



Austin City Council MINUTES

For JULY 23, 1987 - 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.

MINUTES APPROVED

The Council, on Councilmember Humphrey's motion, Councilmember Carl-Mitchell's second, approved minutes for regular meeting of July 16, 1987 and special meeting of July 14, 1987. Councilmember Urdy not yet present, Mayor Pro Tem Trevino absent, for a vote of 5-0.

CITIZEN COMMUNICATIONS

Mr. Dale Lyle had signed to speak but did not appear. Ms. Vera M. Bothager discussed the "Old Bakery" restoration project. Mr. Tom McDill discussed a letter of credit. James Pinedo, Ray Reece and Chris Strand discussed economic development. Mr. John Fleck talked about transportation planning.

ITEM POSTPONED

Postponed indefinitely is consideration of granting a waiver from the Comprehensive Watersheds Ordinance for Gill Ranch.

CITY OF AUSTIN TOWN LAKE PROPERTY FINANCE CORPORATION ORDINANCE

The Council, on Councilmember Carl-Mitchell's motion, Mayor Pro Tem Trevino's second, passed through **THIRD READING** of the City of Austin Town Lake Property Finance Corporation Ordinance with the following designated as the board of directors: Roberta Crenshaw, M.K. Hage, Marta Cotera, Volma Overton and Mark Eidman. (5-0 Vote, Mayor Pro Tem Trevino absent, Councilmember Urdy not yet present.)

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 absent, Councilmember Urdy not yet present)

- | | | |
|--------------------|------------------|--------------|
| (1) CITY OF AUSTIN | 3200 South First | From "LO" to |
| C14-83-322 | Street, also | "MF-2" |
| | bounded by South | ORDINANCE |
| | 5th Street | |

First reading on March 1, 1984, (7-0). No conditions to be met.

- | | | |
|--------------------------|-------------------|-------------------|
| (2) B.J. & LENORA FERRIS | 8191 U.S. Highway | From Interim "RR" |
| C14-85-288.6 | 290 West | to "LO" |
| | | ORDINANCE |

First reading on April 16, 1986, (5-0). Mayor Pro Tem Trevino and Councilmember Humphrey absent. Conditions have been met as follows: Restrictive Covenant incorporating conditions imposed by Council has been executed.

AUSTIN PLAN

The Council, on Councilmember Carl-Mitchell's motion, Councilmember Humphrey's second, passed through second and third readings of an ordinance to appropriate \$25,000.00 from the interest proceeds from the Economic Development Trust Fund for hiring a fiscal consultant for Austin Plan. (5-0 Vote, Councilmember Urdy not yet present, Mayor Pro Tem Trevino absent)

GRAVE MARKERS

The Council, on Councilmember Carl-Mitchell's motion, Councilmember Humphrey's second, passed through second and third readings of an ordinance amending Chapter 13-2A by adding a new Section 1701, and by amending Section 2255(a) to specifically permit the retail sale and display of monuments (Grave Markers) in the "CS" (Commercial Service) zoning district. (5-0 Vote, Councilmember Urdy not yet present, Mayor Pro Tem Trevino absent)

LICENSE AGREEMENT

The Council, on Councilmember Carl-Mitchell's motion, Councilmember Humphrey's second, adopted a resolution to enter into the following license agreement: (5-0 Vote, Mayor Pro Tem Trevino absent, Councilmember Urdy not yet present)

- (1) To allow landscaping and irrigation of right-of-way and landscaping, irrigation and subdivision identification signs in medians of Deauville Boulevard (to be Norwood Park Blvd.) and

proposed Teeple Drive (to be Clock Tower Drive). Request submitted by David Taylor on behalf of Norwood/United Park Joint Venture)

CONSENT ORDINANCES

The Council, on Councilmember Carl-Mitchell's motion, Councilmember Humphrey's second, waived the requirement for three readings and finally passed the following ordinances in one consent motion: (5-0 Vote, Councilmember Urdy not yet present, Mayor Pro Tem Trevino absent)

Operating Budget Amendment

Amended the 1986-87 Operating Budget by accepting a grant in the amount of \$248,089.00 from the National Council of Senior Citizens for Title V Older American Act funds through the Department of Labor to the Parks and Recreation Department.

Exemption from Tap Expiration Ordinance

Approved a request for an exemption to the Tap Expiration Ordinance from Mr. Ronald D. and/or Judith A. Clarkson, for 5304 Branding Chase, Austin, Texas, Lot 10, Block E, Angus Valley, Section 8.

