



Austin City Council MINUTES

For FEBRUARY 12, 1987 - 1:00 P.M.

Council Chambers, 307 West Second Street, Austin, Texas

City Council

Frank C. Cooksey
Mayor

John Treviño, Jr.
Mayor Pro Tem

Council Members
Mark Rose
Smoot Carl-Mitchell
Sally Shipman
George Humphrey
Charles E. Urdy

Jorge Carrasco
City Manager

Elden Aldridge
City Clerk

Memorandum To:

Mayor Cooksey called to order the meeting of the Council, noting the presence of all Councilmembers.

CITIZEN COMMUNICATIONS

Harry Nolen did not appear. Roger Baker Jr. talked about Austin Transportation Study Plan. Dave Dobbs talked about transportation. Sheila B. Filomena did not appear. Veon McReynolds talked about affordable housing in the Blacklands Neighborhood. Dr. Ralph M. Smith discussed growth of the Hyde Park Baptist Church. Hollis F. Baker discussed bonding requirements for sign companies. Glenn Scott, Al Bega and Bill Steele did not appear.

ITEM POSTPONED

Postponed indefinitely, by Council, was third reading of an ordinance creating a non-profit corporation for the purpose of developing and implementing Parkland Acquisition Program; approving the articles of incorporation; approving the initial bylaws; and appointing initial directors thereof.

OLD BUSINESS - ZONING ORDINANCES

The Council, on Councilmember Carl-Mitchell's motion, Councilmember Humphrey's second, passed through second and third readings of ordinances amending Chapter 13-2A of the Austin City Code (Zoning Ordinance) to cover the following changes: (7-0 Vote, unless otherwise indicated)

ALLAN GRAHAM
By Steve Harris
C14-86-214

1006 Yager Lane

From "SF-4" to
"GR" & "CS-1"

EMERGENCY PASSAGE OF ORDINANCE

2/12/87

Second and third readings. First reading on December 4, 1986, 5-0. Mayor Pro Tem Trevino and Councilmember Urdy out of the room at roll call. Conditions have been met as follows: Restrictive covenant incorporating conditions imposed by Council has been executed.

HORIZON INVESTORS, LTD.
By Doyle Wilson
C14-86-050

5616-5822 RM 620 N.
& Comanche Trail

From "DR" to
"SF-6", "LO",
"CS-1" & "GR"

Second and third readings. First reading on August 7, 1986, 5-2. Mayor Cooksey and Councilmember Shipman voted No. Conditions have been met as follows: Restrictive covenant incorporating conditions imposed by Council has been executed.

(5-2 Vote, Mayor Cooksey and Councilmember Shipman voted No.)

JAMES W. & PHYLLIS
THOMAS
By Joyce Campbell
C14-86-075

1100 West Avenue

From "MF-4" to
"LO"

Second and third readings. First reading on June 26, 1986, 7-0. Conditions have been met as follows: Restrictive covenant incorporating conditions imposed by Council has been executed.

CONSENT ORDINANCES

The Council, on Councilmember Rose's motion, Councilmember Humphrey's second, waived the requirement for three readings and finally passed the following ordinances in one consent motion. (7-0 Vote)

North Central Austin Growth Corridor MUD No. 1

Approved issuance of \$940,000 Waterworks and Sewer System Combination Unlimited Tax and Revenue Bonds, Series 1987 by North Central Austin Growth Corridor Municipal Utility District No. 1.
Carnival Activity

Approved waiving Section 8-3-56(c)(12) of the City Code regarding the requirement that any carnival activity be conducted at least 1,000 feet from any property developed for residential use.

Ombudsman

Approved amending the Ethics Ordinance to provide for the appointment of the ombudsman by the City Clerk.

Moore's Crossing

Amended the description of land to be included in Moore's Crossing MUD.

ITEMS POSTPONED

Postponed until February 19, 1987 is consideration of approval and execution of documents pertaining to the acquisition and leasing of a building for the Electric Utility Department including approval of an official statement and purchase agreement.

Postponed to February 19, 1987 is consideration of authorization to determine the route of, acquire easements and fee titles for, and construct Circuit 3125, Lytton Springs to Trading Post.

Postponed indefinitely is approval of a contract with United Aerial Mapping, Inc. (RFP) for Aerial Photography, Survey and Mapping Services in the amount of \$2,000,000.00 for the Electric Utility and the Transportation and Public Services Departments.

Postponed was consideration of a resolution introduced by Mayor Cooksey to consider supporting a cooperation agreement between the City of Austin and the University of Texas regarding the Blackland Neighborhood.

Postponed indefinitely was consideration of the STP Education Campaign RFP.

