



Austin City Council MINUTES

For OCTOBER 6, 1988 - 1:00 P.M.

Council Chambers, 3

CITY CLERK'S OFFICE

Mayor Cooke called to order the meeting of the Council, noting the absence of Councilmembers Carl-Mitchell and Nofziger.

MINUTES APPROVED

The Council, on Mayor Pro Tem Shipman's motion, Councilmember Humphrey's second, approved minutes for regular meeting of September 29, 1988 and special meeting of September 27, 1988. (4-0 Vote, Councilmember Urdy out of the room, Councilmembers Carl-Mitchell and Nofziger absent.)

CITIZEN COMMUNICATIONS

Mr. Bob Coffee distributed plaques for Community Revitalization Award given by Austin Board of Realtors for the new Austin Recreation Center completed in 1987. Mr. Mark Weaver discussed Sexually Oriented Business Ordinances. Mr. Steve Sawyer talked about City of Austin budget process. Mr. Chris Chambers discussed proposed development of Travis County Subdivision by First Federal Savings.

ITEMS POSTPONED OR ALREADY ACTED UPON

Postponed to October 13, 1988 is consideration of affirmation of budget allocation for payment to Edward's Aquifer-Barton Springs Conservation District for fiscal year 1988-89.

Postponed to October 13, 1988 is consideration of authorization to negotiate the following contract for implementation of the 14th Year Community Development Block Grant (CDBG) Program: Minority Procurement Assistance. Postponed to October 11, is contract for Management and

Technical Assistance/Small Business Development Loan Administration.

Already acted upon on October 4, 1988 is consideration of approving lease contract for municipal office space with One Texas Center. Consideration of leasing space in Two Commodore Plaza was postponed to October 11, 1988.

An ordinance incorporating budget reductions proposed by City Manager at Council's direction has been postponed to October 13, 1988.

Consideration of an ordinance adopting rules for public utilities (non-City) within the corporate limits has been postponed to October 13, 1988.

Consideration of the results of staff evaluation of softball proposals and selection of a softball program provider, has been postponed to October 18, 1988.

Two Items already approved on October 4, 1988, were:

1. Authorized the Acting City Manager to amend the existing Social Services Contracts to extend periods through December 31, 1988 and to increase contract amounts.
2. Authorized the Acting City Manager to extend the City's contract with the Austin Economic Development Corporation to provide small and minority business management and technical assistance through October 14, 1988.

Consideration of the mission and transportation direction of Capital Metro has been postponed to October 13, 1988.

Postponed to October 11, 1988 is consideration of designating an underwriting syndicate for utility system revenue bond refinancing.

A City Manager report on 1988-89 Operating Budget Discretionary Reductions was postponed to October 13, 1988.

Presented on October 4, 1988 was Status Report on the Homeless.

Postponed to October 13, 1988, is consideration of construction agreement with Laguna Gloria Art Museum re: the use of Public right-of-way.

Zoning Case 87-009 was postponed to October 20, 1988 at 4:00 P.M. This is the Carino P.U.D. at 1707 Bridgeway Drive.

CONSENT ORDINANCES - OLD BUSINESS

The Council, on Councilmember Humphrey's motion, Mayor Pro Tem Shipman's second, passed through second and third readings of

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ordinances amending Chapter 13-2 of the Austin City Code (Zoning Ordinance) to cover the following changes: (5-0 Vote, Councilmembers Carl-Mitchell and Nofziger absent)

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|----------------------------------------------------------------------------------|-------------------------------------------------------|------------------------------|
| 1. VALERO TRANSMISSION
COMPANY AND WILLIAMSON
CREEK CEMETERY
C14-86-164 | 908 Little Texas
Lake
5700 Block South
IH-35 | From "SF-3"
to "GR" & "P" |
|----------------------------------------------------------------------------------|-------------------------------------------------------|------------------------------|

First reading on October 9, 1986, (5-0). Councilmembers Humphrey and Urdy out of room at roll call. No conditions to be met.

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| 2. CITY OF AUSTIN PARKS
& RECREATION DEPARTMENT
By Stuart Strong
C14-87-077(A) | 4600 East William
Cannon Drive and
6400-6500 South
Pleasant Valley Rd. | From "SF-3"
to "P" |
|-----------------------------------------------------------------------------------------|---------------------------------------------------------------------------------|-----------------------|

First reading on August 27, 1987, (7-0). No conditions to be met.

