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## Austin City Council MINUTES

For FEBRUARY 5, 1987 - 1:00 P.M.

Council Chambers, 307 West Second Street, Austin, Texas

### City Council

Frank C. Cooksey  
Mayor

John Treviño, Jr.  
Mayor Pro Tem

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

Jorge Carrasco  
City Manager

Elden Aldridge  
City Clerk

### Memorandum To:

Mayor Cooksey called to order the meeting of the Council, noting the absence of Councilmember Urdy, who arrived in the Council Chamber late in the afternoon.

### CITIZENS COMMUNICATIONS

Ms. "T" Galyean discussed Office on Aging for Austin-Travis County. Mr. Gary Johnson talked about affordable housing bond election. Robert Hejl discussed City's intent to install power lines on his property. Mr. Charles Wendlandt discussed problems regarding zoning at 1198 Airport Boulevard. Mr. Sam Griswold talked about the Robert Mueller Airport and Council recall movement. Roger Baker Jr. discussed Austin Transportation Study Plan.

### ARTS COMMISSION REPORT

Ms. Gladys Winetroub presented the Arts Commission Report on Cultural Contract Bed Tax Funding

### ITEMS POSTPONED

Postponed to February 12, 1987 is consideration of third reading of an ordinance creating a non-profit corporation for the purpose of developing and implementing a Parkland Acquisition Program; approving articles of incorporation; approving the initial bylaws; and appointing the initial directors thereof.

Postponed to February 19, 1987 is consideration of third reading of an ordinance providing for the subdivision of duplexes and establishing zoning for subdivision duplexes.

2/5/87

Postponed to March 12, 1987 is second reading of Zoning Ordinance for case C14-86-043, Clifford J. Antone.

Postponed indefinitely is second and third readings of the Minority and Women Owned Business Procurement Ordinance. (More research needs to be done.)

Postponed to February 12, 1987 is a resolution to authorize the City Manager to execute a contract providing for joint participation with Travis County for continued 911 service.

To be brought back February 19, 1987 is consideration of Council directions to staff regarding processing amendments to the Austin Metropolitan Area Roadway Plan.

Postponed to February 12, 1987 are items from Council to consider staff implementation of the resolutions regarding permitting for the waste-to-energy plant; the resolution supporting a cooperation agreement between the City of Austin and the University of Texas regarding the Blackland Neighborhood; and consideration of the STP Cancellation Campaign RFP.

Postponed to March 5, 1987 is public hearing on an appeal of the Building Standards Commission order of vacation and repair or demolition of the structure located at 3200 Beverly Road.

#### OLD BUSINESS - ORDINANCES

##### Zoning Ordinances

The Council, on Councilmember Rose's motion, Councilmember Carl-Mitchell's second, passed through second and third readings, second readings only or third readings only of the following zoning ordinances amending Chapter 13-2 and 13-2A of the Austin City Code to cover the following changes: (6-0 Vote, unless otherwise indicated, Councilmember Urdy absent)

BOBBY F. HUDSON, ET AL  
C14-86-228

2915 East 12th

From "SF-3"  
to "GR"

Second and third readings. First reading on January 8, 1987, (7-0). Conditions have been met as follows: Restrictive Covenant incorporating conditions imposed by Council has been executed.

LOTS 51 & 52 JOINT  
VENTURE  
By T.L. Irion  
C14r-85-296

2405 and 2409 RM  
620 North

From Interim "SF-2"  
to "GR"

Second and third readings. First reading on February 20, 1986, (6-0 Vote, Councilmember Rose out of the room at roll call) Conditions have been met as follows: Restrictive Covenant incorporation conditions imposed by Council has been executed. Right-of-way on RM 620 has been dedicated by

street deed. Development restricted to that shown on site plan attached as an Exhibit to the ordinance.

WM TERRY BRAY,  
TRUSTEE  
By City of Austin  
C14-86-135

Intersection of  
Proposed Parmer  
Lane & proposed  
Lakeline Boulevard

From "SF-4"  
to "LR" & "MF-1"

Second and third readings. First reading on July 31, 1986. (7-0)  
Conditions have been met as follows: Restrictive Covenant incorporating conditions imposed by Council has been executed.

VCMS INVESTMENTS  
By Kristaponis,  
Gregory and Associates  
C14r-85-312

12099-12155 North  
I.H. 35

From Interim "SF-2"  
to "GO" & "P"

5-1-0 Vote, Councilmember Shipman voted NO and  
Councilmember Urdy absent.

