



Austin City Council MINUTES

For APRIL 25, 1985 - 1 P.M.

Council Chambers, 307 West Second Street, Austin, Texas

City Council

Ron Mullen
Mayor

John Treviño, Jr.
Mayor Pro Tem

Council Members
Mark Rose
Roger Duncan
Sally Shipman
Mark E. Spaeth
Charles E. Urdy

Jorge Carrasco
City Manager

Elden Aldridge
City Clerk

Memorandum To:

Mayor Mullen called to order the meeting of the Council, noting the absence of Councilmember Spaeth.

MINUTES APPROVED

The Council, on Councilmember Shipman's motion, Mayor Mullen's second, approved minutes for regular meeting of April 11, 1985 and Special Meetings of February 6, 1985, March 29, 1985 & April 8 & 10, 1985. (5-0 Vote, Councilmember Urdy out of the room)

CONSENT ORDINANCES

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

Operating Budget Amendment

Amended the 1984-85 Operating Budget by:
Appropriating \$136,384.00 from the General Fund Ending Balance to the Financial Services Department to provide funding for staff and associated costs for the Municipal Office Complex Project and to fund special legal and accounting services regarding the Municipal Office Complex. (6-0 Vote)

Item Pulled

An ordinance to consider amending Ordinance No. 830921-DD relating to Parks and Recreation Department Annual and Multi-Entry Fees was pulled from the agenda to be sent to the Parks Board first.

FIRST Reading Only of Annexations

Passed through first reading only of ordinances annexing the following:

- a. Approximately 390 acres of land out of Travis County and Hays County, Texas, Oak Hill Heights Section Four and Five and unplatted land, Breezy Pass Cove, Portions of Bird View Blvd., Wolfcreek Pass and along FM 1826, for full purposes.
(C7a-85-004 - Phase I - Hwy. 290/FM 1826 Corridor)
- b. Approximately 46.38 acres of land out of and a part of the Thomas Anderson Survey No. 90, and the Jesse Williams Survey No. 62 in Travis County, along U.S. Highway 290 West, said property currently being located within the limited-purpose boundaries of the City of Austin, for full purposes.
(C7a-85-004 - Phase I - Hwy. 290/FM 1826 corridor)

Zoning Ordinances

Amended Chapter 13-2 of the Austin City Code (Zoning Ordinance) to cover the following changes:

- | | | |
|---|--|--|
| a. WALTER & VIRGINIA
By Clifton Winstead
C14-84-054 | 6917 McNeil Drive | From "SF-3" to "LO" |
| b. PATTERSON BARRETT
C14-84-255 | 4405 Gillis Street | From "A-3" to "SF-6" |
| c. VIOLA REGISTER
BY Paul Harris
C14-84-307 | 4008 Clawson Road | From "SF-3" to "MF-3" |
| . CFC/HARDIN JOINT
VENTURE
By William Faust
C14-84-402 | 8200-8336 Cross Park
Drive

EMERGENCY PASSAGE | From Interim "SF-2"
to "IP"

From Interim "SF-2" to
"IP" |

- e. TRISOURCE AUSTIN
SOUTH POINT ASSOCIATION
By Dick L. Simmons
C14-84-319
6717 Circle S. Road
EMERGENCY PASSAGE
From "LI" to "MF-3"
- f. STALONG COMPANY
By Steve Price
C14-84-355
800 East William
Cannon Drive
From "GR" 1st to
"GR" 2nd
- g. CITY OF AUSTIN OFFICE
OF LAND DEVELOPMENT
SERVICES
C14-81-179
3601, 3605, 3607
Lawton Drive
From "LO" to "MF-2"
- h. T.C. STEINER
By Mike Smith
C14r-84-321
828 Bastrop Hwy.
EMERGENCY PASSAGE
From Interim "SF-3"
Interim "SF-2" &
"CS" to "LR"
- i. A & H INVESTMENTS
C14-84-341
8204 Brodie Lane
From Interim "SF-3"
to "LR"
- j. VANIECE & STERLING
SWIFT
By Campbell McGinnis
C14-84-181
1600 Fortview Road
From "GR" to "CS"
- k. FRONTIER TRAILS, INC.
By John M. Joseph
C14-83-098 (part)
3500-3608 & 3508-3816
Bannockburn Drive
From Interim "SF-2"
to "SF-6"
- (5-1 Vote, Councilmember Shipman voted No,
Councilmember Spaeth absent)
- l. BERMUDA INNS, INC.
C14-83-003.52
1705 Quinlan Park Road
From "SF-3" and
Interim "LA" to
"LO" & "GR"
- m. BRABAND-WEIL
PARTNERSHIP
By Gerrance Irion
C14-84-226
8947 RM 2244
EMERGENCY PASSAGE
From "I-SF-2" to
"LR"

CONSENT RESOLUTIONS

The Council, on Councilmember Shipman's motion,
Mayor Mullen's second, adopted the following resolutions" (6-0 Vote,
Councilmember Spaeth absent)

Release of Easements

Authorized release of the following easements:

- a. A portion of the Public Utility Easement on Lots A and B Town and Country Village Addition, Section I. (Request submitted by Jeryl Hart Engineering, Inc.)
- b. The 30' Drainage Easement as dedicated on Lot 32, Block A, Cat Mountain Villas Section Two, 6000 Twin Valley Cove. (Request submitted by Texas Mortgage Investors)
- c. The Electric and Telephone Easement recorded in Volume 3622, Page 166, of the Travis County Real Property Records, 8406-8412 South Congress Avenue. (Request submitted by Clyde A. Hudson)
- d. A portion of the Drainage Easement on the side lot line of Lot 2, Block B, Balcones Oaks Section III-A, 11745 D-K Ranch Road. (Request submitted by Mr. Larry Herpel)
- e. The 5' Public Utility Easement on Lot 13, Treadwell Addition Section One, 6500 Nasco. (Request submitted by Mr. J.P. Stallworth)
- f. The 7.5' Public Utility Easement on Lot 1, Block K, Great Hills X. (Request submitted by Espey-Huston and Associates, Inc.)

