



## Austin City Council MINUTES

For DECEMBER 1, 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 presence of all Councilmembers.

### CITIZEN COMMUNICATIONS

Jimmy Caldwell discussed a fee waiver for an amended plat. The City Manager will report back to Council on December 8, 1988. Mr. Ed North did not appear. Mr. Matt Mathias discussed mental patient care on an emergency basis at Brackenridge Hospital. Ms. Nancy A. Timbrook talked about waiving commercial rates for utilities to accommodate the homeless. Mr. Thomas Brady Pool did not appear. Mr. Melvin G. Wrenn discussed Economic Development and Community Based Organization's participation.

### MINUTES APPROVED

The Council, on Mayor Pro Tem Shipman's motion, Councilmember Urdy's second, approved minutes for regular meeting of November 17, 1988 and special meetings of November 12, 14 and 15, 1988. (7-0 Vote)

### INTERIM TASK FOR THE HOMELESS

Mr. Richard Thompson presented the status report on Interim Task Force for the Homeless.

### NORTH TRAVIS COUNTY MUD

The Council, on Mayor Pro Tem Shipman's motion, Councilmember Nofziger's second, waived the requirement for three readings and finally passed an ordinance approving annexation of 132.27 acres into North Travis County MUD No. 5 as per Section 13-1-329 and 13-1-331. (6-0 Vote, Councilmember Carl-Mitchell out of the room.)

### ZONING ORDINANCE

The Council, on Mayor Pro Tem Shipman's motion, Councilmember Nofziger's second, passed through SECOND AND THIRD readings of an ordinance amending Chapter 13-2 of the Austin City Code (Zoning Ordinance) to cover the following changes:

BUCK DELL, ET AL  
Bush Surveying &  
Associates  
C14-88-0002

8109 Longview Road

From "SF-3"  
to "MH"

First reading on March 24, 1988, (7-0). Conditions have been met as follows: Restrictive Covenant incorporating conditions imposed by Council has been executed. The right-of-way dedication requirement has been satisfied.

#### ORDINANCE AMENDMENTS

The Council, on Mayor Pro Tem Shipman's motion, Councilmember Nofziger's second, waived the requirement for three readings and finally passed an ordinance to amend Ordinance No. 821118-F to provide: (7-0 Vote)

- a. Survivor benefit options for disabled retirees.
- b. Buybacks of probationary time in excess of six months.
- c. Early, reduced retirement at any age after 25 years of service.
- d. Increased multiplier and officer contribution rate.

#### CONSENT RESOLUTIONS

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

#### Release of Easements

- a. A 10' Drainage Easement on Lot 6 and Lot 7, Block 143, of the Original City of Austin recorded in Volume 1060, Page 169 and Volume 1441, Page 276, Deed Records of Travis County, Texas. (Request submitted by Martinez and Wright Engineers, Inc., on behalf of City of Austin Brackenridge Hospital.)
- b. A portion of the 5' Public Utility Easement across the rear of Lot 3, Block D, Allendale Park Section 9, locally known as 7711 Shoal Creek Boulevard. (Request submitted by Gracy Title Company on behalf of Glenn Noble)
- c. A portion of an Electric Telephone Easement of Record in Volume 3346, Page 1636, Travis County Real Property Records, located on Capital Parkway, 1100 Block. (Request submitted by Espey, Huston and Associates, Inc. on behalf of Forum Group, Inc.)

Capital Improvements Program

Authorized the filing of Eminent Domain Proceedings to acquire:

1,038 square feet of land in fee simple out of the James Rogers Survey Number 19 in Travis County, Texas, owned by Richard W. Davis and wife Linda Jean Davis for the Dorsett/Duval Road Intersection Project. C.I.P. No. 79/62-03.

163 square feet of land in fee simple out of Lot D of the Byron Addition, Section Two, in Travis County, Texas, owned by Richard D. Frazier for the Burleson Road Street Improvement Project. C.I.P. No. 81/62-13.

512 square feet of land in fee simple out of Lot 2, a Resubdivision of Tract A of Brockbent Subdivision No. Two in Travis County, Texas, owned by W. Patrick McLean, Individually and as Trustee for the Burleson Road Street Improvement Project. C.I.P. No. 81/61-13.