Third reading only. Second reading on January 29, 1987, (5-1-0).  
Councilmember Shipman voted No, Councilmember Carl-Mitchell absent.  
Conditions have been met as follows: Restrictive Covenant incorporating conditions imposed by Council has been executed.

MOLLY CONNER OGORZALY  
By Robert S. Ogorzaly  
C14-86-051

4812 Rowena

From "SF-3" to  
"SF-5"

Second reading only. First reading on June 26, 1986, (4-3). Mayor  
Cooksey, Councilmembers Rose and Shipman voted No. Conditions have been  
met as follows: Restrictive covenant incorporating conditions imposed  
by Council has been executed.

5-1-0 Vote, Councilmember Shipman voted NO and  
Councilmember Urdy absent.

WC II LIMITED  
By Tom Curtis  
C14-86-033

5391, 5305, 5311  
5407 & ff01 George  
Street, 5711 Stassney  
Lane & 5304 Jimmy  
Clay Drive

From "SF-3" &  
"SF-6" to "MF-1"

Third reading only. Second reading on January 29, 1987, (6-0). Council-  
member Carl-Mitchell absent. Conditions have been met as follows:  
Restrictive covenant incorporation conditions imposed by Council has  
been executed.

#### CONSENT RESOLUTIONS

The Council, on Councilmember Carl-Mitchell's motion, Council-  
member Humphrey's second, adopted the following resolutions in one  
consent motion: (5-0 Vote, Councilmember Shipman out of the room  
Councilmember Humphrey absent)

Release of Easements

Authorized release of the following easement:

- a. A portion of a 10' Public Utility Easement on the common lot line of Lots 1 and 3, Block "B", South Town Plaza Amended; and the 10' Public Utility Easement on the common lot line of Lots 3 and 4, Block "B", South Town Plaza Amended, 2801 IH 35 South. (Request submitted by L.M. Holder III, Architects, Inc., on behalf of Texas Insurance Advisory Association)
- b. The Sidewalk Easement of record in Volume 8133, Page 774, of the Travis County Real Property Records. (Request submitted by the Transportation and Public Services Department.)
- c. A portion of a 12.5' Drainage Easement of record in Volume 5646, Page 1564, Travis County Real Property Records and located on Lot 4, Block "F", Woodcliff Amended, 11112 Wandering Way. (Request submitted by Michael D. Bell)

Capital Improvements Program

Approved acquisition of a 4,803.36 sq. ft. tract of land for the U.S. Highway 183 Expansion Project: C.I.P. No. 85/62-01.

Approved acquisition of a 8.592 acre (374,255.547 sq. ft.) tract of land for the purpose of U.S. Highway 290/S.H. 71 right-of-way. C.I.P. No. 85/62-02

Approved selection of architectural services in connection with the Transfer Station/Recycling Processing Facility (contract to Austin Design Associates); and the Replacement of First Station No. 17, (contract to Carter Design Associates).

Approved the proposed supplemental amendment to the Professional Services Agreement between the City of Austin and Black & Veatch Engineers-Architects, for additional professional services during the design phase of Water Treatment Plant No. 4. C.I.P. No. 85/22-27

Change Orders

Approved of the following change orders:

- a. In the amount of \$138,789,.00 to AUSTIN POWER, INC., for the Albert H. Ullrich Water Treatment Plant Expansion. (1.01% increase of the original contract amount of \$13,647,000.00 - Total change orders to date equal 2.73%) C.I.P. No. 73/22-98
- b. In the amount of \$43,500.01 to AUSTIN ROAD COMPANY, for the C.D.D. #12, Phase I. (11.93% increase of the original contract amount of \$364,394.10) C.I.P. No. 76/62-15

- c. In the amount of \$52,864.00 to AUSTIN ROAD COMPANY, for Montopolis Drive Improvements . (3.29% increase of the original contract amount of \$1,603,558.40 - Total change orders to date equal 10.01%) C.I.P. No. 78/62-09
- d. In the amount of \$93,384.37 to GARNEY COMPANIES, INC., for the Davis Water Treatment Plant Transmission Main Phase V Project. (4.11% increase of the original contract amount of \$2,273,150.00) C.I.P. Nos. 85/22-41 & 85/22-27
- e. In the amount of \$95,041.31 to CAPITOL CITY UTILITIES, INC., for the Southeast Austin Transmission Main/Ben White-Montopolis-Stassney Lane Route. (8.95% increase of the original contract amount of \$1,061,570.00) C.I.P. No. 85/22-05

#### Contracts Approved

Approved the following contracts:

- a. GRAYBAR ELECTRIC COMPANY  
7434 North Lamar  
Austin, Texas
  - Electrical Building Wire,  
General Services Department  
Twelve (12) Month Supply Agreement  
Items 1-42 - \$79,345.00 87-0052-QM
- b. SUMMERS ELECTRIC COMPANY  
3910 South Industrial Drive,  
Suite 100  
Austin, Texas
  - Electric Standard Building  
Maintenance Materials, Electric  
Utility Department  
Twelve (12) Month Supply Agreement  
Items 126 - \$27,834.00 87-0040-QM
- c. R. P. KINCHELOE COMPANY  
3851 Airport Boulevard,  
Suite 108  
Austin, Texas
  - Fluoroscopic Radiographic  
Radiology Equipment, Brackenridge  
Hospital  
Twelve (12) Month Maintenance  
Agreement  
Total \$120,180.00 BC7-058

#### Conservation Service Audits

Approved with CPN Energy Management Services, Inc. and Planergy, Inc. for a nine month contract for residential conservation service audits, in the amount of \$932,500.00.

#### Interlocal Agreement

Approved of an interlocal agreement with the cities of Georgetown, Round Rock and Pflugerville, Williamson County and Travis County, and the Capital Metropolitan Transportation Authority for the purchase of the abandoned M-K-T Railroad property between Austin and Georgetown.

City Pole Rental

Approved of a request by Cablevision of Lake Travis, Inc. for consent to transfer the rights of the City Pole Rental Agreement to a successor named J.R. King Enterprises.

Travis Settlement MUD

Approved an Assignment of Rights under agreement concerning creation and operation of Travis Settlement Municipal Utility District.

Texas Commission on the Arts

Authorized submission of an application for a Texas Commission on the Arts grant in the amount of \$50,000.00 to be used to assist local minority arts organizations in raising their managerial expertise and fundraising abilities.

Literacy Training

Authorized submission of a grant application to the Department of Education for \$25,000.00 to expand literacy training in the Austin Public Library.

Greater Austin Organized Crime Unit

Adopted a resolution supporting the application to continue the participation of the Austin Police Department in the Greater Austin Organized Crime Unit through the State of Texas, Governor's Office, Criminal Justice Division.

Juvenile Delinquency Prevention

Adopted a resolution supporting the application to continue the Juvenile Delinquency Prevention Through Crisis Intervention Program through the State of Texas, Governor's Office, Criminal Justice Division.

Affirmative Action Task Force

Approved extending the deadline for the Affirmative Action Plan Task Force to complete the revision to the City's Affirmative Action Plan.

Hearing Officer - Austin Cable Vision

Approved the schedule, process, procedures, hiring of hearing officer and expert witnesses for Austin Cable Vision's request for modification hearing.

## CIVIC CENTER PROJECT

Council had before them for consideration a resolution to approve an RFP to solicit services for the Civic Center Project. (COMPLETE TRANSCRIPT OF DISCUSSION IS ON FILE IN THE CITY CLERKS' OFFICE)

Motion

Councilmember Rose made a motion, seconded by Councilmember Carl-Mitchell to adopt the RFP for the Civic Center Project.

Councilmember Shipman stated: "Before there's any discussion on the RFP, I will be abstaining on this matter. As I stated a few weeks ago my husband's employer will likely respond to the RFP. I do not feel comfortable voting on the criteria in the RFP for that reason and so I am choosing to abstain."

Friendly Amendment

Councilmember Rose offered a friendly amendment to the RFP by inserting the following language. Councilmember Shipman seconded his amendment.

The area selected has been designated as the west end civic center planning district and the east end civic center planning district. Both are located in the Central Business District. The west end is bounded by 1st Street on the south, Lamar Boulevard on the west, 5th Street on the north and Congress Avenue on the east. The east end district is bounded by 1st Street on the south, Congress Avenue on the west, 6th Street on the north and Interstate 35 Highway on the east. A map showing the location of both districts is reproduced in attachment "B". I offer that as an amendment.

Roll Call on Friendly Amendment

4-2 Vote, Mayor Pro Tem Trevino and Councilmember Humphrey voted No, Councilmember Urdy absent.

Friendly Amendment

Councilmember Humphrey offered a friendly amendment that the project manager be just that, and the architect and financial people report to the project manager. The amendment was seconded by Mayor Pro Tem Trevino. Motion passed by a vote of 4-0 with Councilmembers Shipman, and Carl-Mitchell out of the room, Councilmember Urdy absent.

Council then went over their copies of the revised RFP, making amendments, which were accepted without a vote. See transcript for specifics.