License Agreements

Approved entering into the following License Agreements:

- a. To allow the aerial encroachment of a canopy into the Public Utility Easement on Lot 1, Old Tarlton Center Subdivision, Walsh Tarlton Lane at Bee Caves Road. (Request submitted by West Woods Partnership on behalf of the property owners)
- b. To allow the encroachment of a planter box and landscaping into the public right-of-way adjoining Lot 45, Block H, Jester Estates, Section One, Phase I, 6703 Beauford Drive. (Request submitted by Mr. John Heath)

Item Pulled

Council pulled from the agenda a resolution to consider declaring a 1.0637 acre state-owned tract of land as surplus for highway and public transportation purposes. (Request submitted by the State Department of Highways and Public Transportation)

Surplus Right-Of-Way

Approved declaring a 6.07 acre state-owned tract of land as surplus right-of-way. (Request submitted by the State Department of Highways and Public Transportation.)

Leases

Approved lease with Woerner Properties for the Building Inspection Department.

Amended lease with Morris Jaffe for Austin Fire Department (Fire Prevention Division).

Amended lease with South Lamar Business Center, Ltd. for the Planning and Growth Management Department.

Approved sublease agreement with Calcasieu Lumber Company for the Financial Services Department (USCO) and Public Works (Building Maintenance and Services).

Community Facilities Contract

Approved entering into a Community Facilities Contract with Advanced Micro Devices, Inc. (AMD) and Home Savings and Loan Association for the construction of Oltorf Street and a water line within the AMD and Home Savings tracts of land.

Richard Ridings stated: "We mutually agreed with the contractor and developer to leave the original alignment of Oltorf on the north property line where it originally is planned and also agreed to take the water line out of the contract, so those are mutually agreed deletions from the contract and everything else will be the same."

Eminent Domain Proceedings

Authorized eminent domain proceedings to acquire waterline easements along South IH 35:

- a. 0.084 acre waterline easement out of that certain two acre tract of land described in a Deed recorded in Volume 4493, Page 2398 of the Travis County Deed Records. (James H. Watson, owner)
- b. 0.21 acre Waterline Easement out of the tract of land described in a Deed recorded in Volume 8338, Page 300 of the Deed Records of Travis County, Texas. (Norman and Monroe Euers, owners)
- c. 0.062 acre waterline easement out of the tract of land described in a deed recorded in Volume 8338, Page 298 of the Deed Records of Travis County, Texas. (Melvin Euers, owner)

Change Orders

Approved the following Change Orders:

- a. In the amount of \$39,389.00 to Fleet Body Equipment for truck bodies. (9.7% increase of the original contract) 85-0087-MB
- b. In the amount of \$106,953.00 to Leif Johnson Ford Truck City for truck cab and chassis. (8.1% increase of the original contract) 85-0086-MB
- c. CAPITAL IMPROVEMENTS PROGRAM - In the amount of \$35,350 to Allan Construction Company for the Nuckols Crossing Road Improvements. (3.78% increase of the original contract) C.I.P. No. 78/62-36

Capital Improvements Program

Approved acquisition of the following:

- a. A 2.49 acre tract of land for the proposed Jollyville Electric Substation, Phil Mockford, Trustee. C.I.P. No. 85/16-04
- b. A Drainage Easement for a sedimentation pond for the Jollyville Road, Phase I Project, Jim Whorton & Ed Harlan. CAPITAL IMPROVEMENTS PROGRAM No. 84/62-14.
- c. 347 acres in the Hornsby Bend area for Wastewater and Electric Facilities. CAPITAL IMPROVEMENTS Nos. 85/23-15, 84/12-01 and 85/12-05.

Contracts Approved

Approved the following contracts:

- a. RODGERS CONSTRUCTION COMPANY
1400 Broadfield, Suite 110
Houston, Texas
- CAPITAL IMPROVEMENTS PROGRAM -
Construction of Brackenridge 2000
Heliport and Emergency Dock,
Brackenridge Hosital
Total \$1,261,000.00 C.I.P. No.
80/84-08
- b. GARNEY COMPANIES INC.
P. O. Box 1509
Round Rock, Texas
- CAPITAL IMPROVEMENTS PROGRAM -
Construction of approximately
1543 linear feet of 60 inch R.C.P.
Effluent Outfall Main (from the
existing main to the Outfall
Structure at Onion Creek), Public
Works Department - \$278,490.00
C.I.P. No. 73/23-11

