



Austin City Council MINUTES

For DECEMBER 3, 1987 - 1:00 P.M.

Council Chambers, 307 West Second Street, Austin, Texas

Mayor Pro Tem Trevino called to order the meeting of the Council, noting the absence of Mayor Cooksey.

MINUTES APPROVED

The Council, on Councilmember Carl-Mitchell's motion, Mayor Pro Tem Trevino's second, approved minutes for regular meeting of November 19, 1987 and special meetings of November 17 & 24 (10:00 & 4:00), 1987. (4-0 Vote, Mayor Cooksey absent, Councilmembers Humphrey and Urdy not yet in the Council Chamber.)

CITIZEN COMMUNICATIONS

William Miller Jr. discussed STNP. Nancy Harris, Stephen B. Rodi, Otis Budd, Garry Wilkison, Chip Harris, Enrique Lopez Jr., and Al Dotson of the Library Commission, all discussed implementation of library budget cuts. Jackie Goodman did not appear but her statement was read by Chip Harris.

ITEM POSTPONED

Postponed to December 10, 1987 is the Austin Convention and Visitor Bureau, Inc. report on annual marketing plan and budget for approval.

CIVIC CENTER PROJECT

Council had under consideration ordinances and resolutions dealing with the Civic Center Project.

Motions made begin on the next page.

Operating Budget AmendmentsMotion

The Council, on Councilmember Carl-Mitchell's motion, Councilmember Urdy's second, waived the requirement for three readings and finally passed the following ordinances amending the 1987-88 Annual Operating Budget by: (5-0 Vote, Councilmember Shipman out of the room, Mayor Cooksey absent)

- a. Transferring \$128,100.00 from the Civic Center Reserve Fund and appropriating it to the CIP Civic Center Project in order to fund a contract for the financial planner.
- b. Transferring \$1,171,532.00 from the Civic Center Reserve Fund and appropriating it to the CIP Civic Center Project in order to fund a contract for the architect.

Capital Improvement Budget Amendment

The Council, on Councilmember Carl-Mitchell's motion, Councilmember Urdy's second, waived the requirement for three readings and finally passed the following ordinances amending the 1987-88 Capital Improvements Program Budget by: (5-0 Vote, Councilmember Shipman out of the room, Mayor Cooksey absent)

- a. Appropriating \$128,100.00 from the CIP Civic Center Project in order to contract for the financial planner.
- b. Appropriating \$1,171,532.00 from the CIP Civic Center Project in order to fund a contract for the architect.

Contracts

The Council, on Councilmember Carl-Mitchell's motion, Councilmember Urdy's second, adopted a resolution approving the contract for architectural services for the Austin Civic Center Project. (5-0 Vote, Councilmember Shipman out of the room, Mayor Cooksey absent)

The Council, on Councilmember Carl-Mitchell's motion, Councilmember Urdy's second, adopted a resolution approving a contract for financial planning services for the Austin Civic Center Project. (5-0 Vote, Councilmember Shipman out of the room, Mayor Cooksey absent.)

ZONING ORDINANCES

The Council, on Councilmember Shipman's motion, Councilmember Carl-Mitchell'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: (6-0 Vote, Unless otherwise noted, with Mayor Cooksey absent)

12/3/87

- (1) HIDDEN VALLEY Bridge Point From "LA" & "DR"
P.U.D. Parkway to "P.U.D."
C814-86-023

First reading on September 24, 1987, (6-0).
Councilmember George Humphrey out of room at roll
call. No conditions to be met.

- (2) WESTRIDGE P.U.D. FM 2222 @ Grace From "SF-2"
By Doug Dune Lane to P.U.D.
C814-85-007

First reading on July 11, 1985, (6-0). Mayor Pro
Tem John Trevino, Jr. abstained. No conditions to
be met.

(5-0 Vote, Mayor Pro Tem Trevino abstained, Mayor Cooksey absent.

