



Austin City Council MINUTES

For JANUARY 7, 1988 - 1:00 P.M.

Council Chambers, 307 West Second Street, Austin, Texas

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 Nofziger's second, approved minutes for regular meeting of December 24, 1987. (5-0 Vote, Councilmember Urdy and Mayor Pro Tem Trevino out of the room)

CITIZEN COMMUNICATIONS

Gary Johnson did not appear. Keith J. Cunningham discussed Capital Recovery Fees for temporary wastewater hookup between the Capital View Condo Assn. and Eanes ISD. Dr. Stephen Phyrre discussed a waiver of the 300 foot distance requirement between churches and establishments serving alcohol. Mrs. Margie Mae Newton discussed mobile homes. Brother Tony Hearn discussed comprehensive community needs assessment.

LIBRARY

The Library Commission Report was presented on Response to L.E.N.D. Proposals. The City Manager report on Library Issues was also presented. Council will take action on January 28, 1988 at 5:00 p.m.

BRACKENRIDGE PROFESSIONAL BUILDING GROUND LEASE

The Council, on Councilmember Carl-Mitchell's motion, Councilmember Humphrey's second, adopted a resolution to execute agreement and estoppel certificate consenting to transfer of Brackenridge Professional Building ground lease. (7-0 Vote)

KERRVILLE BUS COMPANY FRANCHISE

The Council, on Councilmember Carl-Mitchell's motion, Councilmember Humphrey's second, passed through THIRD READING of an

ordinance granting a franchise to Kerrville Bus Company, Inc. and ratifying the proposed maximum rate of fare. (7-0 Vote)

ZONING ORDINANCES

The Council, on Councilmember Carl-Mitchell's motion, Councilmember Humphrey's second, passed through second/third readings of ordinances amending Chapter 13-2A of the Austin City Code (Zoning Ordinance) to cover the following changes: (7-0 Vote, unless otherwise noted)

- (1) CIRCLE K CONVENIENCE 3636 R.M. 620 From Interim "RR"
STORES, INC. North to "LR"
By Thomas W. Mountz
C14r-85-321

First reading on February 6, 1986, (7-0). Conditions have been met as follows: Development restricted to that shown on the site plan attached as an exhibit to the ordinance.

- (2) LILLIAN I. MARTIN 8311 Haskell Drive From Interim "RR"
C14-85-288.90 to "LO"

Second reading on November 13, 1986, (7-0). Conditions have been met as follows: Restrictive Covenant incorporating conditions imposed by Council has been executed.

- (3) GRACE COVENANT 9500 Research From "SF-3"
CHURCH Boulevard to Tr. 1 "GO"
By Jim Nias Tr. 2 "MF-2"
C14-86-182

First reading on October 29, 1987, (7-0). Conditions have been met as follows: Restrictive Covenant incorporating conditions imposed by Council has been executed.

- (4) NASH PHILLIPS & 2624 William From "SF-3"
CLYDE COPUS Cannon Drive to "LO"
By Jones, Davis,
Reavis & Pogue
C14r-87-096

First reading on November 5, 1987, (5-0). Mayor Pro Tem John Trevino, Jr. and Councilmember George Humphrey out of room at roll call. Conditions have been met as follows: Development restricted to that shown on site plan attached as an exhibit to the ordinance.

- (5) H. C. BYLER 2406 South 4th From "SF-3"
C14-87-094 Street to "LO"

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- (5) H. C. BYLER (continued)
C14-87-094

First reading on July 30, 1987, (5-0). Mayor Pro Tem John Trevino, Jr. and Councilmember Charles E. Urdy out of room at roll call. Conditions have been met as follows: Right-of-way on South 4th Street has been dedicated by Street Deed. Restrictive Covenant incorporating conditions imposed by Council has been executed.

- (6) H. C. BYLER 901 and 903 Oltorf From "SF-3"
C14-87-021 Street to "LO"
 2400, 2402, 2404
 South 4th Street

First reading on April 23, 1987, (6-0). Conditions have been met as follows: Right-of-way on South 4th Street has been dedicated by Street Deed. Restrictive Covenant incorporating conditions imposed by Council has been executed.

- (7) TOWNLAKE JOINT 43, 45, 46, 47 & From "SF-2" & "LO"
VENTURE 52 Rainey Street to "LO"
C14-84-473 706 Cummings
 Street
 21 Bierce Street

5-2 Vote,
Mayor Cooksey &
Councilmember
Nofziger voted
No.

Second reading on October 29, 1987, (4-2-0). Mayor Frank C. Cooksey and Councilmember Michael "Max" Nofziger voted "NO". Mayor Pro Tem John Trevino, Jr. abstained. Conditions have been met as follows: Development restricted to that shown on the conceptual Site Plan attached as an exhibit to the ordinance.