- c. PEABODY SOUTHWEST, INC.
P. O. Box 19308
Austin, Texas
- CAPITAL IMPROVEMENTS PROGRAM -
Construction of approximately
15,000 linear feet of 12 inch
diameter Ductile Iron Sludge Force
Main from Onion Creek Wastewater
Treatment Plant to the Hornsby Bend
Sludge Handling Facilities, Public
Works Department - \$544,330.00
C.I.P. No. 73/23-11
- d. PREFERRED CONSTRUCTION COMPANY
2002 Bremen
Austin, Texas
- CAPITAL IMPROVEMENTS PROGRAM -
Construction of Angus Valley
8-inch Wastewater Line, Water &
Wastewater Department - \$487,909.00
C.I.P. No. 81/23-14
- e. PANHANDLE CONSTRUCTION COMPANY
P. O. Box 506
Cedar Park, Texas
- CAPITAL IMPROVEMENTS PROGRAM -
Construction of Mockingbird Hill
Sections 1 & 2 proposed 8-inch
Wastewater Line, Phase II-A, Water
and Wastewater Department -
\$643,940.00 C.I.P. No. 85/23-09
- f. UTILITY CONTRACTORS, INC.
8585 N. Stemmons Freeway
Dallas, Texas
- CAPITAL IMPROVEMENTS PROGRAM -
Installation of Underground
Electric Distribution Facilities
for Austin Hill Section 1, Phase
I-B, Electric Utility Department -
\$26,619.13 C.I.P. No. 84/15-01
- g. JOE McDANIEL CONSTRUCTION CO.
15203 Hwy. 71 West
Austin, Texas
- CAPITAL IMPROVEMENTS PROGRAM -
Installation of Underground
Electric Distribution Facilities
for Austin Lake Hills Section 2,
Electric Utility Department -
\$80,473.21 C.I.P. No. 84/15-01
- h. COMBUSTION ENGINEERINGS, INC.
3336 Richmond Avenue
Houston, Texas
- Repair Parts for Pilot
Torch Nozzle Assemblies for Holly
Power Plants #1 and #2, Electric
Utility Department - \$29,217.20
85-0201-QM
- i. KOPPERS COMPANY, INC.
Forrest Products Division
16630 Imperial Valley Dr. #215
Houston, Texas
- Wood Electric Utility Poles,
Electric Utility Department
Twenty-four (24) Month Supply
Agreement
Total \$1,073,567.00 85-0147-AV
- j. CLOW CORPORATION
South Second Street
Oskaloosa, Iowa
- Repair Parts for Hydraulic Valves,
Water and Wastewater Department
Total \$51,895.49 85-0004-DC

k. Bid award:

- Asphalt Concrete Materials and Asphalt Stabilized Base, Public Works Department
Twelve (12) Month Supply Agreement
Bids to be awarded by progressive purchasing method from low to high bid - \$579,435.00 85-0183-AV

(1) AUSTIN ROAD COMPANY
438 East Anderson Lane
Austin, Texas

(2) CAPITOL AGGREGATES
Bolm Road
Austin, Texas

(3) PIONEER AGGREGATES/AUSTIN DIVISION
8900 Ramirez Lane
Austin, Texas

l. NIECE EQUIPMENT & SUPPLY
16029 N. IH 35
Austin, Texas

- Three (3) replacement and Seven (7) Additional Truck-Mounted Air Compressors, Vehicle and Equipment Services Department
Total \$76,500.00 85-0139-MB

m. FLEET BODY EQUIPMENT
6900 South IH 35
Austin, Texas

- One Additional and One Replacement Van-mounted Aerial Tower, Vehicle and Equipment Services Department
Total \$56,760.00 85-0176-MB

n. COOPER EQUIPMENT COMPANY
8723 Broadway
San Antonio, Texas

- Truck-mounted Bituminous Pressure Distributor, Vehicle and Equipment Services Department
Total \$27,580.00 85-0130-MB

o. DITCH WITCH OF CENTRAL TEXAS
12002 IH-35 North
Austin, Texas

- Wheel-mounted Trenching Machines, Vehicle and Equipment Services Department
Total \$46,497.00 85-0179-DC

p. COLLINS AMBULANCE SALES & SERVICE
Ft. Worth Highway
Mansfield, Texas

- Replacement Vehicles, Vehicle and Equipment Services Department
Total \$142,240.00 85-0210-MB

q. CONSERVATION UNLIMITED, INC.
10201B McKalla
Austin, Texas

- Low Flow Shower Heads and Toilet Dams, Resource Management Department
Total \$89,500.00 85-0197-QM

- r. TECHLINE, INC.
8750 Shoal Creek Boulevard
Austin, Texas
- s. DYNAMIC REPROGRAPHICS
1002 West 12th Street
Austin, Texas
- t. G. T. DISTRIBUTORS
7801 North Lamar, #E-206
Austin, Texas
- u. OWENS & MINOR, INC.
11500 Braesview #3904
San Antonio, Texas
- v. MALLINCKRODT, INC.
Diagnostic Product Division
P. O. Box 5840
St. Louis, Missouri
- w. SOUTHWEST MEDICAL PACKAGING
16815 Parkstone
San Antonio, Texas
- x. AMERICAN HOSPITAL SUPPLY
Rt. 1, Box 204
Mt. Calm, Texas
- y. R. P. KINCHELOE COMPANY
P. O. Box 26200
Dallas, Texas
- z. SOUTHWEST MEDICAL PKG.
16815 Parkstone
San Antonio, Texas
- aa. UNITED MEDICAL
5117 Northeast Parkway
Ft. Worth, Texas
- bb. SARNS, INC.
6200 Jackson Road
Ann Arbor, Michigan
- Steel Traffic Strain Pole
Assemblies, Central Stores
Division
Item 1 - \$26,880.00 85-0152-AV
- Blue-line Paper & Miscellaneous
Supplies, Office Services Division
Twelve (12) Month Supply Agreement
Total \$32,079.00 85-0186-GW
- Police Service Revolvers, Police
Department
Twelve (12) Month Supply Agreement
Total \$44,519.00 85-0170-DC
- Open Heart Kits, Brackenridge
Hospital
Twelve (12) Month Supply Agreement
Total \$53,640.00 BS5-1151
- Generic Drugs, Brackenridge
Hospital
Twelve (12) Month Supply Agreement
Total \$31,330.08 BS5-1089
- Admission Kits, Brackenridge
Hospital
Twenty-Four (24) Month Supply
Agreement
Item 1 - \$41,283.00 BS5-1117
- Canister Liners, Brackenridge
Hospital
Twelve (12) Month Supply Agreement
Item 1 - \$25,500.00 BS5-1116
- Two (2) Mobil Radiographic
Systems, Brackenridge Hospital
Total \$55,000.00 BH5-1148
- Care Kits, Brackenridge Hospital
Twelve (12) Month Supply Agreement
Total \$86,762.80 BS5-1138
- Needle Guards and Skin Markers,
Brackenridge Hospital
Twelve (12) Month Supply Agreement
Items 1 & 2 - \$31,428.00 BS5-1127
- Heart Lung Machine, Brackenridge
Hospital
Total \$53,381.42 BH5-1167

Accounting Support Services - Municipal Office Complex

Approved a contract with Coopers & Lybrand to provide accounting support services to the City during development of the Municipal Office Complex Project.