- (3) TEXAS COMMERCE 505 & 507 Ferguson From "I-SF-2"
BANK-AUSTIN NATIONAL to "CS"
ASSOCIATION, A NATIONAL
BANKING ASSOCIATION
By Sharon Peters Judge
C14-85-059

First reading on May 2, 1985, (5-0). Councilmember
Charles E. Urdy absent. Conditions have been met as
follows: Restrictive Covenant incorporating
conditions imposed by Council has been executed.

- (4) THOMAS W. BRADFIELD South Loop 1 at From "SF-2"
TRANSWESTERN PROPERTY Loop 360 to "GO"
COMPANY
C14r-86-283

Second reading on August 20, 1987, (6-0).
Councilmember Sally Shipman absent. Conditions
have been met as follows: Development restricted to
that shown on site plan attached as an exhibit to the
ordinance.

- (5) CITY OF AUSTIN 100-3000 Lamar From "UNZ", "SF-2"
PARKS AND RECREATION Boulevard, 5100 - "SF-3", "MF-2",
DEPARTMENT 6000 Shoal Creek "MF-3", "MF-4",
By Stuart Strong Boulevard "LO", "GO", "CS"
C14-87-082 to "P"

First reading on August 27, 1987, (7-0). No
conditions to be met.

Zoning Postponed

Postponed for 90 days is consideration of second/third reading for the City of Austin Case No. C14-85-288,L

ITEM POSTPONED

Postponed to December 10, 1987 is consideration of approval of an Interlocal Agreement with the Austin Independent School District regarding construction and assessment of Birch Street.

CONSENT ORDINANCES

The Council, on Councilmember Carl-Mitchell's motion, Councilmember Urdy's second, waived the requirement for three readings and finally passed the following ordinances in one consent motion: (6-0 Vote, Mayor Cooksey absent)

Street Name Change

Approved the following street name change:

- a. CASTLE HARBOR DRIVE, as shown on a plat of Shadowridge Crossing Section 2, to OLIVER LOVING TRAIL. (Request submitted by the Transportation and Public Services Dept.)

Approval of Documents

Approved documents pertaining to the restructuring of existing lease purchase of personal property in the form of capital equipment for various City departments including approval of a master lease agreement, trust agreement, official statement, and certificate of purchase agreement.

ITEM POSTPONED

Postponed to December 10, 1987 is consideration of amending Ordinance No. 870903-E to grant waiver from the provisions of the Comprehensive Watershed Ordinance to the Meadows of Travis Oaks Phase B. (Legend Oaks)

CONSENT RESOLUTIONS

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

Release of Easement

Authorized release of the following easement: A portion of the Electric Easement of record in Volume 409, Page 121, Travis County Deed Records and located at Cameron Road and Rutherford Lane. (Request submitted by the City of Austin Electric Utility Department)

Capital Improvements Program

Authorized the filing of Eminent Domain Proceedings to acquire the following: C.I.P. No. 85/62-01

- a. 4,442 square feet of right-of-way in fee simple out of and a part of the James D. Goode Survey No. 30 situated in Travis County owned by Patrick C. Ryan and Yvonne Ryan for the U.S. 183 Improvement Project.
- b. 24,227 square feet of right-of-way in fee simple out of the J.D. Goode Survey No. 30 in Travis County, Texas, owned by Austin National Bank Northwest for the U.S. 183 Improvement Project.

Capital Improvements Program

Approved a proposed Supplemental Amendment No. 5 to the Professional Services Agreement between the City of Austin & Parsons Brinckerhoff, Quade and Douglas, Inc., for additional design and construction management engineering services associated with the Govalle Wastewater Services Area Interception and Diversion System. C.I.P. No. 86/23-10.