Item Postponed

Council approved sending consideration of repealing Ordinance No. 860522-H and reducing the number of taxicabs to be operated under the taxicab franchise granted to the Greater Austin Transportation Company dba American Cab from 137 to 125 to the Transportation Commission for review. Therefore, item was postponed indefinitely.

CONSENT RESOLUTIONS - On Councilmember Humphrey's vote, Councilmember Shipman's second the following were adopted. (5-0 Vote, Mayor Pro Tem Trevino & Councilmember Urdy absent.)
Release of Easements

Authorized releases of the following easement: A drainage easement of record in Volume 9173, Page 778, Travis County Deed Records and located in Collinwood West I-A. (Request submitted by Wayne McFall of Jeryl Hart Engineers, Inc. on behalf of John Reynolds and Associates, Inc.)

Eminent Domain Proceedings

Authorized the filing of Eminent Domain Proceedings to acquire: 15,964 square feet of land in fee simple, more or less out of and a part of that certain 3.943 acre tract in the Willis Avery Survey No. 81, Travis County, Texas; owned by American Condominium Corporation of Houston for the U.S. 183 Project.

Item Postponed

Postponed indefinitely is approval and authorization for selection of architectural services in connection with the design & construction of the Public Event Facilities Improvements. C.I.P. No. 87/80-01.

Contracts Approved

Approved the following contracts:

Bid award:

- CAPITAL IMPROVEMENTS PROGRAM -
Thirty-three (33) Gate and
Butterfly Valves, Water and
Wastewater Department
Total \$242,572.10 C.I.P. Nos.
85/22-67, 85/22-23, 82/22-17,
85/22-50, 83/22-20, 83/22-13 &
85/22-30
- (1) TRANS-TEX SUPPLY COMPANY - Items 1-3 & 6 - \$102,372.10
4618 East 7th Street
Austin, Texas
- (2) ALLIS-CHALMERS - Items 4 & 5 - \$125,719.00
Valve Operations
York, Pennsylvania
- (3) TCF ASSOCIATES, INC. - Item 7 - \$14,481.00
6230 West 34th Street
Houston, Texas

GENERAL ELECTRIC COMPANY
8101 Cameron Road, Suite 201
Austin, Texas

- Repair Parts, General Services
Department
Twelve (12) Month Contract
Total \$45,000.00 87-S311-KK

Bid award:

- Office Supplies, General Services
Department
Twelve (12) Month Contract
Total \$800,000.00 87-0219-PS/LI
- (1) PAUL ANDERSON COMPANY - Items 1-5, 15, 44, 48-50, 55, 56,
3485 Fredericksburg Road 67-72, 121-122, 123, 124-128, 223-
San Antonio, Texas 225, 281, 282-285, 287-289, 306-
309 and 321 - \$20,186.00
- (2) BOISE CASCADE OFFICE PRODUCTS - Items 35, 51-53, 54 129-130, 198-
901 MoPac Expressway 199 and 240-276 - \$35,616.00
Austin, Texas
- (3) E&M PRINTING AND OFFICE - Items 34, 42-43, 45-47, 65-66, 91,
SUPPLIES, INC. 108-111, 118-120, 131-153, 200-216,
8409 N. Lamar 226-231, 232-239, 278-280, 290-291,
Austin, Texas 297-305, 310-313, 322, 323, and
324-326 - \$59,169.00
- (4) LINDSAY OFFICE PRODUCTS, INC - Items 57 and 114 - \$6,468.00
7521 N. Lamar Boulevard
Austin, Texas

7/23/87

- (5) THE OFFICE COMPANY - Items 16-20, 58-64, 92-107, 112-113
1321 Rutherford Lane, Ste. 200 and 163-170 - \$29,229.00
Austin, Texas (4-0 Vote, Mayor Cooksey abstained, Mayor Pro Tem Trevino
and Councilmember Urdu absent)
- (6) STEPHENS OFFICE PRODUCTS, - Items 8-14, 21-25, 26-31, 36-41,
2020 Rutland Drive, 73-82, 83-87, 88-90, 115-117, 154-
Suite D 162, 171-197, 217-218, 219-222, 277,
Austin, Texas 286, 292 and 293-296 - \$59,630.00

Employee Assistance Program

Approved an amendment to a contract with Human Affairs, Inc. for an additional \$33,145.00 to continue the Employee Assistance Program contract from August 15, 1987 through September 30, 1987.

Item Postponed

Postponed to July 30, 1987 consideration of accepting the provisions contained in Minute Order No. 85987 passed by the State Department of Highways and Public Transportation Commission on June 30, 1987, for the development of US 290, from US 183 to FM 973.

Public Hearing Set

Set a public hearing on the following:

Amending Ordinance No. 810820-B to include the Lakeview PUD in the Water and Wastewater Service Area: August 13, 1987 at 4:30 p.m.