Legal Services - Municipal Office Complex

Approved a contract for special legal services, including tax-exempt public finance counsel, with Fulbright & Jaworski, for the Municipal Office Complex.

Pipeline License

Approved entering into a Pipe Line License with Missouri-Pacific Railroad Company to construct one 24-inch water main beneath the railroad's right-of-way and track at Mile Post 4.2 on the Bergstrom Spur.

ETJ

Accepted in concept an adjustment to the ETJ with the City of Pflugerville.

Grant Application

Authorized submission of a grant application in the amount of \$25,000 from the Institute of Museum Services to be used at the Austin Nature Center for Fiscal Year 1985-86.

General Policy - Proposed Initiative Petitions

Approved establishing a general policy on requests for legal opinions on the validity of proposed initiative petitions. City Attorney to review any petition being initiated without need for Council action first.

Item to Be Brought Back

Consideration of the following for the 11th Year Community Development Block Grant Program will be taken on May 2, 1985:

- a. Determine priority needs and adopt General Topic Areas to be funded through the 11th Year CDBG Program.
- b. Establish funding allocations for each activity.
- c. Authorize submission of the planned activities for the 11th year CDBG program as adopted by the City Council to the Department of Housing & Urban Development. (HUD)

Public Hearings Set

Set public hearings on the following:

- a. Present and discuss the Master Urban Design Plan for East 6th and 7th Streets Commercial Corridor, as completed by Villalva-Cotera-Kolar: May 9, 1985 at 4 p.m.
- b. An appeal from Richard L. Ridings, Director of Public Works Department, of the Planning Commission's decision regarding a Special Permit for Louis Howard, 12602 Research Blvd: May 16, 1985 at 2:30 p.m.
- c. An appeal from Mr. Charles Pieper of the Planning Commission's decision to deny a variance to the Lake Austin Watershed Ordinance. C-3v85007: May 9 at 1 p.m.
- d. An appeal from Peggy Wilson, of the Planning Commission's decision regarding a Special Permit for 5400 N. Lamar. (C14p-85-005): May 16, 1985 at 5 p.m.

No action taken on setting of the following hearing:

- e. An appeal from Mr. Bert M. Cromack of the Planning Commission's decision approving a variance of Sec. 13-3-306 and Sec. 9-10-334 of the Barton Creek Ordinances for H.E. Brodie Tract on Loop 360.
- f. To satisfy the Federal T.E.F.R.A. requirements and the commercial project hearing requirements for an Industrial Development Project (Cattleman's State Bank Project): May 9, 1985 at 2:30 p.m.

PUBLIC HEARING - APPEAL FROM MR. CHARLES L. VILLASENOR

Mayor Mullen opened the public hearing set for 2:00 p.m. on an appeal from Mr. Charles L. Villaseñor of the Planning Commission's decision to deny a Special Permit for 2711 East First Street. C14p-84-003.

Marie Gaines, Office of Land Development Services, reviewed the zoning request and said it is a 32 seat bar known as Mannies. There is no opposition from the surrounding neighborhood.

Mr. Villaseñor said the whole area is commercial and beer is sold in places all around him.

Motion

Mayor Pro Tem Trevino made a motion, seconded by Councilmember Urduy to close the public hearing and approve the Special Permit for 2711 East First Street.

Councilmember Shipman asked, "Under the terms of the new Zoning Ordinance, will Special Permits be processed concurrently with the C2 zoning, or does it require Council setting a policy to initiate that?" Marie Gaines told her it will require Council policy. Councilmember Shipman said they ought to adopt that policy if it requires an agenda item. After inquiring if this can be done in conjunction with the motion on the floor and being told it can, she offered a friendly amendment.

Friendly Amendment

Councilmember Shipman offered a friendly amendment that under terms of the new Zoning Ordinance, Special Permits are to be processed concurrently with C2 zoning. Mayor Pro Tem Trevino accepted the friendly amendment.

Roll Call on Motion
With Friendly Amendment

6-0 Vote Councilmember Spaeth absent

LAMAR FINANCIAL PLAZA

The Council, on Councilmember Rose's motion, Councilmember Urdy's second, passed through SECOND READING ONLY of an ordinance waiving the remainder of the 90-day review period for the Lamar Financial Plaza, C16-84-012. (4-2 Vote, Councilmembers Shipman and Duncan voted No, Councilmember Spaeth absent)

TRENCH BURNERS

The Council, on Councilmember Shipman's motion, Councilmember Duncan's second, waived the requirement for three readings and finally passed an ordinance regulating the operation of trench burners; fee to be \$350.00 and ordinance to be reviewed by Council in 30 days. (6-0 Vote, Councilmember Spaeth absent)

Prior to the vote, Rob Hardison, president of a waste disposal company in Austin, stated he thought the fee should be in relation to service.

WEST 14TH STREET/DMU AREA MORATORIUM

The Council, on Councilmember Duncan's motion, Mayor Mullen's second, waived the requirement for three readings and finally passed an ordinance extending a building permit issuance and zoning change request moratorium in the West 14th Street/DMU area, for those filed after April 17, 1985, until June 1, 1985. (5-0 Vote Mayor Pro Tem Trevino out of the room, Councilmember Spaeth absent)

FIRST READINGS OF ANNEXATION ORDINANCES

The Council, on Councilmember Rose's motion, Councilmember Duncan's second, PASSED THROUGH FIRST READING ONLY an ordinance annexing approximately 306.00 acres of land out of and part of Hays County, Texas, along FM 1826 for full purposes. (C7a-85-005 - Phase II - FM 1826 Corridor) (2nd reading to be before the end of 60 days.) (5-0 Vote, Councilmember Urdy out of room, Councilmember Spaeth absent.)