Approved of an Interlocal Cooperation Agreement with Travis County Department of Human Services, to provide direct weatherization services and repairs for homes of the economically disadvantaged in the amount of \$93,400.00. C.I.P. No. 85/52-02

Contracts Approved

Approved the following contracts:

- | | |
|--|--|
| a. YOUNGS TANK, INC.
Highway 114 East
Boyd, Texas | - 6,000 Gallon Bulk Oil
Transport Semi-Trailer,
General Services Department
Total \$33,000.00 87-0375-VW/OM |
| b. LINDIG TRUCK & EQUIPMENT
P. O. Box 183
Johnson City, Texas | - Dismantle, Inspection and Repair
of forty (40) Ton P & H Crane,
General Services Department
Total Not to Exceed \$50,000.00
88-S003-KK |
| c. RED LINE MEDICAL SUPPLY
8121 10th Avenue North
Golden Valley, Minnesota | - Nutritional Formula Products,
Brackenridge Hospital
Twelve (12) Month Supply Agreement
Total \$29,740.36 BS7-386 |
| d. DIAGNOSTIC MEDICINE, INC.
7434 Louis Pasteur, GL15
San Antonio, Texas | - Radioisotopes, Brackenridge
Hospital
Twelve Month Supply Agreement
Total \$59,251.44 BS7-373 |

12/3/87

- e. BECKMAN INSTRUMENTS, INC.
250 South Kraemer Boulevard
Brea, California
 - Reagents, Brackenridge Hospital
Twelve (12) Month Supply Agreement
Total \$47,112.92 BS7-376
- f. WHITTAKER GENERAL MEDICAL
P. O. Box 19259
Austin, Texas
 - Catheter Trays, Brackenridge
Hospital
Twelve (12) Month Supply Agreement
Total \$132,204.76 BS7-073
- g. Bid award:
 - Flexible Base, Transportation
and Public Services Department
Twelve (12) Month Supply Agreement
Total \$164,000.00 88-0006-DC
- (1) AUSTIN CRUSHED STONE
1807 Hydro Lane
Austin, Texas
 - Items 1 & 3 - \$83,000.00
- (2) STEVES SOUTH TEXAS
CORPORATION
814 Howard Road
Austin, Texas
 - Item 2 - \$81,000.00

Worker's Compensation Program

Approved of the second extension of a contract for twelve months with Crawford & Company for administration services for the City of Austin Worker's Compensation Program.

Item Postponed

Postponed to December 10, 1987 is consideration of amending the contract between the City of Austin, Travis County, and AIDS Services of Austin, Inc. to update the scope of work and increase the City of Austin's funding by \$64,219.00 to a total of \$97,571.00 for the period October 1, 1987 to September 30, 1988.

License Agreements

Approved entering into the following License Agreements:

- a. To allow the encroachment of a water distribution pipeline into the right-of-way of the City-owned railroad from Milepost 26.50 to Milepost 26.54 and to establish a fee of \$200.00 per year. (Request submitted by the City of Cedar Park, Williamson County, Texas)
- b. To allow the encroachment of a fiber optics cable into the right-of-way of the City owned railroad at Milepost 112.90 and to establish a fee of \$200.00 per year. (Request submitted by AT&T Communications)

Signal Maintenance Agreement

Approved of a Signal Maintenance Agreement with the State Department of Highways and Public Transportation at Loop 360 and R.M. 2222.

Approach Main

Approved the following approach main:

NOTE: The amount of LUE's approved for wastewater commitment does not guarantee services in the event that the flows to affected treatment plants exceed legally permitted flows, and does not imply commitment for land use. (Water and Wastewater Commission recommends approval)

- a. 1111 The Bend at Nuckols Crossing (amended) - Wastewater (City Cost Participation)

Interlocal Agreement

Approved an Interlocal Agreement with Travis County for the construction of the improvements to Burleson Road and the City of Austin's Water and Wastewater System.

Item Postponed

Postponed to December 10, 1987 is consideration of approval of the work plan and budget for the Austin Convention and Visitor Bureau, Inc., for the period of January 1, 1988 through September 30, 1988 in the amount not-to-exceed \$981,072.00.

Occupant Protection Selective Traffic Enforcement Program

Approved applying for a grant from the State Department of Highways and Public Transportation to fund an Occupant Protection Selective Traffic Enforcement Program.

