



Austin City Council MINUTES

For FEBRUARY 11, 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 absence of Mayor Pro Tem Trevino and Councilmember Carl-Mitchell.

MINUTES APPROVED

The Council, on Councilmember Nofziger's motion, Councilmember Shipman's second, approved minutes for regular meeting of February 4, 1988 and special meetings of January 30, 1988 and February 2, 1988. (4-0 Vote, Councilmember Humphrey out of the room, Mayor Pro Tem Trevino and Councilmember Carl-Mitchell absent)

CITIZEN COMMUNICATIONS

Mr. James Allman discussed reallocation of 1984 bond funds. There will be a City Manager report on this February 18, 1988. Brother Tony Hearn discussed day laborers. Mr. L. Bruce Andrewartha did not appear. Mr. Tom Smith discussed City funding for the STNP campaign. Mr. Lonnal Wilhelm discussed holding a public hearing on STNP. Mr. John Corder discussed safety issues and cost overruns of STNP.

INTERIM PLANNING BOARD FOR THE HOMELESS

Doyal Nelms presented the report from the Interim Planning Board for the Homeless. His request was that they continue their charge through September 30, 1988. Council asked that this be posted for action February 18, 1988.

AFFIRMATIVE ACTION PLAN ADVISORY COMMITTEE

Ralph Pacheco and Audley Blackburn reported to Council as members of the Affirmative Action Plan Advisory Committee on City hiring practices.

ZONING ORDINANCE

The Council, on Councilmember Humphrey's motion, Councilmember

Shipman's second, passed through second/third readings of an ordinance amending Chapter 13-2A of the Austin City Code (Zoning Ordinance) to cover the following changes: (5-0 Vote, Mayor Pro Tem Trevino and Councilmember Carl-Mitchell absent)

WAL-MART STORES, INC.
By Bury & Pittman, Inc.
C14r-87-157

1709 Teri Road
at IH 35 South

From "SF-3"
to "GR"

First reading on December 3, 1987 (6-0). Mayor Frank C. Cooksey absent. Conditions have been met as follows:
Development restricted to that shown on site plan attached as an exhibit to the ordinance.

AIR QUALITY MONITORING STATION

The Council, on Councilmember Humphrey's motion, Councilmember Shipman's second, adopted a resolution to enter into a license agreement with the Texas Air Control Board for location of an air quality monitoring station on City property. (5-0 Vote, Mayor Pro Tem Trevino and Councilmember Carl-Mitchell absent)

GAS UTILITY FRANCHISE

The Council, on Councilmember Shipman's motion, Councilmember Nofziger's second, passed through first reading of an ordinance amending the gas utility franchise of Southern Union Gas Company, 4-1-0 Vote, Councilmember Humphrey voted No, Mayor Pro Tem Trevino and Councilmember Carl-Mitchell absent)

SUNSET ORDINANCE

The Council, on Councilmember Shipman's motion, Councilmember Nofziger's second, waived the requirement for three readings and finally passed an ordinance amending the Sunset Ordinance to change the first cycle of audits from 5 years to 6 years. (5-0 Vote, Mayor Pro Tem Trevino and Councilmember Carl-Mitchell absent)

CONSENT RESOLUTIONS

The Council, on Councilmember Urdy's motion, Councilmember Humphrey's second, adopted the following resolutions in one consent motion: (5-0 Vote, Mayor Pro Tem Trevino and Councilmember Carl-Mitchell absent)

Release of Easement

Authorized release of the following easement:

- a. Portions of the Electric Easements of record in Volume 645, Page 270, Volume 649, Page 467 and Volume 650, Page 384 of the Travis County Real Property Records, located in Las Lomas Subdivision. (Request submitted by Electric Utility Department)

Contract Approved

Approved the following contract:

MAC ROOFING, INC.
P.O. Box 2905
Port Arthur, Texas

- Reroofing of Office Maintenance
Shop at Seaholm Power Plant,
Electric Utility Department
Total \$75,100.00 P.B.D. No. 87-31

University of Texas Shuttle

Approved the request of the University of Texas at Austin for the benefit of and on behalf of Laidlaw Transit, Inc. for certain shuttle bus route and bus stop changes pursuant to the franchise ordinance which authorizes Laidlaw Transit, Inc. to use the public streets for shuttle bus service.

