



## Austin City Council MINUTES

For SEPTEMBER 24, 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 presence of all Councilmembers.

#### MINUTES APPROVED

The Council, on Councilmember Nofziger's motion, Councilmember Shipman's second, approved minutes for regular meetings of August 27, 1987 and September 3, 1987 and special meetings of September 3 & 15, 1987. (4-0 Vote, Mayor Pro Tem Trevino and Councilmember Urdy out of the room.)

#### CITIZEN COMMUNICATIONS

Ms. Janet Pogue discussed Wild Basin Interpretive Center and Mr. Mark R. Smith discussed City Landfill fees.

#### ITEM POSTPONED

Postponed to October 15, 1987 is consideration of second/third readings of the Development Processing Ordinance (13-1) and the Performance Overlay Ordinance.

#### OLD BUSINESS - ZONING ORDINANCES

The Council, on Councilmember Shipman'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, Councilmembers Urdy and Carl-Mitchell out of the room)

(1) GEORGE NALLE  
By Terry Bray  
C14r-86-207

1500 Capital  
Parkway

From "SF-2"  
to "MF-3"

First reading on December 4, 1986, (6-0). Mayor Pro Tem John Trevino, Jr. and Councilmember Charles E. Urdy absent. Conditions have been met as follows: Development restricted to that shown on site plan attached as an exhibit to the ordinance.

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- (2) AUSTIN PARTNERS I, 4606 U.S. 290 From "GO"  
LTD. West to "GO-MU"  
By Bill Harty Company  
C14r-87-005

First reading on April 16, 1987, (5-0). Councilmembers Sally Shipman and Charles E. Urdy absent. Conditions have been met as follows: Development restricted to that shown on site plan attached as an exhibit to the ordinance.

- (3) CITY OF AUSTIN 1009 East From Interim "SF-3"  
C14-70-001 (part) St. Elmo Road to "LI"

First reading on March 5, 1970, (6-0). No conditions to be met.

- (4) AUSTIN COMMUNITY 5712 E. Riverside From Interim "SF-3"  
COLLEGE Drive to "GO" and "RR"  
By William Bingham  
C14-86-325

First reading on March 26, 1987, (6-0). Mayor Pro Tem John Trevino, Jr. out of room at roll call. Conditions have been met as follows: Restrictive Covenant incorporating conditions imposed by Council has been executed.

- (5) HASKEL & JEAN HUDSON 7924 U.S. 290 From Interim "RR"  
C14-85-288.3A West to "LR"

First reading on April 16, 1986, (7-0). Conditions have been met as follows: Restrictive Covenant incorporating conditions imposed by Council has been executed.

- (6) HASKEL & JEAN HUDSON 7936 U.S. 290 From Interim "RR"  
C14-85-288.3B West to "LR"

First reading on April 16, 1986, (7-0). Conditions have been met as follows: Restrictive covenant incorporating conditions imposed by Council has been executed.

- (7) HASKEL & JEAN HUDSON Corner of Haskell From Interim "RR"  
C14-85-288.180 Drive and Boling to "NO"  
Drive

First reading on June 18, 1986, (7-0). Conditions have been met as follows: Restrictive Covenant incorporating conditions imposed by Council has been executed.

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- (8) HASKEL & JEAN HUDSON      6707 Hilloaks Dr.      From Interim "SF-2"  
C14-85-288.181      to "LR"

First reading on June 18, 1986, (7-0). Conditions have been met as follows: Restrictive Covenant incorporating conditions imposed by Council has been executed.

- (9) HASKEL & JEAN HUDSON      6765 U.S. 290      From Interim "SF-2"  
C14-85-288.183      West      to "LR"

First reading on June 18, 1986, (7-0). Conditions have been met as follows: Restrictive Covenant incorporating conditions imposed by Council has been executed.

- (10) HASKEL & JEAN HUDSON      6753 U.S. 290      From Interim "SF-2"  
C14-85-288.184      West      to "LR"

First reading on June 18, 1986, (7-0). Conditions have been met as follows: Restrictive Covenant incorporating conditions imposed by Council has been executed.

- (11) HASKEL & JEAN HUDSON      6739 U.S. 290      From Interim "SF-2"  
C14-85-288.185      West      to "LR"

First reading on June 18, 1986, (7-0). Conditions have been met as follows: Restrictive Covenant incorporating conditions imposed by Council has been executed.

- (12) J. T. LANDEHART      8637 Mountain      From Interim "RR"  
ELECTRIC, INC.      Crest      to "CS"  
C14-85-288.37

First reading on May 7, 1986, (7-0) Conditions have been met as follows: Restrictive Covenant incorporating conditions imposed by Council has been executed.

- (13) HASKEL & JEAN HUDSON      6780 U.S. 290      From Interim "SF-2"  
C14-85-288.168A      West      to "LR"

First reading on June 18, 1986, (7-0). Conditions have been met as follows: Restrictive Covenant incorporating conditions imposed by Council has been executed.

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(14) HASKEL & JEAN HUDSON  
C14-85-288.168B

6780 U.S. 290  
West

From Interim "SF-2"  
to "LR"

First reading on June 18, 1986, (7-0). Conditions have been met as follows: Restrictive Covenant incorporating conditions imposed by Council has been executed.

#### ROADWAY PLAN

Council had before them a resolution to consider the remaining proposed amendments to the Austin Metropolitan Area Roadway Plan.

#### Motion

The Council, on Councilmember Shipman's motion, Councilmember Humphrey's second, postponed the proposed amendments to incorporate them in the Austin Plan in February, 1988, as requested by the Planning Commission. (6-0 Vote, Councilmember Carl-Mitchell out of the room)

#### ITEMS POSTPONED

Postponed to a public hearing on October 15, 1987 at 5:00 p.m. is consideration of approval of the proposed guidelines for the Economic Development Endowment Trust Fund.

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Postponed to October 15, 1987 is consideration of Water District submission requirements.

#### CONSENT ORDINANCES

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

#### Operating Budget Amendment

Amended the 1987-88 Annual Operating Budget by:

- a. Accepting and appropriating \$130,875.00 from the Texas Department of Highways and Public Transportation to fund a STEP 55 program for the Austin Police Department.
- b. Accepting and appropriating a grant from the Texas State Library for \$31,069.00 for the purchase of books for the Austin Public Library.

