



## Austin City Council MINUTES

For FEBRUARY 18, 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.

#### CITIZEN COMMUNICATIONS

Commissioner Bruce Todd discussed the Human Services Consolidation Symposium on February 19, 1988. Mr. B.F. Parham discussed fees for sewer hookups. Mr. Mark R. Smith discussed landfill rates. Mr. Ralph Portillo talked about landfill rates. Mr. Ricky Mask discussed current billing rates for electrical utilities. Ms. Lessye Threlkeld discussed utility rates.

Councilmember Shipman instructed the City Manager to instruct staff to check into landfill rates.

#### COMMUNITY DEVELOPMENT COMMISSION

The Council, on Councilmember Shipman's motion, Councilmember Humphrey's second, approved request of the Community Development Commission for deferral of Council action on general topic areas for the 14th Year CDBG Program until the CDC provides comments on the Acting City Manager's recommendation. (4-0 Vote, Councilmembers Nofziger and Carl-Mitchell out of the room, Mayor Pro Tem Trevino absent)

#### SUG FRANCHISE

The Council, on Councilmember Carl-Mitchell's motion, Mayor Cooksey's second, passed through SECOND READING of an ordinance amending the gas utility franchise of Southern Union Gas Company. (5-1-0 Vote, Councilmember Humphrey voted No, Mayor Pro Tem Trevino absent)

#### ZONING ORDINANCE

The Council, on Councilmember Carl-Mitchell's motion, Councilmember Humphrey'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: (6-0 Vote, Mayor Pro Tem Trevino absent)

COXVILLE JOINT  
VENTURE  
By Corky Gilbert  
C14-85-149.22

12230 North Lamar  
Boulevard

From "I-RR"  
To "SF-6"

First reading on May 21, 1987, (5-0). Mayor Cooksey out of room at roll call and Councilmember Humphrey absent. No conditions to be met.

#### OPERATING BUDGET AMENDMENT

The Council, on Councilmember Carl-Mitchell's motion, Councilmember Humphrey's second, passed through second/third readings of an ordinance amending the 1987-88 Operating Budget by:

- (1) 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.

(6-0 Vote, Mayor Pro Tem Trevino absent)

#### PUBLIC HEARING - CITY OF AUSTIN STRATEGIC ANNEXATION PROGRAM

Mayor Cooksey opened the public hearing set for 3:00 p.m. on City of Austin Strategic Annexation Program.

Speakers have cards on file in the City Clerk's office.

#### Motion

The Council, on Councilmember Shipman's motion, Councilmember Nofziger's second, closed the public hearing, accepted the program, directed the City Manager to direct the staff to evaluate service and proposals and report back to Council by April, 1988. (5-0 Vote, Councilmember Urdy out of the room, Mayor Pro Tem Trevino absent)

The hearing was held at 3:00 p.m. and continued to a later hour. At that time the motion was made.

#### PUBLIC HEARING - APPEAL OF DECISION TO DENY A WATERWAY DEVELOPMENT

Mayor Cooksey opened the public hearing set for 3:30 p.m. on an appeal of the Water and Wastewater Utility regarding the Office of Land Development Services' decision to deny a Waterway Development Permit Application 87-11-5001 for the Tracor Lift Station.

No one appeared to speak.

#### Motion

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

member Urdy's second closed the public hearing, and upheld the appeal of the Water and Wastewater Utility regarding the Office of Land Development Services' decision to deny a Waterway Development Permit Application 87-11-5001 for the Tracor Lift Station. (6-0 Vote, Mayor Pro Tem Trevino absent)

#### MAXIMUM CRIMINAL PENALTIES

The Council, on Councilmember Carl-Mitchell's motion, Councilmember Urdy's second, waived the requirement for three readings and finally passed an ordinance amending Section 1-1-7 of the Austin City Code of 1981 to increase maximum criminal penalties for code and ordinance violations. (5-0 Vote, Councilmember Humphrey out of the room, Mayor Pro Tem Trevino absent)

#### CAPITAL IMPROVEMENTS PROGRAM

The Council on Councilmember Carl-Mitchell's motion, Councilmember Urdy's second, waived the requirement for three readings and finally passed an ordinance to receive and accept work of paving North Bluff Drive, Phase II project consisting of an intersection. C.I.P. No. 78/62-32. (5-0 Vote, Councilmember Humphrey out of the room, Mayor Pro Tem Trevino absent)

