Plan Ordinance for an 8.42 acre tract owned by Johnnie C. Fields, Sr. to allow an increase in floor-to-area ratio from .20 to 1 to .25 to 1. (6-0 Vote, Councilmember Rose out of the room.)

PUBLIC HEARING - WATER & WASTEWATER UTILITY SERVICE AREA AMENDMENT

Mayor Cooksey opened the public hearing on amending the Water and Wastewater Utility Service Area Amendment Ordinance (810820-B) to include areas served by the approved 1985 Water and Wastewater Revenue Bond Improvements.

Curtis Williams, representing the "Save Bear and Onion Creek Coalition" said they are in support of the service area amendment "with the anticipation that all projects in this area will have to comply with the Comprehensive Watershed Ordinance. The lines will be sized according to the density permitted under that ordinance. We are comfortable that that ordinance appropriately restricts density in the watersheds and that sewer service under those conditions is the most appropriate environmental alternative."

Councilmember Carl-Mitchell commented, for the record, "the service area in Bear Creek will, under this ordinance go to 18-26, and

I could not support that except for the fact that we now have a Comprehensive Watershed Ordinance in that area and hopefully that will be enforced in the future."

Motion

The Council, on Councilmember Shipman's motion, Mayor Pro Tem Trevino's second, closed the public hearing, waived the requirement for three readings and finally passed an ordinance amending the Water and Wastewater Utility Service Area Amendment Ordinance (810820-B) to include areas served by the approved 1985 Water and Wastewater Revenue Bond Improvements. (6-0 Vote, Councilmember Rose out of the room.)

PUBLIC HEARING - HILL COUNTRY ROADWAY ORDINANCE AMENDMENT

Mayor Cooksey opened the public hearing set for 6:00 p.m. to consider an ordinance amending the Hill Country Roadway Ordinance to require site plan approval before building permits are issued. No one appeared to be heard.

Motion

The Council, on Councilmember Carl-Mitchell's motion, Councilmember Urdy's second, closed the public hearing, waived the requirement for three readings and finally passed an ordinance amending the Hill Country Roadway Ordinance to require site plan approval before building permits are issued. (5-0 Vote, Mayor Pro Tem Trevino abstained and Councilmember Rose out of the room.)

ZONING ORDINANCE

The Council, on Councilmember Carl-Mitchell's motion, Councilmember Urdy'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:

NASH PHILLIPS COPUS, 8219-9200 & 10419
By Jerry Harris RM 620
C14r-85-337

(Tracts 13 & 14 could not pass because applicant requested "R&D" and it was recommended to have "IP")

(5-0 Vote, Mayor Pro Tem Trevino abstained because he had received income from the case, so it would be conflict of interest, and Councilmember Rose was out of the room.)

From "I-RR" to	
Tr. 1 "SF-6"	Tr. 18 "LO"
Tr. 2 "SF-6"	Tr. 19 "SF-2"
Tr. 3 "SF-2"	Tr. 20 "SF-1"
Tr. 4 "Sf-1"	
Tr. 5 "RR"	
Tr. 6 "MF-3"	
Tr. 7 "MF-3"	
Tr. 8 "GR"	
Tr. 9 "MF-2"	
Tr. 10 "SF-6"	
Tr. 11 "LR"	
Tr. 12 "MF-3"	
Tr. 15 "GO"	
Tr. 16 "GR"	

PUBLIC HEARING - WAIVERS FROM SETBACK REQUIREMENTS

Mayor Cooksey opened the public hearing on waivers from setback requirements. No one appeared to be heard.

Motion

The Council, on Councilmember Humphrey's motion, Councilmember Rose's second, closed the public hearing, waived the requirement for three readings and finally passed an ordinance amending subsection (b) (2) of Section 13-2A-5189 (Hill Country Roadway Regulations) of Chapter 13-2A to allow waivers from setback requirements along the Southwest Parkway when public right-of-way or drainage easements are dedicated to the public without cost. (6-0 Vote, Mayor Pro Tem Trevino out of the room.)

PUBLIC HEARING - WAIVER FROM SETBACK ALONG SOUTHWEST PARKWAY

Mayor Cooksey opened the public hearing on waivers from setback requirements along Southwest Parkway. No one appeared to be heard.

Motion

The Council, on Councilmember Carl-Mitchell's motion, Councilmember Urdy's second, closed the public hearing, and adopted a resolution granting a waiver from the requirement that the setback along the Southwest Parkway for Parcels No. 404270102, 407370102, and 407370118 be measured from the drainage easement. (6-0 Vote, Mayor Pro Tem Trevino out of the room.)

AUSTIN PLAN STEERING COMMITTEE APPOINTMENTS

The Council, on Councilmember Shipman's motion, Councilmember Rose's second, approved the following appointments to the Austinplan Steering Committee: (6-0 Vote, Mayor Pro Tem Trevino out of the room.)

Steering Committee - Sy Henderson, John Wright, Ken Manning and Gerry Tucker

Resource Members - Robert Mayberry, Norris Carr, Porfirio Rios, Melvin Collins, Susan Johnson, Vera Macero, Liz Walker, Rudy Garza Jr., Duke Brown, Rick Chavana, Curtis Williams, Willy Johnson, Daphne Vaughn, Dan Herman and Hans Mueller

ADJOURNMENT - Council adjourned its meeting at 9:50 p.m.