- (8) SADDLEBACK JOINT 8700-8730 Hwy. 71 From Tr. 1 "I-RR"
VENTURE West Tr. 2 "I-RR"
C14-85-288.118 Tr. 3 "I-RR"
 to Tr. 1 "GR"
 Tr. 2 "LO"
 Tr. 3 "MF-1"

First Reading on June 18, 1986, (7-0). Conditions have been met as follows: Restrictive Covenant incorporating conditions imposed by Council has been executed.

- (9) BRIGHT BANC 4301 West Lake From "LO"
SAVING ASSOC, High Drive to "LR"
C14r-83-316

First reading on November 29, 1984, (5-0). Conditions have been met as follows: Development restricted to that shown on the Site Plan attached as an exhibit to the ordinance.

(10) TRAVIS BANK AND
TRUST
C14-87-030B

801, 803, 805, From "GR", "LO" &
807 W. 37th Street "SF-3"
and 3508 West Avenue to "GO"

First reading on June 4, 1987, (7-0). Conditions have been met as follows: Restrictive Covenant incorporating conditions imposed by Council has been executed.

CONSENT ORDINANCES

The Council, on Councilmember Humphrey's motion, Mayor Pro Tem Trevino's second, waived the requirement for three readings and finally passed the following ordinances in one consent motion: (7-0 Vote)

Operating Budget Amendment

Amended the 1987-88 Annual Operating Budget by accepting and appropriating the Austin Police Department's grant award in the amount of \$12,139.60 to fund a Traffic Services Microcomputer System from the State Department of Highways and Public Transportation.

Meter Parking Zones

Approved installation of the following Parking Meter Zones:

<u>METER TYPE</u>	<u>STREET</u>	<u>LOCATION</u>	<u>SIDE OF STREET</u>
15 to 120 minute	East 1st Street	100 block	North
15 to 120 minute	East 2nd Street	100 block	South
15 to 120 minute	East 3rd Street	100 block	North
15 to 120 minute	Brazos Street	100 block	East and West
15 to 120 minute	San Jacinto Blvd.	100 block	West

Amended Section 11-2-100 of the Austin City Code to re-establish the following speed zones:

Delete:

- (a) 35 MPH - Burnet Road from West 45th Street to White Horse Trail
- (b) 40 MPH - Burnet Road from White Horse Trail to Steck Avenue
- (c) 45 MPH - Burnet Road from Steck Avenue to U.S. 183

Add:

- (a) 35 MPH - Burnet Road from West 45th Street to White Horse Trail
- (b) 40 MPH - Burnet Road from White Horse Trail to Steck Avenue
- (c) 45 MPH - Burnet Road from Steck Avenue to U.S. 183)

CONSENT RESOLUTIONS

The Council, on Councilmember Humphrey's motion, Mayor Pro Tem Trevino's second, adopted the following resolutions in one consent motion: (7-0 Vote)

Fire Station #22

Approved the dedication of Riverside Drive Water and Wastewater Transmission Main Easements at Fire Station #22.

Release of Easements

Authorized release of the following easements:

- a. A portion of a 5' Public Utility Easement of record in Book 3, Page 255, Travis County Plat Records and located on Lot 31, Okie Heights Addition, 805 Jessie. (Request submitted by Bruce H. Maddox)
- b. A 10' Public Utility Easement located on Lot 1, Metric Village, of record in Book 87, Page 93D, Travis County Plat Records and Lot 9, Biltmore Plaza, of record in Book 87 41A and 41B, Travis County Plat Records. (Requested submitted by Greg Griffin of Griffin Engineering, on behalf of Grace Chen)
- c. A 15' Drainage Easement of record in Volume 81, Page 170, Travis County Real Property Records and located on Lot 5, Ridge Point Section One. (Request submitted by McGray & McGray Land Surveyors, Inc., on behalf of the Texas Association of Nurserymen, Inc.)
- d. The 10' wide Electric and Telephone Easement of record in Volume 10226, Page 899, of the Travis County Real Property Records, located on Lot 8, Block B, Central Austin Business Park, Section 1, and shown on Lot 10, Block D, Walnut Creek Business Park, Phase C. (Request submitted by Paul L. Bechtel on behalf of the Walnut Creek Business Park Joint Venture)
- e. A Public Utility Easement located on Lot 7, Beva Subdivision, of Record in Book 82, Page 68, Travis County Plat Records, and a portion of the Public Utility Easement located on Lot 8, Beva Subdivision of record in Book 82, Page 68, Travis County Plat Records, 15802 P.M. 1825. (Request submitted by E. B. Priesmeyer)
- f. Release of the 5' Overhead Electric Easement of record in Volume 2133, Page 35, of the Travis County Real Property Records and shown on Century Park Subdivision. (Request submitted by the City Electric Utility Department)