- c. Accepting and appropriating a grant from the Department of Education in the amount of \$22,580 to expand literacy training in the Austin Public Library.

#### Ordinance Amendment

Amended Ordinance No. 850627-Z for a License Agreement to allow the encroachment of underground fiber optic cable into the public right-of-way of East 5th Street from Shady Lane to Canadian Street; Pleasant Valley Road north from East 5th Street North to the M.K.T. Railroad Tracks; Canadian Street from East 5th Street to East 4th Street; East 4th Street from Canadian Street to San Jacinto Street; San Jacinto Street from East 4th Street to East 9th Street; East and West 9th Street from San Jacinto to Colorado Street. (Request submitted by AT&T Communications)

#### Police Board

Amended Ordinance No. 821118-F to delete one Councilmember position and add one Council appointed retired position for the Police Board. (Recommended by Retirement Board)

#### Release of Easement

Authorized release of the following easement:

- a. A portion of a public utility easement retained at the vacation of the Alley of record in Book N, Page 249, City of Austin Ordinance Records, and recorded in Volume 927, Page 24, Travis County Real Property Records, and located at the rear of Lot 22, Block 42, Travis Heights, 1106 Fairmount Avenue. (Request submitted by Steve Hamilton on behalf of Mr. and Mrs. John W. McGovern)

#### CONSENT RESOLUTIONS

The Council, on Councilmember Humphrey's motion, Councilmember Shipman's second, adopted the following resolutions in one consent motion: (6-0 Vote, Councilmember Carl-Mitchell out of the room)

#### Release of Easements

Authorized release of the following easements:

- a. The Wastewater Easement of record in Volume 2882, Page 447, Travis County Real Property Records, U.S. 183. (Request submitted by Transportation and Public Services Department)
- b. Portions of Electric Easements of record in Volume 659, Page 556, Volume 659, Page 558, Volume 659, Page 561; and Volume 2282, Page 463, Travis County Real Property Records, insofar as they affect part of Lot 26, Lakeview Gardens, and a Part of Lot B, Lakeview First Resubdivision of Lakeview Gardens, 21 Hull Circle Drive. (Request submitted by Henry H. Gilmore on behalf of Duane Albrecht)

Item Postponed

Postponed to October 15, 1987 is consideration of approval of a proposed Supplemental Amendment No. 2 to the Professional Services Agreement between the City of Austin and Davis L. Ford & Associates for Special Project Services for the Austin Wastewater Action Strategy.

Contracts Approved

Approved the following contracts:

WRIGHT-HANKEY COMPANY, INC.  
P. O. Box 848  
Del Valle, Texas

- CAPITAL IMPROVEMENTS PROGRAM -  
Construction of a Recreation  
Center, Swimming Pool and  
Bathhouse at 1009 West Dittmar,  
Transportation and Public Services  
Department  
Total \$1,358,700.00 C.I.P. Nos.  
82/86-40 & 83/86-59

LATER IN THE DAY:

Motion to Reconsider

Councilmember Humphrey made a motion, seconded by Mayor Pro Tem Trevino to reconsider the vote. (5-0 Vote, Councilmembers Shipman and Carl-Mitchell out of the room.)

Motion to Approve

The Council, on Mayor Pro Tem Trevino's motion, Councilmember Shipman's second, voted to approve the above contract. Motion passed by a vote of 5-1, Councilmember Humphrey voted No, Councilmember Carl-Mitchell out of the room)

TIMESHARING SERVICES, INC.  
4080 Woodcock Drive  
Jacksonville, Florida

- Disk Drive Upgrades, Electric  
Utility Department  
Total \$49,900.00 87-S402-KM

WESTINGHOUSE ELECTRIC CORPORATION  
201 North Saint Mary's Street  
San Antonio, Texas

- Repair of Oak Hill Substation  
1-2-3 Transformer, Electric  
Utility Department  
Item 1 - \$168,658.00 87-S349-PS

AMERICAN HV TEST SYSTEMS, INC.  
Central Garrett Industrial Park  
Accident, Maryland

- Transformer Test System,  
Electric Utility Department  
Total \$90,700.00 87-S353-KM

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OFFICE COMMUNICATION SYSTEMS, INC. - Microfilm Equipment & Accessories,  
121 Interpark Boulevard Electric Utility Department  
San Antonio, Texas Items 1-4 - \$81,691.50 87-0397-DC

COLLIER EQUIPMENT CORPORATION - Steam Flow Sensors for Holly  
7325 Interstate 37 Power Plant, Electric Utility  
Corpus Christi, Texas Department  
Items 1-27 - \$34,614.40 87-0392-RD

Bid award: - Industrial Gases, Electric Utility  
Department  
Twenty-four (24) Month Supply  
Agreement  
Total \$242,347.00 87-0342-DC

(1) BIG 3 INDUSTRIES  
4927 East 5th Street  
Austin, Texas

- Item 1-8 - \$171,308.00

(2) AIRCO INDUSTRIAL GASES  
12941 Interstate 45 North  
Houston, Texas

- Item 9 - \$71,040.00

PULLED OFF  
TO RE-BID

MINO-MICROGRAPHICS, INC.  
12728 O'Connor Road  
San Antonio, Texas

- Microfilm Equipment & Accessories,  
Water and Wastewater Department  
Item 3 - \$35,501.00 87-0296-DC

STORAGE TECHNOLOGY CORPORATION  
3913 Todd Lane, Unit 511  
Austin, Texas

- High Speed Impact Printer,  
Information Systems Department  
Total \$45,368.00 87-S399-KM

RESOURCES CONSERVATION  
7 Market Street  
Greenwich, Connecticut

- Flush-tank Water Saving Devices,  
Resource Management Department  
Total \$47,350.00 87-0326-RD

OAK HILL FLOORS & INTERIORS  
9600 Hwy. 290 West  
Austin, Texas

- Carpet and Wall Covering for  
Robert Mueller Airport, Aviation  
Department  
Total \$54,788.50 87-0403-RD

Bid award:

- Oils, Greases and Lubricants,  
General Services Department  
Twelve (12) Month Supply Agreement  
Total \$81,249.00 87-0358-OM

(1) CONOCO, INC.  
600 N. Dairy-Ashford  
Houston, Texas

- Items 2, 7-10, 15, 17, 18, & 20 -  
\$44,427.00

(2) ARNOLD OIL COMPANY  
1617 E. 6th Street  
Austin, Texas

- Items 1, 3-5, 16, 19, & 21 -  
\$36,822.00

On-Site Computer Hardware Maintenance

Approved of a contract (RFP) to Percor, Inc. in the amount of \$78,000.00 for On-Site Computer Hardware Maintenance on the Automated Distribution Records System.