Public Hearings Set

Set public hearings on the following:

- a. Creation of West Travis County MUDS 3, 4 and 5 (Bohls Ranch): December 10, 1987 at 6:00 p.m.
- b. Disannexation of Blue Goose Road/Aus Tex Acres area: December 10, 1987 at 7:00 p.m.
- c. Adoption of the Rules Promulgation Process: December 17, 1987 at 4:30 p.m.

PROPERTY REZONING

Councilmember Shipman introduced an item to Council to consider

a resolution discouraging re-zoning of property deed restricted to single family residential property. Councilmember Shipman said, "I feel very strongly about this resolution because when Council acts to rezone property in violation of a deed restriction we have forced homeowners to go to court and the courts have consistently upheld the deed restriction for residential use and I think that property owners that are knowingly filing in violation of single family residential deed restrictions ought to be forewarned that the Council wants to discourage that. There are means to amend deed restrictions and that is appropriate that they be amended by that route as opposed to using a public body decision on zoning that is in essence an amendment to the deed restrictions.

After discussion, the following motion was made:

Motion

The Council, on Councilmember Shipman's motion, Councilmember Carl-Mitchell's second, adopted a resolution discouraging re-zoning property deed restricted to single family residential property. (6-0 Vote, Mayor Cooksey absent)

ITEM POSTPONED

Postponed to December 10, 1987 is consideration of an amendment to the Comprehensive Watershed Ordinance.

GRANT FOR MH/MR CENTER

The Council, on Councilmember Carl-Mitchell's motion, Councilmember Humphrey's second, adopted a resolution in support of the Mental Health and Mental Retardation Center's effort to procure \$600,000.00 from the Robert Wood Johnson Foundation. (6-0 Vote, Mayor Cooksey absent.)

ITEMS POSTPONED

Postponed indefinitely is consideration of issuing an RFP for City office space within two blocks of the City Annex or City Hall.

Postponed to December 10, 1987 is consideration of a model ordinance and a resolution to establish City Boards and/or Commissions and consider a monthly appointment process.

Postponed to December 10, 1987 is consideration of second/third readings of the Steiner Ranch Disannexation.

SW BELL TELEPHONE FRANCHISE

The Council, on Councilmember Urdy's motion, Mayor Pro Tem Trevino's second, passed through THIRD READING of an ordinance amending

the franchise agreement between the City of Austin and Southwestern Bell Telephone Company. (5-1-0 Vote, Councilmember Humphrey voted No, Mayor Cooksey absent)

ITEM POSTPONED

Council postponed to December 8, 1987, consideration of passing an ordinance approving the creation of the Steiner Ranch MUD's Nos. 1 & 2.

ECONOMIC & FISCAL IMPACT ANALYSIS OF AUSTINPLAN

The Council, on Councilmember Carl-Mitchell's motion, Councilmember Urdy's second, adopted a resolution approving a contract with Arthur D. Little, Inc. for professional consulting services in regard to providing an economic and fiscal impact analysis of Austinplan for a total amount not to exceed \$200,000.00. (6-0 Vote, Mayor Cooksey absent)

EFFLUENT REUSE CONTRACT

The Council, on Councilmember Carl-Mitchell's motion, Councilmember Urdy's second, adopted a resolution authorizing and approving of execution of the Walnut Creek Water and Wastewater Treatment Plant Effluent Reuse contract with Motorola, Inc. (No City cost) (6-0 Vote, Mayor Cooksey absent)

PUBLIC HEARINGS POSTPONED

Postponed to January 14, 1988 at 6:00 p.m. is the public hearing on the Uniform Building and Fire Codes, including local amendments; and passage of ordinances.

Postponed to January 28, 1988 at 6:00 p.m. is the public hearing on the Interim Land Development Code; and passage of ordinance.

