



## Austin City Council MINUTES

For JANUARY 14, 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.

#### CITIZEN COMMUNICATIONS

Pastor David V. Perez presented a book to Council and explained community work being done by his agency. Mr. Matthew Gordon did not speak. Mr. David Payton discussed City of Austin Utility Department.

#### HUMAN RELATIONS COMMISSION

Council set a public hearing on February 11, 1988 at 5:00 p.m. on changes to Commission's enabling ordinance.

#### AUSTIN DESIGN COMMISSION

Emily Little, Austin Design Commission, reported to Council concerning the Awards Program.

#### MINUTES APPROVED

The Council, on Councilmember Humphrey's motion, Councilmember Carl-Mitchell's second, approved minutes for regular meeting of January 7, 1988 and Special Meeting of January 5, 1988. (5-0 Vote, Mayor Pro Tem Trevino and Councilmember Urdy out of the room)

#### OLD BUSINESS - 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: (5-0 Vote, Mayor Pro Tem Trevino and Councilmember Urdy out of the room)

1/14/88

- (1) GENE NAUMANN AND 2000 Block and From Tr. 1 "SF-3"  
CHARLES BRAKENBURG 2100 Block North Tr. 2 "SF-3"  
C14-84-312 Bluff Drive Tr. 3 "SF-3"  
to Tr. 1 "MF-3"  
Tr. 2 "MF-3"  
Tr. 3 "LR"

ORDINANCE

First reading on December 6, 1984, (6-0). No conditions to be met.

- (2) W.A. MCCANN JR. 11604 Jollyville From "SF-2"  
By T. J. Morton Road to "LO"  
C14-84-157

ORDINANCE

## ITEM POSTPONED

Postponed to February 11, 1988 is consideration of the following contract:

Hayden Concrete Company for Capital Improvements Program, Construction of TSM Improvements, North Lamar Boulevard Corridor, Transportation and Public Services Department for a total of \$1,084,460.47.

## CONSENT ORDINANCES

The Council, on Councilmember Carl-Mitchell's motion, Councilmember Nofziger's second, waived the requirement for three readings and finally passed the following ordinances in one consent motion: (6-0 Vote, Mayor Pro Tem Trevino out of the room)

Operating Budget

Amended the 1987-88 Annual Operating Budget by:

- a. Accepting and appropriating an additional \$5,000.00 from the Capitol Centennial Committee for the Austin History Center to prepare an exhibit of photographs, brochures, souvenir programs memorabilia, and reproductions. (6-0 Vote, Mayor Pro Tem Trevino out of the room)
- b. An ordinance amending the FY 1987-88 Operating Budget by accepting \$25,500 from the Texas Department of Community Affairs and appropriating the same to the Department of Housing and Community Services for additional funding of the contracts between the City and the Salvation Army and Casa Marianella for provision of emergency shelter for the homeless.

- c. Appropriating \$29,000.00 from the General Fund ending balance to restore an Assistant Director position in the Financial Services Department. (6-0 Vote, Mayor Pro Tem Trevino out of the room)

#### CIP Budget Amendments

Amended the 1987-88 Capital Improvements Program Budget by transferring \$2,892,300.00 in current revenues from C.I.P. No. 88/150-1 Underground extensions for new service requests to the following two existing Electric CIP projects:

a. C.I.P. No. 88/13-01 Minor Transmission Project  
\$1,924,600.00

b. C.I.P. No. 88/16-1 Minor Substation Projects

	\$ 967,700.00
Total	<u>\$2,892,300.00</u>

#### CONSENT RESOLUTIONS

The Council, on Councilmember Shipman's motion, Mayor Cooksey's second, adopted the following resolutions all in one consent motion: (6-0 Vote, Mayor Pro Tem Trevino out of the room)

#### Change Order - C.I.P.

Approved the following Change Order:

In the amount of \$119,946.95 to Garney Companies, Inc. for the East Austin Transmission Main, Phase I contract. (5.62% increase of the original amount of \$2,132,019.00 - Total change orders to date 7.06%) C.I.P. No. 73/22-05.