Item Postponed

Postponed indefinitely is consideration of Westlake Hills Interlocal Agreement (Sludge Trucks).

Banner

Approved placement of a banner across 6th Street and Colorado for the period September 28, 1987 through November 2, 1987.

Short Term Coal Contract

Approved entering into a Short-Term Coal Contract for the period of October 1, 1987 through March 31, 1988.

Austin Access 1987-88

Approved the Austin Access 1987-88 management contract work plan and budget of \$419,190.00; and amended the Access Fund Budget by increasing the Access Management Account to \$419,190.00 and reducing the Special Projects Account to \$50,880.00.

~~CSBG~~

CSBG

Authorized submission of Community Services Block Grant (CSBG) Application for FY 1987-88.

BOND SALE

The Council, on Mayor Pro Tem Trevino's motion, Councilmember Urdy's second, waived the requirement for three readings and finally passed an ordinance approving the formal award and sale of \$35,000,000.00 of City of Austin Combined Utility Systems Notes, Series 1987. (5-2 Vote, Councilmembers Humphrey and Nofziger voted No)

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The Council, on Mayor Pro Tem Trevino's motion, Councilmember Urdy's second, adopted a resolution authorizing execution of the paying agent/registrar agreement in relation to the City of Austin Combined Utility Systems Revenue Notes, Series 1987. (5-2 Vote, Councilmembers Humphrey and Nofziger voted No)

CONTRACT APPROVED

The Council, on Mayor Pro Tem Trevino's motion, Councilmember Humphrey's second, adopted a resolution approving the following contract:



TEXAS DISPOSAL SYSTEMS  
29006 Industrial Terrace  
Austin, Texas

- Central Business District  
Refuse Collection Services,  
Transportation and Public Services  
Department  
Twelve Month Supply Agreement  
Total \$159,341.04

(4-1 Vote, Mayor Cooksey voted No, Councilmembers Shipman and Carl-Mitchell out of the room)

#### 1984 CAPITAL IMPROVEMENTS PROGRAM ITEM POSTPONED

Council had before them for consideration amendments to the 1984 Capital Improvements Program. They postponed them as follows:

- a. Deleting the City Park Road at RM 2222 project, and by appropriating the City Park Road funds to the following projects:

(1) Parmer Lane Right-of-Way	\$ 1,377,964.00	
(2) Cameron Road	681,924.00	
(3) Braker Lane	104,542.00	
	<u>\$ 2,164,430.00</u>	<u>Postponed to</u> <u>10/1/87</u>

- b. Deleting the Johnny Morris Road project, and by appropriating the Johnny Morris Road funds to the foillowing:

(1) Braker Lane	\$ 2,202,188.00	
(2) Brodie Lane	532,222.00	
	<u>\$ 2,734,410.00</u>	<u>Postponed to</u> <u>10/29/87</u>

#### CONTRACTS APPROVED

The Council, on Councilmember Humphrey's motion, Mayor Pro Tem Trevino's second, adopted resolutions approving the following contracts: (6-0 Vote, Councilmember Carl-Mitchell out of the room)

MCGILL MAINTENANCE, INC.  
Highway 322  
Freeport, Texas

- Repair and Overhaul of two  
Decker #1 Main Condenser Vacuum  
Pumps, Electric Utility Department  
Total \$29,050.00 87-S397-PS

D.A. WEAVER CONSTRUCTION  
601 Bowden  
Copperas Cove, Texas

- Terminal Improvements at Robert  
Mueller Airport, Aviation  
Department  
Total \$44,444.00 87-C238-JJ

## ITEM POSTPONED

Postponed to October 8, 1987 is consideration of approval of a contract (RFP) to Alexander and Associates (WBE), in the amount of \$120,000.00 for Commercial Leasing Broker Services.

## CONTRACT FOR MAINFRAME COMPUTER

The Council, on Councilmember Carl-Mitchell's motion, Mayor Pro Tem Trevino's second, adopted a resolution approving a contract (RFP) to Amdahl Corporation in the amount of \$2,813,000.00. (7-0 Vote)

## LETTER OF CREDIT POLICY

The Council, on Councilmember Shipman's motion, Mayor Pro Tem Trevino's second, adopted an interim Letter of Credit Policy to be effective through October 22, 1987, at which time a public hearing will be held at 5:00 p.m. (5-0 Vote, Councilmembers Nofziger and Humphrey out of the room)

## RECESS

Council recessed its meeting at 5:50 p.m. and resumed its recessed meeting at 6:50 p.m.

## EMPLOYEE ASSISTANCE PROGRAM

The Council, on Mayor Pro Tem Trevino's motion, Councilmember Shipman's second, adopted a resolution approving a 12 month contract with Personal Performance Consultants for an Employee Assistance Program in the amount of \$199,560.00. (5-2 Vote, Councilmembers Humphrey and Nofziger voted No.)

## DELEGATES TO ANNUAL CONGRESS OF CITIES

The Council, on Mayor Pro Tem Trevino's motion, Councilmember Urdy's second, designated Councilmember Shipman as voting delegate and Mayor Cooksey as alternate voting delegate to the Annual Congress of Cities, December 12-16, 1987, Las Vegas, Nevada. (6-0 Vote, Councilmember Humphrey out of the room)

## TOWN LAKE MASTER PLAN CONTRACT

The Council, on Mayor Cooksey's motion, Councilmember Urdy's second, adopted a resolution directing the City Manager to authorize an extension of the Town Lake Master Plan contract to develop conceptual plans for inclusion of the Austin Aqua Festival Permanent Facilities. (5-1 Vote, Councilmember Nofziger voted No, Councilmember Carl-Mitchell out of the room)

## CHILD GUIDANCE CENTER

Councilmember Carl-Mitchell introduced an item to Council to consider waiving Capital Recovery fees for the Child Guidance Center.