ZONING CASES POSTPONED

Mayor Pro Tem Trevino announced that several zoning cases scheduled to be heard would be postponed to December 17, 1987 at 4:00 P.M. They are:

h-87 005	STUART HOUSE By Gregory K. Shattuck	1208 Inks Avenue	From "MF-2" To "MF-2-H" RECOMMENDED
h-87 012	MCDONALD-MCGOWN HOUSE	1802 Lavaca	From "DMU" To "DMU-H" RECOMMENDED
-87 162	ANN SEAMAN By Gary Seaman	813 & 901 South Lamar Boulevard	From "SF-3" To "CS" RECOMMENDED

12/3/87

-87 VSLA DEVELOPMENT 10606 Pecan Park From "SF-2"
132 CORP. Road To CH"
By P & D
Technologies

RECOMMENDED subject to limit floor area ratio to 0.50, limit building height to 90 feet, restrict peak hour trips to the existing allocation for Pecan Park as identified in the phasing agreement and amend phasing agreement for Pecan Park to include the subject tract.

-87 REALTEX FUNDING William Cannon & From "SF-1", "SF-6",
145 CORP. Southwest Parkway "MF-1" & "UNZ"
By Armbrust & To "SF-2", "MF-1"
Brown and "MF-2"

RECOMMENDED "MF-2" for Tract A, limited to 264 dwelling units; "MF-2" for Tract B, limited to 442 dwelling units; "MF-2" for Tract C, limited to 361 dwelling units; "SF-2" for Tract D, limited to 24 dwelling units; "SF-2" for Tract E, limited to 56 dwelling units; "SF-2" for Tract F, limited to 29 dwelling units; "SF-2" for Tract G, limited to 58 dwelling units; "MF-2" for Tract H, limited to 275 dwelling units; "SF-2" for Tract I, limited to 97 dwelling units; "SF-2" for Tract J, limited to 20 dwelling units; with specific inclusion of agreement in October 29, 1987 letter from Morton to OHAN. Amend restrictive covenant on Tract K to increase density from 92 to 118 units.

r-87 HARRIET SPROULL 12306 Burnet Road From "GO"
071 By Brown, Maroney To "GR"
NO RECOMMENDATION
h-87 SMITH HOUSE 502 West 13th Street From "GO"
013 By City of Austin To "GO-H"

EXECUTIVE SESSION

Mayor Pro Tem Trevino announced Council would enter into executive session, pursuant to Article 6252-17, Texas Revised Civil Statutes Annotated, to discuss matters of land acquisition, litigation and for personnel matters. No final action, decision or vote by the City Council will be taken on any subject or matter unless specifically listed on the agenda for this meeting.

1. Pending Litigation - Section 2, Paragraph e

(a) City of Austin v. Houston Lighting and Power

12/3/87

- (b) Overton et al v. City of Austin
- (c) Water Treatment Plant #4
- (d) Southern Union Gas v. City of Austin
- (e) City of Austin/LCRA v. Decker Coal Company

3. Contemplated Litigation - Section 2, Paragraph e

- (a) Letter of Credit - Wells Branch

RECESS

Council recessed its meeting at 4:00 p.m. and resumed its recessed meeting at 5:15 p.m.

ZONING HEARINGS

Mayor Pro Tem Trevino 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.

-87 JAMES MELTON
152 By Donna
Kristaponis

10005 Hidden
Meadow Dr.

From Tr. 1 "LO" & "SF-2"
To Tr. 1 "GR"
Tr. 2 "LO"

RECOMMENDED subject to
Planning Commission's
recommendations

POSTPONED TO JANUARY 14, 1988
AT 6:00 P.M.

-87 PERRY LORENZ 502 & 504 Willow
155 By Linda Johnston Street

From "CS"
To "CBD"
RECOMMENDED
FIRST READING

(On Councilmember Humphrey's motion, Councilmember Urdy's second, 6-0 Vote,
Mayor Cooksey absent)

r-87 WAL-MART STORES, 1709 Teri Road
157 INC.
By Greg Strmiska

From "SF-3"
To "GR"
FIRST READING

RECOMMENDED subject to staff recommendation and ordinance
requirements, and OLDS Memo of November 3, 1987.

(On Councilmember Humphrey's motion, Councilmember Urdy's second, 6-0 Vote, Mayor
Cooksey absent)

12/3/87

r-87 620 INVESTORS,
159 LTD.
(HC) By Terry Bray
for Vista,
Bill Faust for
620 Investors, Ltd.