Motion

The Council, on Councilmember Rose's motion, Councilmember

Humphrey's second, included all amendments approved by Council, to be in the RFP. (5-0 Vote, Councilmember Urdy absent and Councilmember Shipman out of the room.)

Roll Call on Main Motion

To Adopt the RFP

5-0 Vote, Councilmember Shipman out of the room,  
Councilmember Urdy absent.

**MEDICAL STAFF AT BRACKENRIDGE HOSPITAL**

The Council, on Councilmember Shipman's motion, Councilmember Carl-Mitchell's second, waived the requirement for three readings and finally passed an ordinance amending Section 6-3-43 of the Austin City Code of 1981, as amended, by requiring that initial appointments and reappointments to the medical staff of Brackenridge Hospital and all changes in medical staff clinical privileges shall be made pursuant to the bylaws of the medical staff of Brackenridge Hospital. (6-0 Vote, Councilmember Urdy absent)



## PUBLIC HEARING - AMENDMENTS TO THE AUSTIN METROPOLITAN AREA ROAD PLAN

Mayor Cooksey opened the public hearing set for 3:30 p.m. on amendments to the Austin Metropolitan Area Road Plan, which was a continuation of a public hearing from January 22, 1987.

Motion

The Council, on Councilmember Carl-Mitchell's motion, Councilmember Shipman's second, approved amendments to the Austin Metropolitan Area Road Plan concerning Slaughter Lane, Arterial 7, Lime Creek Road, Springdale Road, Southwest Parkway, and Riverside Drive. (6-0 Vote, Councilmember Urdy absent.)

Council next discussed the alignment of Parmer Lane. Those appearing for the discussion were Terry Bray, Ann Seaman, Chuck Spier, Joan Caldorola, Leroy Blair, Dennis Haverlauf, Bob Price, Bob Kizer and Linda Nieman.

Motion

Councilmember Shipman made a motion to postpone decision on Parmer Lane for 30 days. Motion was seconded by Councilmember Carl-Mitchell.

Substitute Motion

Councilmember Rose made a motion, seconded by Councilmember Rose to postpone the alignment of Parmer Lane decision for two weeks.

Motion Withdrawn

Councilmember Shipman withdrew her motion to postpone for 30 days and Councilmember Carl-Mitchell withdrew his second.

Motion

Councilmember Shipman made a motion, seconded by Councilmember Humphrey to uphold the recommendation of the Planning Commission and Urban Transportation Commission and maintain the decision on the alignment of Parmer Lane made one year ago.

Motion Withdrawn

Councilmember Shipman withdrew her motion concerning upholding recommendation. Councilmember Humphrey withdrew his second.

Roll Call

7-0 Vote on motion to postpone decision for two weeks.  
(February 19, 1987)

## ECONOMY ENERGY

The Council, on Councilmember Rose's motion, Councilmember Carl-Mitchell's second, adopted a resolution approving entering into short-term agreements with other utilities to purchase or sell economy energy. (5-0 Vote, Mayor Pro Tem Trevino, Councilmembers Humphrey and Shipman out of the room)

## 12TH YEAR CDBG PROGRAM

The Council, on Mayor Cooksey's motion, Councilmember Carl-Mitchell's second, adopted a resolution to award contracts for the Housing and Economic Development Fund sponsored by the 12th Year CDBG Program as follows: (4-2 Vote, Mayor Pro Tem Trevino, Councilmember Rose voted No, Councilmember Urdy out of the room.)

\$ 50,000	National Business League
50,000	Urban League
350,000	Joint Venture Neighborhood Assn.

Transfer \$100,000 from the contingency fund.

## EXECUTIVE SESSION

Mayor Cooksey 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) Water Treatment Plant #4
  - (b) City of Austin v. Houston Lighting & Power
2. Land Acquisition - Section 2, Paragraph f
  - (a) Review contract terms and proposals on lease purchase of Sumiken Building.
  - (b) Consider lease/purchase negotiations on lease consolidation project.
  - (c) Consider lease/purchase negotiations on the Avante Building.
3. Personnel Matters and Performance Issues.

## RECESS

Council recessed its meeting at 8:58 p.m. and resumed its meeting at 11:05 p.m.

## PUBLIC HEARING - HILLS OF UNION CREEK WATER &amp; WASTEWATER SERVICE

Mayor Cooksey opened the public hearing set for 4:30 p.m. on amending the Water and Wastewater Service Area Ordinance (810820-B) to include property known as Hills of Onion Creek.

Jim Thompson, Director of Water and Wastewater, said this is an appropriate amendment.

