



Austin City Council MINUTES

For NOVEMBER 17, 1988 - 1:00 P.M.

Council Chambers, 307 West Second Street, Austin, Texas

Mayor Cooke called to order the meeting of the Council, noting the absence of Councilmember Nofziger. The Mayor announced he would be leaving the meeting at 6:00 P.M.

MINUTES APPROVED

The Council, on Mayor Pro Tem Shipman's motion, Councilmember Carl-Mitchell's second, approved minutes for regular meeting of November 10, 1988 and special meetings of November 2, 1988, November 7 at 3:00 P.M., plus two meetings of the 7th at 4:00 P.M. (4-0 Vote, Councilmembers Humphrey and Urdy out of the room, Councilmember Nofziger absent.

CITIZEN COMMUNICATIONS

Mr. Richard Martinez presented a resolution from the Community Education Consortium. Mr. Tom Stinson discussed City of Austin financial status. Mr. Chuck Hempstead discussed reducing graffiti in the community. Ms. Carol Guthrie discussed City employee retirees' insurance and employee relations. Ms. Claudette Taniguchi discussed money disbursements to cultural art groups and insurance requirements.

ITEMS PULLED

Pulled from the agenda was consideration of an ordinance amending the 1988-89 Operating Budget by appropriating \$81,642.00 in additional revenue to the Austin-Travis County Health Department to implement the recommendations of the Food Inspection Task Force.

Also pulled indefinitely is consideration of increasing the Austin-Travis County Health Department permit fees from \$60.00, to \$80.00, \$90.00 to \$110.00 and from \$130.00 to \$150.00.

Postponed to December 1, 1988 are the following two contracts:

- CAMP, DRESSER, AND MCKEE, INC. - Investigation of Disposal sites at the Seaholm Power Plant, Electric Utility Department.
- AMER ECO ENVIRONMENTAL SERVICES - Removal and disposal of waste oil, sludge and debris from underground tanks at the Seaholm Power Plant, Electric Utility Department.

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Postponed to December 1, 1988 is review of status of business loans made by the Economic Development and International Trade Department Leveraged Loan Pool (LLP) Program; and discussion of Resource Management Department and possible programmatic changes.

Postponed to December 1, 1988 is the City Manager report on Roofing Contracts.

BOARD AND COMMISSION REPORTS

Norm Glickman presented the Economic Development Commission Report on Business Expansion and Retention Program.

Brooks Kasson and Jim Smith presented the Austinplan Steering Committee report on the Austinplan and presented the bound copies of the plan to members of the Council.

The Waterfront Planning Advisory Board presented the Townlake Comprehensive Plan report to Council. Council directed the City Manager to direct staff to put an item on the December 1, 1988 agenda to set a public hearing for December 8, 1988 at 5:30 P.M.

ZONING ORDINANCES

The Council, on Mayor Pro Tem Shipman's motion, Councilmember Carl-Mitchell's second, passed through second/third readings of ordinances amending Chapter 13-2 of the Austin City Code (Zoning Ordinance) to cover the following changes: (6-0 Vote, Councilmember Nofziger absent)

- | | | | |
|-----|------------------|-------------------|----------------------------|
| (1) | EDWARD L. HILLER | Spicewood Springs | From Tr. 1 "I-RR" to "GO", |
| | By James M. Rose | Road Area and | Tr. 2 "I-RR" to "LO" & |
| | C14-85-181 | Loop 360 | Tr. 3 "I-RR" to "RR" |

First reading on January 9, 1986, (4-0). Conditions have been met as follows: Restrictive Covenant incorporating conditions imposed by Council has been executed.

- | | | | |
|-----|-------------------------|-----------------|-----------------------|
| (2) | BEN WHITE JOINT VENTURE | 5600-6200 Ben | From Tr. 1 "SF-2" |
| | By Lichliter/Jamerson | White Boulevard | to "LI", Tr. 2 "SF-2" |
| | C14-86-324 | | & "LI" to "CS" |

First reading on February 26, 1987, (7-0). Conditions have been met as follows: No "RR" zoning because revised site area has no floodplain or drainage easements. Restrictive covenant executed by owner subjects property to same terms as existing restrictive covenant for Austin South Business Park. Required right-of-way reservation, right-of-way dedication, and joint access easement will be provided through subdivision plat approval. Fiscal has been posted to satisfy TIA recommendations for traffic signals. Roadway improvements estimated to cost \$21,500.00 are recommended in the TIA and will be constructed by

the State at the applicant's expense. Before final approval of this zoning ordinance, the City Council must approve (i) execution by the City of an agreement to finance Roadway Improvements with the applicant (copy in backup material) and, pursuant to that agreement, (ii) execute a contract between the City and the State Highway Department for construction of the recommended roadway improvements. The State's cost of constructing roadway improvements will be totally paid from money the City receives from the applicant, as provided in the agreement to finance roadway improvements.