CONSENT RESOLUTIONS

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

Capital Improvements Program

Approved aquisition of a drainage easement for the Industrial Streets South Improvements Project. C.I.P. No. 85/62-62

Authorized eminent domain proceedings to acquire in fee simple certain lands for certain projects described as follows: C.I.P. No. 84/23-22

- a. A 7,542 square foot tract of land out of the J. C. Tannehill League Survey No. 29 of Travis County, Texas. Easement to be acquired for a water line for East Austin Transmission Main Phase I Project.
- b. A 3,523 square foot tract of land out of a 2.113 acre tract of land and a 17,106 square foot tract of land out of a 11.824 acre tract of land, both in the William Cannon League of Travis County, Texas for a Wastewater Interceptor Easement and a Temporary Access Easement and Temporary Working Easement.

- c. A 0.453 acre tract of land out of a 1.01 acre tract of land out of the Thomas Anderson League of Travis County, Texas to be acquired in fee for U.S. 290 Improvement Project.
 - d. A 4,651 square foot tract of land out of Lots 18 thru 21 inclusive of the Glenview Addition to the City of Austin, Travis County, Texas, to be acquired in fee for the 35th Street Improvement Project.
 - e. An 8.4425 acre tract of land out of the Santiago Del Valle Grant No. 24, City of Austin, Travis County, Texas, to be acquired in fee for the Stassney Lane Improvement Project.
 - f. A 2.433 acre tract of land out of the T. M. Fowler Survey No. 20 Abstract No. 2162 of Travis County, Texas, to be acquired in fee for the Parmer Lane Project.
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Approved the following Change Orders:

- a. In the amount of \$108,800.00 to CLEARWATER CONSTRUCTORS, INC., for the Walnut Creek Wastewater Treatment Plant Improvements Project. (1.16% increase of the original contract amount of \$9,347,000.00 - Total changes to date 9.39%) C.I.P. No. 73/23-83
 - b. In the amount of \$34,072.60 to O'NEAL CONSTRUCTION, INC., for Fire Station - 3704 Deer Lane. (5.2% increase of the original contract amount of \$655,000.00 - Total changes to date 5.13%) C.I.P. No. 85/83-05
 - c. In the amount of \$40,299.29 to FRU-CON CONSTRUCTION COMPANY, for the Walnut Creek Wastewater Treatment Plant Expansion. (0.61% increase of the original contract - Total changes to date 1.42%) C.I.P. No. 82/23-81
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Approved of selection for professional services and authorization to proceed with an alternate, long-term airport site update and evaluation, subject to successful contract negotiation. C.I.P. No. 86/81-01. (6-0 Vote, Councilmember Humphrey abstained)

Approved of a Supplemental Amendment to the Greiner*Austin Team for services related to determination of long-term airport development costs at Robert Mueller Municipal Airport. C.I.P. No. 86/81-01. (4-0 Vote, Councilmembers Humphrey, Urday and Shipman abstained)

Contracts Approved

Approved the following contracts:

- a. CLARENCE CULLEN COMPANY, INC.
P. O. Box 98
Buda, Texas
 - CAPITAL IMPROVEMENTS PROGRAM -
Construction of Pointer Lane
Drainage Improvements,
Transportation and Public Services
Department
Total \$209,292.12 C.I.P. Nos.
85/60-04, 87/22-39 & 86/23-33
- b. MIRANDA CONSTRUCTION COMPANY
5214 Burleson Road
Austin, Texas
 - CAPITAL IMPROVEMENTS PROGRAM -
Sidewalk and Sidewalk Ramp
Improvements, Transportation and
Public Services Department
Total \$44,263.30 C.I.P. Nos.
85/61-03 & 83/22-04
- c. HENKELS & MCCOY
4220 Justin Road
Lewisville, Texas
 - CAPITAL IMPROVEMENTS PROGRAM -
Overhead Electric Distribution
Facilities for Rutland Drive -
Burnet Road to Gray Boulevard,
Electric Utility Department
Total \$27,331.40 C.I.P. No.
87/14-02
- d. FINWAY, INC.
3517 North Frazier
Conroe, Texas
 - CAPITAL IMPROVEMENTS PROGRAM -
Overhead Electric Distribution
Facilities for Howard Lane
Substation to Lamplight Village,
Electric Utility Department
Total \$32,670.00 C.I.P. No.
87/14-02
- e. ELECTRIC UTILITY CONSTRUCTION CO., -
INC.
5401 South Sheridan, Unit 202
Tulsa, Oklahoma
 - CAPITAL IMPROVEMENTS PROGRAM -
Overhead Electric Transmission
Construction for 69KV to 138 KV
Transmission Line Conversion
from Kingsbery Substation to
McNeil Substation Circuits 819,
818, 816 and 814, Electric
Utility Department
Total \$873,717.00 C.I.P. No.
86/13-02
- f. HEVI-DUTY ELECTRIC
P. O. Box 268
Goldsboro, North Carolina
 - Repair of Northland Substation
10-11-12 Transformer, Electric
Utility Department
Total \$67,786.00 87-S059-LI
- g. BOUND TO STAY BOUND BOOKS, INC.
West Morton Road
Jacksonville, Illinois
 - Books, Juvenile with Prebinding,
Austin Public Libraries
Twelve (12) Month Supply Agreement
Item 1 - \$94,673.00