The Council, on Councilmember Rose's motion, Councilmember Duncan's second, PASSED THROUGH FIRST READING ONLY an ordinance annexing approximately 406 acres of land out of Hays County along FM 1826 and FM 150 for full purposes. (C7a-85-006 - Phase III - FM 1826/FM 150 Corridor) (2nd reading to be before the end of 60 days.) (5-0 Vote, Councilmember Urdy out of the room, Councilmember Spaeth absent)

Prior to the vote, Mr. Carrasco, City Manager, said there have been conversations with the Planning Commission of Dripping Springs to work out questions concerning the annexation.

CITY MANAGER REPORTS POSTPONED

The City Manager report on Request for Lease of City-owned Land was pulled off the agenda until May 9, 1985.

The report on Brackenridge Hospital was postponed until May 2, 1985.

CITY MANAGER REPORTS

City Manager Carrasco announced his reports on Onion Creek Wastewater Treatment Plant would be covered during the agenda item and his report on Progress of West 14th/DMU Study was taken care of during that agenda item.

ONION CREEK WASTEWATER TREATMENT AND INTERCEPTOR

The Council, on Councilmember Shipman's motion, Mayor Mullen's second, adopted resolutions for the following change orders: (5-0 Vote, Councilmember Rose out of the room Councilmember Spaeth absent)

- (1) CAPITAL IMPROVEMENTS PROGRAM - In the amount of \$500,000 to Paul A. Laurence Company for the Onion Creek Wastewater Treatment Plan. (1.83% increase of the original contract) CAPITAL IMPROVEMENTS PROGRAM No. 73/23-87.

- (2) CAPITAL IMPROVEMENTS PROGRAM - In the amount of \$950,000.00 to Mole Construction Company and S&M Constructors, Ind. (Joint Venture) for the Onion Creek Wastewater Interceptor, Section IV (Lower Tunnel). (11.0% increase of the original contract) CAPITAL IMPROVEMENTS PROGRAM No. 73/23-11.

Prior to the vote, Mr. Ridings, Director of Public Works, introduced Mr. Dunham, who is managing the project for the City through the Water and Wastewater Department. Together they showed a map of the programs and Mr. Ridings reviewed the schedule. He said the plan is to complete both projects by February 25, 1986.

CITIZENS DID NOT APPEAR

The following people had requested to appear before Council and did not: Terry Condrasky, Lawrence Richard and John A. Corry.

EXECUTIVE SESSION

Mayor Mullen announced Council would convene in an Executive Session pursuant to Article 6252-17, Texas Revised Civil Statutes Annotated, to discuss the following matters; and action, if any, on the matters will be taken during the public meeting after conclusion of the Executive Session:

- a. Board & Commission Appointments - Section 2, Paragraph g.
- b. Pending Litigation, including but not limited to the following items - Section 2, Paragraph e.
 - (1) Houston Lighting and Power Company, et al v. Brown and Root, et al in Matagorda County, and City of Austin vs. Houston Lighting and Power Company in Travis County - Section 2, Paragraph e.
 - (2) Carpenter, et al v. City of Austin, et al - Section 2, Paragraph e.
 - (3) United South Austin, et al v. City of Austin, Cause No. A-84-CA-103 - Section 2, Paragraph e.

RECESS

Council recessed for Executive Session at 2:50 p.m. and resumed its recessed meeting at 4:00 p.m.

BOARD AND COMMISSION APPOINTMENTS

Mayor Mullen asked Mayor Pro Tem Trevino to take the chair.

Motion

The Council, on Councilmember Shipman's motion, Mayor Pro Tem Trevino's second, appointed Beverly Larkam to a term on the Commission for Women. (5-0 Vote, Mayor Mullen abstained, Councilmember Spaeth absent)

Motion

The Council, on Councilmember Urdy's motion, Councilmember Duncan's second, appointed J.M. Richard to Ethics Review. (5-0 Vote, Mayor Mullen abstained, Councilmember Spaeth absent)

LETTER TO FORTUNE 500 COMPANIES

Motion

Councilmember Duncan made a motion, seconded by Mayor Pro Tem Trevino to adopt a resolution to send a letter to the Fortune 500 companies.

Councilmember Duncan stated it is appropriate to send such a letter to the Fortune 500 companies so that if they contemplate relocation in Austin, they will make themselves aware of the plans for the future direction of the City. Some of the elements of those plans are: Comprehensive Plan, Watershed Ordinance, Zoning Ordinance and Water and Wastewater Master Plan.

Friendly Amendment

Councilmember Shipman offered a friendly amendment to add "Adopted Roadway Plan" to the list of plans to be considered by companies relocating in Austin.

Councilmember Rose stated he is against the letter. "I feel we should have an effective comprehensive plan. We need a better utility strategy and support many of the elements of growth management and growth control that this Council has initiated. I don't sense there is any disagreement with that on the Council. My concern about sending out a letter, and I will say frankly too much attention has been paid to the letter itself going out rather than what we really need to do to formulate an economic development policy for the City of Austin. There's no definition of economic development in the City of Austin today. All we have is a CDBG commitment to housing.A concern about sending a letter out, and particularly concerned as the co-sponsor of the East Austin Economic Development Plan, is the fact you are sending out something that I believe other folks outside

of the Fortune 500, because I don't know how many of them would read such a letter, anyway, can use to compete against Austin in what could be some very acceptable industries and some very acceptable jobs in acceptable areas, if our growth measures are what we want them to be. If the comprehensive plan has the force of law and is as strong as you want it to be, we won't have to tell people through a letter, the plan will stand for itself. If we do the job in roadway planning that we need to do we will not have to send a letter to just the Fortune 500 companies to tell them we have done that. Those actions will stand for themselves. Rather than send a letter out, and I think any letter we send out will be misinterpreted and used against us...just as comments about the State's commitment to University funding has been the subject of editorials all across the United States...etc....."