He said "What I would like to suggest is we have an ordinance prepared and make it very specific to this particular facility and specific to the fact that the facility is on State-owned property and we are leasing the land from the State...."

Council directed the City Manager to direct the staff to come back with an ordinance.

#### TIPS WAREHOUSE

Councilmember Shipman stated, "In light of this unsolicited proposal that we have received from the Tips warehouse and particularly since this property is adjacent to the City-owned property, I would like to move the following:'

#### Motion

Councilmember Shipman made a motion, seconded by Councilmember Humphrey to direct the City staff to prepare an analysis of the value of the land with the renovated building and an estimated cost if we were to purchase the land and construct a comparable building; that the City staff prepare an analysis of the maximum and minimum cost savings set forth in this proposal that the City would approved, depending upon which department would be housed in the renovated building; and that the City review financing options (1) conditional financing through the proposers, (2) Certificates of Obligation, (3) Certificates of Participation, (4) General Obligation Bonds; we need a clear delineation of the advantages and disadvantages of each financing option; that we enter into specific discussion with the proposer on the proposed renovation program which has been provided to staff by the proposer, and assess whether the proposed renovation will provide acceptable, attractive office space for City employees; and finally, that the City inspect the building with its engineers, the building and its foundation, to make sure the structure is as sound as portrayed and that it could sustain additional floors; the City Manager is to report back to Council regarding these findings on October 22, 1987. Motion passed by a vote of 6-0 with Mayor Pro Tem Trevino abstaining.

#### ZONING HEARINGS

Mayor Cooksey announced Council would hear the following zoning cases. Council heard, closed the public hearings, passed ordinances where applicable and postponed if necessary. Disposition of cases follows each listing.

(1) -85 AARON & STELLA  
288 GARDNER  
.97 FRANCIS J. SZAL

7411 and 7501 Old  
Bee Caves Road

From "I-SF2" & "I-RR"  
To Tr. 1 "SF-6"  
Tr. 2 "SF-6"  
"RR" (Floodplain)

NOT RECOMMENDED  
FIRST READING

RECOMMENDED "SF-6" (3 acres) and "RR" (1.77 acres), subject to the following conditions: maximum impervious coverage of 50% and compliance with all provisions of the Williamson

Creek Watershed Ordinance, as may be amended from time to time, except Sections 203.3 (c), (d) and (e) of Part 1 and all of Part 2 of Ordinance No. 801218-W and part of Section 101.2 (b) reading "...or to a development within a recorded subdivision which was finally approved or disapproved by the Planning Commission prior to December 18, 1980 {.}" and all of Section 103.3 (c), (d) and (e) of Ordinance 810319-M.

(On Mayor Pro Tem Trevino's motion, Councilmember Carl-Mitchell's second, 6-0 Vote, Councilmember Humphrey out of the room)

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(2)	-87	JOHN T. DWYER,	1203 West 44th	From "SF-3"
	115	III	Street	to "NO"
		By Helen Gentry		<u>NOT RECOMMENDED</u>
				<u>DENIED</u>

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

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(3)	-87	HALLMARK BAPTIST	200 feet from	From "DR"
	025	CHURCH	Intersection of	To "SF-2"
		By Joseph, Rider	Oak Knoll Drive &	NOT RECOMMENDED
		& Cameron	Township Trail	

EFFECTIVE FOR FIRST READING ONLY IF CITY ATTORNEY RULES THE PETITION INVALID. THE CITY ATTORNEY'S OPINION OF VALIDITY OF THE PETITION WILL BE GIVEN AT THE OCTOBER 1, 1987 MEETING. IF THE PETITION IS VALID THE MOTION FAILS AND ZONING IS DENIED. IF IT IS NOT A VALID PETITION THE MOTION CARRIES. 60% OF THE PROPERTY OWNERS SIGNED THE PETITION. CHECK WITH LEGAL FOR RESULTS.

(On Councilmember Carl-Mitchell's motion, Councilmember Urdy's second, 5-2 Vote, Councilmembers Nofziger and Shipman voted No.)

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(4)	-87	UNIVERSITY	6704 Fort Davis	From "SF-2"
	124	SAVINGS	Cove	To "SF-3"
		ASSOCIATION		RECOMMENDED
		By Gary Davis		<u>ORDINANCE</u>

(On Mayor Pro Tem Trevino's motion, Councilmember Urdy's second, 6-0 Vote, Councilmember Humphrey out of the room)

9/24/87

- |     |     |                   |                    |                      |
|-----|-----|-------------------|--------------------|----------------------|
| (5) | -87 | FIRST STATE       | 3500 Block Dime    | From "DR", "SF-2"    |
|     | 127 | BANK              | Circle             | To "LI"              |
|     |     | By John Lee       |                    | <u>RECOMMENDED</u>   |
|     |     |                   |                    | <u>ORDINANCE</u>     |
| (6) | -87 | LOU B. & FAE      | 9436 Parkfield     | From "GR"            |
|     | 129 | FALLEY            | Drive              | To "CS-1"            |
|     |     | By Shaffer        |                    | <u>RECOMMENDED</u>   |
|     |     | Financial Network |                    | <u>ORDINANCE</u>     |
| (7) | -87 | YAGER LANE/       | 1600 Block Yager   | From "DR"            |
|     | 122 | DESSAU ROAD       | Lane               | To "GR" & "RR"       |
|     |     | PARTNERSHIP       | 12000 Block Dessau | <u>FIRST READING</u> |
|     |     |                   | Road               |                      |

RECOMMENDED "GR" zoning with "RR" zoning for the 100-year floodplain, subject to an impervious cover limit of 70 percent, no access to Dessau Road, no certificate of occupancy prior to construction of Doubleback Lane, and fulfilling recommendation of a revised traffic impact analysis prior to issuance of a building permit for any use other than a church, private elementary school, or commercial day care center.

