



Austin City Council MINUTES

For NOVEMBER 5, 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.

CITIZEN COMMUNICATIONS

Ms. Linda L. Wiles did not appear. Mr. Bill Miller discussed bond indebtedness, disannexation and the adequacy of City staff. Mr. John Joseph did not speak. Mr. Dan Dabney discussed a water tap on property located at the corner of Slaughter Lane and Slaughter Creek Drive.

HISTORIC REVOLVING LOAN FUND GUIDELINES

Mr. Sam Percy, chairman, Neighborhood Revitalization Commission, reported on recommended revision to the historic revolving loan fund guidelines.

KERRVILLE BUS COMPANY FRANCHISE

The Council, on Councilmember Carl-Mitchell's motion, Councilmember Humphrey's second, passed through second reading of an ordinance granting a franchise to Kerrville Bus Company, Inc. and ratifying the proposed maximum rate of fare. (7-0 Vote)

ZONING ORDINANCES

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

11/5/87

- (1) OAK HILL PLAZA 7107 State Highway From "I-RR"
By Austin Vanguard 71 West to "GR"
Properties, Inc.
C14-85-188.164

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

- (2) AUSTIN CHILD 810 West 45th From "UNZ"
GUIDANCE CENTER Street to "GO"
C14-87-091 EMERGENCY PASSAGE OF ORDINANCE
(Applicant requests emergency passage of ordinance)

First reading on July 2, 1987, (7-0). Conditions have been met as follows: Restrictive Covenant incorporating conditions imposed by Council has been executed.

Barney Knight, City Attorney, stated for the record: "It is the Department of Law's position that any time State land is leased for private purposes it is subject to the zoning powers of the City of Austin."

- (3) R. T. MAYFIELD 3815 Spicewood From "LO"
AND GERALD KUCERA Springs Road to "LR" & "GR"
By Kristaponis, Gregory
and Associates
C14r-87-089

First reading on July 30, 1987, (5-0). Mayor Pro Tem John Trevino, Jr. and Councilmember Charles E. Urdy out of room at roll call. Conditions have been met as follows: Development restricted to that shown on the Site Plan attached as an exhibit to the ordinance; and Restrictive Covenant incorporating conditions imposed by Council has been executed.

- (4) LONNIE COOPER 7508-7510 Old Bee From "I-RR"
C14-25-288.35 Caves Road to "CS"

First reading on May 7, 1986, (5-0). Councilmember George Humphrey absent. Conditions have been met as follows: Restrictive Covenant incorporating conditions imposed by Council has been executed.

11/5/87

(5) PEERMAN/ANDERSON PARTNERSHIP By Sid Sanders C14r-86-106 & C14r-86-107	4995-5047 U. S. Highway 290	From "DR" To Tract 1 "GR" Tract 2 "RR" Tract 3 "MF-3"
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Third reading only. First reading on June 25, 1987, (4-2). Mayor Pro Tem John Trevino, Jr. and Councilmember Charles Urdy voted "NO". Mayor Frank C. Cooksey absent. Second reading on October 29, 1987, (4-3). Mayor Frank C. Cooksey, Mayor Pro Tem John Trevino, Jr. and Councilmember Charles E. Urdy voted "NO". Conditions have been met as follows: Development restricted to that shown on the Site Plan attached as an exhibit to the ordinance; required Phasing Agreement has been completed.

(5-2 Vote, Mayor Pro Tem Trevino and Councilmember Urdy voted No)

OLD BUSINESS - RESOLUTIONS

The Council, on Councilmember Carl-Mitchell's motion, Councilmember Urdy's second, adopted the following resolutions in one consent motion: (Votes follow each item.)

Contracts

PRUCARE OF AUSTIN Prudential Health Care Plan, Inc. 6835 Austin Center Boulevard Austin, Texas	(6-0 Vote, Mayor Cooksey abstained)	- Health Maintenance Organization (group type), Human Resources Department Twelve Month Contract Total \$1,890,000.00 87-S381-PS
PORT ENTERPRISES, INC. P.O. Box 447 Port Lavaca, Texas	(6-1 Vote, Councilmember Humphrey voted No.)	- Re-roofing of Screen Tower Intake Structure at Seaholm Power Plant, Electric Utility Department Total \$36,325.00 87-C217-JJ

SECHRIST-HALL COMPANY P.O. Box 17787 Austin, Texas	(6-1 Vote, Councilmember Humphrey voted No.)	- Re-roofing and Wall Repair at Brackenridge Hospital Transportation and Public Services Department Total \$240,816.00 P.B.D. Project No. 87-28
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Capital Improvements Program

Approved a Supplemental Amendment No. 5 to the Professional Services Agreement between the City of Austin and Espey, Huston & Associates, Inc., related to design phase services for the South

Austin Outfall Relief Main, Phase II, for the Water and Wastewater Utility.
C.I.P. No. 86/23-31.