1,629 square feet of land in fee simple out of the Santiago Del Valle Grant in Travis County, Texas, owned by Nellie B. Moehring, Testamentary Trustee of the Estate of Vernone Boothe, Deceased, for the Montopolis Drive Street Improvement Project. C.I.P. No. 85/62-27.

1,708 square feet of land in fee simple and a drainage easement containing 1,768 square feet of land out of the Santiago Del Valle Grant in Travis County, Texas, owned by N. W. Buerger, Jr. and James N. Boughan for the Montopolis Drive Street Improvement Project. C.I.P. No. 85/62-27.

Contracts Approved

Approved the following contracts:

AUSTIN PAVING COMPANY  
7800 Shoal Creek, South Bldg.  
Suite 142  
Austin, Texas

- CAPITAL IMPROVEMENTS PROGRAM -  
Construction of Bolm Road Bridge  
over Boggy Creek, Transportation  
and Public Services  
Total \$554,747.00 C.I.P. No.  
88-C129-JJ

ELF ASPHALT, INC.  
701 Brazos Street  
Austin, Texas

- HFRS-2P Emulsion, Transportation  
and Public Services Department  
Twelve Month Supply Agreement  
Item 1 - \$480,000.00 88-0335-DC

Agreement

Approved an agreement between the City of Austin, Capital Metropolitan Transportation Authority and the Austin Railroad Company, Inc. d/b/a Austin and Northwestern Railroad Company (AU & NW) regarding

the ownership of tangible assets (i.e., ties) funded by a Federal Rehabilitation Grant and the AU & NW's responsibility for guarantees to the Federal Administration for said grant.

Public Hearing Set

Set a public hearing on amendments to the Interim Land Development Code as it relates to the Town Lake Comprehensive Plan for: December 15, 1988 at 5:30 P.M.

ITEMS POSTPONED

Postponed to December 15, 1988 is consideration of a zoning ordinance, C14-88-0026-CO, EDWARD JOSEPH DEVELOPMENT, Rutherford Lane and Cameron Road.

Postponed indefinitely are the following ordinances:

- Consider an amendment to decrease the 1988-94 Electric Utility Capital Improvements Plan by \$5,397,000.00 resulting in the 1988-94 Electric Utility Capital Improvements Plan totaling \$283,971.00.
- Consider an amendment to decrease the FY 1988-89 Electric Utility Capital Budget by \$9,416,433.00 resulting in an Electric Utility 1988-89 Capital Budget of \$35,573,000.00.

EDWARD'S AQUIFER DISTRICT

Councilmember Humphrey introduced an item to Council to discuss payment of the assessment due to the Edward's Aquifer District. Council directed this be brought back for action on December 8, 1988.

BOARD & COMMISSION APPOINTMENTS

The Council made the following appointments to boards and commissions:

Austin "150" Committee - Shannon Sedwick and Jorge Zapata,  
Jim Cherrie and Everett Daniel  
(On Councilmember Nofziger's motion, Councilmember Barnstone's second, 7-0 Vote)

Capital Metropolitan Task Force - Audley Blackburn  
(On Councilmember Nofziger's motion, Mayor Cooke's second, 7-0 Vote)

Electric Utility Commission - Meg Wilson  
(On Mayor Pro Tem Shipman's motion, Councilmember Humphrey's second, 7-0 Vote)

Ethics Review Commission - Adrian Young

(On Councilmember Humphrey's motion, Mayor Cook's second,  
7-0 Vote)

- Frances McIntyre

(On Mayor Pro Tem Shipman's motion, Councilmember Carl-Mitchell's second, 7-0 Vote)

ITEM POSTPONED

Postponed to December 15, 1988 at 3:00 P.M. is consideration of acquiring the Austin Chamber of Commerce Building, located in City-owned parkland at 901 West Riverside Drive for the relocation of the PARD Senior Citizen Programs at a total cost of \$310,151.00.

RECESS

Council recessed its meeting from 2:45 P.M. to 2:55 P.M.

WATER AND SEWER (WASTEWATER) RATES

Council had before them for consideration an ordinance to pass through third reading adopting water and sewer (wastewater) rates for fiscal year 1988-89.

Considered with this was an amendment to the 1988-89 Financial Plan by amending the Operating Budget of the Water and Wastewater Utility Department by:

- a. Increasing department O&M by \$700,000.00
- b. Decreasing the current revenue transfer to the Capital Improvements Program by \$700,000.00.

and

An ordinance amending the 1988-89 Capital Budget of the Water and Wastewater Utility Department to decrease the current revenue transfer by \$700,000.00.