Eminent Domain Proceedings

Authorized the filing of eminent domain proceedings to acquire:

- a. 0.020 acre (871 square feet) of land in fee simple out of the James P. Wallace Survey No. 18 in Travis County, Texas from the Beckham Trust for the Industrial Street North (United Drive) Project.
- b. 5,280 square foot Permanent Wastewater Easement and two (2) Temporary Workspace Easements as described in Exhibit B out of the John Applegate Survey No. 58 in Travis County, Texas from Texas Manufactured Housing Association for the Little Walnut Creek Relief Interceptor Project, Phase IV.
- c. 18,892 square foot Permanent Water and Wastewater Easement and a Temporary Workspace Easement containing 22,905 square feet of land, out of the Santiago Del Valle Grant, Travis County, Texas from R.P.C. Investments, Inc. for the Riverside Drive Water Transmission Lane.
- d. 0.892 acres of land out of Tract III, of the Third Resubdivision of Block A-1, West Gate Square Commercial, a subdivision in Travis County, Texas, according to the plat recorded in Volume 75, Page 249, Plat Records of Travis County, Texas from Westgate, Ltd. for U.S. 290 West/SH 71 Expansion Project.
- e. 8,852 square foot Permanent Wastewater Easement and two Temporary Workspace Easements as described in Exhibit E, out of the J. C. Tannehill Survey in Travis County, Texas from Great West Savings Banc-A Savings Association for the Little Walnut Creek Relief Interceptor-Phase II Project.
- f. 3,781 square foot Water and Wastewater Easement and a Temporary Workspace Easement containing 4,783 square feet of land out of the Santiago Del Valle Grant, Travis County, Texas from R.P.C. Investments, Inc. (previously owned by Dickson Properties, Inc.) for the Riverside Drive Water Transmission Main Project.
- g. Permanent Water Transmission Main Easement containing 6,018 square feet of land and two Temporary Construction Easements containing 13,512 square feet of land out of the William H. Saunders Survey No. 54 in Travis County, Texas from 290 Joint Venture for the East Austin Water Transmission Main, Phase III.
- h. 600.2 square foot Public Utility Easement out of Lot 30, Block L. Cooper Oaks, Section 1-A, a subdivision in the City of Austin, Travis County, Texas, owned by Mr. Adrian M. Overstreet, Jr. for the South Mopac/Cherry Meadows Drainage Improvements Phase III Project.

- i. 15,414 square feet of land for a Permanent Water and Wastewater Easement and two Temporary Construction Easements containing 19,270 square feet out of the Santiago Del Valle Grant owned by Central Texas Equipment Company for the Riverside Drive Water Transmission Main Project.
- j. 4,593 square feet of Right-of-way in fee simple out of and a part of Lot Five (5) in Block B of Acres West, a subdivision in Williamson County, Texas, owned by Henry B. Mayes, Jr. and John J. Fields d/b/a Nova Investment Group for the U.S. Highway 183 Improvement Project.

Item Postponed

Postponed to January 21, 1988 is consideration of filing of eminent domain proceedings for the following:

Two permanent Water Transmission Main Easements containing 48,762 square feet of land and two Temporary Construction Easements containing 60,821 square feet of land out of the Lucas Munos Survey No. 55, Abstract No. 513 and the James Burlison Survey No. 19, Abstract No. 4 in Travis County. Texas from P. Frank Lake, Trustee for the East Austin Water Transmission Main, Phase III Project.

Capital Improvements Program

Approved acquisition of 1.851 acre tract of land for the Dry Creek Lift Station Site. (Gilbert W. & Alice S. Anderson, owners) C.I.P. No. 85/23-30.

Approved a proposed Supplemental Amendment No. 2 to the Professional Services Agreement between the City of Austin and Freese & Nichols, Inc., for design phase services in connection with the East Ben White Transmission Main for the Water and Wastewater Utility Department. C.I.P. No. 85/22-51.