Mr. Tracy Watson, Director of OLDS, stated for the record: "The way language is drafted in the agenda there is an error. Final passage of this zoning case is not dependent on the execution of these agreements. It was desired that the fact we are doing those agreements be brought to the Council's attention. So that could read, 'After final approval of the zoning ordinances, applicant shall enter into these agreements and the City shall enter into these agreements.'"

WATER AND SEWER RATES

The Council, on Mayor Pro Tem Shipman's motion, Councilmember Carl-Mitchell's second, passed through SECOND READING of an ordinance adopting water and sewer (wastewater) rates for Fiscal Year 1988-89. (6-0 Vote, Councilmember Nofziger absent)

HEALTH DEPARTMENT LEASE

The Council, on Mayor Pro Tem Shipman's motion, Councilmember Carl-Mitchell's second, adopted a resolution approving a lease with Brackenridge Ltd. for the Health Department in the Brackenridge Professional Building. (6-0 Vote, Councilmember Nofziger absent)

CONSENT RESOLUTIONS

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

Release of Easement

Authorized release of the following easement: A portion of the drainage easement on Lot 15, Block A, Cat Mountain North Section 1-A, locally known as 6301 Gato Path. (Request submitted by Curington Associates, Inc. on behalf of James K. Akin and wife Tate D. Akin)

Capital Improvements

Approved the following Change Orders:

- a. In the amount of \$63,680.14 to Capital Excavation for Cameron Road Improvements Phase III, Street and Drainage Improvements. (13.94% increase of original contract amount of \$456,788.66 - Total change orders to date equals 19.16%) C.I.P. Nos. 73/62-44, 86/22-39, 86/23-04 and 85/62-42.

- b. In the amount of \$57,000.00 to Hunter Industries, Inc. for Robert Mueller Municipal Airport Interim Terminal Expansion, Phase I. (1.45% of the original amount of \$3,927,323.80 - Total change orders to this date equals 12.49% decrease) C.I.P. No. 86/01-01.

On-Site Medicaid Screenings and Certifications

Authorized renewal and amendment of the contract with the Texas Department of Human Services to provide caseworkers for on-site Medicaid screenings and certifications at the Austin-Travis County Health Department and Brackenridge Hospital in an amount not to exceed \$168,350.00 for the period of October 1, 1988 to September 30, 1989.

Legal Aid Society

Approved a \$49,000.00 contract with Legal Aid Society of Central Texas for Advocacy Services for the Homeless.

ITEM PULLED

Pulled off the agenda is consideration of directing the City staff to develop solicitation guidelines and criteria for projects of Elementary, Junior High and High School students.

AUSTIN CHAMBER OF COMMERCE BUILDING

Council had some discussion of a resolution to consider acquisition of the Austin Chamber of Commerce Building, located on the City-owned parkland at 901 West Riverside Drive for the relocation of the PARD Senior Citizen Programs at a total cost of \$314,863.00. They asked that this item be brought back on the December 1, 1988 agenda.

ITEM PULLED

Pulled from the agenda by Mr. Clayton Rutter, was his request for a waiver from the requirement to reserve future right-of-way on RM 2222 west of Riverplace Boulevard for Global Enterprises, Inc.

ANNEXATION HEARINGS

Mayor Cooke opened the public hearings to consider annexations.

No one appeared to speak.

Motion

The Council, on Councilmember Carl-Mitchell's motion, Mayor Pro Tem Shipman's second, closed the public hearings on the following and directed the City Manager to direct staff to post them for action on December 8, 1988: (5-0 Vote, Councilmember Urdy out of the room, Councilmember Nofziger absent.)

(see following page)

- (a) Full purpose annexation of areas in the vicinity of Loop 360 and Bull Creek. (C7a-88-002)
- (b) Full purpose annexation of areas in the vicinity of Barton Creek, east of MoPac. (C7a-88-003)
- (c) Full purpose annexation of the Motorola site in Oak Hill. (C7a-88-004).

ITEM POSTPONED

Postponed to December 1, 1988 is consideration of authorization to negotiate the 14th Year Community Development Block Grant (CDBG) contract for Community Economic Development.