#### WEST TRAVIS COUNTY MUD 1 & 2

The Council, on Councilmember Carl-Mitchell's motion, Councilmember Urdy's second, waived the requirement for three readings and finally passed an ordinance amending the West Travis County MUD 1 and 2 consent agreements to extend the required time for creation by six months. (5-0 Vote, Councilmember Humphrey out of the room, Mayor Pro Tem Trevino absent)

#### CONSENT RESOLUTIONS

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

#### Capital Improvements Program

Authorized the filing of Eminent Domain Proceedings to acquire: C.I.P. Nos. 85/62-39, 85/62-01, 85/62-02, 85/22-50 & 85/62-32

- a. Easements containing 1.8045 acres and 38 square feet for drainage, public utilities, and a temporary roadway, all out of Lots 3, 4, and 5, Thomas Taylor Subdivision in the City of Austin, Travis County, Texas, owned by Bel-Air Corporation for the Boggy Creek Bridge Improvement Project.

- b. 2.795 acres of land in fee simple out of the James D. Goode Survey No. 30, Travis County, Texas owned by Murray Properties Limited Partnership of Austin, San Antonio and Houston, A Texas Limited Partnership for the U.S. 183 Highway Expansion Project.
- c. 1.555 acres of land in fee simple out of Lot 1, Convenience Corner, a subdivision in Travis County, Texas, owned by International Neighborhood Centers, Inc. for the U.S. 290W/SH 71 Expansion Project.
- d. 3,248 square feet of land for a permanent water line easement, and 3,087 square feet of land for a temporary construction easement out of Lot One (1), in Block A of Park Green, a subdivision in Travis County, Texas owned by Mobil Oil Corporation for the Riverside Drive Water Transmission Main Project.
- e. Two tracts of land in fee simple, containing 5,915 square feet and 5,015 square feet of land, and easements for drainageway, slope, and temporary work space, containing 20,270 square feet of land, all out of the James Burleson Survey No. 19 in Travis County, Texas owned by Tommy L. Knudsen for the Loyola Lane Project.

Contracts Approved

Approved the following contracts:

|   |   |
|---|---|
| TEXAS SOUTHWEST ROOFING, INC.<br>8906 Wall Street, No. 701<br>Austin, Texas | - Re-roofing of Fire Station No. 21<br>at 4201 Spicewood Springs Road,<br>Fire Department<br>Total \$52,000.00 P.B.D. No. 87-38                   |
| CLARENCE CULLEN COMPANY, INC.<br>P. O. Box 98<br>Buda, Texas                | - Housing Demolition Program,<br>Building Safety Department<br>Twelve (12) Month Service Agreement<br>Estimated Total \$31,299.00<br>88-S076-PS   |
| CENTRAL VALLEY CHEMICALS, INC.<br>3131 Briarcrest Drive<br>Bryan, Texas     | - Herbicides, Parks and Recreation<br>and Aviation Departments<br>Twelve (12) Month Supply Agreement<br>Items 2 and 4 - \$40,362.00<br>88-0008-DC |
| SOUTHWEST MEDICAL PACKAGING<br>P. O. Box 700112<br>San Antonio, Texas       | - Admission Kits and Maternity Care<br>Kits, Brackenridge Hospital<br>Total \$81,165.84 BS8-003   |

OSCAR RENDA CONTRACTING, INC.  
#7 Benson Lane  
Roanoke, Texas

- CAPITAL IMPROVEMENTS PROGRAM -  
Construction of Lower Little Walnut  
Creek Wastewater Relief  
Interceptor, Phases 6 and 7,  
Water and Wastewater Utility  
Total \$2,241,904.00 C.I.P.  
No. 83/23-11

Lewis-Thomas House

Approved an Historic Revolving Fund Loan for the Lewis-Thomas House, 1508 Newning Avenue, to Charles and Jolinda Marshall.

Federal Highway Administration Grant

Accepted a Federal Highway Administration Grant award in the amount of \$66,300.00 from the Austin Transportation Study to the Departments of Planning and Growth Management and Transportation and Public Services.