Contracts Approved

Approved the following contracts:

BRB CONTRACTORS, INC.
7801 North Lamar, Suite D-79
Austin, Texas

- CAPITAL IMPROVEMENTS PROGRAM -
East Austin Pump Station, Water
and Wastewater Utility Department
Total \$4,865,000.00 C.I.P. No.
86/22-31

KENCON CONSTRUCTORS, INC.
13505 Vista Bonita
San Antonio, Texas

- CAPITAL IMPROVEMENTS PROGRAM -
Fire Station - 9409 Bluegrass
Drive, Transportation and Public
Services Department
Total \$677,187.00 C.I.P. No.
85/83-07

ELLA CONTRACTING, INC.
P. O. Box 16498
Austin, Texas

- CAPITAL IMPROVEMENTS PROGRAM -
Construction of TSM Improvements,
Transportation and Public Services
Ben White Boulevard Corridor,
Department
Total \$310,806.68 C.I.P. Nos.
85/62-56 and 87/22-39

ALPINE TV & APPLIANCE SERVICE
RENTALS
204 East 53rd Street
Austin, Texas

- CAPITAL IMPROVEMENTS PROGRAM -
One Hundred (100) Window Mounted
Air Conditioners, Resource
Management Department
Total \$37,150.00 C.I.P. No.
85/52-02

ELECTRIC UTILITY CONSTRUCTION,
INC.
3300 South Aspen
Broken Arrow, Oklahoma

- CAPITAL IMPROVEMENTS PROGRAM -
Installation of Overhead Electric
Distribution Facilities for East
St. Elmo to East Alpine - 3 Phase
Reconductor, Electric Utility
Department
Total \$64,138.00 C.I.P. No.
88/14-02

HENKEL'S & MCCOY, INC.
4220 Justin Road
Levisville, Texas

- CAPITAL IMPROVEMENTS PROGRAM -
Installation of Overhead Electric
Distribution Facilities for
Sherbourne Street 3 Phase
Reconductor, Electric Utility
Department
Total \$110,884.00 C.I.P. No.
88/14-02

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TSE INTERNATIONAL
5301 Shreveport Highway
Shreveport, Louisiana

- Cable Puller/Tensioner, Electric
Utility Department
Total \$58,685.00 88-0052-OM

PORT ENTERPRISES, INC.
P. O. Box 447
Port Lavaca, Texas

- Re-roofing and Wall Repair at
the Rebecca Baines Johnson Building
Transportation and Public Services
Department
Total \$136,804.00 P.B.D.
Project No. 87-32

Bid award:

- Repair Parts for General Motors
Cars and Light Duty Trucks, General
Services Department
Twelve (12) Month Supply Agreement
Total \$70,000.00 88-0053-OM

(1) CAPITOL CHEVROLET, INC.
501 North Lamar
Austin, Texas

- Item 1 - \$35,000.00

(2) HENDRIX GMC TRUCKS, INC.
4400 South IH-35
Austin, Texas

- Item 2 - \$35,000.00

SAFE-QUIP, INC. (VBE)
10109 McKalla Place
Austin, Texas

- Fire Extinguishers, General
Services, Department
Twelve (12) Month Supply Agreement
Items 1-44 - \$31,764.00 88-0007-DC

Bid award:

- Tires and Tubes, General Services
Department
Twelve (12) Month Supply Agreement
Total \$500,894.00 87-0438-VV/OM

(1) PURCELL TRUCK TIRE CENTER
15325 North IH-35
Austin, Texas

- Items 1-23, 84-93, 104-119 -
\$71,814.00

(2) YOUNGBLOOD GENERAL TIRE, INC.
506 North Lamar Boulevard
Austin, Texas

- Items 24-83, 94-103, 150 -
\$429,080.00

MAGNATRADE CORP.
321 South Boston
Tulsa, Oklahoma

- Sodium Hexametaphosphate, Water
and Wastewater Department
Twelve (12) Month Supply Agreement
Item 1 - \$157,325.00 88-0041-DC

TEXAS INDUSTRIES, INC.
825 Ed Bluestein Boulevard
Austin, Texas

- Mortar Sand, Parks and Recreation
Department
Twelve (12) Month Supply Agreement
Item 1 - \$33,500.00 88-0005-DC

PROCTER & GAMBLE
P. O. Box 1910
Dallas, Texas

- Disposable Diapers, Brackenridge Hospital
Twelve (12) Month Supply Agreement
Total \$29,663.29 BS8-020

SOUTHERN SAFETY SALES
P. O. Box 4065
Austin, Texas

- Concha Water, Brackenridge Hospital
Twelve (12) Month Supply Agreement
Total \$38,646.48 BS8-045

APPLIED DATA RESEARCH
13430 Northwest Freeway
Suite 1100
Houston, Texas

- On-line Programming and Source Management Software System, Brackenridge Hospital
Total \$43,220.00 BH8-016

BAXTER HOSPITAL SUPPLY
Rt. 1, Box 204
Mt. Calm, Texas

- EKG Pads, Brackenridge Hospital
Twelve (12) Month Supply Agreement
Total \$34,112.16 BS7-379
Items 2-4 - \$29,663.29 BS8-20

Consumer Advocate - Electric Utility Rate Process

Approved a Professional Services Agreement (RFP) with Jarilyn Dupont, Attorney at Law, and Annette LoVoi, Consumer Consultant, Joint Venture, regarding the provision of services as the Consumer Advocate in the Electric Utility Rate Process in an amount not to exceed \$86,725.00.