After discussion, the following motions were made.

Motion

Councilmember Carl-Mitchell made a motion, seconded by Councilmember Nofziger to approve all three items.

Substitute Motion - FAILED

Councilmember Humphrey made a substitute motion to lower debt service coverage from 1.55 to 1.50. The motion, seconded by Councilmember Barnstone, FAILED by a vote of 3-4 with Councilmembers Carl-Mitchell, Nofziger, Urdy and Mayor Pro Tem Shipman voting No.

(Motions which were approved)

The Council, on Councilmember Carl-Mitchell's motion, Councilmember Nofziger's second, passed through THIRD reading of an ordinance adopting water and sewer (wastewater) rates for fiscal year 1988-89. (4-3 Vote, Mayor Cooke, Councilmembers Barnstone and Humphrey voted No.)

The Council, on Councilmember Carl-Mitchell's motion, Councilmember Nofziger's second, passed through FIRST READING ONLY an ordinance amending the 1988-89 Financial Plan by amending the Operating Budget of the Water and Wastewater Utility Department by: (4-3 Vote, Mayor Cooke, Councilmembers Barnstone and Humphrey voted No.)

- a. Increasing department O&M by \$700,000.00
- b. Decreasing the current revenue transfer to the Capital Improvements Program by \$700,000.00

The Council, on Councilmember Carl-Mitchell's motion, Councilmember Nofziger's second, passed through FIRST READING ONLY an ordinance amending the 1988-89 Capital Budget of the Water and Wastewater Utility Department to decrease the current revenue transfer by \$700,000.00. (4-3 Vote, Mayor Cooke, Councilmembers Barnstone and Humphrey voted No.)

#### WAGES

The Council, on Councilmember Barnstone's motion, Mayor Cooke's second, waived the requirement for three readings and finally passed an ordinance repealing Ordinance No. 880728-Y (rates of wages to be paid for construction of public buildings for the City of Austin), and establishing the wages to be paid on all City of Austin public improvements projects. (5-0 Vote, Mayor Pro Tem Shipman and Councilmember Carl-Mitchell out of the room.)

#### ZONING HEARINGS

Mayor Cooke announced Council would hear the following zoning cases. Council heard, closed the public hearing and approved one case and postponed the other.

-86 BUFORD STEWART  
047

6500-7000 East Ben  
White Boulevard

From "DR"  
To "LI-CO"  
GRANTED AS RECOMMENDED  
FIRST READING

(On Councilmember Nofziger's motion, Mayor Cooke's second, 6-0 Vote, Councilmember Urdy out of the room)

h-75 PEASE SCHOOL  
017 By City of Austin

1106 Rio Grande

From "UNZ"  
To "UNZ-R"

Continued to January 22, 1989  
at 4:00 P.M.)

## PUBLIC HEARING - PUD AMENDMENTS

Mayor Cooke opened the public hearing set for 4:45 P.M. on amendments relating to the "PUD" Planned Unit Development District.

After hearing comments by Tracy Watson, Director of OLDS, and Dick Lillie and David Armbrust, the following motion was made:

Motion

The Council, on Mayor Pro Tem Shipman's motion, Councilmember Nofziger's second, voted to continue the public hearing to December 8, 1988 at 5:30 P.M. (5-0 Vote, Councilmember Carl-Mitchell and Urdy out of the room.)

## CONTRACTS

Council had before them for consideration, approval of two contracts concerning the Seaholm Power Plant investigation and sludge removal. After discussion, the following motions were made:

Motion

The Council, on Councilmember Barnstone's motion, Councilmember Humphrey's second, directed the City Manager to direct staff to contact local experts concerning investigation of disposal sites at the Seaholm Power Plant. (4-3 Vote, Mayor Pro Tem Shipman, Councilmembers Urdy and Carl-Mitchell voted No.)