- |     |      |                     |              |                      |
|-----|------|---------------------|--------------|----------------------|
| (8) | 8-86 | HIDDEN VALLEY       | Bridge Point | From "LA" & "DR"     |
|     | 023  | P.U.D.              | Parkway      | To PUD               |
|     |      | CREDITBANC          |              | <u>FIRST READING</u> |
|     |      | INTERNATIONAL CORP. |              |                      |

RECOMMENDED PUD zoning, grant variances to exceed the maximum block length, to exceed the maximum cul-de-sac length for Grosse Pointe Ct., Eagle Ridge and Biltmore Court; approve variances from the Lake Austin Watershed Ordinance to construct a public or private roadway on slopes exceeding 25% and to exceed four feet of cut and fill, based on items 1, 2 and 3 of the finding of fact criteria being subject to Environmental Board recommendations and that erosion controls are to be provided at the headwall of the draw for the roadway that exceeds 25% slopes; applicant is to try to obtain access through Shepherd of the Hills Church site for lot 52.

(On Mayor Pro Tem Trevino's motion, Councilmember Urdy's second, 6-0 Vote, Councilmember Humphrey out of the room)

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- |     |     |                   |                      |                      |
|-----|-----|-------------------|----------------------|----------------------|
| (9) | -83 | CITY OF AUSTIN    | 2504-2508, 2505-2509 | From "I-LA" & "SF-3" |
|     | 003 | By Stanley Depwe, | Westlake Drive and   | To "CR"              |
|     |     | Dan McRae         | West of 2506         | NO RECOMMENDATION    |
|     |     |                   | Westlake Drive       |                      |

CONTINUE UNTIL THE PARTIES  
CONCERNED BRING IT BACK

(On Councilmember Carl-Mitchell's motion, Councilmember Shipman's second, 5-0 Vote, Mayor Pro Tem Trevino and Councilmember Urdy out of the room)

- (10) -87 CITY OF AUSTIN 1108 Tillery From "SF-3"  
032 By Water and Street To "P"  
Wastewater Dept. ORDINANCE
- (11) -87 CITY OF AUSTIN 3100 Wade Avenue From "SF-3"  
033 By Water and To "P"  
Wastewater ORDINANCE  
Department
- (12) -87 CITY OF AUSTIN 1900 Block Homedale From "SF-3"  
034 By Water and Avenue To "P"  
Wastewater ORDINANCE  
Department
- (13) -87 CITY OF AUSTIN 1100 Block Ed From "SF-2"  
035 By Water and Bluestein To "P"  
Wastewater 6500 Block Shelton ORDINANCE  
Department Road
- (14) -87 CITY OF AUSTIN 1718 Hwy. 71 East From "CS"  
037 By Water and To "P"  
Wastewater ORDINANCE  
Department
- (15) -87 CITY OF AUSTIN 1715 East St. Elmo From "LI"  
146 By Transportation Road To "P"  
and Public ORDINANCE  
Services Department
- (16) -87 CITY OF AUSTIN 3000 North Lamar From "GR"  
151 By Park and Boulevard To "P"  
Recreation ORDINANCE  
Department
- (17) -85 CITY OF AUSTIN 10620-10622 From "P"  
244 By Office of Burnet Road To "LI"  
.17 Land Development ORDINANCE
- (18) -87 TRAVIS COUNTY 2515 South Congress From "SF-3" & "CS"  
153 CHILDREN'S @ Long Bow Lane To "P"  
FAMILY LAW CENTER ORDINANCE
- (19) -87 CP OLES COMPANY, 1204-B West 38th From "LR"  
147 INC. Street To "CS-1"  
By Coldwell ORDINANCE  
Bankers CRES

(On Mayor Pro Tem Trevino's motion, Councilmember Urday's second,  
6-0 Vote, Councilmember Humphrey out of the room)

PUBLIC HEARING - Electric CIP PROJECTS

Mayor Cooksey opened the public hearing set for 6:00 p.m. to consider amending the Capital Improvements Budget to abandon various Electric CIP projects and transfer the funds made available to other Electric CIP projects.

TRANSCRIPT OF THE HEARING FOLLOWS  
ON THE NEXT NINE PAGES:

## COUNCIL TRANSCRIPT

Page 1

September 24, 1987

**J. PUBLIC HEARINGS**

2. 6:00 P.M. - Consider amending the Capital Improvement Budget to abandon various Electric CIP projects and transfer the funds made available to other Electric CIP projects.

HUMPHREY: Mayor, I move that the City of Austin Electric Department build no 345kv lines.

NOFZIGER: Second.

MAYOR: It's been moved and seconded. Is there discussion? I presume that we're talking about agenda item..What is it? J-2?...(pause)..That is J-2 and..B-2 (a) one, two, three, four and five. Okay? All right. Is there discussion? Yes?

CARL-MITCHELL: Just very quickly and just for the record so everyone knows where I stand on this issue.. This has obviously been a very hotly contested issue. There has been a lot of concern raised about these lines so, for the record, I am going to support the motion. I'm supporting the motion on the basis of the health risk. I think there needs to be more time spent with the research that has been done and the studies and the experts who I have talked to on this matter, they have raised enough concerns in my mind to not support this project at this time. ....the Council...we do need to sit down and look for alternatives to these lines that make sense that also do not have equally as bad a health risk as the potential health risk of these lines. I think we..the staff has done a good job in identifying the needs of the utility. I think these lines are needed for reliability of the system. At this point-in-time I am supporting the motion based upon the..my assessment of the experts on the health risk of this system. I just wanted everyone to know that. But I do acknowledge the need for transmission facilities and I believe that except for the health risk that this system could have been built in an environmentally sensitive way and would provide needed reliability that this utility system needs. I have heard comments about need and I think we very seriously have to sit down and see if there are alternatives..to this kind of system that can mitigate the..the health risk that research has indicated.

MAYOR: All right. Is there any further discussion? (background talking) Well, Mr. Gillespie, we are trying to dispose of this item expeditiously. We've got about 5 other items on the agenda and they are going to take a long time. (background) Yeah, you can come up and tell us what's on your mind, Mr. Gillespie. All right. Make it brief.

H.P. GILLESPIE: Very brief, Mr. Mayor.