License Agreement

Approved entering into the following License Agreement:

- To allow the installation of landscape and an irrigation system into the right-of-way of Braker Lane from U.S. 290 East, West to the intersection of Braker Lane and Giles Road, Giles Road right-of-way from Braker Lane to Boyce Lane, Harris Branch Project. (Request submitted by Robert Moorman on behalf of Lexington Development Company)

Contracts Postponed

Postponed to January 12 and 14, 1988 is a contract for Hayden Concrete Company.

Postponed to a later date is consideration of a contract for Willamette Industries, Inc. for continuous paper stock.

Item Postponed

Postponed to January 21, 1988 is consideration of approval of 60 day extension to a contract with Washington National Insurance Co.

Ethics Review Commission

Appointed members of the Ethics Review Commission to specific staggered terms of office.

Mayor Cooksey stated, "I want the record to reflect that the resolution is the one in the backup material that sets the terms of the Ethics Review Commission as follows, that the initial members appointed by the City Council members for Place 1, 3 and 4 are appointed to terms which expire July 1, 1988, with successive two year terms and that the initial members of the Ethics Review Commission appointed by the Mayor and City Council members for Place 2, 5 and 6, appointed to terms which expire July 1, 1989 with successive two year terms."

Austin Housing Finance Corporation

Affirmed the action of the Austin Housing Finance Corporation to underwrite the cost of the U.S. Conference of Mayors National Housing Forum.

Affirmed the action of the Austin Housing Finance Corporation to fund a Downpayment Assistance Program in conjunction with the Good Neighbor Project.

I-Net

Approved allocation of modulators for KLRU's use on the I-Net.

Item Already Acted Upon

Approved utilization of Cablevision settlement funds and guidelines for distribution of Cablevision settlement funds on January 5, 1988.

Public Hearing Set

Set a public hearing on the Leveraged Loan Pool Program Operating Regulations for January 14, 1988 at 4:30 p.m.

Emergency Contract with Valero Transmission, L.P.

Approved Emergency Contract with Valero Transmission, L.P., for replacement of 25% of the City's gas needs during January, 1988.

RECESS

Council recessed its meeting from 3:45 p.m. to 3:55 p.m. to hold a meeting of the Austin Housing Finance Corporation.

TIPS WAREHOUSE

The City Manager report on Tips Warehouse was postponed to January 14, 1988.

ANNEXATION

Council had before them for consideration the third reading of an ordinance granting full purpose annexation of the proposed Northwest Austin MUDs 1 & 2 (Canyon Creek) area, and the 3M Schlumberger and Water Treatment Plant #4 sites. (C7a-87-001).

Councilmember Carl-Mitchell made the following motion, seconded by Mayor Cooksey:

Motion

Councilmember Carl-Mitchell: I would like to move approval of third reading of the annexation and that would include the Northwest Austin MUDs 1 and 2, which is the Canyon Creek area, the 3M and Schlumberger Water Treatment Plant #4 sites. The strip agreed upon was the Beard Ranch and the strip of property on the road right-of-way agreed upon with the owners of PWB.

Karen Walz, Comprehensive Planning: If you wish to annex a strip of land within the PWB site the staff would recommend you annex the strip they requested along the eastern property boundary rather than the one along...

Councilmember Carl-Mitchell: That's fine. The one agreed upon by the property owners and the City staff. And we have not reached an agreement with the Ribelin tract?

Karen Walz: That is correct. That will be as staff originally identified it.

Motion passed by a vote of 7-0.

CIGARETTE PROMOTION

The Council, on Councilmember Shipman's motion, Councilmember Humphrey's second, passed through FIRST READING of an ordinance amending Chapter 10-5, Section 10-5-3 of the Code of the City of Austin 1981, by adding a new subsection (j) prohibiting persons in the business of selling or promoting cigarettes, etc., from delivering free cigarettes upon any public street, highway, bridge, alley, sidewalk, or right-of-way in the City. (5-0 Vote, Mayor Pro Tem Trevino and Councilmember Urdy abstained)

A COMPLETE TRANSCRIPT OF DISCUSSION IS ON FILE IN THE CITY CLERK'S OFFICE.