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| 3. SAS INSTITUTE, INC.
By Land Concepts
C14-87-126 | 100 Feet along the
North Side of
Parke Avenue | From "DR"
to "R&D" & "PDA" |
|----------------------------------------------------------|-----------------------------------------------------|-------------------------------|

EMERGENCY PASSAGE

First reading on October 29, 1987, (6-0). Conditions have been met as follows: Restrictive Covenant incorporating conditions imposed by Council have been executed. Conditional Overlay incorporates conditions imposed by Council. PDA agreement incorporating conditions imposed by Council has been executed.

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| 4. SUSAN CANZONE
C14-87-173 | 4328 James Casey
Street | From "SF-3"
to "LO" |
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First reading on January 28, 1988 (7-0). Conditions have been met as follows: The right-of-way dedication requirement has been satisfied.

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| 5. NAZARENE CHURCH
The Hada Group, Inc.
C14-86-177 | 6701-6703 Manchaca | From "SF-3"
to "LO" |
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First reading on January 7, 1987 (7-0). Conditions have been met as follows: The right-of-way dedication requirement has been satisfied.

CONSENT RESOLUTIONS

The Council, on Mayor Pro Tem Shipman's motion, Councilmember Humphrey's second, adopted the following resolutions all in one consent motion. (5-0 Vote, Councilmembers Carl-Mitchell and Nofziger absent.)

Release of Easements

Authorized release of the following easements:

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- a. The 7.5' Public Utility Easements on Lot 17, Block C, The Woods of Westlake, locally known as 1405 Shannon Oaks Trail.
(Request submitted by Dana Dean on behalf of Mr. & Mrs. George Lavton)
- b. A 5' Public Utility Easement along the southeast line of Lot 16, Block 4 and along northwest line of Lot 17, Block 4 of Bryker Woods, Section E, locally known as 1706 W. 32nd Street.
(Request submitted by Gracy Title Company on behalf of Jere and Susan Robinson)
- c. A portion of the 5' Public Utility Easement (to a 15' vertical height above the existing ground elevation) along the side lot line of Lot 1, Block 22, Pemberton Heights Section 8, locally known as 1415 Ethridge Avenue.

Eminent Domain Proceedings

Authorized the filing of Eminent Domain Proceedings to acquire the following - Capital Improvements Program.

- a. 4,434 square feet of land in fee simple out of Lot B, of Resubdivision of Lot 1, Blackson Avenue Addition, a subdivision in Travis County, Texas owned by Workingman's Friend Oil, Inc., a Kansas Corporation, for the U.S. Highway 183 Expansion Project. C.I.P. No. 85/62-01
- b. 5.015 acres of land in fee simple out of the Thomas Anderson League in Travis County, Texas owned by Oak Hill Joint Venture and Steve R. Scott Trustee for the U.S. Highway 290/SH 71 Project. C.I.P. No. 85/62-02
- c. 0.486 acre (21,154 square feet) of land in fee simple out of the George W. Davis Survey No. 15 in Travis County, Texas owned by Channel Home Centers, Inc. for the U.S. Highway 183 Expansion Project. C.I.P. No. 85/62-01
- d. .816 acre of land in fee simple out of the Thomas Anderson Survey No. 17 in Travis County, Texas owned by Jimmy F. Johnson and wife, Emma Lee Johnson for the U.S. Highway 290/SH 71 Expansion Project. C.I.P. No. 85/62-02
- e. 7,924 square feet of land in fee simple out of the James P. Wallace Survey No. 57 Travis County, Texas, owned by Exxon Corporation, f/k/a Humble Oil and Refining Company for the U.S. Highway 183 Expansion Project. C.I.P. No. 85/62-01
- f. 0.071 acre (3,100 square feet) of land in fee simple and a temporary construction easement containing 0.016 acre (700 square feet) of land out of the George W. Davis Survey No. 15 in Travis County, Texas, owned by Charles Maund Oldsmobile-Cadillac, Inc. for the U.S. Highway 183 Expansion Project. C.I.P. No. 85/62-01

- g. 2,877 square feet of land in fee simple out of the James P. Wallace Survey No. 57, Travis County, Texas, owned by G. Hasslocher, for the U.S. Highway 183 Expansion Project. C.I.P. No. 85/62-01
- h. 19,693 square feet of land in fee simple out of the James P. Wallace Survey No. 57, Travis County, Texas, owned by Lambeth Building Company for the U.S. Highway 183 Expansion Project. C.I.P. No. 85/62-01

Contracts Approved

Approved the following contracts:

- a. ICA-ICH INTERNATIONAL, INC.
3355 Bee Cave Road, Suite 201
Austin, Texas - CAPITAL IMPROVEMENTS PROGRAM -
Rehabilitation of Lions Municipal
Golf Course Club House, Parks
and Recreation Department
Total \$296,588.00 C.I.P. No.
83/89-02
- b. ALLIED TECHNOLOGY
8300 Bissonett
Houston, Texas - Camera and Copy Aperture Cards,
Water and Wastewater Utility
Department
Twelve (12) Month Supply Agreement
Items 1-2 - \$28,574.00
- c. BADGER METER, INC.
Utility Products Division
4545 West Brown Deer Road
Milwaukee, Wisconsin - Refurbished Water Meters, Water
and Wastewater Utility Department
Twelve (12) Month Supply Agreement
Total \$56,426.00 88-0256-OM
- d. SARGENT-WELCH SCIENTIFIC COMPANY
3403 Century Circle
Irving, Texas - Laboratory Glassware and
Plasticware, Water and Wastewater
Utility Department
Twelve (12) Month Supply Agreement
Total \$30,000.00 88-0152-RD
- e. PRIESTER-MELL & NICHOLSON, INC.
601 East 56th Street
Austin, Texas - Transmission Reconductor Hardware,
General Services Department
Items 4,5,7,14,19 & 20 -
\$37,010.77 88-0289-LI

Austin American-Statesman Photography Collection

Approved an application for a grant from the Junior League of Austin, Inc. in the amount of \$14,911.00 to continue to appraise, process and catalog the Austin American-Statesman photography collection.

9-1-1 System

Approved supporting participation in the development of a Regional Emergency 9-1-1 System.

Speed Limit Enforcement

Approved acceptance of a grant from the Texas Department of Highways and Public Transportation in the amount of \$130,875.00 to fund a National Maximum Speed Limit Enforcement Program for the Police Department.

Repeat Offender Program

Approved extending the Interlocal Agreement with Travis County for the Repeat Offender Program funded by the State of Texas, Governor's Office, Criminal Justice Division.

Interlocal Agreement

Approved an interlocal agreement between the City of Austin and Travis County for surveying and engineering services.

CONSENT ORDINANCES

The Council, on Councilmember Humphrey's motion, Councilmember Urdy's second, waived the requirement for three readings and finally passed the following ordinances all in one consent motion: (5-0 Vote, Councilmembers Carl-Mitchell and Wofziger absent)

1988-89 Operating Budget Amendments

Amended the 1988-89 Annual Operating Budget by:

- a. Accepting and appropriating to the Police Department a grant award from the Texas Department of Highways and Public Transportation in the amount of \$42,510.00 to fund the Occupant Protection Selective Traffic Enforcement Program.
- b. Accepting and appropriating a grant award from the Texas Department of Highways and Public Transportation in the amount of \$21,500.00 to continue funding for a Traffic Services Microcomputer System for the Police Department.
- c. Accepting and appropriating a grant award of \$116,500 from the Texas Department of Highways and Public Transportation to implement a DWI Selective Traffic Enforcement Program (DWI STEP) for the Police Department.

Variance From Right-of-Way

Approved a request from Mr. Roel Bazan for a variance from the

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terms of the right-of-way dedication requirements for property located at 1302 South 1st Street (SP-88-0197C)

Downtown Commission

Approved amending the Austin City Code Section 2-4-1 residency requirements of the Travis County representative on the Downtown Commission, and clarifying the financial disclosure requirements of the Downtown Commission.

Street Name Changes

Approved the following street name changes:

- a. A portion of PATTON LANE to be changed to VEGA AVENUE extending from the south line of Southwest Parkway in a southwesterly direction to the easterly prolongation of the south or southeast line of Vega Avenue.
- b. A portion of PATTON LANE to be changed to PATTON RANCH ROAD extending from the north right-of-way line of U.S. Highway 290 in a northerly direction to the southerly prolongation of the east or northeast line of Patton Ranch Road.

Legal Descriptions Corrected

Approved amending the following Ordinances to correct the legal description or use designation:

- a. Ordinance No. 850801-H, Case No. C14h-85-006 locally known as 1170 San Bernard.
- b. Ordinance No. 870730-DD, Case No. C14-87-112 locally known as Barton Springs and MoPac.

CITY MANAGER REPORT

Stephen Klepper, City Auditor, presented the City Manager Report on Management Evaluation of the Austin Economic Development Corporation.