OPERATING BUDGET AMENDMENT

The Council, on Councilmember Humphrey's motion, Councilmember Carl-Mitchell's second, waived the requirement for three readings and finally passed an ordinance amending the 1988-89 Operating Budget by reducing the allocation for overtime by \$3,000.00, for part-time employees by \$3,000.00 and for office supplies by \$8,569.00; and by increasing the appropriation for permanent employees in the amount of \$14,569.00 for the purpose of funding the full-time position of boards and commissions coordinator in the City Clerk's office. (5-0 Vote, Councilmember Barnstone out of the room, Councilmember Nofziger absent)

FIBER OPTIC CABLE

The Council, on Councilmember Carl-Mitchell's motion, Councilmember Urdy's second, waived the requirement for three readings and finally passed an ordinance amending Ordinance No. 850627-Z for a License Agreement to allow the encroachment of fiber optic cable into the East 4th Street right-of-way (500 Block, 600 Block & 700 Block) and the Neches Street right-of-way (300 Block); and take this to the Cable Commission to see if it can also be used for INET. (5-0 Vote, Councilmember Barnstone out of the room, Councilmember Nofziger absent.)

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(see following page)

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- (d) Full purpose annexation of 10' wide strip in the vicinity of U.S. 290 and the Manor ETJ. (C7a-88-005)
- (e) Limited purpose annexation of Davis Hill and areas east of Brodie Lane and North of Palomino Park. (C7a-88-006)
- (f) Limited purpose annexation of certain tracts in the Davenport Ranch. (C7a-88-007).

CONTRACT APPROVED

The Council, on Councilmember Humphrey's motion, Mayor Pro Tem Shipman's second, adopted a resolution approving the following contract: (4-0 Vote, Councilmembers Barnstone and Carl-Mitchell out of the room, Councilmember Nofziger absent)

DUPONT CRITICAL CARE
1600 Waukegan Road
McGraw, Illinois

- Hetastarch, Brackenridge Hospital
Twelve Month Supply Agreement
Total \$47,502.00 BS8-324

CONTRACTS APPROVED

The Council, on Councilmember Urdy's motion, Mayor Pro Tem Shipman's second, adopted resolutions approving the following contracts: (6-0 Vote, Councilmember Nofziger absent)

BFI WASTE SYSTEMS
3424 FM 973
Del Valle, Texas

- Refuse Collections, Brackenridge Hospital
Twelve Month Supply Agreement
Total \$82,608.00 BC8-326

POLELINE ELECTRIC SUPPLY, INC.
4111-G Todd Lane
Austin, Texas

- Circuit Construction Hardware Material to support 138 KV Transmission Line Operations from Carson Creek Substation to Grove Subdivision, General Services Department
Items 1, 2 & 4 - \$59,031.90
88-0312-LI

W.H. RICHARDSON
3708 Woodbury
Austin, Texas

- Miscellaneous Tools, General Services Department
Twelve Month Supply Agreement
Line Items 36 - \$53,932.00
88-268-DC

AIRPORT DEVELOPMENT

The Council, on Councilmember Carl-Mitchell's motion, Mayor Cooke's second, adopted a resolution approving Phase II of the Peat Marwick Main and Company contract to provide financial services

required for implementation of the initial phases of the new airport development program. (Total estimated cost = \$200,000.00) (4-0 Vote, Councilmembers Humphrey and Barnstone abstained, Councilmember Nofziger absent)

CHEVY CHASE SOUTH, LTD.

The Council, on Councilmember Humphrey's motion, Councilmember Carl-Mitchell's second, adopted a resolution approving an agreement between Chevy Chase South, Ltd. and the City of Austin whereby Chevy Chase South, Phase 5 Channel Improvements, a private development subdivision project, will be completed with Letter of Credit funds, posted by the developer and administered by the City. (6-0 Vote, Councilmember Nofziger absent)

HORNSBY BEND

The Council, on Mayor Pro Tem Shipman's motion, Councilmember Urdy's second, adopted a resolution approving selection of professional engineering services for the Hornsby Bend Sludge Digester Nos. 7, 8, 9 and 10 Rehabilitation Program. (Total estimated amount \$231,150.00) (5-0 Vote, Councilmember Humphrey abstained, Councilmember Nofziger absent)

FOOD INSPECTION TASK FORCE REPORT

The Council, on Councilmember Barnstone's motion, Councilmember Carl-Mitchell's second, adopted a resolution accepting report on the recommendations of the food inspection task force. (6-0 Vote, Councilmember Nofziger absent)

PUBLIC HEARING - SIGN VARIANCE

Mayor Cooke opened the public hearing set for 5:00 P.M. on an appeal of Mr. Clifford J. Rainford of the Sign Review Board's decision to deny a sign variance for Case No. C16-88-027.