CITY AND COUNTY JAIL CONSOLIDATION

Council held a discussion on a resolution to enter into an Interlocal Agreement with Travis County to provide for the consolidation

of City and County jail facilities. It was unanimously decided to post this item for action on the January 12, 1988 and January 14, 1988 agendas.

CHANGE ORDERS

The Council, on Councilmember Carl-Mitchell's motion, Mayor Pro Tem Trevino's second, adopted a resolution approving the following change order:

- a. In the amount of \$76,176.03 to Underground Utilities for the Howard Lane to Northtown Phase II-B Main Project. (12.34% of the original amount of \$617,334.00) C.I.P. No. 85/22-20

(5-1-0 Vote, Councilmember Humphrey voted No, Councilmember Nofziger out of the room)

The Council, on Councilmember Carl-Mitchell's motion, Councilmember Shipman's second, adopted a resolution approving the following change order:

- a. In the amount of \$38,387.50 to increase the encumbrances for engineering fees for Howard Needles Tammen & Bergendoff, Austin Gateway Access Study (Downtown East/West Arterial Study) for Professional Services. (12% increase of original contract amount of \$318,590.00) C.I.P. No. 85/62-21

(6-0 Vote, Councilmember Nofziger out of the room)

CONTRACT - BRACKENRIDGE HOSPITAL PHARMACY

The Council, on Councilmember Humphrey's motion, Mayor Pro Tem Trevino's second, adopted a resolution approving a contract as follows: (6-0 Vote, Councilmember Carl-Mitchell out of the room)

AMFAC HEALTH CARE
12732 O'Connor Road
San Antonio, Texas

- Generic Drugs, Brackenridge
Hospital
Twelve Month Service/Supply
Agreement
Total \$2,800,000.00 BC8-035

APPEALS TO COUNCIL SET

The Council, on Councilmember Urdy's motion, Mayor Pro Tem Trevino's second, set the following appeals to Council: (7-0 Vote)

- a. Set a public hearing, requested by Mr. Sam E. Dunnan, on an appeal of the Planning Commission's decision regarding denial of Conditional Use Permit in Case No. C14p-87-023 for February 11, 1988 at 4:00 p.m.

- b. Set a public hearing, requested by Mr. Donovan Davis, on an appeal to the issuance of Site Development Permit No. 8199 (replacing Permit No. 87-08-2756) for The Club at Wells Branch - Wells Branch Parkway at Wells Port Drive: January 21, 1988 at 6:00 p.m.

REQUEST WITHDRAWN

Richard T. Suttle's request to set a public hearing on an appeal was withdrawn.

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 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) Overton et al v. City of Austin
- (c) Southern Union Gas v. City of Austin
- (d) City of Austin/LCRA v. Decker Coal Company
- (e) City of Austin v. Dripping Springs
- (f) LCRA and City of Austin v. Burlington Northern Railroad et al.

2. Contemplated Litigation - Section 2, Paragraph e

- (a) Enforcement of Letters of Credit

3. Personnel Matters - Section 2, Paragraph g

- (a) City Manager Search

RECESS

Council recessed for executive session at 6:12 p.m. and resumed its recessed meeting at 7:35 p.m.

HEARING EXAMINER - ELECTRIC UTILITY RATE PROCESS

The Council, on Mayor Pro Tem Trevino's motion, Councilmember Urdy's second, adopted a resolution approving a professional services agreement (RFP) with Rafael Quintanilla, Attorney and Counselor in an amount not-to-exceed \$53,640.00 to provide services as the hearing examiner in the Electric Utility Rate Process. (6-1 Vote, Councilmember Humphrey voted No.

CIP PROJECTS

The Council, on Mayor Pro Tem Trevino's motion, Councilmember Urdy's second, adopted a resolution approving 12 month contracts for land acquisition services for C.I.P. projects with the following firms in the estimated amount of \$400,000.00. (6-1 Vote, Councilmember Shipman voted No)

- a. Appraisal Associates, Inc.
- b. Hub Bechtol & Associates
- c. S.A. Garza & Associates
- d. Landtask
- e. Southwest Land (MBE)
- f. Texas Field Services
- g. Trans-Texas Land Services

ADVERTISING CONSULTANT

The Council, on Mayor Pro Tem Trevino's motion, Councilmember Carl-Mitchell's second, adopted a resolution approving professional services agreements for creative advertising and media buying services to be provided on a "per project" basis with McDonald Davis & Associates and Sherry Matthews Advertising for consultation services as needed for the remainder of the fiscal year 1987/1988 in an amount estimated at \$600,000.00. (7-0 Vote)

LAW FIRM RETAINED

The Council, on Councilmember Humphrey's motion, Mayor Pro Tem Trevino's second, adopted a resolution approving the retention of the law firm of Lloyd, Gosselink, Ryan and Fowler. (6-0 Vote, Councilmember Carl-Mitchell out of the room)

