



## Austin City Council MINUTES

For MARCH 12, 1987

Council Chambers, 307 West Second Street, Austin, Texas

### City Council

Frank C. Cooksey  
Mayor

John Treviño, Jr.  
Mayor Pro Tem

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

Jorge Carrasco  
City Manager

Elden Aldridge  
City Clerk

### Memorandum To:

Mayor Cooksey called to order the meeting of the Council, noting the presence of all Councilmembers, except Councilmembers Urdy and Carl-Mitchell, who arrived later.

### MINUTES APPROVED

The Council, on Councilmember Humphrey's motion, Councilmember Shipman's second, approved minutes for regular meeting of March 5, 1987 and special meeting of March 3, 1987. (5-0 Vote, Councilmembers Urdy and Carl-Mitchell absent)

### CITIZEN COMMUNICATIONS

Mark Weaver, Rory Derrick, Dirk Dozier, and John Weaver discussed homosexual behavior in adult bookstores. David S. Kirkland, Barney Oldham appeared to discuss the Council action on February 26, 1987 deleting Fire Department Review of roadways and water plans. Mr. Danny Stamper did not appear. Richard Martinez talked about the community education program and Mr. John D. Timmons discussed Little Shoal Creek. Gary Mansfield did not appear.

### ART REPORTS

Jane Wells presented the report on the Cultural Funding Process as outlined by the Art and Recreation Subcommittee. Cynthia Alexander presented the Austin Arts Commission report on Response to Art and Recreation Subcommittee Report.

### CITYWIDE SECTOR COUNCIL REPORT

Larry Guild Chairman of the City Wide Sector Council

requested funding for mailouts for the 14 urban sector's meetings. Mayor Cooksey asked the City Manager to develop a plan for resources to do this. City Manager Carrasco said they have looked at this for some time. Norman Standerfer, Director of Planning and Growth Management, said they have been working with the volunteer centers to get someone to do the mailing. He said to have a half-time person to do this would cost about \$12,000 a year for salary and mailing materials and stamps. This is not included in the budget. The Mayor said the information needs to get to the people and asked the City Manager to prepare a budget amendment to care for the sector council mailings.

#### AUSTINPLAN STEERING COMMITTEE REPORT

Brooks Kasson, chairperson, AustinPlan Steering Committee, discussed relationship of Austinplan and current decision-making.

#### OLD BUSINESS

##### Ordinances

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

ANTHONY DAYWOOD  
By Ruby Daywood  
C14-86-318

1000-1006 East 6th  
Street

From "CS-1"  
to "LI"

First reading on January 29, 1987, (6-0). Councilmember Carl-Mitchell absent. Conditions have been met as follows: Restrictive covenant incorporating conditions imposed by Council has been executed.

LAKE TRAVIS ISD  
By Dr. Walter Marks  
C14r-86-237

3322 RM 620 South

From "DR"  
to "SF-2"

First reading on January 7, 1987, (7-0). Conditions have been met as follows: Development restricted to that shown on site plan attached as an exhibit to the ordinance.

GEORGE S. NALLE,  
III  
By Armbrust & Brown  
C14-86-161

2625-2701 Bee Cave  
Road, 1006-1900  
MoPac Blvd.  
1000-1900 Capital  
Parkway Boulevard

From "SF-3" to  
"SF-2", "LR",  
"LO", "GO" &  
"GR"

REFER TRACT 2 ("LR" TRACT)  
BACK TO PLANNING COMMISSION  
AND ORDINANCE APPROVED ON  
THE REST

5-1-0 Vote, Mayor Pro Tem Trevino  
voted No, and Councilmember Rose  
abstained.

First reading on November 20, 1986, (5-2). Mayor Pro Tem Trevino and

and Councilmember Rose voted "NO". Conditions have been met as follows: Restrictive covenant incorporating conditions imposed by Council has been executed.