SUNSET AUDIT WORK PROGRAM

Adopted the City Manager's recommended Sunset Audit Work Program for 1988.

Public Hearings Set

Set public hearings as follows:

- a. An appeal of Mr. Donovan Davis regarding the issuance of Site Development Permit No. 8199 (replacing Permit No. 87-08-2756) for The Club at Wells Branch - Wells Brancy Parkway at Wells Port Drive: February 18, 1988 at 5:30 p.m.
- b. City of Austin Annexation Assumptions: February 18, 1988 at 3:00 p.m.
- c. City of Austin Investment Policy: February 25, 1988 at 6:00 p.m.

PUBLIC HEARING - ROOFING CONTRACTORS

Mayor Cooksey opened the public hearing set for 3:00 p.m. on Roofing Contractors Ordinance including local amendments.

Cards signed by speakers are on-file in the City Clerk's office.

Motion

The Council, on Councilmember Shipman's motion, Mayor Cooksey's second, closed the public hearing; vote will be February 18, 1988 at 5:00 p.m. (5-0 Vote, Mayor Pro Tem Trevino and Councilmember Carl-Mitchell absent)

PUBLIC HEARING - UNIFORM FIRE CODE

Mayor Cooksey opened the public hearing set for 3:00 p.m. on

2/11/88

Code Revisions to the 1985 Uniform Fire Code including local amendments.

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

Motion

The Council, on Councilmember Urdy's motion, Councilmember Humphrey's second, closed the public hearing; vote will be taken February 18, 1988 at 5:15 p.m.

RECESS

Council recessed from 4:19 to 4:35 p.m.

PUBLIC HEARING - ELECTRICAL CODE

Mayor Cooksey opened the public hearing set for 3:00 p.m. on Code Revisions to the 1987 National Electrical Code including local amendments.

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

Motion

The Council, on Councilmember Nofziger's motion, Councilmember Humphrey's second, closed the public hearing; vote will be taken February 18, 1988 at 5:30 p.m.

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 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
2. Personnel Matters - Section 2, Paragraph g
 - (a) City Manager Search
 - (b) Appointment of Relief Judges
 - (c) Municipal Court Clerk

RECESS

Council recessed its meeting for executive session at 5:40 p.m. and resumed its recessed meeting at 8:30 p.m.

OPERATING BUDGET AMENDMENT - SOCIAL SERVICE FUNDING

The Council, on Councilmember Shipman's motion, Councilmember Nofziger's second, waived the requirement for three readings and finally passed an ordinance amending the 1987/1988 Operating Budget by accepting \$200,000.00 from Austin Cablevision; appropriating \$200,000.00 from the General Fund to Social Services Operating Budget as follows: (5-0 Vote, Mayor Pro Tem Trevino and Councilmember Carl-Mitchell absent)

MHMR	\$40,000	
Austin YWCA	20,000	
Ebenezer Child	20,000	
University Y-WCRC	10,000	
Extend-A-Care	20,000	
Center for Battered Woman	40,000	
Pebble Project	10,000	
Skyline	5,000	
Child Care Connection	15,000	
Creative Rapid Learning		
Center	20,000	

NOTE: \$5,000 additional money needed for United Way needs assessment is to come from contingency fund of \$34,000.

TOTAL ALLOCATION-----\$200,000

PROMOTION OF TOBACCO PRODUCTS

The Council, on Councilmember Shipman's motion, Councilmember Humphrey's second, passed through second 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; this also includes other tobacco products. (4-0-0 Vote, Councilmember Urdy abstained, Mayor Pro Tem Trevino and Councilmember Carl-Mitchell absent)

GROUP HOMES

The Council, on Councilmember Nofziger's motion, Councilmember Urdy's second, passed through second/third readings of ordinances amending the following: (5-0 Vote, Mayor Pro Tem Trevino and Councilmember Carl-Mitchell absent)

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

SOCIAL SERVICES PROVIDER AGENCIES

The Council, on Councilmember Urdy's motion, Councilmember Nofziger's second, adopted a resolution providing approval of contracts for services with Social Services Provider Agencies. (5-0 Vote, Mayor Pro Tem Trevino and Councilmember Carl-Mitchell absent)

NORTH LAMAR BOULEVARD CORRIDOR CONTRACT POSTPONED

Council had before them for consideration the following contract:

HAYDEN CONCRETE COMPANY
9710 Brown Lane
Austin, Texas

- CAPITAL IMPROVEMENTS PROGRAM
Construction of TSM Improvements,
North Lamar Boulevard Corridor,
Transportation and Public Services
Department
Total \$1,084,460.47 C.I.P. Nos.
85/62-56, 87/22-39 & 86/23-33

Several people appeared before Council to speak against the proposed median which would cause difficulty for merchants and customers in the Highland Shopping Center on North Lamar and Airport Boulevard.