Interim Planning Board for the Homeless

Approved a request from the Interim Planning Board for the Homeless to extend their charge through September 30, 1988.

ITEMS POSTPONED

Postponed to February 25, 1988 are the following items:

1. Consider second/third readings of 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.
2. Consider second/third readings of an ordinance amending Chapter 6-10 of the Code of the City of Austin, 1981; relating to the regulation of private sewage facilities.

PROMOTION OF TOBACCO MATERIALS

The Council, on Councilmember Shipman's motion, Councilmember Carl-Mitchell's second, passed through third 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, Councilmember Urdu abstained, Mayor Pro Tem Trevino absent)

## AMENDMENT TO CIP CONCERNING ROADS

Council had before them for consideration amending the 1984 Capital Improvements Program by transferring money from the South Loop Project account to other accounts.

After discussion the following motions were made:

Motion

The Council, on Councilmember Shipman's motion, Councilmember Nofziger's second, passed through FIRST READING ONLY an ordinance amending the 1984 CIP by:

Transferring \$4,893,113.00 from the South Loop Project account to the following accounts: C.I.P. No. 85/62-19

|                            |                        |
|----------------------------|------------------------|
| Braker Lane                | \$ 1,485,778.00        |
| Brodie Lane                | 538,903.00             |
| Cameron Road               | 497,118.00             |
| Spicewood Springs Rd.      | 2,186,249.00           |
| Montopolis Drive           | 181,000.00             |
| Miscellaneous right-of-way | 4,065.00               |
|                            | <u>\$ 4,893,113.00</u> |

The City Council recognize the Minute Order wherein Travis and Williamson County have agreed to furnish the right-of-way for the Outer Parkway Minute Order 83158, therefore in line of this commitment made by the governing bodies of Travis and Williamson County and recognizing that the taxpayers within Austin have critical and immediate needs to complete unfinished roadways within the City limits, therefore, I move that we accept the staff recommendation.

Motion passed by a vote of 4-2-0 with Councilmember Humphrey and Councilmember Urdy voting No, Mayor Pro Tem Trevino absent.

Motion to Reconsider

Councilmember Carl-Mitchell made a motion, seconded by Mayor Cooksey to reconsider the vote. (6-0 Vote, Mayor Pro Tem Trevino absent)

Councilmember Shipman stated for the record: "We have been notified by the Highway Department that our right-of-way monies are no longer needed because Travis and Williamson Counties have made a commitment to provide those monies and have so notified the State Highway Department".

Motion

Councilmember Shipman reaffirmed her original motion and Councilmember Nofziger seconded the motion which passed by a vote of 6-0, Mayor Pro Tem Trevino absent.

## PUBLIC HEARING - APPEAL - DENIED

Mayor Cooksey opened the public hearing set for 5:00 p.m. on 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 Branch Parkway at Wells Port Drive.

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

No action was taken by Council, so the appeal was denied.

## 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) Pending Condemnation Cases on Circuit 3125
- (c) Letters of Credit

## 2. Personnel Matters - Section 2, Paragraph g

- (c) Municipal Court Clerk

## RECESS

Council recessed for executive session at 6:20 p.m. and resumed their recessed meeting at 8:20 p.m.

## CITY MANAGER REPORTS

City Manager reports were presented on:

- 1984 Street Fund - Capital Improvement Program 1987-88  
Work Program
- Gift to the City from the Austin Natural Science Association  
(ANSA) Guild
- Status of Major Cities Revenues
- Update on Development of Barton Creek Watersheds Policy

Council did not hear the report on Recommendation on Hiring Child Care Coordinator and Clerical Staff Person.

Reports postponed until February 25, 1988 were the Shipe Park Bond Funds, and Electric Billing Issues.

The City Manager report on Oak Wilt Program was presented at the February 16, 1988 meeting; and pulled from the agenda was the report on Transportation of Hazardous Materials.

#### PUBLIC HEARING - ENTERPRISE ZONE DESIGNATIONS

Mayor Cooksey opened the public hearing set for 6:00 p.m. on Enterprise Zone Designations.