#### Contracts Approved

Approved the following contracts:

- |  |   |
|--|---|
| a. FL INDUSTRIES, INC.<br>MEYER INDUSTRIES DIVISION<br>8700 Fairbanks-North Houston Road<br>Houston, Texas | -CAPITAL IMPROVEMENTS PROGRAM<br>Two (2) Tubular Steel Transmission<br>Structures and Seven (7) Anchor<br>Bolt Cage Foundations, Electric<br>Utility Department<br>Total \$28,158.00 C.I.P. No.<br>87/13-01 |
| b. LABATT FOOD SERVICE<br>P.O. Box 2140<br>San Antonio, Texas  | -Meat and Meat Products, Brack-<br>enridge Hospital - Twelve Month<br>Supply Agreement<br>Total \$39,893.62 BS8-064   |

Metric Boulevard - Public Right-of-Way

Authorized execution of an agreement for landscape liability and maintenance of public right-of-way by the Metric Boulevard Property Owners' Association, Travis County, and the City of Austin.

City of West Lake Hills Wastewater Contract

Approved a wastewater contract between the City of Austin and the City of West Lake Hills providing City of Austin wastewater service to tracts within the City of West Lake Hills. (6-0 Vote, Mayor Pro Tem Trevino out of the room)

Emergency Food and Shelter Program Funds

Authorized submission of an application to the Austin/Travis, Williamson Counties Federal Emergency Management Agency FEMA) for \$40,000.00 in Emergency Food and Shelter Program funds and acceptance of grant.

Texas Emergency Shelter Grant Program

Authorized submission of a grant application to the Texas Department of Community Affairs (TDCA) for up to \$120,000.00 under the Texas Emergency Shelter Grant Program, and authorized the Acting City Manager to accept the grant.

Public Hearings Set

Set public hearings on the following:

- a. Consent to an annexation to Block House Creek MUD:  
January 21, 1988 at 5:30 p.m.
- b. Approval of and consent to the sale of revenue bonds by  
Wharton County Health Facility Development Corporation:  
January 21, 1988 at 5:00 p.m.

VOTER AWARENESS WEEK

The Council, on Councilmember Shipman's motion, Councilmember Carl-Mitchell's second, waived the requirement for three readings and finally passed an ordinance waiving the fees for banners for "Voter Awareness Week" January 29, through February 7, 1988. (7-0 Vote)

CITY MANAGER REPORT - AIRPORT ANNEXATION ISSUES

The Council, on Councilmember Shipman's motion, Councilmember Carl-Mitchell's second, approved the Airport Annexation Issues, as reported to them in a City Manager Report. (7-0 Vote)

## ZONING ORDINANCE

Motion

The Council, on Mayor Pro Tem Trevino's motion, Councilmember Urdy'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: (5-2 Vote, Councilmembers Nofziger and Shipman voted No.)

MR. & MRS. R.L.	1115 I-35 South	From Tr. 1 "LO" & "LR"
WYATT & BYRD, DAVIS	1401, 1405, 1425	Tr. 2 "GO"
& EISENBERG	E. Riverside Drive	To Tr. 1 "GR-MU"
Cl4r-87-139		Tr. 2 "GR-MU"

FIRST reading on October 29, 1987, Tracts 1 & 2 (4-3) for "GR-MU". Councilmembers Shipman, Carl-Mitchell and Nofziger voted NO. Balance of property (4-3) for "SF-6". Mayor Pro Tem Trevino, Councilmembers Shipman and Urdy voted NO. Conditions have been met as follows: Development restricted to that shown on the site plan attached as an exhibit to the ordinance.