ITEM POSTPONED

Postponed to July 30, 1987 is consideration of second reading of the Development Processing Ordinance (13-1) and the Performance Overlay Ordinance.

RESOLUTIONS POSTPONED

Postponed to July 30, 1987 is consideration of approval of an agreement between the City of Austin and Browning Aerial Service to provide aviation related services at Robert Mueller Municipal Airport.

Continued to July 30, 1987 is consideration of approval of a contract (RFP) with Consumers Union in an amount not to exceed \$87,400.00 to provide consultant services as the Consumer Advocate for the Electric Utility Rate Process.

Continued to July 30, 1987 is consideration of approval of a

contract (RFP) to Cleve Moten, attorney-at-law, in an amount not-to-exceed \$51,000.00 to provide consultant services as the Contract Hearing Examiner for the Electric Utility Rate Process.

SOUTH AUSTIN OUTFALL OPTIONS

The Council, on Councilmember Carl-Mitchell's motion, Mayor Cooksey's second, adopted a resolution approving the South Austin Outfall options. (5-0 Vote, Councilmember Urdy and Mayor Pro Tem Trevino absent)

The Council also approved addressing the concerns of the Barton Creek Association.

(AT THIS POINT COUNCILMEMBER URDY ENTERED THE COUNCIL CHAMBER)
OPERATING BUDGET AMENDMENT

The Council, on Councilmember Urdy's motion, Councilmember Nofziger's second, waived the requirement for three readings and finally passed an ordinance amending the 1986-87 Operating Budget by reappropriating \$56,582.00 from the General Fund Ending Balance to the Parks and Recreation Department for completion of a feasibility study for the Mexican-American Cultural Center. (6-0 Vote, Mayor Pro Tem Trevino absent)

VARIANCE

The Council, on Councilmember Shipman's motion, Councilmember Carl-Mitchell's second, waived the requirement for three readings and finally passed an ordinance approving, with conditions, a variance from the right-of-way dedication requirements for 3403 Northland Drive (RZ-87-014). (6-0 Vote, Mayor Pro Tem Trevino absent)

BOAT DOCKS - LAGUNA LOMA SUBDIVISION

The Council, on Councilmember Shipman's motion, Councilmember Carl-Mitchell's second, waived the requirement for three readings and finally passed an ordinance approving variance from the provisions of Chapter 9-10-77(d)(2) of the City Code to allow the construction of 20 clustered boat docks at the Laguna Loma Subdivision on Lake Austin. (5-0 Vote, Councilmember Urdy out of the room, Mayor Pro Tem Trevino absent)

CONTRACT APPROVED

The Council, on Councilmember Humphrey's motion, Councilmember Carl-Mitchell's second, adopted a resolution approving the following contract: (5-0 Vote, Councilmember Urdy out of the room, Mayor Pro Tem Trevino absent)

SCHULER & WHOIT SIGN COMPANY
Cibolo, Texas

- Exterior Identification Sign
Improvements, Brackenridge
Hospital
Total \$32,027.00 87-C183-JJ

CONTRACT APPROVED

The Council, on Councilmember Humphrey's motion, Councilmember Carl-Mitchell's second, adopted a resolution approving the following contract: (5-0 Vote, Councilmember Urdy out of the room, Mayor Pro Tem Trevino absent)

E&M PRINTING AND OFFICE
SUPPLIES, INC.
8409 N. Lamar
Austin, Texas

- Item 327 - \$589,702.00

CONTRACTS APPROVED

The Council, on Councilmember Humphrey's motion, Councilmember Carl-Mitchell's second, approved the following contracts: (5-0 Vote, Councilmember Urdy out of the room, Mayor Pro Tem Trevino absent)

MOTOROLA COMMUNICATIONS &
ELECTRONIC, INC.
Building B, Suite 100
11044 Research Boulevard
Austin, Texas

- Captive Repair Parts, General
Services Department
Twelve (12) Month Contract
Total \$39,300 87-S312-KK

BRUNING
4930 Research Drive
San Antonio, Texas

- Blue-line-Blackline Paper,
Twelve (12) Month Supply Agreement
General Services Department
Items I-38 - \$45,375.00
87-0252-PS/LI

The Council, on Councilmember Humphrey's motion, Councilmember Carl-Mitchell's second, adopted a resolution approving the following contract: (5-0 Vote, Councilmember Urdy out of the room, Mayor Pro Tem Trevino absent)