- h. NGK-LOCKE, INC.
c/o Eltek, Inc.
70110 7th Street
Arlington, Texas
 - Insulators, Switch-Bus and Station Post, General Services Department
Items 1-3 - \$44,491.96 87-0078-QM
- i. ABC PEST CONTROL
8816 Research Boulevard
Austin, Texas
 - Pest Control, Brackenridge Hospital
Twelve (12) Month Service Agreement
Total \$26,795.00 BC7-058
- j. J. R. SHELDON & COMPANY, INC.
4341 Lindberg, Suite 100
Dallas, Texas
 - Anthracite Filter Media, Water & Wastewater Department
Twelve (12) Month Supply Agreement
Item 1 - \$48,320.00 87-0075-PS

Long-Term Airport Development Costs

Authorized submission of an application to the Federal Aviation Administration for a funding participation grant related to determination of long-term airport development costs at Robert Mueller Municipal Airport, and authorized the City Manager to accept the tendered grant in the approximate amount of \$150,000.00.

(6-0 Vote, Councilmember Shipman abstained)

Application to FAA

Authorized submission of an application to the Federal Aviation Administration for a funding participation grant related to an alternate, long-term airport site update and evaluation, and authorizing the City Manager to accept the tendered grant in the approximate amount of \$330,000.00.

City's Health Authority and Administrator of Public Health

Approved entering into an Interlocal Cooperation Agreement with Travis County to contract for the services of the City of Austin's Health Authority and Administrator of Public Health. (October 1, 1985 to September 30, 1987)

Circuit 966, Trading Post to Commons Ford

Approved authorization to determine the route of, acquire easements and fee titles for Circuit 966, Trading Post to Commons Ford.

EMS Medical Director

Approved renewal of a contract with Michael H. McCallum, M.D. for Medical Direction of the Emergency Medical Services Department in the amount of \$28,266.64.

Public Hearings Set

Set public hearings on the following:

- a. To discuss the cancellation and forfeiture of the taxicab franchise granted by Ordinance No. 840927-D to Capital Cab Company, Inc.: March 19, 1987 at 4:30 p.m.
- b. Granting consent to the creation of Bear Creek at Austin MUD: February 19, 1987 at 4:30 p.m.

OPERATING BUDGET AMENDMENT

The Council, on Councilmember Rose's motion, Councilmember Carl-Mitchell's second, waived the requirement for three readings and finally passed an ordinance amending the 1986-87 Annual Operating Budget to authorize eight additional positions for the Legal Department to acquire land for various Capital Improvement Projects. (7-0 Vote)

DAVIS-TURNER HOUSE PROPOSED ZONING CHANGE

Councilmember Carl-Mitchell made a motion, seconded by Councilmember Humphrey to amend Chapter 13-2A of the Austin City Code (Zoning Ordinance) to cover the following changes: (MOTION FAILED by a vote of 3-4 with Councilmember Rose and Urdy, Mayor Cooksey and Mayor Pro Tem Trevino voting No.)

DAVIS-TURNER HOUSE
C14h-85-016

909 East 12th Street

From "MF-4" to
"GR-MU-H"

Second and third readings. First reading on January 8, 1987, (4-3). Mayor Pro Tem Trevino, Councilmembers Rose and Urdy voted No. No conditions to be met.

LATER IN THE DAY:

Motion to Reconsider

The Council, on Mayor Cooksey's motion, Councilmember Carl-Mitchell's second, reconsidered the vote. (7-0 Vote)

Ms. Jodi Bunton, resident of East Austin, spoke to Council and asked that the Davis-Turner House be zoned historic so that it can be preserved. Councilmember Urdy spoke against the historic zoning because he said the house had been a "bawdy" house for several years and he did not think it proper to designate it historical.

Motion

Councilmember Carl-Mitchell made a motion, seconded by Councilmember Humphrey to zone the Davis-Turner House "GR-MU-H". Motion FAILED by a vote of 3-4 with Mayor Cooksey, Mayor Pro Tem Trevino, Councilmembers Rose and Urdy voting No.

INFORMATION & CONTROL SYSTEM FOR WATER AND WASTEWATER UTILITY

The Council, on Councilmember Rose's motion, Councilmember Humphrey's second, adopted a resolution approving a Supplemental Amendment to the Professional Services Agreement between the City of Austin and EMA Service, Inc. for design services associated with the Information and Control System for the Water and Wastewater Utility. C.I.P. No. 85/22-16. (5-0 Vote, Mayor Pro Tem Trevino and Councilmember Urdy out of the room)

Motion

Councilmember Rose made a motion, seconded by Councilmember Carl-Mitchell to reconsider. Motion passed by a vote of 5-0 with Mayor Pro Tem Trevino and Councilmember Urdy out of the room.