MAYOR: Yeah.



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H.P. GILLESPIE: Mayor, members of the Council, I am H.P. Gillespie. I live at 3500 Greystone. I'm a registered voter of the City of Austin. And I have here four letters from distinguished and very knowledgable people in this community. I also have copies of letters from Senator Barrientos, Representative Terral Smith, Representative Ann Cooper on this issue. I also have a copy here of the New York Study, the New York Power Line Study on 345KV lines. These letters that I have in my possession are from Dr. Woodson, the Acting Dean from the College of Engineering at the University of Texas, Dr. Deusterhoff, the Associate Dean of Engineering at the University of Texas, Dr. H. Grady Rylander, III, a doctor and a medical doctor and an engineer from here in Austin, and Dr. Ira Lon Morgan who is probably the leading Nuclear Physicist in Austin. All of these gentlemen have recommended building the 345KV line. They have many years of experience and expertise in this and I want to put in the record that the Council is making it's motion and turning down these 345kv lines in the face of the top professional expertise in this City. Thank you.

CARL-MITCHELL: Mayor?

MAYOR: - Yes?

CARL-MITCHELL: Mr. Gillespie?

GILLESPIE: Yes?

CARL-MITCHELL: One point.. and in my comments I acknowledged the need for this system.....concern that, the reason I am supporting this motion is the concern about the health effects and I'm a Computer Scientist and I don't pretend to know knowledge of cancer research, or epidemiological studies and so forth but there are research scientists that I have talked to who indicate there is a concern and the experts you cited are people in the engineering field, a medical doctor, a very fine doctor and engineer in the field, I believe ..... and biomedical engineering. Those are not expertise in the field of epidemilological research or cancer research and talking to experts in those fields, that is the reason I have to support this motion. I recognize the need and acknowledge the need for these studies and I think the Council is going to have to seriously sit down and look at alternatives to ensure the reliability of the electrical system but at this point-in-time, enough concern has been raised in my mind that I am not going to ....primarily...health of people living near these facilities but two, also risk what I consider potentially a very large liability to the City of Austin through the City's electric system. I just wanted you to understand that as where I'm coming from.

GILLESPIE: I understand there was a program on Cable 6 today from an expert imported from San Antonio and I also understand that there was no objective..opinion given by a professional from here in Austin in the opposite mold. So, you

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know, I feel like a David McWilliams long horn in Aggie Stadium on Thanksgiving this year..Okay, we knew we didn't have a chance when we got here but we just had to put our two cents in.

HUMPHREY: Mayor?

MAYOR: Yes, sir.

HUMPHREY: Mayor, the man in the audience, Mr. Tracy Cluck, who has put in literally thousands of hours, I would appreciate it if he would be able to have three minutes to give a presentation ..same time as Mr. Gillespie.

MAYOR: All right.

TRACY CLUCK: ...fighting traffic to get here.. I want to thank, I was listening on the radio, I want to thank the Mayor and the members of the Council for listening to the experts that we brought in. I want to thank you all for being open minded on this issue. Thank you for listening to the people who live outside the service area who don't vote for you, but you heard them and you listened to their arguments very patiently. When this was brought to you, it was brought to you in the actual process..where we can have an influence. You gave us that. I appreciate that. This Council has done more to protect the environment and done more to nurture citizen participation in government than any Council in the history of the City, as far as I know. I want to thank you for that. I would like to read a statement that Dr. Phillips dictated to me over the phone which is why I am late and..it is in line with what Councilmember Carl-Mitchell was saying..if I may? Mayor Cooksey and members of the Council, my name is Dr. Jerry Phillips. I am Director of Biochemical Research at the Cancer Research and Therapy Center in San Antonio and an Associate Professor with the Department of Medicine with the University of Texas Health and Sciences Center in San Antonio. I have been involved in laboratory research to determine the biological effects of 60 hertz electromagnetic fields since 1983. The results of some of these studies have been published in top scientific journals. I am sorry that I could not attend the Public Hearing and make this statement personally but a prior commitment has made that impossible. I did however, come to Austin today, not as a paid consultant but at my own expense to meet with Mayor Cooksey and interested Councilmembers. My primary reason for doing this is to correct the inaccurate representation of the scientific literature presented to Council by Dr.'s Brown and Rylander at the July 16th, 1987 Public Hearing. It is inexcusable that supposed experts would discuss the science relating to the effects of 60 hertz electromagnetic fields on human health and development when their expertise does not extend into this area. The actual state of science as agreed upon by the majority of biomedical scientists working in this field is substantially different from the "no harm, always safe" picture painted by Rylander and Brown. Interest in the area of health effects is increasing steadily in the area. The

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U.S. House of Representatives is holding hearings on the hazards associated with 60 hertz electromagnetic field exposure on October 6th, 1987. I will be one of four scientists who will testify at those proceedings. All four scientists that will attend agree that the hazards to human health are real and that science is progressing to the point where we will be able to identify the nature and boundary of those hazards. These hearings will allow national recognition of a problem facing us all as utilities continue expansions across the country. Issues relating to human health center around long-term exposure to low level 60 hertz electromagnetic fields. Science has identified an association between .... long term exposure and increased incidents of leukemia in children and increase risks of various cancers in adults. Contrary to Dr. Rylander's statements at the July 16, 1987 Public Hearing, epidemiological studies strongly indicate a correlation between long-term electromagnetic exposure and increased incidents of cancer. There is also much laboratory data that provide an understanding of how the incidents of cancer can increase and indicate that 60 hertz electromagnetic fields appear to act as tumor promoters. These laboratory studies form an important bridge between the epidemiological studies in the real world. There are additional studies in scientific literature indicating effects of electromagnetic exposure on cells of the body's defense system and the cells of the central nervous system. Animal studies have indicated effects of 60 hertz electromagnetic exposure on reproduction, behavior, and learning. Certainly all these studies taken together indicate a course of caution and prudence be exercised in the placement of any new high voltage power line. Dr. Jerry L. Phillips, Director of Biochemical Research, Cancer Research and Therapy Center, San Antonio. I'd like to thank you all for taking all that into consideration and..I understand that this has been a difficult battle for us. We know the issues and it's time now for the staff and the bureaucracy to work with the citizens and the Council to establish alternatives to satisfy their needs that will not have severe impact on our health and our environment. We stand ready and so does Dr. Phillips and any of the other experts we have put together to work with the Council and staff on any plan that they have for future transmission projects. Thank you very much.