CLIFFORD J. ANTONE  
C14-86-043

2915 Guadalupe  
Street

From "CS" to  
"CS-1"

\* POSTPONED TO JUNE 25, 1987 \*

GLENN SYNOTT  
By James M. Rose  
C14r-85-336

320 West William  
Cannon Drive

From "LO" to  
"GR"

6-1 Vote, Councilmember Rose abstained

First reading on February 26, 1987, (6-0). Councilmember Rose abstained. Conditions have been met as follows: Restrictive covenant incorporating conditions imposed by Council has been executed. Development restricted to that shown on site plan attached as an exhibit to the ordinance.

BURFORD WESTLUND  
C14-85-288.26

State Highway 71

From Interim "RR"  
and Interim "SF-2"  
to "GR"

Second and third reading. First reading on May 7, 1986, (5-0) Councilmember Humphrey and Rose absent. Conditions have been met.

BILL HOWELL  
C14-85-288.27

State Highway 71

From Interim "RR"  
and Interim "SF-2"  
to "GR"

Second and third reading. First reading on May 7, 1986, (5-0). Councilmember Humphrey and Rose absent. Conditions have been met.

#### Grievance Committee

Amended the ordinance prohibiting boards and commissions to meet in executive session to allow the Grievance Committee to hold executive sessions for the purpose of deliberation.

#### LEASE AGREEMENT - CLARKSVILLE COMMUNITY DEVELOPMENT CORPORATION

The Council, on Councilmember Carl-Mitchell's motion, Councilmember Humphrey's second, adopted a resolution approving entering into a Lease Agreement with the Clarksville Neighborhood Center at 1807 West 11th Street. (7-0 Vote)

#### 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 all in one consent motion: (7-0 Vote)

Capital Improvements Program

Set a public hearing at 4:00 p.m., April 23, 1987 in connection with paving assessments to be levied on Wheless Lane, consisting of one unit covering approximately 6 blocks. C.I.P. No. 85/62-61.

Zoning Ordinance

Approved amending Chapter 13-2A of the Austin City Code (Zoning Ordinance) to cover the following change:

- |                   |                  |                     |
|-------------------|------------------|---------------------|
| a. CROW-GOTTESMAN | 9901-9909 Burnet | From Interim "SF-3" |
| C14-73-253(part)  | Road             | to "LI"             |

Heard and granted February 7, 1974, (7-0). No conditions to be met.

CONSENT RESOLUTIONS

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

Release of Easements

Authorized release of the following easements:

- a. A portion of a public utility easement of record in Volume 47, Page 25, Plat Records of Travis County, Texas, located on Lot 3, R.E. Austin Subdivision, 860 East Anderson Lane. (Request submitted by Mr. Joe F. Gray)
- b. A portion of 5' electric and telephone easement of record in Volume 3310, Page 1756, insofar as it affects Lots 2 and 3, Block "H", Maple Run Section Eight, Cortina Drive (Request submitted by Thomas R. Ryan on behalf of Bill Milburn, Inc.)  
(6-0 VOTE, Councilmember Rose abstained)
- c. A portion of a drainage easement of unspecified width of record in Volume 607, Page 386, Travis County Real Property Records and a portion of a drainage easement of unspecified width of record in Volume 608, Page 560, Travis County Real Property Records, insofar as they affect Lots 1 and 2, Martha E. Whitten Addition and Lot 2, Seton Medical Center Addition No. Four. (Request submitted by Metcalfe Engineering Company, Inc., on behalf of Seton Medical Center)

Capital Improvements Program

Approved acquisition of a 0.922 acre (40,150.457 square feet) tract of land for the purpose of U.S. Hwy. 290/S.H. 71 right-of-way. C.I.P. No. 85/62-02

Capital Improvements Program

Approved acquisition of right-of-way for State Highway 71 at I.H. 35.  
C.I.P. No. 85/62-02.