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

#### Motion

The Council, on Councilmember Humphrey's motion, Councilmember Urdy's second, closed the public hearing on Enterprise Zone Designations. (6-0 Vote, Mayor Pro Tem Trevino absent)

#### Motion

The Council, on Councilmember Humphrey's motion, Councilmember Urdy's second, adopted a resolution identifying an area within the City as the "South Enterprise Zone" and nominating the Zone as an enterprise zone under the Texas Enterprise Zone Act, identifying an area within the City as the "East Enterprise Zone" and nominating the Zone as an enterprise zone under the Act; and authorizing the City Manager to submit (1) an application to the Texas Department of Commerce for designation by the Department of the "South Enterprise Zone" an enterprise zone and (2) an application to the Texas Department of Commerce for designation of the "East Enterprise Zone" as an enterprise zone. (6-0 Vote, Mayor Pro Tem Trevino absent)

#### CONTRACTS APPROVED

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

NEWMAN ENGINEERING EQUIPMENT  
7320 Ashcroft, Suite 306  
Houston, Texas

- Filter Control Valves for the  
Davis Treatment Plant, Water and  
Wastewater Department  
Items 1-3 - \$45,891.00 88-0028-DC

Bid award:

- Parts for Large Trucks,  
General Services Department  
Twelve (12) Month Supply Agreement  
Total \$143,000.00 88-0013-DC

(1) LEIF JOHNSON FORD TRUCK CITY - Item 1 - \$77,000.00  
502 E. Ben White Boulevard  
Austin, Texas



(2) LONGHORN INTERNATIONAL  
4711 East 7th Street  
Austin, Texas

- Item 2 - \$66,000.00

#### ACTION ON APPEAL

The Council had before them an appeal from Mr. and Mrs. Gary and Dee Kelleher, and Ms. Betty Edgemond, of the Planning Commission's decision to approve Site Plan RZ-87-024 known as Woodhue Crossing.

#### Motion

The Council, on Councilmember Shipman's motion, Councilmember Nofziger's second, DENIED site plan approval. (4-2 Vote, Councilmembers Humphrey and Shipman voted No, Mayor Pro Tem Trevino absent)

#### NO ACTION TAKEN ON ITEMS

No action was taken on City Manager Search, or Gilbane Update.

#### OFF SITE PARKING

The Council, on Councilmember Humphrey's motion, Councilmember Nofziger's second, passed through second reading of 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) (5-1 Vote, Councilmember Shipman voted No, Mayor Pro Tem Trevino absent)

#### AMENDMENT TO ROOFING CONTRACTORS ORDINANCE

The Council, on Councilmember Shipman's motion, Councilmember Nofziger's second, waived the requirement for three readings and finally passed a Roofing Contractors Ordinance; including local amendments, allowing the current licensed roofing contractors to have one year to apply for a license which would meet the licensing standards being promulgated by the City of Austin; grandfathered to be familiar with the Code and pass the test. (5-0 Vote, Mayor Pro Tem Trevino absent, Councilmember Carl-Mitchell out of the room)

#### 1985 UNIFORM FIRE CODE

The Council, on Councilmember Shipman's motion, Mayor Cooksey's second, waived the requirement for three readings and finally passed an ordinance approving the 1985 Uniform Fire Code, including local amendments. (6-0 Vote, Mayor Pro Tem Trevino absent.)

#### CODE REVISIONS TO 1987 NATIONAL ELECTRICAL CODE

The Council, on Councilmember Humphrey's motion, Councilmember

Nofziger's second, waived the requirement for three readings and finally passed an ordinance approving Code Revisions to the 1987 National Electrical Code, substituting a 3-1 ratio; leaving 300-23 in Code including carlon. (6-0 Vote, Mayor Pro Tem Trevino absent)

#### PUBLIC HEARING - SINGLE MEMBER DISTRICTS

Mayor Cooksey opened the public hearing set for 7:30 p.m. on Single Member Districts.

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

#### Motion

The Council, on Mayor Cooksey's motion, Councilmember Carl-Mitchell's second, closed the public hearing and instructed the City Attorney to draft ballot language. (6-0 Vote, Mayor Pro Tem Trevino absent) (City Attorney will also determine the legality.)

#### HEARING POSTPONED

Postponed to March 3, 1988 is the public hearing which is a continued hearing on the Interim Land Development Code.

#### ADJOURNMENT

Council adjourned its meeting at 12:45 a.m., February 19, 1988.