(Staff recommendation had been for Camp, Dresser and McKee, Inc.  
9442 Capital of Texas Hwy. N., Arboretum Plaza 2, Suite 400,  
Austin, Texas - Investigation of disposal sites at the Seaholm  
Power Plant, Electric Utility Department - Total \$265,000.00  
88-S236-JJ)

Motion

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

AMER ECO ENVIRONMENTAL SERVICES  
INC.  
Rt. 1 Box 159  
Kingsville, Missouri

- Removal and disposal of waste  
oil, sludge, and debris from  
underground tanks at the Seaholm  
Power Plant, Electric Utility  
Department  
Total \$73,468.00 88-S253-JJ

## PUBLIC HEARING - DEDICATION OF PERMANENT EASEMENT

Mayor Cooke opened the public hearing set for 5:30 P.M. on dedication of a permanent easement and temporary construction easements for the construction of the Skyline Creek Wastewater Main through

part of Walnut Creek Metropolitan Park 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 is no other feasible alternative, the following motion was made:

Motion

The Council, on Councilmember Humphrey's motion, Councilmember Urdy's second, closed the public hearing, and approved dedication of a Permanent Easement and Temporary Construction Easements for the construction of the Skyline Creek Wastewater Main through part of Walnut Creek Metropolitan Park as required under Chapter 26, Texas Parks and Wildlife Code. (5-0 Vote, Councilmembers Barnstone and Carl-Mitchell out of the room)

LEVERAGED LOAN POOL PROGRAM

Councilmember Barnstone introduced an item to Council to review status of business loans made by the Economic Development and International Trade Department Leveraged Loan Pool (LLP) Program. Council decided to hold a worksession on this on January 10, 1989.

APPEAL

Mayor Cooke opened the public hearing set for 6:00 P.M. on an appeal of Charlotte Van Areen of the Planning Commission's decision to approve a waiver from Compatibility Standards for a late-hour permit to B.B. Rover's International Cafe and Pub, Case No. SP-88-0298AW.

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

Motion

The Council, on Councilmember Carl-Mitchell's motion, Mayor Pro Tem Shipman's second, closed the public hearing, and upheld the appeal. (5-0 Vote, Councilmembers Humphrey and Urdy out of the room.)

NO ACTION ON ITEM

No action was taken on an item introduced by Mayor Pro Tem Shipman and Councilmember Carl-Mitchell to consider 30-day interim CDBG funding for Austin Economic Development Corporation to finish its close out activity with its management and technical assistance contract.

PUBLIC HEARING - "M-PUD" MASTER PLANNED UNIT DEVELOPMENT

Mayor Cooke opened the public hearing set for 6:45 P.M. on amendments to establishing an "M-PUD" Master Planned Unit Development District.



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

Motion

The Council, on Mayor Pro Tem Shipman's motion, Mayor Cooke's second, voted to continue the public hearing to December 8, 1988 at 6:00 P.M. (4-0 Vote, Councilmembers Urdy, Nofziger and Carl-Mitchell out of the room.)

RMD DISCUSSION

Councilmember Barnstone introduced an item to Council to discuss the Resource Management Department and possible programmatic changes. After discussion, Councilmember Carl-Mitchell suggested Council have a work session sometime in the future to determine if policies needed changing.

EXECUTIVE SESSION

Mayor Cooke announced Council would enter 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
- (c) City of Austin v. United States Fidelity & Guaranty Company and Turner, Collie & Brajen, Inc. C.A. No. A-88-CA-862 (and related litigation)
- (d) City of Austin v. 244 Joint Venture, et al
- (e) City of Austin v. T.C. Steiner
- (f) Robert C. Carr v. City of Austin
- (d) Gill Ranch (Item continued from November 29, 1988 Council Meeting)

RECESS

Council recessed for executive session at 7:15 P.M. and resumed its recessed meeting at 8:43 P.M.

CDBG

Council had before them for consideration authorization to negotiate the 14th year Community Development Block Grant (CDBG) Contract for Community Economic Development.

Motion - DIED FOR LACK OF SECOND

Councilmember Nofziger made a motion to divide the money as follows: (There was no second to the motion)

GMCDC	\$120,000
MCDC	\$120,000
Capital City Chamber of Commerce	\$160,000
SER	\$ 80,000

Motion

The Council, on Councilmember Urdy's motion, Mayor Pro Tem Shipman's second, adopted a resolution approving the following allocations: (4-3 Vote, Mayor Cooke, Councilmembers Barnstone and Humphrey voted No.)

Capital City Chamber of Commerce	\$210,000
SER	\$ 90,000
GREATER MONTOPOLIS CDC	\$ 90,000
MCDC	\$ 90,000

Mayor Pro Tem Shipman stated three of the proposals asked for the operation of neighborhood centers. She asked the City Manager to direct staff to meet with the neighborhoods and develop better use of the community centers in the evening.