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Approved the following Change Order:

- a. In the amount of \$37,741.50 to Garey Construction Company for Kramer Lane Service Center Railroad Spur and Dock. (16.36% increase of the original contract amount of \$230,629.55) C.I.P. No. 79/11-01

Contracts Approved

- |  |  |
|--|--|
| a. SEIMENS ENERGY & AUTOMATION, INC.<br>7801 Broadway, Suite 210<br>San Antonio, Texas | - CAPITAL IMPROVEMENTS PROGRAM -<br>Six (6) High Voltage (138KV)<br>Disconnect Switches for the<br>200 MW Gas Turbine Project at<br>Decker Creek Power Station,<br>Electric Utility Department<br>Total \$28,169.00 C.I.P. No.<br>85/12-04 |
| b. HENKELS & MCCOY, INC.<br>4220 Justin Road<br>Lewisville, Texas                      | - CAPITAL IMPROVEMENTS PROGRAM -<br>Repair of 345 KV Transmission<br>Line, Circuit 3120 - Structure<br>41-3, Electric Utility<br>Department<br>Total \$39,505.00 C.I.P. No.<br>87/13-01  |
| c. TERRA CONSTRUCTORS, INC.<br>P. O. Box 784<br>Pflugerville, Texas                    | - CAPITAL IMPROVEMENTS PROGRAM -<br>Northtown Transmission Main,<br>Phase I, Water and Wastewater<br>Utility Department<br>Total \$431,428.00 C.I.P. No.<br>85/22-21   |
| d. W. K. JENNINGS ELECTRIC COMPANY, INC.<br>1707 Dungan Lane<br>Austin, Texas          | - CAPITAL IMPROVEMENTS PROGRAM -<br>Installation of Underground<br>Electric Distribution Facilities<br>for Northwood Park, Electric<br>Utility Department<br>Total \$42,589.80 C.I.P. No.<br>87/15-01                                      |
| e. THE L. E. MYERS COMPANY<br>4315 Allen Genoa Road<br>Pasadena, Texas                 | - CAPITAL IMPROVEMENTS PROGRAM -<br>Overhead Electric Distribution<br>Facilities for Burnet Road-<br>Anderson Lane to MAG. Substation,<br>Electric Utility Department<br>Total \$59,496.20 C.I.P. No.<br>87/14-02                          |

- f. BORG WARNER INDUSTRIAL PRODUCTS  
6330 Dixie Drive  
Houston, Texas
  - Vertical Centrifugal Pumps,  
Electric Utility Department  
Item 1 - \$49,968.00  
87-0110-DC
- g. U. S. PIPE & FOUNDRY  
12970 Pandora Drive  
Dallas, Texas
  - Ductile Pipe, General Services  
Department  
Twelve (12) Month Supply Agreement  
Items 1-7 - \$172,287.00  
87-0111-DC
- h. RIVER CITY MACHINERY COMPANY  
12949 Research Boulevard  
Austin, Texas
  - Wheel-mounted Trenching  
Machine with Rock Cutter,  
General Services Department  
Item 1 - \$33,390.00 87-0095-FC
- i. SOUTHSIDE WRECKER SERVICES  
4308 Terry-O Lane  
Austin, Texas
  - Removal of Abandoned and  
Junked Vehicles, General  
Services Department  
Twelve (12) Month Contract  
Estimated total \$45,000.00  
87-S002-EF
- j. JACK ANSTEY DBA  
Mr. Transmission #217  
6218 Manchaca Road  
Austin, Texas
  - Repair of Automatic  
Transmissions for passenger  
cars, pickups, and vans,  
General Services Department  
Twelve (12) Month Service Agree-  
ment  
Total \$47,890.00 87-S197-EF

#### Boggy Creek

Authorized and approved for the City Manager to enter into an agreement with the Southern Union Gas Company for the relocation of a natural gas pipeline across Boggy Creek in conjunction with the construction of the Boggy Creek Flood Control Project.

#### Community Facilities Agreement

Approved a Community Facilities Agreement with WSLA Corporation for construction of portions of Jollyville and Anderson Mill Transmission Mains on Pecan Park Boulevard, near the intersection of U.S. 183 and R.R. 620.

#### Item Postponed

Postponed until March 19, 1987 is consideration of the following contracts:

Consider determining the route of, acquiring easements and fee titles for, and constructing Circuit 961, Jollyville to Howard Lane.

Consider determining the route of, acquiring easements and fee titles for, and constructing Circuit 974, Dessau to Sprinkle.