After discussion, the following motion was made:

Motion

The Council, on Councilmember Shipman's motion, Councilmember Urdy's second, approved working out a new contract, deleting Lamar and Airport until further study has been made for turning movement. (5-0 Vote, Mayor Pro Tem Trevino and Councilmember Carl-Mitchell absent)

HUMAN RELATIONS ENABLING ORDINANCE PUBLIC HEARING

Mayor Cooksey opened the public hearing set for 5:00 p.m. to consider changes to the Human Relations Commission's enabling ordinance. Cards for people who spoke are on file in the City Clerk's office.

Motion

The Council, on Councilmember Urdy's motion, Councilmember Humphrey's second, closed the public hearing, waived the requirement for three readings and finally passed an ordinance approving changes to the Human Relations Commission's enabling ordinance. (5-0 Vote, Mayor Pro Tem Trevino and Councilmember Carl-Mitchell absent)

PUBLIC HEARING - APPEAL - POSTPONED

Council postponed the 4:00 public hearing on an appeal of Mr.

2/11/88

Sam E. Dunnam of the Planning Commission's decision regarding denial of a Conditional Use Permit in Case No. C14p-87-023 until May 12, 1988 at 4:00 p.m.

ZONING POSTPONED

Postponed to May 12, 1988 at 4:00 p.m. are the following:

NORTHCROSS
ASSOCIATES, LTD.
By Jerry Harris

7696-7730 Northcross
Drive

From "LO" & "SF-3"
To "MF-4"
NOT RECOMMENDED

NORTHCROSS
ASSOCIATES, LTD.
By Jerry Harris

7696-7730 Northcross
Drive

Amendment to
Restrictive Covenant
NOT RECOMMENDED

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

RECESS

Council recessed its meeting from 9:25 p.m. to 10:05 p.m. for its executive session.

APPEAL SET

The Council, on Councilmember Humphrey's motion, Councilmember Urdy's second, set a public hearing for February 18, 1988 at 3:30 p.m. on the request of Mr. Ronald L. Bond on an appeal of the Office of Land Development Services to deny a Waterway Development Permit Application 87-11-5001 for the Tracor Lift Station. (5-0 Vote, Mayor Pro Tem Trevino and Councilmember Carl-Mitchell absent)

PUBLIC HEARING - OFF-SITE PARKING

Mayor Cooksey opened the public hearing set for 6:00 p.m. on an amendment to Chapter 13-2A (Zoning Ordinance) to modify requirements for off-site parking and off-site mixed use or shared parking (C20-87-004)

Cards for people who spoke are on file in the City Clerks office.

Motion

The Council, on Councilmember Humphrey's motion, Mayor Cooksey's second, closed the public hearing and passed through FIRST READING ONLY an ordinance amending Chapter 13-2A (Zoning Ordinance) to modify requirements for off-site parking and off-site mixed use or shared parking (C20-87-004) as recommended by the Economic Development Commission with amendments. (5-0 Vote, Mayor Pro Tem Trevino, Councilmember Carl-Mitchell absent) SECOND AND THIRD readings will be on the February 18, 1988 agenda at 7:00 P.M.

PUBLIC HEARING - PRIVATE SEWAGE FACILITIES ORDINANCE

Mayor Cooksey opened the public hearing set for 7:00 P.M. on Private Sewage Facilities Ordinance.

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

Motion

The Council, on Councilmember Shipman's motion, Councilmember Humphrey's second, closed the public hearing and passed through FIRST READING ONLY a Private Sewage Facilities Ordinance. (5-0 Vote, Mayor Pro Tem Trevino, Councilmember Carl-Mitchell absent) SECOND AND THIRD readings will be on the February 18, 1988 agenda.