CONSENT ORDINANCES

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

Budget Amendment

Amended the 1987-88 Annual Operating Budget by accepting and appropriating a grant award of \$136,834.00 from the Governor's Office of the State of Texas, Criminal Justice Division, for the Juvenile Crime Prevention Program.

Exemption from Tap Expiration Ordinance

Approved a request for an exemption to the Tap Expiration Ordinance from Mrs. O.T. Bergstrom, for 11906 Arabian Trail, Austin, Texas, Lot 10, Highland Oaks Subdivision.

Exemption from Right-of-Way Ordinance

Approved a request from Mr. Mark Goodrich for an exemption to the Right-of-Way Ordinance from the requirement to reserve land within the future right-of-way of U.S. 290, for Kaye-Mark Subdivision, Lots 2, 5 and 7.

Council Meetings Cancelled

Approved cancelling all Council meetings for the week of November 23-27, 1987.

CONSENT RESOLUTIONS

The Council, on Councilmember Carl-Mitchell's motion, Councilmember Humphrey's second, adopted the following resolutions in one consent motion: (7-0 Vote)

Release of Easement:

Authorized release of the following easement:

- a. Two (2) Five (5) foot Public Utility Easements of record in Book 17, Page 97, Travis County Plat Records and located on Part of Lot 26, Lakeview Garden and Part of Lot B, First resubdivision of Lakeview Gardens, 21 Hull Circle Drive. (Request submitted by Mr. Henry H. Gilmore on behalf of Mr. Duane Albrecht)

Capital Improvements Program

Approved acquisition of right-of-way for the U.S. Hwy. 183 Improvement Project: C.I.P. No. 85/62-01.

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

- a. 26,533 square feet of right-of-way in fee simple, more or less out of and a part of Lot 1, of the Resubdivision of a portion of Block "G" of Summit Oaks Subdivision, a subdivision in Travis County, Texas owned by C.B. Carpenter for Loop 1 - 183 Project.
- b. 17,697 square feet or 0.4063 acres of land of right-of-way out of the James M. Mitchell Survey, No. 17, Abstract No. 521 in the City of Austin, Travis County, Texas, owned by George F. Schroeder and Alfred A. Schroeder for the Spicewood Springs Road Phase II Improvement Project.

Approved the following change order:

- a. In the amount of \$33,320.00 to Staker Construction of Texas, Inc. for Jollyville Road Phase II Street and Drainage Improvements. (1.8% increase of the amount of \$1,830,737.93 - Total change orders to date equal 6.4%) C.I.P. No. 84/64-14.

Authorized and approved of a Supplemental Amendment No. 1 to the Professional Services Agreement between the City of Austin and Bernard Johnson, Inc. for additional design services for the Lower Gilleland Creek Wastewater Interceptor. (7-0 Vote)

Contracts Approved

Approved the following contracts:

- a. SAFETRAN TRAFFIC SIGNALS, INC. - Forty (40) Type 170 Traffic
1485 Garden of the Gods Road Controllers, Transportation and
Colorado Springs, Colorado Public Services Department
Total \$189,440.00 87-0435-LI
- b. MASONRY PRODUCTS, INC. (MBE) - Portland and Masonry Cement,
85 Kramer Lane General Services Department
Austin, Texas Twelve (12) Month Supply Agreement
Item 1-3 - \$31,798.00 87-379DC

Employee Benefits Management System

Approved a contract for twelve (12) months for the Employee Benefits Management System in the estimated total amount of \$730,539.00 to:

- a. COORDINATED BENEFITS SYSTEMS (third party administrator)
- b. TOWERS, PERRIN, FORSTER & CROSBY (benefits consulting service)

Utility Hearing Examiner

Approved an RFP for the selection of a Utility Hearing Examiner for the Electric Utility Rate Setting Process. (6-1 Vote, Councilmember Humphrey voted No.)