Motion

The Council, on Councilmember Carl-Mitchell's motion, Councilmember Shipman's second, adopted a resolution approving a Supplemental amendment to the Professional Services Agreement between the City of Austin and EMA Services, Inc. for design services associated with the Information and Control System for the Water and Wastewater Utility. C.I.P. No. 85/22-16. (4-1-0 Vote, Councilmember Humphrey voted No, Councilmember Urdy and Mayor Pro Tem Trevino out of the room.)

WASTE-TO-ENERGY PLANT

Councilmember Shipman introduced an item to Council to consider staff implementation of the resolutions regarding permitting for the Waste-to-Energy Plant. Councilmember Shipman said she had put this on the agenda so she would have the opportunity, with the City staff, to discuss publicly the follow-through with the resolution.

Councilmember Shipman stated, "I would appreciate it, for the record, if the City Manager would go through the resolution and advise us on the status of the points in the resolution."

City Manager Carrasco said, "And for the record, you want us to proceed?" Councilmember Shipman replied, "Yes sir." Mr. Carrasco said, "We need to find out from the affected state agencies if they are going to be enforcing the tighter standards that we wish to follow."

(TRANSCRIPT OF DISCUSSION IS ON FILE IN CITY CLERK'S OFFICE)

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. No final action, decision or vote will be taken by the City Council unless specifically listed on

the agenda.

1.a. Land Acquisition- Section 2, Paragraph f.

- a. Consider lease/purchase negotiations on the Avante Building.

RECESS

Council recessed from 3:22 p.m. to 4:05 for executive session.

ZONING HEARING

Mayor Cooksey opened the zoning hearing scheduled for 4:00 p.m. Council heard, closed the public hearing, and passed the following on FIRST READING ONLY, on Councilmember Rose's motion, Councilmember Urdy's second, 5-2 Vote, Councilmember Shipman and Mayor Cooksey voting No.

8-86 THE TERRACE PUD
009 W&G PARTNERSHIP
By Armbrust &
Brown

3237-3339 Capital of
Texas Hwy.
3199-3301 MoPac
Boulevard

From "SF-2"
To "PUD"
RECOMMENDED subject to
staff recommendation
included in the Planning
Commission minutes & a
height limitation of
108 feet.
FIRST READING

Motion

Councilmember Rose moved to "close the public hearing, move approval of the Terrace PUD as recommended by the Planning Commission with the stipulation that the two office buildings be 108' and clarify that by saying that is just a maximum height limitation, and a sloped roof, and other than that difference from Item 10, the Planning Commission's recommendations which talked about people space and living space, substitute that for just 108', sloped roof limitations and all of the other recommendations by the Planning Commission." Councilmember Urdy seconded the motion.

Friendly Amendment

Councilmember Carl-Mitchell offered "a friendly amendment in the phasing section, that as per the Planning Commission except that second phase which was the remaining 50%, that's the next 40% of the project and that has to do with the construction of the cross-over and the cost participation in that and that a third phase be added that the remaining 10% of the project be constructed only when improvements to the MoPac-360 intersection have been started or an updated TIA has been provided which shows that the background traffic has been estimated the

intersection can still accommodate the traffic in an acceptable level of service and cost participation in the MoPac/360 intersection by this project shall only be required if the state funds are not available for construction of the intersection." Councilmember Rose accepted the amendment.

Substitute Motion

Councilmember Humphrey made a motion to include the same things but change the height limit to 90' on the two buildings.

Roll Call on Substitute Motion - FAILED

2-5 Vote, Councilmember Carl-Mitchell, Rose, Shipman and Urdy and Mayor Pro Tem Trevino voted No.

Roll Call on Main Motion

5-2, Councilmember Shipman and Mayor Cooksey voted No.

ETHICS COMMISSION APPOINTMENT

The Council, on Mayor Pro Tem Trevino's motion, Councilmember Carl-Mitchell's second, appointed Juan Duran as a member of the Ethics Commission. (4-0 Vote, Councilmembers Humphrey, Rose and Urdy out of the room)

PUBLIC HEARING - EASEMENT

Mayor Cooksey opened the public hearing on the dedication of a permanent easement and temporary construction easements for the construction of a 30' water transmission main across a portion of Pleasant Valley District Park and across the Colorado River. No one appeared to be heard.

Motion

The Council, on Councilmember Carl-Mitchell's motion, Councilmember Humphrey's second, closed the public hearing and approved the concept. (6-0 Vote, Councilmember Shipman out of the room)

ADJOURNMENT

Council adjourned at 7:00 p.m.