OFFSET PRESS SERVICES INC.
5555 N. Lamar Boulevard
Suite, J-119
Austin, Texas

- Printing City Council Agenda
Packets, Zoning Packets and
Planning Commission Packets and
Agenda Packets, City Clerk's
Office and Office of Land
Development Services
Six Month Contract
Total \$168,097.00 87-0281-LI

WASTEWATER DISPOSAL CONTRACT - BRUSHY CREEK

The Council, on Councilmember Carl-Mitchell's motion, Councilmember Nofziger's second, adopted a resolution approving the amendment to the

wastewater disposal contract (Brushy Creek) to extend the deadline for notification by the parties to proceed with construction (from thirty (30) days to sixty-five (65) days). (5-0 Vote, Councilmember Urdy out of the room, Mayor Pro Tem Trevino absent)

LICENSE AGREEMENT

The Council, on Councilmember Shipman's motion, Councilmember Carl-Mitchell's second, approved a License Agreement at 4812 Rowena, to be finalized at \$200.00 annually. (4-0 Vote, Councilmembers Urdy and Humphrey out of the room, Mayor Pro Tem Trevino absent)

AMENDMENT TO MBE/WBE ORDINANCE

The Council, on Councilmember Urdy's motion, Councilmember Shipman's second, waived the requirement for three readings and finally passed an ordinance amending the MBE/WBE Ordinance as follows: (6-0 Vote, Mayor Pro Tem Trevino absent)

(a) "Advisory Committee" shall mean the committee appointed by the City Council to recommend to City Council the annual minority and women-owned business enterprise procurement participation goals provided for in the Program Elements segment of this ordinance. The Committee shall consist of one (1) member of the Austin Economic Development Commission, one (1) member of the Austin Human Relations Commission, two (2) certified WBE/MBE contractors and five (5) other members of the private sector, at least two of whom shall be representatives of minority chambers of commerce and two of whom shall be small business representatives, and two (2) employees of the City selected by the City Manager. Each member of the Advisory Committee shall serve a term of one year, but may be reappointed to the Committee by City Council to serve not more than two terms.

MUSIC DISTRICT

The Council, on Councilmember Nofziger's motion, Councilmember Carl-Mitchell's second, adopted a resolution amending the resolution exploring the creation of a Music District. (6-0 Vote, Mayor Pro Tem Trevino absent)

LOCAL EMPLOYMENT CLAUSE IN CONTRACTS

The Council, on Councilmember Carl-Mitchell's motion, Councilmember Humphrey's second, adopted a resolution providing for a Local Employment Clause to be included in all construction contracts. (6-0 Vote, Mayor Pro Tem Trevino absent)

DOWNTOWN COMMISSION

The Council, on Councilmember Carl-Mitchell's motion, Councilmember Shipman's second, adopted a resolution amending a resolution on the Downtown Commission. (6-0 Vote, Mayor Pro Tem Trevino absent)

UPLANDS DEVELOPMENT

The Council, on Councilmember Carl-Mitchell's motion, Councilmember Shipman's second, approved initiating the process for limited annexation of the Uplands Development. (6-0 Vote, Mayor Pro Tem Trevino absent)

Prior to the vote, Councilmember Shipman said the applicant should ask for limited purpose annexation. Mr. Jerry Harris, representing the applicant, said they agree and will submit it. Councilmember Shipman said, "We're interested in pursuing your initiation of limited purpose annexation."

ITEM POSTPONED

Postponed to July 30, 1987 is consideration of amendments to the Hearing Examiner Ordinance and Resolution.

SUSTAINABLE INDUSTRIES RFP

The Council, on Councilmember Carl-Mitchell's motion, Councilmember Humphrey's second, approved Sustainable Industries R.F.P. (6-0 Vote, Mayor Pro Tem Trevino absent)

ITEM ALREADY APPROVED

On July 21, 1987, Council ratified and reaffirmed the anti-lobbying provision applicability to the remaining Civic Center Selection Process.

CITY MANAGER REPORTS

The City Manager Reports on Legislative Update, Biweekly Wastewater Report and Worksession Schedule were not presented.

APPEAL SET

The Council, on Councilmember Carl-Mitchell's motion, Mayor Cooksey's second, set a public hearing on an appeal of the Office of Land Development's decision to deny a Water Development Permit for 717 East 7th Street, No. 87-06-4952: August 27, 1987 at 4:00 p.m.

ZONING HEARING POSTPONED

Postponed to September 24, 1987 at 6:00 p.m. is the hearing and action on the following zoning case, on Councilmember Carl-Mitchell's motion, Councilmember Shipman's second, 6-0 Vote, Mayor Pro Tem Trevino absent:

-87 HALLMARK BAPTIST
025 CHURCH
By Joseph, Rider
& Cameron

200 feet from
Intersection of
Oak Knoll Drive &
Township Trail

From "DR"
To "SF-2"
DENIED BY PLANNING COMMISSION

RECESS

Council recessed its meeting from 4:27 p.m. to 4:52 p.m.