Consumer Advocate

Approved an RFP for selecting a Consumer Advocate for the Electric Utility Rate Setting Process. (6-1 Vote, Councilmember Humphrey voted No)

Public Hearings Set

Set public hearings on the following:

- a. The City of Austin Purchasing Report: November 19, 1987 at 4:00 p.m.
- b. Amendment to Chapter 13-2A (Zoning Ordinance) to modify requirements for off-site parking and off-site mixed use or shared parking (C2o-87-004): December 10, 1987 at 5:00 p.m.
- c. Amendment to Chapter 13-2A (Zoning Ordinance) to allow shared off-site parking between churches and schools without re-zoning or a conditional use permit: December 10, 1987 at 5:30 p.m.

CANVASSING OF AIRPORT BOND ELECTION

The Council, on Councilmember Humphrey's motion, Councilmember Carl-Mitchell's second, adopted a resolution approving canvassing the returns and declaring the results of the November 3, 1987 Airport Bond Election as follows: (7-0 Vote)

PROPOSITION NUMBER 1

"SHALL THE AUSTIN CITY COUNCIL'S DECISIONS BE AFFIRMED TO AUTHORIZE CONSTRUCTION OF A NEW AIRPORT AT A RECOMMENDED SITE NEAR MANOR, TEXAS; TO MAKE INTERIM IMPROVEMENTS TO ROBERT MUELLER MUNICIPAL AIRPORT; TO AUTHORIZE FINANCING OF THESE PROJECTS BY THE ISSUANCE OF AIRPORT SYSTEM REVENUE BONDS IN AN AMOUNT WHICH SHALL BE LIMITED TO THE AIRPORT'S ABILITY TO REPAY THE OBLIGATION AND SHALL NOT EXCEED \$728,000,000 WITH THE TOTAL

AMOUNT OF THE BONDS TO BE ADJUSTED FOR FINANCING COSTS AND INFLATION AND REDUCED BY THE AMOUNT RECEIVED FROM FEDERAL DISCRETIONARY AIRPORT TRUST FUNDS AND BY FUNDS OBTAINED BY THE CITY FROM THE SALE OR LEASE OF ROBERT MUELLER AIRPORT WHICH SHALL BE CLOSED TO AVIATION UPON OPENING OF THE NEW AIRPORT; TO NOT USE PROPERTY TAX PROCEEDS IN MOVING, CONSTRUCTING OR OPERATING THE NEW AIRPORT?"

FOR	46,710 votes
AGAINST	37,633 votes
TOTAL VOTES CAST	84,343 votes

PROPOSITION NUMBER 2

"SHALL THE AUSTIN CITY COUNCIL BE AUTHORIZED TO EXPAND ROBERT MUELLER MUNICIPAL AIRPORT; BE AUTHORIZED TO FINANCE THE PROJECT BY ISSUING A MAXIMUM OF \$1,118,000,000 FOR EXPANSION AND FOR INTERIM IMPROVEMENTS IN AIRPORT SYSTEM REVENUE BONDS, WITH THE TOTAL AMOUNT OF THE BONDS TO BE ADJUSTED FOR FINANCING COSTS AND INFLATION AND REDUCED OR RETIRED BY ANY PROCEEDS FROM SUBSEQUENT WATER AND WASTEWATER SYSTEM BONDS AND GENERAL OBLIGATION BONDS APPROVED BY VOTERS?"

FOR	10,652 votes
AGAINST	75,060 votes
TOTAL VOTES CAST	85,712 votes

UPLANDS

The Council, on Councilmember Carl-Mitchell's motion, Councilmember Humphrey's second, passed through third reading of an ordinance amending the Water and Wastewater Service Area Ordinance (810820-B) to include Uplands and execution of an agreement regarding development, annexation and utility services for the Uplands, including the November 3, 1987 draft agreement. (7-0 Vote)

OPERATING BUDGET AMENDMENT

The Council, on Councilmember Carl-Mitchell's motion, Mayor Pro Tem Trevino's second, waived the requirement for three readings and finally passed an ordinance amending the 1987-88 Annual Operating Budget by reappropriating \$4,433,043 from various funds 1986-87 budgets for items and services which were unable to be purchased or encumbered before the close of the 1986-87 fiscal year. (7-0 Vote)

HIGHWAY IMPROVEMENT PROJECTS

The Council, on Councilmember Carl-Mitchell's motion, Councilmember Nofziger's second, adopted a resolution approving all right-of-way purchases for the U.S. Highway 183 and the U.S. 290/S.H. 71 Improvements Projects. (7-0 Vote)

ITEM POSTPONED

Postponed to November 19, 1987 is consideration of approval of an agreement with the State Department of Highways and Public Transportation to provide for improvements to the South First Street Bridge.