FINANCIAL FORECAST

The Council, on Councilmember Humphrey's motion, Councilmember Shipman's second, adopted a resolution adopting the Five-Year Financial Forecast Assumptions. (7-0 Vote)

TECHNICAL BOARD

The Council, on Mayor Pro Tem Trevino's motion, Councilmember Carl-Mitchell's second, appointed Austan Librach and Jim Thompson as members of the Barton Springs - Edwards Aquifer Conservation Districts's technical board. (7-0 Vote)

ITEM FROM COUNCIL

Councilmember Shipman introduced an item to Council to consider a model ordinance and resolution to establish City Boards and/or Commissions, and consider a monthly appointment process. Council referred this matter to the Legal Department to write an ordinance and resolution and bring it back to Council.

PUBLIC HEARING TO BE CONTINUED

The 4:30 p.m. public hearing on proposed amendments to Rules Posting Procedure was continued to January 28, 1988 at 7:00 p.m.

PUBLIC HEARING - APPEAL

Mayor Cooksey opened the public hearing set for 5:00 p.m. on an appeal from Mr. Charles Jordan, Director of the Parks and Recreation Department, on the decision of the City of Austin Office of Land Development Services Department regarding denial of a Site Development Permit for 5909 Crystal Brook Drive. Mr. Jordan explained that the use is for restrooms.

Motion

The Council, on Mayor Pro Tem Trevino's motion, Councilmember Urdy's second, closed the public hearing and approved a Site Development Permit for 5909 Crystal Brook Drive. (5-0 Vote, Councilmembers Nofziger and Humphrey out of the room.)

PUBLIC HEARINGS - GROUP HOME, FAMILY HOME & CONGREGATE CARE FACILITIES

Mayor Cooksey opened the public hearings to consider amending the following:

- a. Chapter 13-2A (Revised Zoning Regulations) modifying existing "Group Home" definition, adding a new definition of "Family Home" to be consistent with State Law.
- b. To amend Chapter 13-2A by adding three new "Congregate Care Facility" definitions for facilities with more than 15 residents.

Cards for speakers are on file in the City Clerk's office.

Motion

The Council, on Councilmember Urdy's motion, Councilmember Nofziger's second, voted to continue the public hearing to January 28, 1988 at 8:00 p.m. (5-0 Vote, Mayor Pro Tem Trevino and Councilmember Humphrey out of the room)

ZONING HEARINGS

Mayor Cooksey announced Council would hear the following zoning cases. Council heard, closed the public hearings, passed ordinances where applicable, and postponed if necessary. Disposition of cases follows each listing.

Some of the cases were voted on by consent earlier in the day. Others were discussed after other public hearings were held.

1/7/88

- (1) -87 ANN SEAMAN 813 & 901 South From "SF-3"
162 By Gary Seaman Lamar Boulevard To "CS"
RECOMMENDED
FIRST READING
- (2) -87 WSLA DEVELOPMENT 10606 Pecan Park From "SF-2"
132 CORP. Road To CH"
By P & D FIRST READING
Technologies

RECOMMENDED subject to: limit floor area ratio to 0.50, limit building height to 90 feet, restrict peak hour trips to the existing allocation for Pecan Park as identified in the phasing agreement and amend phasing agreement for Pecan Park to include the subject tract.

- (3) -87 REALTEX FUNDING William Cannon & From "SF-1", "SF-6",
145 CORP. Southwest Parkway "MF-1" & "UN2"
By Arnbrust & To "SF-2", "MF-1"
Brown and "MF-2"
FIRST READING

RECOMMENDED "MF-2" for Tract A, limited to 264 dwelling units; "MF-2" for Tract B, limited to 442 dwelling units; "MF-2" for Tract C, limited to 361 dwelling units; "SF-2" for Tract D, limited to 24 dwelling units; "SF-2" for Tract E, limited to 56 dwelling units; "SF-2" for Tract F, limited to 29 dwelling units; "SF-2" for Tract G, limited to 58 dwelling units; "MF-2" for Tract H, limited to 275 dwelling units; "SF-2" for Tract I, limited to 97 dwelling units; "SF-2" for Tract J, limited to 20 dwelling units; with specific inclusion of agreements in October 29, 1987 letter from Morton to OHAN. Amend restrictive covenant on Tract K to increase density from 92 to 118 units.