Mayor Mullen agreed with Councilmember Rose that the letter will be misinterpreted and discussion followed. Councilmember Duncan said the Commission is a good idea, but still thought the letter should be sent out.

Roll Call on Motion
To Send Letter

4-2-0 Vote, Mayor Mullen and Councilmember
Rose voted No, Councilmember
Spaeth absent.

STATE LEGISLATIVE MATTERS

No action or discussion was taken on State Legislative matters.

LAND USE PLAN FOR SOUTH SIDE OF TOWN LAKE

Ms. Claudetta Lowe appeared before Council to request that Council formulate a comprehensive land use plan for south side of Town Lake - IH 35 west to Congress Avenue.

Councilmember Shipman said the Parks Board should get to work on this right away because the majority of land along Town Lake is park land with the exception of the land which many years ago was zoned "LA" or "DL".

Councilmember Rose said there should be a task force to look at the whole south side of Austin rather than send this to the Parks Board, then the Planning Commission and then back to Council. Councilmember Shipman agreed this would be a good plan.

Terry Childers, Assistant City Manager, stated something can be on the agenda next week concerning a task force.

WESTVIEW

Mr. Jeff Civins appeared before Council in place of Ms. Kerry Pollard, Mr. W.A. MacNaughton, Ms. Katy Civins and Ms. Mary H. Erb, who had requested to ask Council's consideration concerning lack of proper notice concerning Westview of Lake Austin PUD and site plan. The issue of the PUD is roads. He said there was a suggestion to enter the PUD through their neighborhood, which would be Mantle Drive. Mr. Civins said none of the neighbors received notice of the proposal. Mr. Civins said the County does not want the subdivision to tie into Mantle Drive. The developers want to explore other options, also. Mr. Civins said their request is to withdraw the zoning and send back to the Planning Commission.

Mr. Pollard and Mr. Loos spoke to the same issue.

Marie Gaines, Office Land Development Service, said they looked at the file and found that the property owners listed under Citizens Request for Council Approval all fall outside of the radius of 300 feet for required notification of a zoning change request.

Councilmember Rose said he would like to have this on the agenda May 2, 1985 to resolve the matter. Mayor Pro Tem Trevino said this would be under zonings.

ARTS COMMISSION

Mr. Maurice D. Coats, chairman, Austin Arts Commission, reported on 1984-1985 Cultural Contract Funding Guidelines.

At this point Mayor Pro Tem Trevino announced Mayor Mullen had left the Council Chamber for the rest of the day.

PUBLIC HEARING - APPEAL ON DENIAL OF WATERWAY PERMIT

Mayor Pro Tem Trevino opened the public hearing set for 4:00 p.m. on an appeal from Mr. C.A. Elder of the decision to deny a Water Development Permit Application for 1514 and 1516 Parkway. 85-02-4349.

Tom Hensel, OLDS, told Council the buildings planned encroach into the 100 year flood plain of Shoal Creek. He said there is no impact on Shoal Creek, therefore the staff is not opposed to the development.

Mr. Elder appeared before Council and asked Council if they had reviewed all the letters submitted on the property when it was originally purchased. "This property came before Council in 1983 and an ordinance was issued approving these condo's with site plan approval by Council and it clearly showed the flood plain. Mr. Carl Moeller, who owns the property, in review of the site plan said the site plan approval should exempt his property from any subsequent ordinances."

Councilmember Shipman asked, "What about the subsequent owners. Since they are in the flood plain and the area does flood and peoples homes have been devastated in that neighborhood because of the flooding along Shoal Creek, my concern is, what kind of a position are we in when the waterway development permit has been denied because it is in the flood plain and you are asking, well that is O.K., we want to build in the flood plain anyway because the site plan was approved. What has happened is that Council looks at site plans all of the time and many times adjoining owners have come up and said we are concerned, what about the flooding. Invariably we have informed people, don't worry, that is addressed in the waterway permit process. If the site plan is going to supercede the waterway permit, why have it?"

Mr. Hensel said, "When we receive a site plan for zoning, they are not required to supply us with detailed information and hydraulic calculations on flood plain information. It is strictly for the zoning. At that time we make the comment a waterway development permit will be required."

Councilmember Shipman said she wants to know what the City's liability is concerning the prospective home buyers. She asked, "If we grant the development, which is in the flood plain, knowing it is in the flood plain, and personally having had friends whose homes were washed away because they were in the flood plain and then the City had to buy up their homes at the cost of millions of dollars to the tax payers and we have relocated those families. So for us to make a decision to locate somebody in the flood plain, I want to know what our legal ramifications are. I understand your dilemma, I am concerned about the public dilemma."

Paul Isham, City Attorney, stated, "I think we have liability but not only that, from a homeowners standpoint, he has a problem obtaining insurance if those homes are in the flood plain."

Mr. Elder said, "The only portions of the building in the flood plain are slab. The buildings are above the 100 year flood plain. Just the slab is encroaching. There can be flood insurance purchased."

Dr. Nelson Avery, Old Enfield Homeowners Association, said their plan is to keep the neighborhood in single family homes. He pointed out 1505 Parkway is on stilts for two years and has not been issued a flood plain permit. He asked why one house is up on stilts and not allowed to be built back, but a new structure across the street is going to be allowed. Dr. Avery questioned the impervious cover caused by condominiums and where the run off will go.

Phil Bobbit discussed the acquisition of the property. He said the property was auctioned as "A" zoned property and subsequent to that the purchaser went before the Planning Commission and persuaded them to loosen the zoning to permit a quadri-plex.