Motion

The Council, on Councilmember Carl-Mitchell's motion, Councilmember Shipman's second, postponed the second/third reading of Tract 3 & 3-A to January 28, 1988. (7-0 Vote)

## WATER &amp; WASTEWATER COMMISSION

The Council, on Councilmember Carl-Mitchell's motion, Councilmember Urdy's second, waived the requirement for three readings and finally passed an ordinance repealing Ordinance No. 810820-A; establishing and setting out the powers and duties of the Water and Wastewater Commission. (7-0 Vote)

## CHANGE ORDER

The Council, on Councilmember Carl-Mitchell's motion, Councilmember Nofziger's second, adopted a resolution approving the following change order: (7-0 Vote)

In the amount of \$98,773.35 to Staker Construction of Texas, Inc., for Community Development District #11 Street and Drainage Improvements. (8.15% increase of the original amount of \$1,211,370.70 - Total change orders to date 13.5%) C.I.P. No. 84/62-01

## FOREIGN-TRADE ZONE FEASIBILITY STUDY

The Council, on Mayor Pro Tem Trevino's motion, Councilmember Humphrey's second, adopted a resolution authorizing release of a Request for Proposal (RFP) for a contract to conduct a foreign-trade zone feasibility study and prepare an application for a foreign-trade zone grant of authority. (7-0 Vote)

A City Manager Report on Foreign Trade Zones was given in conjunction with the discussion.

## ITEM ALREADY CONSIDERED

The City Manager report on Office Leasing Availability and Rates in the CBD was presented on January 12, 1988 and will come back on January 26, 1988 at the regular Tuesday meeting.

## CITY &amp; COUNTY JAIL CONSOLIDATION

The Council, on Councilmember Carl-Mitchell's motion, Councilmember Humphrey's second, adopted a resolution entering into an Interlocal Agreement with Travis County to provide for the consolidation of City and County jail facilities, approving agreements made by City Manager and interlocal agreement with Travis County concerning the jail. (7-0 Vote)

## ITEM POSTPONED

Postponed to January 28, 1988 is consideration of renewal of the lobbyist agreements between the City of Austin and (1) Karen R. Johnson, and (2) Hughes and Luce for representation before the Texas Legislature and the executive branch of the state government.

## 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

## (e) Water Rate Complaints

## RECESS

Council recessed its meeting for executive session at 4:20 p.m. and resumed its recessed meeting at 5:05 p.m.

## PUBLIC HEARING POSTPONED

Postponed to February 2 and 4, 1988 is a public hearing on an appeal from Mr. Geoffrey Palter of the decision to issue a construction permit to Mr. Larry Taub for a boat dock to be located at 5911 Cone Circle. (4-0 Vote, Councilmember Carl-Mitchell, Humphrey and Urdy out of the room)

## PUBLIC HEARING - LEVERAGED LOAN POOL PROGRAM

Mayor Cooksey opened the public hearing set for 4:30 p.m. on Leveraged Loan Pool Program Operating Regulations. Cards for people who spoke are on file in the City Clerk's office.

Motion

The Council, on Councilmember Humphrey's motion, Mayor Pro Tem Trevino's second, closed the public hearing and approved the Leveraged Loan Pool Program Operating Regulations. (7-0 Vote)

Motion

The Council, on Councilmember Humphrey's motion, Mayor Pro Tem Trevino's second, waived the requirement for three readings and finally passed an ordinance appropriating \$3,000,000.00 from the Economic Development Endowment Trust Fund, for funding, operation and maintenance of the Leveraged Loan Pool Program (7-0 Vote)

Motion

The Council, on Councilmember Humphrey's motion, Mayor Pro Tem Trevino's second, adopted a resolution approving operating regulations for the Leveraged Loan Pool Program and approved amendments to the Capital Improvements Business Loan Program to allow for limited repeat applications, and to establish operating regulations for the Commercial Corridor Development Incentive Program. (7-0 Vote)

## PUBLIC HEARING CONTINUED

Continued to February 11, 1988 is a public hearing on an amendment to Chapter 13-2a (Zoning Ordinance) to modify requirements for off-site parking and off-site mixed use or shared ~~parking~~ parking. (C20-87-004)

## TENNIS COURT RESURFACING

The Council, on Councilmember Shipman's motion, Councilmember Nofziger's second, adopted a resolution to resurface Pharr Tennis Center's Courts. (5-0 Vote, Mayor Pro Tem Trevino and Councilmember Urdy out of the room.)