DISK DRIVE UPGRADES

The Council, on Councilmember Carl-Mitchell's motion, Councilmember Urdy's second, adopted a resolution approving a contract (RFP) award to National Advanced Systems in the amount of \$215,903.00 for the purchase of Disk Drive Upgrades (dual disk storage and a control unit) (7-0 Vote)

INTEGRATED MANAGEMENT INFORMATION SYSTEM

The Council, on Councilmember Shipman's motion, Councilmember Urdy's second, adopted a resolution approving the following contract awards for an Integrated Management Information System in the total amount of \$922,472.00: (7-0 Vote)

- a. AMERICAN MANAGEMENT SYSTEMS, INC. - \$631,000.00
- b. E.J. WARD, INC. - \$98,422.00
- c. INTEGRAL SYSTEMS, INC. - \$193,050.00

ENTERPRISE ZONE PROGRAM

The Council, on Councilmember Humphrey's motion, Councilmember Urdy's second, adopted a resolution developing a City of Austin Enterprise Zone Program with definitive boundaries and specific economic development incentives. (6-0 Vote, Councilmember Carl-Mitchell out of the room)

ITEM POSTPONED

Postponed indefinitely is discussion of limits on damages which would result in relocating St. John United Church.

ARTS IN PUBLIC PLACES PROJECT

The Council, on Councilmember Urdy's motion, Councilmember Shipman's second, approved as an incentive for coming in under budget, an additional Arts in Public Places Project, a stained glass window, for the Senior Activity Center, East. (7-0 Vote)

WEST BULL CREEK WASTEWATER AGREEMENT

The Council, on Councilmember Carl-Mitchell's motion, Councilmember Shipman's second, adopted a resolution approving proposed amendments to West Bull Creek Wastewater Agreement regarding funding and size of wastewater interceptor with no additional debt to the City, regardless of whether it is a 36" or 48" line. (7-0 Vote)

LATER IN THE DAY:

Motion to Reconsider

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

Motion

The Council, on Councilmember Carl-Mitchell's motion, Councilmember Humphrey's second, adopted a resolution that pursuant to Section 6.06 of that certain Agreement Regarding Construction of Improvements to the City of Austin's Wastewater System in the West Bull Creek Area, the Manager, as defined therein, is authorized to downsize from a 48-inch system to a 36-inch system by downsizing segments 7 through 10 of the Improvements from 48 inches to 36 inches, provided that such segments shall be upsized to a 48-inch system in the event on or before November 18, 1987 the owners of the Canyon Creek Project or other participant of comparable size, deposit an acceptable letter of credit with the Manager for the costs as an Oversize Party and there are sufficient sums available to the Manager after any condemnation awards to cover the estimated improvement costs for the 48-inch system to the extent such awards are made as of November 18, 1987. (5-2 Vote, Councilmember Shipman and Mayor Cooksey voted No.)

MEXICAN AMERICAN CULTURAL ARTS FACILITY

The Council on Mayor Pro Tem Trevino's motion, Councilmember Urdy's second, voted to reopen the RFP for the Mexican American Cultural Arts Facility. (4-3 Vote, Councilmembers Nofziger, Carl-Mitchell and Humphrey voted No.)

(Continued on next page.)

MEXICAN AMERICAN CULTURAL ARTS FACILITY - (Contd.)

Later in the day, after the Executive SessionMotion

The Council, on Mayor Pro Tem Trevino's motion, Mayor Cooksey's second, voted to reconsider the previous vote. (6-0 Vote, Councilmember Urdy out of the room)

Motion

The Council, on Councilmember Nofziger's motion, Councilmember Carl-Mitchell's second, rescinded the previous action. (6-0 Vote, Councilmember Urdy out of the room)

PUBLIC HEARINGS POSTPONED

Postponed indefinitely is the public hearing on amending the Water and Wastewater Utility Service Area ordinance to include the Z.T. Scott property located in the Rinard, Marble and Maha Creek Drainage Basins.