The Council on Councilmember Shipman's motion, Councilmember Humphrey's second, passed through FIRST READING ONLY of an ordinance amending the 1987-88 Operating Budget by: (5-0 Vote, Mayor Pro Tem Trevino and Councilmember Carl-Mitchell absent)

- a. Appropriating \$11,154.00 to the Austin-Travis County Health Department for personnel, amending Ordinances Nos. 850925-N and 840920-FF relating to fees and licenses regarding private sewage facilities.
-

The Council, on Councilmember Shipman's motion, Councilmember Humphrey's second, passed through FIRST READING ONLY an ordinance amending Chapter 6-10 of the Code of the City of Austin, 1981 by establishing a Chapter 6-10A, adopting the Texas Department of Health's Construction Standards for Private Sewage Facilities, 1977 edition, with local amendments: (5-0 Vote, Mayor Pro Tem Trevino, Councilmember Carl-Mitchell absent.)

The Council, on Councilmember Shipman's motion, Councilmember Humphrey's second, passed through FIRST READING ONLY an ordinance amending Chapter 6-10 of the Code of the City of Austin, 1981; relating

to the regulations of private sewage facilities. (5-0 Vote, Mayor Pro Tem Trevino and Councilmember Carl-Mitchell absent)

ZONING HEARINGS

Mayor Cooksey announced Council would hear the following zoning case. Council heard, closed the public hearing and passed through first reading of an ordinance approving the following zoning change:

8-87	SANDAHL PUD	9000-10000	From "DR" & "I-RR"
005	By Kristaponis, Gregory & Assoc.	Brodie Lane & Riddle Road/ Slaughter Lane	To PUD
			<u>FIRST READING</u>
			<u>WITH AMENDMENT</u>

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.

(On Councilmember Urdy's motion, Mayor Cooksey's second, 4-1-0 Vote, Councilmember Shipman voted No.)

p-87	COMMITTEE FOR	600-700 Loop 360	Site Plan Approval
012	WILD BASIN, INC.	North	Wild Basin Interpretive
-HC	By Coneway & Associates		Center
			<u>SITE PLAN APPROVED</u>

(On Councilmember Shipman's motion, Councilmember Nofziger's second, 5-0 Vote, Mayor Pro Tem Trevino, Councilmember Carl-Mitchell absent)

ROADWAY PROJECT PRIORITY PLAN

The Council, on Councilmember Shipman's motion, Councilmember Nofziger's second, requested the Urban Transportation Commission to recommend a roadway project priority plan. (5-0 Vote, Mayor Pro Tem Trevin and Councilmember Carl-Mitchell absent) (This item was introduced to Council by Councilmember Shipman.)

NO ACTION

Council did not discuss the item from Mayor Cooksey, Blacklands Development Proposal.

BANNER

Councilmember Humphrey introduced an item to Council to consider waiving the fees for a banner across Lamar Boulevard for the Austin Recreation Center Fundraiser. He was told a new way had been found to cover the fee and it will not be charged back to ARC.

NEO-NATALOGY

Mayor Cooksey introduced an item to Council to consider reinstating a neo-natalogy occupational therapist position in the Health Department as requested by Mayor Pro Tem Trevino.

Acting City Attorney Jonathan Davis said a fiscal note is needed for this item.

AUSTIN AIRPORT RFP

The Council, on Councilmember Urdy's motion, Mayor Cooksey's second, adopted a resolution authorizing and approving distribution of an RFP for Program Management Services for the development of the new Austin Airport. (5-0 Vote, Mayor Pro Tem Trevino and Councilmember Carl-Mitchell absent)

REGIONAL LIBRARY HOURS

The Council, on Councilmember Urdy's motion, Mayor Cooksey's second, approved the Library Commission's recommendation for regional library hours. (5-0 Vote, Mayor Pro Tem Trevino, Councilmember Carl-Mitchell absent)

PRESENTATION PREVIOUSLY GIVEN

The Health Department Presentation was previously presented at the February 9, 1988 Council meeting.

ITEM POSTPONED

The City Manager report on City of Austin Electric Billing Issues has been postponed to February 16, 1988 and/or February 18, 1988.

NO ACTION TAKEN

No action was taken on the Gilbane Update or City Manager Search items listed under "Action on the Following".

ADJOURNMENT

Council adjourned its meeting at 12:32 ~~o~~.m.