Consider locating, surveying, and determining compensation to be paid for said interest, and negotiating for and acquiring fee titles for, and constructing Dessau Electric Substation.

Consider determining the route of, acquiring easements and fee titles for, and constructing Circuit 3126, Austrop to McNeil.

#### Foreign Trade Zone in Austin

Approved seeking State of Texas authorization to create a foreign-trade zone in Austin.

#### Fire Districts

Authorized notice to Travis County Rural Fire Prevention Districts No. 1, 3, 4, 6, 7, 8 and 9 of the City of Austin's full-purpose corporate limits which receive fire protection from the City of Austin so that certain land areas will be de-annexed by the fire districts.

#### Public Hearing Set

Set a public hearing on the following:

- a. Electric Utility Hearing Examiner: March 19, 1987 at 3:30 p.m.

#### DUPLEX SUBDIVISION ORDINANCE

Council had before them for consideration an amendment to Ordinance No. 870219-R (Duplex Subdivision Ordinance) to provide minimum standards for easements, covenants, and restrictions included in a declaration for duplex subdivision use.

Andy Martin, Assistant City Attorney, told Council, "We have amended the ordinance that you adopted on the 19th, deleted the two sections that called for a restrictive covenant and a party wall agreement and substitute in lieu of those two sections a requirement that an applicant for a duplex subdivision record, immediately prior to the recordation of the plat of the duplex subdivision a declaration for single family attached residential use which incorporates the requirements that the property be used strictly in conformance with the requirements imposed by the duplex subdivision ordinances; and that all dwelling units be constructed in accordance with the Building Code that the City has adopted; and that necessary easements, covenants, restrictions for private utilities, joint use of driveways and parking areas, and use and maintenance of common structural elements be

prepared by the attorney representing the person seeking to subdivide the property and be reviewed and approved by staff, and that any other additional easements or covenants or restrictions that the applicant thinks may be necessary or desirable for the use of the property will also be included in that declaration."

Mayor Cooksey asked, "What about subsequent sales. Can we require that a person have an attorney to review those sales?" Mr. Martin said he was not quite certain how this could be done. Mayor Cooksey said, "We can just pass an ordinance". Mr. Martin said the language could be added if that is what the Mayor would like. Mayor Cooksey said he would. Discussion followed concerning this suggestion. Mr. Martin said he would look into it and bring it back as an amendment on March 19, 1987.

#### Motion

The Council, on Councilmember Rose's motion, Councilmember Carl-Mitchell's second, waived the requirement for three readings and finally passed an ordinance amending Ordinance No. 870219-R (Duplex Subdivision Ordinance) to provide minimum standards for easements, covenants, and restrictions included in a declaration for duplex subdivision use. (7-0 Vote)

#### FIVE YEAR FINANCIAL FORECAST FOR FISCAL YEARS 1987/88 - 1991/92

Virginia Rutledge, Director of Financial Services, discussed the five year financial forecast for fiscal years 1987/88 - 1991/92. Copies of the report are in the Financial Services office.

Councilmember Shipman said she did not want to adopt this as a resolution, but rather, accept it as a working document. After a discussion of the semantics, the following motion was made:

#### Motion

The Council, on Councilmember Shipman's motion, Mayor Cooksey's second, accepted, as a working document, the Five Year Financial Forecast for Fiscal Years 1987/88 - 1991/92. (6-0 Vote, Mayor Pro Tem Trevino out of the room)

#### SITE DEVELOPMENT REQUIREMENTS WAIVED

The Council, on Councilmember Rose's motion, Councilmember Shipman's second, waived the requirement for three readings and finally passed an ordinance waiving site development requirements imposed by division 2, Article V, Chapter 9-10 of the Austin City Code of 1981 (Aquifer-related Williamson Creek Watershed) for certain property included in zoning cases No. C14-85-288.28 and C14-85-288.29. (6-0 Vote, Mayor Pro Tem Trevino out of the room)