Postponed to November 19, 1987 is the public hearing on Letter of Credit (LOC's) policy, as requested by Texas Capital Area Builder's Association.

ZONING ORDINANCE

Council continued to November 12, 1987 consideration of the second/third readings of ordinances amending Chapter 13-2A of the Austin City Code (Zoning Ordinance) to cover the following changes:

HALLMARK BAPTIST CHURCH	200 feet from Intersection of Oak Knoll Drive and Township Trail	From "DR" to "SF-2"
By Joseph, Rider & Cameron		
C14-87-025		

First reading on September 24, 1987, (5-2).
Councilmember Shipman and Nofziger voted No.
No conditions to be met.

ZONING HEARINGS

Mayor Cooksey announced Council would hear the following zoning cases. Council heard, closed the public hearings, passed one case through first reading of the ordinance, and postponed the other. Disposition of the cases follows each listing.

-87	JAMES MELTON	10005 Hidden	From Tr. 1 "LO" & "SF-2"
152	By The Regency Group	Meadow	Tr. 2 "SF-2"
			To Tr. 1 "GR"
			Tr. 2 "LO"

POSTPONED TO DECEMBER 3, 1987
AT 4:00 P.M.

11/5/87

NASH PHILLIPS
& CLYDE COPUS
Dr. Jonathan Morgan

2624 William
Cannon Drive

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

(On Councilmember Carl-Mitchell's motion, Councilmember Urdy's second,
5-0 Vote

SITE PLAN APPROVAL

(1) -79 SAN ANTONIO
SAVINGS

12001 Research
Boulevard

Site Plan
Approval
APPROVED

CITY MANAGER REPORT

The City Manager report on an evaluation of the Austin Women's Center; an evaluation of the Austin Economic Development Corporation's Community Business Development Program; Comparison among sixteen programs of clients satisfaction with services, was presented.

EXECUTIVE SESSION

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

1. Pending Litigation - Section 2, Paragraph e
 - a. City of Austin v. Houston Lighting and Power
 - b. Overton et al v. City of Austin
2. Contemplated Litigation - Section 2, Paragraph e
 - a. Steiner Ranch
 - b. Agenda Item G.3. Consider reopening the RFP for the Mexican American Cultural Arts Facility.
3. Personnel Matters - Section 2, Paragraph g
 - a. Municipal Court Judge Selections

RECESS

Council recessed for executive session from 6:38 p.m. to 8:35 p.m., when they resumed their recessed meeting.

EROSION PROBLEMS ON LITTLE WALNUT CREEK

Council introduced an item concerning a preliminary study to determine the full extent and magnitude of the erosion problems on Little Walnut Creek.

A report was given and staff is to come back concerning the cost of study and whether or not the drainage district would pay the cost for a drainage ditch.

TIPS WAREHOUSE POSTPONED

Consideration of a resolution concerning Tips Warehouse will be posted on the November 12, 1987 agenda.

CAPITAL METRO BOARD APPOINTMENTS

The Council, on Mayor Pro Tem Trevino's motion, Councilmember Carl-Mitchell's second, appointed Mike Guerrero as a member of Capital Metropolitan Transit Authority Board. (5-2 Vote, Councilmember Nofziger and Mayor Cooksey voted No.)

The Council, on Mayor Pro Tem Trevino's motion, Councilmember Carl-Mitchell's second, appointed Judy Walker as a member of the Capital Metropolitan Transit Authority Board. (6-1 Vote, Mayor Cooksey voted No.)

The Council, on Mayor Pro Tem Trevino's motion, Councilmember Carl-Mitchell's second, appointed Barbara Burton as a member of the Capital Metropolitan Transit Authority Board. (7-0 Vote)

MUNICIPAL COURT JUDGE APPOINTMENTS

The Council, on Councilmember Shipman's motion, Councilmember Carl-Mitchell's second, appointed Jo Clifton and Celia Castro as Municipal Court Judges. (7-0 Vote)

ADJOURNMENT

Council adjourned its meeting at 9:55 p.m.