Terry Childers, Assistant City Manager, stated, "The reason this is here is because the way the ordinance is structured, we have to deny the Waterway Development Permit and therefore it is in a position of being appealed at this point. As Tom has indicated, after we looked at this issue, we probably would be in a position of recommending or would have approved it if it were not a fact that by ordinance we must deny because it did encroach in the 100 year flood plain. It seems that one of the positive decisions will need to make is whether or not this is a circumstance where you feel like the encroachment is of minor enough significance so as to grant the appeal of Mr. Elder or whether you should as a policy making body continue to deny appeals so as to not allow any structures or encroachments into the 100 year flood plain. I'd like to point to one thing that Mr. Elder referred to that the property would be rendered useless. If the Council were to deny his appeal he would have to amend his site plan, that could be done, and it could be done with a few adjustments. Therefore that property would not necessarily be rendered useless. He simply would have to go back through the process of amending the site plan and would be able to utilize the property by getting the slabs out of the 100 year flood plain.

Motion

Councilmember Shipman made a motion to uphold the denial of the Waterway Development Permit. Councilmember Rose seconded the motion. Motion passed by a vote of 5-0 with Mayor Mullen absent and Councilmember Spaeth absent.

PUBLIC HEARING - AN ORDINANCE PROHIBITING ADDITIONAL DRIVEWAY CUTS ON EAST RIVERSIDE DRIVE

Mayor Pro Tem Trevino opened the public hearing set for 4:00 p.m. on an ordinance prohibiting additional driveway cuts on East Riverside Drive.

Bill Stockman, Urban Transportation, reviewed the history of Riverside Drive curb cuts.

Ron Doyle, 409 Riverside Drive, opposes the ordinance.

Junius Aron said he opposes not being allowed to have a driveway cut at 1109 Riverside Drive.

Malcolm Menkin spoke in opposition.

Brian Dudley, coordinator for South River City Citizens, approves adoption of the ordinance.

Beatrice Townsley, 500 Academy Drive, opposes the ordinance. Richard Suttle also does.

Larry Strickland and Dean Blaine, partners and owners of 505 Riverside, showed slides as to why they need a curb cut on Riverside to get to their property. The only other access is Sunny Lane, a very narrow entrance alley not suitable for more traffic.

Bob Aiken, traffic consultant, said the above clients want to have an office and showed a map of the curb cuts proposed. He said it would be safe.

Durwood Kirbey told Council Sunny Lane cannot carry any more traffic.

Joe Ternus with Espey Huston said the driveway meets all design standards.

Warren Beaman, who sold the property to Messrs. Strickland and Blaine, said he had received a curb cut permit in 1982 and then sold the property and said the cut should be legal.

Pat Casey and Ted Nye said a curb cut is needed at 505 and Tom Garner, real estate appraiser, said the lack of a curb cut at 505 would have an adverse affect.

Claudette Lowe, favors the ordinance, and says she wants a roll back to single family residential.

Susan Frost spoke in favor of the ordinance, as did Brooks Kasson. president, South River City Citizens.

Motion

Councilmember Shipman made a motion, seconded by Councilmember Duncan to continue the public hearing to May 2, 1985 @ 3:30 and asked for answers to the following questions: (Motion passed by 5-0 Vote with Mayor Mullen and Councilmember Spaeth absent)

1. What are the safety aspects of property where curb cuts do not exist that are referenced on the map?

What are the safety concerns if those curb cuts were allowed?

2. If the existing zoning is utilized along Riverside Drive and curb cuts are allowed in the areas where the existing zoning is, what are the safety ramifications in regard to turning movement?
3. What are the number of accidents on Riverside Drive between IH 35 and Congress within the last five years. What are the posted speed limits now and

what are the anticipated speed limits when the roadway is upgraded?

4. Are there homes now, on Sunny Lane, that are in the public right-of-way?

EXECUTIVE SESSION

Mayor Pro Tem Trevino announced the City Council will go into Executive Session pursuant to Article 6252-17, Texas Revised Civil Statutes Annotated, to discuss the following matters, and action, if any, on the matters will be taken during the public meeting after the conclusion of the executive session:

Pending Litigation, including but not limited to the following items - Section 2, Paragraph e.

Carpenter, et al v. City of Austin, et al

RECESS

Council recessed its meeting at 6:30 p.m. and resumed its recessed meeting at 7:20 p.m.

PUBLIC HEARING - RENAMING OF THREE SCENIC ARTERIALS

Mayor Pro Tem Trevino opened the public hearing scheduled for 4:00 p.m. on an ordinance amending Chapter 13-2 and 13-2A to rename three additional scenic arterials on the Principal Roadway Area designation map: Lake Austin Boulevard, West First Street, and Riverside Drive west of I.H. 35.

Marie Gaines reviewed, and no one else appeared to speak.

Motion

The Council, on Councilmember Shipman's motion, Mayor Pro Tem Trevino's second, closed the public hearing, waived the requirement for three readings and finally passed an ordinance amending Chapter 13-2 and 13-2A to rename three additional scenic arterials on the Principal Roadway Area designation map: Lake Austin Boulevard, West First Street, and Riverside Drive West of I.H. 35. (5-0 Vote, Mayor Mullen absent, Councilmember Spaeth absent)

ZONING HEARING

Mayor Pro Tem Trevino announced Council would hear the following zoning case scheduled for 5:00 p.m. Council heard,

closed the public hearing and instructed the City Manager to instruct the City Attorney to draw the necessary ordinances.

-84 ESTATE OF ETHEL 105 BELLE BROWN	502-504 W. 38th Street	From "A" 1st H&A (SF-4) To "O-1" 1st H&A (LO) RECOMMENDED "O-1" 1st H&A subject to 40' right-of-way from centerline of West 38th Street, tied to a 5,600 sq. ft. building, limited to professional administration, business offices and no financial institutions. <u>GRANTED "NO"</u>
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(On Councilmember Shipman's motion, Councilmember Urdy's second, 5-0 Vote,
Mayor Mullen absent)

Mayor Pro Tem Trevino opened the public hearing set for 4:00 p.m. on the following zoning case. Council heard, closed the public hearing and granted as recommended and instructed the City Attorney to instruct the City Manager to draw the necessary ordinances.