Near Intersection
of R.M. 620 N. and
Parke Avenue

From "DR"
To "R&D/PDA"
EMERGENCY PASSAGE OF
ORDINANCE

(On Councilmember Carl-Mitchell's motion, Councilmember Humphrey's second,
6-0 Vote, Mayor Cooksey absent)

-87 NELSON PUETT
156 MORTGAGE CO.
By Nelson Harwood
Puett

5616 Adams Avenue

(Valid Petition)

From "SF-3"
To "MF-3"
NOT RECOMMENDED
POSTPONED TO JANUARY 14,
1987 AT 6:30 P.M.

r-87 HBJ PARKING LOT 1610 Summit and
137 By City of Austin 1625 IH-35 S.
and P-87
028

From "SF-3"
To "GO"
FIRST READING

(On Councilmember Humphrey's motion, Councilmember Urdy's second, 6-0 Vote,
(Passed the following Ordinance, also.) Mayor Cooksey absent)

The Council, on Councilmember Carl-Mitchell's motion, Councilmember Humphrey's second, passed through second/third readings of an ordinance amending Chapter 13-2A of the Austin City Code (Zoning Ordinance) to cover the following changes: (6-0 Vote, Mayor Cooksey absent)

CITY OF AUSTIN
By Transportation and
Public Services
Department
C14r-87-137

1601 Summit and
1625 IH-35 South

From "SF-3"
to "GO"

First reading on October 29, 1987, (6-0). Councilmember Urdy out of the room at roll call. Conditions have been met as follows: Development restricted to that shown on site plan attached as an exhibit to the ordinance.

PENDING ZONING APPLICATIONS

The Council, on Councilmember Humphrey's motion, Councilmember Urdy's second, approved dismissal of the following zoning applications: (6-0 Vote, Mayor Cooksey absent)

- | | | | | |
|-----|-----|--------------------|------------------|-----------------------|
| (1) | -85 | TEXAS NATIONAL | 6300-6500 Block | From "SF-3" |
| | 287 | BANK VESTHEIMER | Carson Ridge | To "CS" |
| | | | | RECOMMENDED DISMISSAL |
| (2) | -84 | MAX H. FAYKUS, | Southeast Corner | From "I-SF-2" |
| | 339 | M.D. | Pinnacle & Allen | To "SF-6" |
| | | | | RECOMMENDED DISMISSAL |
| (3) | -84 | CHISHOLM I | 809 Vargas Road | From "LR" |
| | 331 | By Paul Greathouse | | To "GR" |
| | | | | RECOMMENDED DISMISSAL |
| (4) | -83 | LOUISE W. SMITH | 4800 Nixon Lane | From "I-SF-2" |
| | 314 | | | To "LI" |
| | | | | RECOMMENDED DISMISSAL |

EXECUTIVE SESSION

Mayor Pro Tem Trevino announced Council would go into executive session pursuant to Article 6252-17, Texas Revised Civil Statutes Annotated, to discuss pending litigation. No final action, decision or vote by the City Council will be taken on any subject or matter unless specifically listed on the agenda for this meeting.

1. Pending Litigation - Section 2. Paragraph e

(e) City of Austin/LCRA v. Decker Coal Company

RECESS - Council recessed for executive session from 5:50 to 6:15 p.m.

PROCLAMATION FOR BROWNIE SCOUT TROOP 770

Mayor Pro Tem Trevino presented a proclamation to Brownie Scout Troop 770 for contributions toward the restoration of the Battleship Texas.

MUNICIPAL GOLF COURSE LEASE

The Council, on Councilmember Shipman's motion, Councilmember Humphrey's second, approved a lease by the City for the Lions Municipal Golf Course, adding Sec. 1.03 and Sec. 4.05 as amended. (6-0 Vote, Mayor Cooksey absent)

ADJOURNMENT

Council adjourned its meeting at 7:45 p.m.