**GAS FOR CITY'S POWER PLANTS**

The Council, on Councilmember Humphrey's motion, Mayor Pro Tem Trevino's second, adopted a resolution to approve entering into a contract to provide 25% of the gas needs to fuel the City's power plants. (5-0 Vote, Mayor Pro Tem Trevino and Councilmember Rose out of the room)

**LEAST COST UTILITY PLANNING PROGRAM OPPORTUNITY**

The Council, on Councilmember Humphrey's motion, Mayor Pro Tem Trevino's second, adopted a resolution approving a grant application to the U.S. Department of Energy in response to a Least-Cost Utility Planning Program Opportunity. (5-0 Vote, Councilmembers Carl-Mitchell and Rose out of the room)

**BOGGY CREEK FLOOD CONTROL PROJECTS**

Council discussed the item introduced to Council by Mayor Cooksey considering expeditious and efficient handling of Boggy Creek Flood Control Projects. Mayor Cooksey asked for a report on this in two months.

**CITY FUNDS FOR EXECUTIVE TALENT SEARCH FIRMS**

The Council, on Councilmember Shipman's motion, Mayor Cooksey's second, approved directing the City Manager to expend no more City funds for executive talent search firms without the Council's approval, for the remainder of this fiscal year. (6-1 Vote, Mayor Pro Tem Trevino voted No.)

**NO ACTION TAKEN ON ITEM**

The Council took no action on a resolution to consider approval of the selection of professional engineering services in connection with the Water and Wastewater Utility Innovative/Alternative Wastewater Treatment Methods.

**ITEM POSTPONED**

Postponed to March 19, 1987 is a resolution to consider approval of a proposed supplemental amendment to the existing professional services agreement between the City of Austin and Stone and Webster Engineering Corporation in connection with the gas turbine construction phase and post-construction phase engineering services, \$350,000.00. C.I.P. No. 85/12-04

**BRACKENRIDGE TRACT**

The Council, on Councilmember Rose's motion, Councilmember Shipman's second, approved beginning negotiations with the University of Texas on the future of the Brackenridge Tract. (5-0 Vote, Councilmembers Carl-Mitchell and Urdy out of the room)

**CITY MANAGER REPORT POSTPONED**

Postponed to a work session was the City Manager report on review of purchasing procedures.

**OFFICE ON AGING**

A report on the Office on Aging was presented by Charles Jordan, Director of Parks and Recreation Department. He said they can either consolidate the programs devoted to senior citizens or apply for a triple A designation, but that would take until 1990 to accomplish the latter. Mr. Jordan said he would bring back a proposal with advantages and disadvantages and that he had no recommendation until more information is obtained. He said there is an effort toward collaboration between the county and the city.

Councilmember Rose said the office on aging was proposed four years ago and the City staff opposed. He expressed hope that the idea would go forward at this time.

**PUBLIC HEARING - STREET NAME CHANGE**

Mayor Cooksey opened the public hearing set for 4:00 p.m. to consider changing the name of a portion of McCarty Lane to Brush Country Road. Council was told there is no opposition to the street name change.

**Motion**

The Council, on Councilmember Shipman's motion, Mayor Cooksey's second, waived the requirement for three readings and finally passed an ordinance changing the name of a portion of McCarty Lane to Brush Country Road. (Case No. NC-87-006) (5-0 Vote, Councilmembers Urdy and Carl-Mitchell out of the room)

**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) Concerned Landowners and Citizens Organization, Inc. v. Aleshire et al.
2. Land Acquisition - Section 2, Paragraph f
  - (a) Municipal Office Consolidation
  - (b) Land Acquisition Proposals
3. Agenda Item F.18 - Consider options available to authorize the issuance of bonds for conservation purposes and direct appropriate action to be taken.

RECESS

Council recessed its meeting from 6:55 p.m. to 8:07 p.m. Mayor Cooksey announced no formal Council action is required on Agenda Item F.18.

CITY MANAGER REPORTS

City Manager reports on Legislative Update & Transportation of Hazardous Waste were not given. The report on Town Lake Comprehensive Plan was postponed to the Tuesday, March 17, 1987 work session.

ADJOURNMENT

Council adjourned its meeting at 8:12 p.m.