SEMATECH PROJECT

Council had before them for consideration a resolution approving Sematech economic development incentives as follows:

1. Waiver of all building and development fees related to retrofitting the Data General Building and/or site.
2. A \$250,000 cash contribution to be used by the Sematech operation for land or site acquisition, to be dedicated from the Economic Development Trust Fund.
3. Commitment to serve the electrical needs of Sematech through dedication of appropriate funds of the Capital Improvement Program of the City of Austin, subject to the availability of funds.
4. Commitment to serve the wastewater needs of Sematech through dedication of appropriate funds of the Capital Improvement Program of the City of Austin, subject to the availability of funds.
5. Designation of one upper level full time employee of the City of Austin to handle all Sematech development permitting issues relating to the interim or permanent site construction.
6. Designation of Sematech's primary site within Austin's proposed Enterprise Zone in order to qualify the project for incentives--resulting therefrom.

Motion

Councilmember Carl-Mitchell made a motion, seconded by Councilmember Urdy to adopt the resolution approving Sematech economic development incentives.

Councilmember Shipman asked that Item 1 be deleted from the motion.

After discussion, Councilmember Carl-Mitchell proposed they divide the question.

Motion

Councilmember Humphrey made a motion, seconded by Councilmember Carl-Mitchell to adopt Items 2-6. Motion passed by a vote of 6-0 with Mayor Pro Tem Trevino absent.

Motion

Councilmember Humphrey made a motion, seconded by Councilmember Carl-Mitchell's second, to include Item 1 in the resolution. (5-1-0 Vote, Councilmember Shipman voted No, Mayor Pro Tem Trevino absent)

Before the vote, Councilmember Shipman said she is against waiving building and development fees because they never have before. Mayor Cooksey said he does not consider this to be of a precedent setting nature and that each case will be considered, on its own merits, as it comes along. Councilmember Urdy said he does not consider this a precedent for non-profit organizations, either.

PUBLIC HEARING - S.U.G. - TO BE CONTINUED

The public hearing scheduled for 5:00 p.m. on Southern Union Gas Company requested rate increase was continued to August 31, 1986 at 6:00 p.m.

EROSION PROBLEMS ALONG LITTLE WALNUT CREEK

Councilmember Urdy introduced an item to Council concerning erosion problems along Little Walnut Creek. He showed slides of the area showing the problems discussed.

The following people spoke as concerned neighborhood residents: Willie Aaule, Vernell Arvie, Samuel T. Biscoe, Brenda S. Foreman, Leora Robinson, Fidencio Lopez, Carlos Rumbaut, Jorge G. Sanchez, Mary E. Sorrells, Martin Stiethmann, Isabelle Espinoza, Robert B. Pringle, Phyllis Waelder, and Joseph Zarsky.

Horace Sanchez, builder of the damaged homes, said he was not told there would be such erosion on the lots where he built homes. He said he would build no more, even though he still has some vacant lots.

Motion

Councilmember Urdy made a motion, seconded by Councilmember Shipman, to follow the 5 ideas from the homeowners letter: (5-0 Vote, Councilmember Humphrey out of the room, Mayor Pro Tem Trevino absent)

1. To secure assistance in initiating a study to develop a plan to mitigate the hazards to life and property caused by erosion of the bank of Little Walnut Creek.
2. To have one City Department assigned to take responsibility for problems along Little Walnut Creek.
3. To declare an immediate moratorium on any new construction on Little Walnut Creek.
4. To arrange a tour for all Councilmembers to view some severe hazard areas along Little Walnut Creek.
5. To set up a joint meeting of the City Council and representatives of the University Hills Neighborhood Association group to:
 - a) Present to the City Council a description of the extent of the hazard to life, property and the ecology of the area.
 - b) Offer suggestions for possible solutions to the problem.
 - c) Request the City Council to investigate the possible availability of funds from the Texas Water Development Board or other State or Federal agencies to facilitate the solution of the problem.

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 & Power b. Allandale Neighborhood vs ATS & City of Austin c. Overton et al v. City of Austin d. Pending Matters e. MKT v. City of Austin
2. Land Acquisition - Section 2, Paragraph f - a. Parmer Lane right-of-way b. Avante Building c. Waller Creek
3. Contemplated Litigation - a. Letters of Credit

RECESS & ADJOURNMENT - Council recessed for executive session at 6:55 and adjourned their meeting at 9:30 p.m.