(On Mayor Pro Tem Trevino's motion, Councilmember Shipman's second, 6-0 Vote, Councilmember Urdy out of the room)

- (4) r-87 HARRIET SPROULL 12306 Burnet Road From "GO"
071 By Brown, Maroney To "GR"
NO RECOMMENDATION
FIRST READING
- SUBJECT TO TIA RECOMMENDATION

(On Mayor Pro Tem Trevino's motion, Councilmember Shipman's second, 6-0 Vote, Councilmember Humphrey absent)

Councilmember Humphrey left the Council Chamber at this point.

(5) r-87 GERALD KUCERA/ 3815 Spicewood From "LR"
158 R. T. MAYFIELD Springs Road To "GR"
By Kristaponis, RECOMMENDED
Gregory & Assoc. ORDINANCE

(On Mayor Pro Tem Trevino's motion, Councilmember Shipman's second, 6-0 Vote, Councilmember Urdy out of the room)

(6) r-87 LAKE CREEK VILLAGE 12129 R. M. 620 From "LR"
161 PARTNERSHIP North To "GR"
By Consort, Inc. RECOMMENDED
EMERGENCY PASSAGE OF
ORDINANCE

(On Councilmember Carl-Mitchell's motion, Mayor Pro Tem Trevino's second, 6-0 Vote, Councilmember Humphrey absent)

(7) r-85 STANLEY P. SMITH 824-834 North From "I-SF-3"
053 By Carl E. Newsome Bluff Drive To "GR" & "RR"
812-816 William
Cannon Drive
6126-6538 South
I.H. 35
1 STORY .13 FAR
EMERGENCY PASSAGE
OF ORDINANCE

RECOMMENDED "GR" and "RR" for the flood plain, subject to the T.I.A. recommendations, and delete the site plan requirement.

(On Councilmember Carl-Mitchell's motion, Councilmember Urdy's second, 6-0 Vote, Councilmember Humphrey absent)

(8) 8-87 SANDAHL PUD 9000-10000 Brodie From "DR" & "I-RR"
005 By Kristaponis, Lane & Riddle To PUD
Gregory & Assoc. Road/Slaughter Lane POSTPONED TO 1/14/88
AT 4:00 P.M.

RECOMMENDED subject to "GR" for lots 1, 3-7; and "W/LO" for lot 2; and "RR" for the flood plain; with a conditional overlay prohibiting gas stations on this site, subject to the T.I.A. recommendations as amended by staff and the Environmental Board Resolution of October 14, 1987. This zoning is to be tied to a P.R.A. site plan. To grant a variance from Section 13-3-102 to allow double lot frontage for lot 2. The Planning Commission recommends that the City Council accept the area to be undeveloped (20.59 acres) as parkland. The Planning Commission requests that the City Council review the policy concerning the location of gas stations over recharge zones.

1/7/88

- (9) r-87 THE CONSORTIUM 3625 Manchaca Rd. From "LO"
166 By Thompson- To "GR"
Bohmfolk Arch. Co. DENIED

RECOMMENDED "GR" for 957 sq. ft. with conditional overlay restricting retail use to interior design and its accessory uses conducted by the group currently operating the business, prohibiting any new signage advertising the retail use, and subject to dedication of 45 feet of right-of-way from the centerline of Manchaca Road.

(On Councilmember Shipman's motion, Councilmember Carl-Mitchell's second, 4-2 Vote, Mayor Pro Tem Trevino and Councilmember Urdy voted No.)

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- (10) -87 NORTHCROSS 7696-7730 Northcross From "LO" & "SF-3"
143 ASSOCIATES, LTD. Drive To "MF-4"
By Jerry Harris NOT RECOMMENDED
CONTINUED TO FEBRUARY 11, 1988
- (11) -80 NORTHCROSS 7696-7730 Northcross Amendment to
158 ASSOCIATES, LTD. Drive Restrictive Covenant
By Jerry Harris NOT RECOMMENDED

CONTINUED TO FEBRUARY 11, 1988

(On Mayor Pro Tem Trevino's motion, Councilmember Shipman's second, 6-0 Vote, Councilmember Urdy out of the room)

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- (12) -87 MITCHEL WONG/ 1909 -2013 Redwood From "SF-3"
154 FRANK R. RUNDELL Avenue To "GR"
COMPANY NO RECOMMENDATION
By Consort, Inc. DENIED

(On Councilmember Urdy's motion, Councilmember Shipman's second, 6-0 Vote, Councilmember Humphrey absent)

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- (13) p-87 COMMITTEE FOR 600-700 Loop 360 Site Plan Approval
012 WILD BASIN, INC. North Wild Basin Interpretive
-HC By Conevay & Assoc. Center

CONTINUED TO FEBRUARY 11, 1988

ADJOURNMENT - Council adjourned its meeting at 12:05 a.m., January 8, 1988.

No discussion or action taken on Gilbane Update or City Manager Search.