## ZONING HEARINGS

Mayor Cooksey announced Council would hear the following zoning cases. Council heard and made the following decisions.

-87	JAMES MELTON	10005 Hidden	From Tr. 1 "LO" & "SF-2"
152	By Donna	Meadow Dr.	To Tr. 1 "GR"
	Kristaponis		Tr. 2 "LO"
			RECOMMENDED subject to
			Planning Commission's
			recommendations.
			FIRST READING

APPROVED PLANNING COMMISSION  
RECOMMENDATION AND LIMITED  
PURPOSE TRACT IS NOT TO BE  
DISANNEXED.

(On Mayor Pro Tem Trevino's motion, Mayor Cooksey's second, 6-1 Vote, Council-member Shipman voted No.)

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-87	NELSON PUETT	5616 Adams Avenue	From "SF-3"
156	MORTGAGE CO.		To "MF-3"
	By Nelson Harwood		NOT RECOMMENDED
	Puett	Valid Petition	WITHDRAWN

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8-87	SANDAH L PUD	9000-10000 Brodie	From "DR" & "I-RR"
005	By Kristaponis,	Lane & Riddle	To PUD
	Gregory & Assoc.	Road/Slaughter Lane	Postponed to 2/11/88
			<u>@ 6 p.m.</u>

## PUBLIC HEARING - CODE REVISIONS

Mayor Cooksey opened the public hearing on several Code Revisions. Motions were as follows:

Motion

The Council, on Councilmember Urdy's motion, Councilmember Carl-Mitchell's second, closed the public hearing and approved the local amendments to 1985 Uniform Mechanical Code by waiving the requirement for three readings and passing an ordinance. (5-0 Vote, Mayor Pro Tem Trevino and Councilmember Humphrey out of the room)

Motion

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 1985 Uniform Plumbing Code; including local amendments. (5-0 Vote, Mayor Pro Tem Trevino, Councilmember Humphrey out of the room)



Motion

The Council, on Councilmember Carl-Mitchell's motion, Councilmember Urdy's second, waived the requirement for three readings and finally passed an ordinance amending 1984 Uniform Guidelines for Solar Energy Installation; including local amendments. (5-0 Vote, Mayor Pro Tem Trevino and Councilmember Humphrey out of the room)

The following postponements were approved for Code Revisions:

- a. 1985 Uniform Building Code, including local amendments, February 11, 1988.
- b. 1985 Uniform Fire Code; including local amendments, February 11, 1988.
- c. 1987 National Electrical Code, including local amendments, February 11, 1988.
- g. 1985 Uniform Housing Code, including local amendments, January 28, 1988.
- h. 1985 Uniform Code for the Abatement of Dangerous Building, including local amendments, January 29, 1988.

**PUBLIC HEARING - CHARTER AMENDMENTS**

Mayor Cooksey opened the public hearing on Charter Amendments for the May, 1988 Election. Cards are on file in the City Clerk's office for people who spoke. (There will be a public hearing on single member districts on January 19, 1988.)

Motion

The Council, on Councilmember Carl-Mitchell's motion, Councilmember Nofziger's second, closed the public hearing. (5-0 Vote, Mayor Pro Tem Trevino and Councilmember Humphrey absent)

**EXECUTIVE SESSION**

Mayor Cooksey 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. (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.

**RECESS & ADJOURNMENT**

Council recessed its meeting for executive session at 11:00 p.m. and adjourned its meeting at 11:38 p.m.