MAYOR: Is there any further discussion from the Council?

HUMPHREY: Yeah, Mayor?

MAYOR: Yes, Mr. Humphrey?

HUMPHREY: First of all, if this vote goes the way I hope it does, I'm going to be very happy for this Council and this community for a number of different reasons. First of all for the people who live near the line, that property values will be restored. If we would have had these lines, thousands, and thousands of families and businesses and ranchers would have had their property value destroyed. Secondly, hopefully this is

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a step in the right direction toward the appropriate way to wield electricity in the City of Austin. We can do better than this and Austin will do better than this. Third, there is no question in my mind and in the minds of scientists across the country that these lines pose tremendous health hazards. The City of Austin is going to say, "No", to them. Four, in a time when we are looking at the toughest budget that we have ever looked at, utility rates going up, property taxes going up and fees going up, if we had gone forward with this with all the different associated costs, it would have cost this City an additional 60 to 80 million dollars that all of us would have had to pay for which means higher utility rates. Hopefully we are going to say, "No", to that. And finally, and finally, what is most important, what makes me so proud of this community is that not dozens, but hundreds of people across this community, every single neighborhood that we talked to, every single organization looked at the issues, said no to it, organized, got the word out and that's what makes Austin such a great place.

MAYOR: All right, is there any further discussion among the Councilmembers?

URDY: Yeah, Mayor?

MAYOR: Yes, Dr. Urdy?

URDY: Before I ask staff to speak..you know, I have a real, real problem, as a scientist with what we're doing. Our problem is..what we're saying is that there is a real serious danger with 60 hertz..60 cycle lines and we're sitting here under them right now and every time you go to sleep at night you are sleeping under them. And I think we are leaving the impression that the high voltage power lines that we're talking about are in a class by themselves. All of the studies, including Dr. Phillips, have to do with the same size power lines that everybody has in their house. Oh...All of those..any of those lines are 60 hertz lines, excuse me...I want to ask staff to speak to that..(talking at the same time)

MAYOR: I want complete silence...

URDY: ..The study that quoted time and time again, the Denver Study, was about a residential power lines, not high voltage power lines..and I have no problem with us looking again at how we are going to serve this area. If we in fact serve it and serve it with any kind of lines to provide the same kind of service we're talking about, it's going to cost more than a 345 kv line. Our alternative is not to serve it. We can make that decision. If we want to not provide the kind of service that kind of line does..but if we do it is going to cost more. It is not going to save us anything. It is going to cost more and you may not like that but that is the simple fact of it and the problem that we're talking about eliminating..the only way we are going to eliminate them is to eliminate our use of electricity and we can do that if we want to but we don't know the alternatives and...well, that is the problem that I'm

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talking about. That is a problem. And we are sitting here, making people believe that that is not the truth and that is a problem. If you have an alternative to electricity then perhaps we should stock it and install it in everybody's house but the problems that we're talking about are from the use of electricity. Period. And we have not found an alternative to that and what we're talking about now is not an alternative and when and if one comes back with a proposed substitute for this line..on the ground environmental impact is going to be greater.

We will have to make the decision again as to whether or not we want to build this line or not or whether or not we want to provide that particular service which we are now doing. We are trying to decide on an issue that we don't know the answer to and we're saying that we do. We're saying that we do. We do not, we do not know, and..I have not heard one...or one state .... that relates to the power lines that we're talking about. They relate to all electric power lines. They relate to all 60 hertz power lines ..are the ones that are powering these lights here in this building, right at this moment and they are the ones we use all over this city and every other city in this country...house in this area. I think that it is extremely misleading to those who are listening whether they are here or anywhere else to suggest that we are going to eliminate the kinds of problems suggested by these studies by not building a 345 kv line because, we're not. That problem is a general problem not only in this City but all over this country and it is no different from many of the other environmental problems that we encounter. At some point in time, I don't know which staff has to do with it..but I think it is important for us to take some time..I don't know, maybe a work session, to talk about relative risks, because I think again, we totally misinterpreted that and we are making decisions in this City about what we are to do about things based on some of these risk studies. Then again we have taken this situation completely out of context and that is the only point that I'm trying to make. If we want to really look at this situation where we want to build a power line up, that is fine. If we want to look at rerouting it..we want to look at alternatives for smaller power lines..takes more of them, that's fine. But if you think that any of that eliminates any of the risks in any of our lives as Dr. Phillips is talking about, then you are wrong. It does not..not at all. Those are the kinds of problems that we have in this society and if you are not willing to face up to them we are never going to solve those problems and we're not really willing to see..to take time to look at what the real problem is..we'll never find a solution. The problem is simply the use of electricity. Everywhere you have a power line, it falls in the category of the power line that Dr. Phillips is talking about and we.....say that. And that's why I do not want the responses that I do not want to convey to the public, that we're talking about eliminating any environmental problems with respect to electricity. We are not. And I would like to ask if staff....I wish you would sort of give your input on that...

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JOHN MOORE: We do have, in our possession, a letter from Dr. Carpenter who is the administrator of the New York Study that has indicated that exposure to distribution lines and house wiring and appliances which we generally come in contact with more frequently is a more significant problem than transmission lines. I'm not going to go into that any further than that at this point but I do want to point out to you that I understand the Council's concern with the health and safety aspects and to a great extent that concern stems because that is an unanswered question in the scientific community. There is a limit to what science can bring to that question at this point-in-time and that makes this whole issue of transmission lines extremely difficult unfortunately that is the difficult kind of decision only a utility brings to the governing body. I have to carry out my professional obligation, I believe, and get up here and tell you right now, that your utility system is not in good shape relative to its transmission system. It is not in good shape relative the measures by which utilities measure the reliabilities of that system. We might be lucky and go for a long time without major reliability problems and not add any more transmission lines. On the other hand, we might not be lucky at all and we may have more problems than we really should have. The norm indicates you just discard luck one way or the other but we're going to have more problems than we ought to have and there is in my opinion, an obligation on behalf of this governing body to take care of the 250,000 customers who depend on this utility for reliable electric service, a service that is about as pervasive as the air we breathe and to have that electric service planned ...and be as low a cost as possible. There are health hazards to living without electric service or to trying to live with it at too high of a cost and again, I understand the Council's concern but we need some direction. If we are not going to build 345 kv lines, what are we going to do with the utility system? How are we going to meet the goals, or are we going to take a position of changing the...changing the industry standards, the norm by which we designed the electric utility system? Those questions need to be dealt with also. You can't just say on one side, we're not going to do this without deciding some time, some place and hopefully pretty soon, what it is we are going to do.