Speaker's cards are on file in the City Clerk's office.

Motion

The Council, on Mayor Pro Tem Shipman's motion, Councilmember Carl-Mitchell's second, closed the public hearing, and DENIED the appeal. (4-2 Vote, Mayor Cooke and Councilmember Urdy voted No, Councilmember Nofziger absent.)

LITTLE WALNUT CREEK RELIEF INTERCEPTOR

Mayor Cooke opened the public hearing set for 5:30 P.M. on dedication of a permanent easement and temporary construction easement for the construction of the Little Walnut Creek Relief Interceptor

through part of Little Walnut Creek Greenbelt as required under Chapter 26, Texas Parks and Wildlife Code.

No one appeared to speak. After questioning as to the prudence and feasibility of using a portion of the park, and being told there would be no disturbance and that there was no other feasible alternative, the following motion was made:

Motion

The Council, on Councilmember Carl-Mitchell's motion, Councilmember Urdy's second, closed the public hearing and approved dedication of a permanent easement and temporary construction easement for the construction of the Little Walnut Creek Relief Interceptor through part of Little Walnut Creek Greenbelt as required under Chapter 26, Texas Parks and Wildlife Code. (4-0 Vote, Mayor Pro Tem Shipman, Councilmember Barnstone out of the room, Councilmember Nofziger absent.)

EXECUTIVE SESSION

Mayor Cooke 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 vs. Houston Lighting and Power
- (b) ETSI Pipeline Project, et al. vs. Burlington Northern, Inc., et al., C.A. No. B-84-979-CA

2. Personnel Matters - Section 2, Paragraph g

- (a) City Manager Search
- (b) Appointment of Municipal Court Relief Judge
- (c) Appointment of Municipal Court Clerk

RECESS

Council recessed its meeting from 5:35 P.M. to 5:55 P.M. for executive session. No action was taken as a result of the meeting.

PUBLIC HEARING - TEMPORARY CONSTRUCTION EASEMENT

Mayor Cooke opened the public hearing set for 5:45 P.M. on dedication of permanent easements and temporary construction easements for the East/West Bouldin Creek Drainage Improvements through part of West Bouldin Creek Greenbelt.

No one appeared to speak. After questioning as to the prudence

and feasibility of using a portion of the park, and being told there would be no disturbance and that there was no other feasible alternative, the following motion was made:

Motion

The Council, on Councilmember Carl-Mitchell's motion, Mayor Cooke's second, closed the public hearing and approved dedication of permanent easements and temporary construction easements for the East/West Bouldin Creek Drainage Improvements through part of West Bouldin Creek Greenbelt. (4-0 Vote, Councilmembers Urdy and Barnstone out of the room, Councilmember Nofziger absent.)

CONSOLIDATED LEASE BUDGET IMPACT REPORT

Acting City Manager John Ware presented the City Manager report on Consolidated Lease Budget Impact. He said the leases have been held up because there was a mistake in calculation made by the leasing agent which is not in the City's favor. Further study will be undertaken.

**** Mayor Cooke left the Council Chamber at 6:02 P.M.

APPEAL WITHDRAWN

A public hearing was scheduled for 6:00 P.M. on an appeal from Mr. Ed Wendler Sr. for Mr. Bernard Lifschutz, on the decision of the Building Standards Commission's decision regarding the Interregional Apartments. The appeal was withdrawn.

WEATHERIZATION TRAINING ASSISTANCE PROGRAM

The City Manager Report on Funding of Weatherization Assistance Program was presented.

REDUCTIONS TO THE 1988-89 OPERATING BUDGET

Acting City Manager John Ware presented the City Manager report on reductions to the 1988-89 Operating Budget.

RECESS

Council recessed its meeting from 6:16 to 6:30 P.M.

PUBLIC HEARING - CULTURAL ARTS MAJOR FACILITY POLICY

Mayor Pro Tem Shipman opened the public hearing set for 6:30 P.M. to consider amending the Cultural Arts Major Facility Policy.

Speaker's cards are on file in the City Clerk's office.

Motion

The Council, on Councilmember Carl-Mitchell's motion, Councilmember Humphrey's second, voted to continue the public hearing to December 8, 1988 at 6:30 P.M. (5-0 Vote, Mayor Cooke and Councilmember Nofziger absent.)

ADJOURNMENT

Council adjourned its meeting at 6:40 P.M.