Motion

The Council, on Councilmember Carl-Mitchell's motion, Councilmember Shipman's second, closed the public hearing, waived the requirement for three readings and finally passed an ordinance amending the Water and Wastewater Service Area Ordinance (810820-B) to include property known as Hills of Onion Creek. (5-0 Vote, Mayor Pro Tem Trevino and Councilmember Humphrey out of the room)

## PUBLIC HEARING - ROADWAYS

Mayor Cooksey opened the public hearing set for 5:00 p.m. on amending Chapter 13-2A Section 1305 and 1307, to add Jolleyville Road and Arterial 8 as principal roadways, and designating Arterial 8 and Spicewood Springs Road as scenic arterials.

George Zapalac gave a report.

Motion

The Council, on Councilmember Shipman's motion, Councilmember Carl-Mitchell's second, closed the public hearing, waived the requirement for three readings and finally passed an ordinance amending Chapter 13-2A Section 1305 & 1307, to add Jolleyville Road and Arterial 8 as principal roadways and designated Arterial 8 and Spicewood Springs Road as Scenic Arterials. (5-0 Vote, Councilmember Humphrey and Mayor Pro Tem Trevino out of the room.)

## PUBLIC HEARING - USE OF PRIVATE GARAGES

Mayor Cooksey opened the public hearing set for 5:30 p.m. on amending revised zoning regulations to regulate use of private garages. No one appeared to speak.

Motion

The Council, on Councilmember Carl-Mitchell's motion, Councilmember Shipman's second, closed the public hearing, waived the requirement for three readings and finally passed an ordinance amending Chapter 13-2A (Revised Zoning Regulations) to regulate the use of private garages and the storage of inoperable vehicles on adjacent public right-of-way. (5-0 Vote, Mayor Pro Tem Trevino and Councilmember Humphrey out of the room.)

## PUBLIC HEARING - BUILDING INSPECTION INTERNAL AUDIT

Mayor Cooksey opened the public hearing set for 6:15 p.m. on Building Inspection Department Internal Audit.

Steve Klepper addressed Council by saying "This report on Building Inspection audit is part of the City's Program Analysis and Evaluation Ordinance." (REPORT IS ON FILE IN CITY CLERKS' OFFICE)

Speakers at the hearing were Bennie Hawkins, AISD; Chartier Newton, AIA; and Mike Heitz.

Motion

The Council, on Councilmember Carl-Mitchell's motion, Councilmember Shipman's second, closed the public hearing. (5-0 Vote, Mayor Pro Tem Trevino and Councilmember Humphrey out of the room.)

## ZONING HEARING

Mayor Cooksey announced Council would hear the following zoning case. Council heard, closed the public hearing and passed through FIRST READING ONLY an ordinance covering the following changes:

-86 DAVIS SMITH  
201 INVESTMENTS  
By Charles C.  
Smith

2001 LaCasa

From "SF-3"  
To "LO"  
NOT RECOMMENDED  
RECOMMENDED "NO"  
subject to no access  
to South Lamar Blvd.  
and dedication of up  
to 60' of right-of-way  
from the centerline of  
Lamar Boulevard.  
FIRST READING

(On Councilmember Shipman's motion, Councilmember Carl-Mitchell's second, 4-1-0 Vote, Councilmember Urdy voted No, Mayor Pro Tem Trevino and Councilmember Humphrey out of the room.)

## PAY EQUITY TASK FORCE

The Council, on Councilmember Shipman's motion, Councilmember Carl-Mitchell's second, appointed the following as members of the Pay Equity Task Force: (5-0 Vote, Councilmember Humphrey and Mayor Pro Tem Trevino out of the room)

Cynthia Spurgeon, Wendell Bingham, Beth Paulin, Brian Graham-Moore, Arsinel Lainantis, Carol Guthry, Donna Green, Glenna Balch, Betty Mayor, Steve Leder, Eric Boone, Eddie Reeves and Sam Guzman

MINUTES APPROVED

The Council, on Councilmember Carl-Mitchell's motion, Councilmember Rose's second, approved minutes for regular meeting of January 29, 1987 and special meeting of January 27, 1987. (5-0 Vote, Mayor Pro Tem Trevino and Councilmember Humphrey out of the room)

SUSTAINABLE INDUSTRIES PROPOSAL

The Council, on Councilmember Carl-Mitchell's motion, Councilmember Shipman's second, approved an RFP for the Sustainable Industries Proposal. (4-0 Vote, Mayor Pro Tem Trevino, Councilmembers Humphrey and Urdy out of the room)

LEGISLATIVE UPDATE

The City Manager Report on Legislative Update was not given.

ADJOURNMENT

Council adjourned its meeting at 12:13 A.m.