**ROOFING CONTRACTS**

A report was presented on roofing contracts. Council directed this be brought back on December 8, 1988 as an item concerning the Rosewood Zaragosa Center roof.

**LEGISLATIVE LOBBYIST SELECTED**

The Council, on Councilmember Carl-Mitchell's motion, Councilmember Urdy's second, adopted a resolution approving the selection of Kennedy, Burleson, Sanford, Kuhl and Hackney, as legislative lobbyist for the City of Austin. (5-1-1 Vote, Mayor Pro Tem Shipman voted No, Mayor Cooke abstained due to conflict of interest.)

**TEXAS EXPOSITION AND HERITAGE CENTER**

The Council, on Councilmember Carl-Mitchell's motion, Councilmember Urdy's second, adopted a resolution approving the assignment of City Ground Lease in conjunction with proposed purchase by Travis County to leasehold improvements of Texas Exposition and Heritage Center through December 14, 2033. (7-0 Vote)

**ITEM POSTPONED**

Postponed to December 8, 1988 is consideration of amending Ordinance No. 861120-J, Austin Convention and Visitor's Bureau.

**SLUDGE SALE**

The Council, on Councilmember Humphrey's motion, Councilmember Nofziger's second, waived the requirement for three readings and finally passed an ordinance authorizing the sale and distribution to the public of the composted sludge from the Hornsby Bend Wastewater Treatment Facility. (7-0 Vote)

**EMINENT DOMAIN PROCEEDINGS**

Authorized the filing of Eminent Domain Proceedings to acquire 1.333 acres of land in fee simple out of the Jesse Williams Survey No. 62, Travis County, Texas, owned by Donald R. Castleberry for the U.S. Highway 290 West/SH 71 Improvement Project, C.I.P. No. 85/62-02, on Councilmember Humphrey's motion, Councilmember Nofziger's second, 7-0 Vote.

**ITEM POSTPONED**

Postponed to December 8, 1988 is consideration of a resolution to authorize and approve a professional services agreement for construction claims consultant services regarding assistance in resolution of claims and counterclaims related to improvements at the A.R. Davis Water Treatment Plant, subject to successful and timely contract negotiations. C.I.P. No. 76/22-84 (Total estimated cost = \$250,000.00)

**STATE OF TEXAS CONTRACTS**

The Council, on Councilmember Carl-Mitchell's motion, Mayor Cooke's second, adopted a resolution approving Intergovernmental Agreements with the State Purchasing and General Services Commission, Lyndon Baines Johnson Building for the use by all City departments of the following State of Texas contracts for a twelve month period in the total estimated amount of \$494,054.00. (7-0 Vote)

- a. Rental of Photocopier Machines - \$412,472.00
- b. Purchase of Laser Printers, Accessories and Chemicals - \$71,582.00

**SOCIAL SERVICE AGENCY CONTRACTS**

Council had before them a resolution to authorize the City Manager to negotiate and execute contracts with social services agencies for the period January 1, 1989 - September 30, 1989 with an option to extend these contracts for up to three months.

Councilmember Carl-Mitchell requested that there be two motions because he would have to abstain due to a conflict of interest concerning Capital Area Food Bank.

**Motion**

The Council, on Councilmember Carl-Mitchell's motion, Mayor Cooke's

second, adopted a resolution authorizing the City Manager to negotiate and execute contracts with all but the Capital Area Food Bank for the period January 1, 1989 - September 30, 1989, with an option to extend the social services contracts for up to three months. (7-0 Vote)

Motion

The Council, on Mayor Pro Tem Shipman's motion, Mayor Cooke's second, adopted a resolution to authorize the City Manager to negotiate and execute a contract with the Capital Area Food Bank for the period January 1, 1989 - September 30, 1989 with an option to extend the contract for up to three months. (6-0 Vote, Councilmember Carl-Mitchell abstained due to conflict of interest.)

TROUT FOR BARTON CREEK

The Council had a discussion concerning the Parks and Recreation Department Board's advisory recommendation to not restock Barton Creek with trout.

CITIZEN REPRESENTATIVE TO CAPCO

The Council, on Councilmember Urdy's motion, Mayor Pro Tem Shipman's second, appointed Jimmy Snell as citizen representative to CAPCO.

ADJOURNMENT

Council adjourned its meeting at 11:30 P.M.