CARL-MITCHELL: Mayor?

MAYOR: Yes?

CARL-MITCHELL: John? This I'm sure you know has not been an easy issue for me. I'm..I think that I made it clear..the one issue in my mind that..my opinion and...probably prior to a few hours ago I was inclined to support this issue and the one issue was the house effect and enough doubt has been raised in my mind..and I've got the reports here and I talked to Dr. Phillips and I was glancing through the report of the experts that came in and was looking at the studies done and some of the concerns that they had about the study methodology

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and so forth, and ..but I have enough doubts raised in my mind that we do need to take a look at this, a little more harder look. I do agree with you that we can't just sit here and say, "No, we're not gonna do this" and think everything is all right.

Because I am also very concerned about the reliability of the system and the consequences of having a rough reliable electrical system. And I ...100% that we as the Board of Directors of that Utility need to sit down in a very short time frame, go over all this information about the health effects...and try to sort something out and I also want to go over what all alternatives we want to pursue to try to mitigate those effects that are just now surfacing in the scientific field and I can cite numerous instances where emerging scientific information...well know facts and maybe later can sit down and set standards and have some assurance of the technical systems to be put in place. I don't have that finished right now but I agree with you. We do need to sit down and look at alternatives to that. We can't just say, "No", and then leave it at that because you are right about the consequences. I am aware of that and I look for the Council to get together as soon as possible.

JOHN MOORE: I appreciate what you're saying. I just need to reinforce, if you are concerned with the other side of it, the reliability and the integrity of the system..Time is very short. We are way behind. We were behind when we got the bond election a couple of years ago. I think we have been debating this issue for four or five months at least and we are really slipping badly. I don't know if you all want to do it tonight, but Dr. Rylander is in the audience if you want to hear from him at all on the health and safety issue.

CARL-MITCHELL: Thank you John.

MAYOR: Thank you very much, John. I think it is very clear to me when I study this issue that human beings don't know very much and particularly they don't know very much about the long-term effects of these lines. There is some knowledge and some research has been done. It's not very complete research and even the people who have posed as experts for the people who are opposed to these lines tell us there is not very complete research. I think though that it is a serious enough question to lay real doubts in one's mind as to whether we should build them and one very important thing to me is that there has already been one court in Texas that has ordered these lines to be removed from near a school and rerouted so there is at least that much uncertainty about the legal liability associated with it and that weighs very heavily on my mind. I think also the fact is certainly true that we do need a reliable electrical system. There is no question about that. The question is how to achieve that. At this stage it seems to me that we're going to have to find a way other than to use these lines...345 kv lines in the short-range at any rate until we know more about the long-term effects. I think it is certainly true also,...there were people in my office today who

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said that in some ways the 345kv lines may be less reliable because you are channeling all of your energy through one line and the disruption of that one line could mean a whole lot more difficulty than the disruption of one or several rather, small lines. I don't know frankly, at this stage what the long-range solution is. I agree we better put our minds to it and try to get a long-range solution to this problem. But it is not an issue that we can feel self righteous about on either side because I don't think there is enough knowledge out there in the world right now to justify self righteousness on either side. It's been a tough decision for me and I have waded back and forth several times about it and it is a very difficult decision to make. Okay. Any other comments? Why don't you call the roll?

CITY CLERK: Councilmember Humphrey?

HUMPHREY: Yes.

CITY CLERK: Councilmember Nofziger?

NOFZIGER: Yes.

CITY CLERK: Councilmember Shipman?

SHIPMAN: Yes.

CITY CLERK: Councilmember Urdy?

URDY: Abstain.

CITY CLERK: Mayor Cooksey?

MAYOR: Yes.

CITY CLERK: Mayor Pro Tem Trevino?

TREVINO: Abstain.

CITY CLERK: Councilmember Carl-Mitchell?

CARL-MITCHELL: Yes.

MAYOR: Okay, that is taken care of.



PROPERTY TAX RATE

Council had before them for action a proposal to increase the property tax rate by 8% over the effective rate calculated pursuant to the State Property Tax Code.

Motion

The Council, on Councilmember Carl-Mitchell's motion, Councilmember Urdy's second, waived the requirement for three readings and finally passed an ordinance setting the ad valorem property tax rate for 1987-88 at 53.17¢. (6-1 Vote, Councilmember Humphrey voted No.)

PUBLIC HEARING ON STREET VACATION CONTINUED

Continued indefinitely is the public hearing on vacating the following: Old Bull Creek Road, Old Mount Bonnell Road and Old Tortuga Trail right-of-way at R.M. 2222. (Request submitted by Mr. Ray Thomas of Mount Bonnell Shores Development Company)

PUBLIC HEARING - CITY OF AUSTIN ELECTRIC RATES

Mayor Cooksey opened the public hearing set for 7:30 p.m. to consider City of Austin Electric Rates for fiscal year 1987-88. Speakers cards are on file in the City Clerk's office.

Motion

The Council, on Councilmember Carl-Mitchell's motion, Councilmember Shipman's second, closed the public hearing. 7-0 Vote.

Motion

The Council, on Councilmember Carl-Mitchell's motion, Councilmember Urdy's second, approved the revenue requirements for the utility be reduced by 19.8 million and that the \$17.2 million Brown and Root settlement monies be used to supplement the Capital Budget and the intent of that is a reduction of the debt service requirement by 1.4. (6-1 Vote, Mayor Cooksey voted No.)

ADJOURNMENT

Council adjourned its meeting at 1:20 a.m., September 25, 1987