APPEAL SET

The Council, on Mayor Pro Tem Shipman's motion, Mayor Cooke's second, at the request of Mr. Terrence Lang Irion, set a public hearing on an appeal of the Planning Commission's decision to deny variances to Section 13-3-305(a)(4) and 13-2-306(a)(2) of the Travis Country Preliminary Subdivision Plan C8-83-29.01(85) for October 27, 1988 at 6:45 P.M. (4-0 Vote, Councilmember Urdy out of the room, Councilmembers Carl-Mitchell and Nofziger absent)

SUNSET AUDIT CONTRACT FAILED

Mayor Pro Tem made a motion, seconded by Councilmember Urdy, to adopt a resolution approving a contract between the City of Austin and Peat Marwick & Co. for a consultant to assist in the "Sunset" audit of the Water and Wastewater Department in the amount of \$50,000.00. Motion FAILED by a vote of 3-2 with Mayor Cooke and Councilmember Humphrey voting No, Councilmembers Carl-Mitchell and Nofziger absent.

BUDGET AMENDMENT

The Council, on Councilmember Barnstone's motion, Mayor Cooke's second, waived the requirement for three readings and finally passed an ordinance amending the 1988-89 Capital Budget by: (5-0 Vote, Councilmembers Carl-Mitchell and Nofziger absent)

- a. Appropriating \$1,220,000.00 to the Onion Creek Digesters Project, Serial Number 73/23-87, from the Water and Wastewater transfer to Capital Improvements Program.

CONTRACT APPROVED

The Council, on Councilmember Urdy's motion, Mayor Pro Tem Shipman's second, adopted a resolution approving the following contract: (5-0 Vote, Councilmembers Carl-Mitchell and Nofziger absent)

TRIPLE V CONSTRUCTION COMPANY
P.O. Box 790
Del Valle, Texas

- CAPITAL IMPROVEMENTS PROGRAM -
Community Development District No. 43
Water and Wastewater Improvements,
Water & Wastewater Utility Department
Total \$778,437.50 C.I.P. Nos.
87/22-39 and 87/23-33

DISANNEXATION PROVISIONS

The Council, on Councilmember Humphrey's motion, Mayor Cooke's second, adopted a resolution adopting an interim policy regarding the disannexation provisions of SB 962 as it relates to areas annexed for limited purpose, beginning November 1, 1988. (5-0 Vote, Councilmembers Carl-Mitchell and Nofziger absent)

PUBLIC HEARING - AMENDMENTS TO THE WBE/MBE ORDINANCE

Mayor Cooke opened the public hearing set for 6:00 P.M. on amendments to the WBE/MBE Ordinance. Cards for speakers are on file in the City Clerk's office.

Motion

The Council, on Councilmember Humphrey's motion, Councilmember Urdy's second, closed the public hearing. (5-0 Vote, Councilmembers Nfziger and Carl-Mitchell absent)

(more on next page)

Motion

The Council, on Mayor Pro Tem Shipman's motion, Mayor Cooke's second, waived the requirement for three readings and finally passed an ordinance to approve amendments to the WBE/MBE Ordinance as recommended by the Task Group; do not assign Office of Business and Minority Affairs to the City Manager (keep in Purchasing Department) with a friendly amendment by Mayor Cooke that one member on the committee be from the Chamber of Commerce. (5-0 Vote, Councilmembers Carl-Mitchell and Nofziger absent.)

EXECUTIVE SESSION

Mayor Cooke announced Council would go into Executive Session if necessary, pursuant to Article 6252-17, Texas Revised Civil Statutes Annotated, to discuss matters of land acquisition, litigation and for personnel matters. No final action, decision or vote by the City Council will be taken on any subject or matter unless specifically listed on the agenda for this meeting.

1. Pending Litigation - Section 2, Paragraph e

(a) City of Austin v. Houston Lighting and Power

(b) Water Rate Case (Springwoods MUD et al)

(c) Agenda Item D.2.e. - Consider retaining the firm of Booth and Newsom to represent the City of Austin in water rate cases at the Texas Water Commission and in state court.

RECESS

Council recessed its meeting from 7:30 to 9:00 P.M.

LAW FIRM FOR WATER RATE CASES

The Council, on Councilmember Urdy's motion, Mayor Pro Tem Shipman's second, authorized the City Manager to negotiate a contract with Booth and Newsome to represent the City of Austin in water rate cases at the Texas Water Commission and in State court. (4-0 Vote, Mayor Cooke out of the room, Councilmembers Carl-Mitchell and Nofziger absent)

SUMIKEN BUILDING DISCUSSED

Councilmembers Humphrey and Barnstone discussed the acquisition of the Sumiken Building.

CITY MANAGER REPORT - EMPLOYEE BENEFITS FUND REPORT

Charles Brothers, Senior Assistant City Attorney, presented a City Manager Report on Employee Benefits Fund Report.

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MEETING CONCLUDED

The Council lost its quorum at 9:55 P.M. so the meeting was concluded. Not discussed were the two resolutions concerning the Gilbane Update.