-84 NASH PHILLIPS/ 465 COPUS, INC.	Proposed Southeast right-of-way line of Loop 1 north.	From Interim "AA" 1st H&A (I-SF-2) To "DL" 2nd H&A RECOMMENDED GRANTED AS RECOMMENDED
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Motion

Councilmember Shipman made a motion to approve but prohibit retail use. Councilmember Duncan seconded her motion.

After some discussion,

Second to Motion Withdrawn

Councilmember Duncan withdrew his second.

Motion

The Council, on Councilmember Duncan's motion, Councilmember Urdy's second, granted "DL" 2nd H&A as recommended. (4-1-0 Vote, Councilmember Shipman voted No.)

PUBLIC HEARING - AN APPEAL OF VARIANCES TO BARTON CREEK ORDINANCE

Mayor Pro Tem Trevino opened the public hearing set for 4:00 p.m. on an appeal of variances to the Barton Creek Ordinance (13-3-306 and 9-10-334)

a. Barton Ridge Plaza

b. H.E. Brodie Tract

Mr. Hensel, OLDS, stated the two variances are the same for two different tracts and the requested variances were to exclude the impervious cover calculation for Westgate Boulevard from the impervious cover limitations, which is 35% maximum for the commercial development in the Edwards Aquifer recharge zone of the Barton Creek Ordinance. The Planning Commission approved the variance on April 9, 1985 for both tracts. The motion was to allow 38% of impervious cover on both of the tracts. Staff did not oppose the approval of the variance on the Barton Ridge Plaza due to the need to extend Westgate Blvd. Mr. Hensel said they did not support the H.E. Brodie tract variance because they were just starting their process and had not submitted anything but a preliminary.

Bert Cromack, appellant, said the impervious cover is 3% higher than is allowed in the Ordinance Section 13-32-80 and Section 9-10-323 in site development, therefore he is opposing the approval of the variances. He said there is nothing set out as to why and how the Planning Commission can grant variances. Mr. Cromack said there were no finding of facts drawn the night the variances were approved and he also said he does not like to see a precedent setting case like this where a roadway can be traded off for a variance to the Barton Creek Ordinance. Mr. Cromack said he believed the applicant is going to withdraw the request for the H.E. Brodie tract variance but the applicant for Barton Ridge Plaza is still requesting a variance. They already have a completed approved site plan which did not contain the roadway with no variances to the ordinance so the roadway really did impact them.

Donna Kristaponis, representing the applicant, said they have an approved PRA site plan and approved zoning and approved Barton Creek site development permit that did not require any variance to the ordinance. She said due to the financing entities they wanted to subdivide the tract. Ms. Kristaponis discussed the roads and the intersection at 360.

David Bodenman, representing Trammel Crow Company, said this is a situation where the process did not work. The City determined they needed a road through the property. The City redesigned the site plan for these people and signed a contract. "We are going to build the road at our cost, not at your cost." Mr. Bodenman indicated on a map where the road will be.

Councilmember Rose asked staff to explain why the road is needed. Mr. Hensel said Westgate Blvd. intersection with 290 has been something they have tried to improve for a number of years.

Motion

The Council, on Councilmember Rose's motion, Councilmember Urdy's second, closed the public hearing, approved granting of variance for Barton Ridge Plaza, with staff assisting in processing the final plat by June 4, 1985. (5-0 Vote, Mayor Mullen and Councilmember Spaeth absent.)

ZONING HEARING

Mayor Pro Tem Trevino announced Council would hear the following zoning cases scheduled for 4:00 P.M. Council heard, closed the public hearings, granted as recommended and instructed the City Manager to instruct the City Attorney to draw the necessary ordinances.

r-84	CALLAWAY/COLEMAN	4500-4544 South	From Tr. 1 "O" 2nd (GO)
050	JOINT VENTURE	Lamar Blvd.	Tr. 2 "GR" 1st (GR)
	By Donna		To Tr. 1 "GR" 1st (GR)
	Kristaponis		Tr. 2 "O" 2nd (GR)
			Site Plan Review Ordinance
			RECOMMENDED
			<u>GRANTED AS RECOMMENDED</u>

(On Councilmember Urdy's motion, Councilmember Rose's second, 5-0 Vote,
Mayor Mullen and Councilmember Spaeth absent)

-84	DEAN BOTTLINGER	4601 E. St. Elmo	From Interim "AA" 1st H&A
412	By Donald Bird		To "C" 1st H&A (CS)
			NOT RECOMMENDED (amended to
			MF-1)
			RECOMMENDED "A-2" subject
			to dedication of up to 35'
			of right-of-way from
			centerline of St. Elmo Road.
			<u>GRANTED AS RECOMMENDED</u>

(On Councilmember Shipman's motion, Councilmember Duncan's second, 5-0 Vote,
Mayor Mullen and Councilmember Spaeth absent)

ZONING HEARING

The following zoning case was heard by Council, the public hearing was closed, and Council will vote on the case May 2, 1985 at 3:45 p.m.

-84	A.G. SPANOS	8569-8623 Spicewood	From Interim "SR" 1st H&A
400	CONSTRUCTION,	Springs Road	(I-RR)
	INC.		To "MF-3" (B 1st H&A)
	By Cunningham-		NOT RECOMMENDED
	Graves, Inc.		RECOMMENDED "MF-2" limited
			to a maximum of 17 units per
			acre, dedication of up to
			60' of right-of-way from
			centerline of Spicewood
			Springs Road, post \$50,000

letter-of-credit for
roadway improvements,
subject to protection of
cemetery.

ACTION TO BE TAKEN

MAY 2, 1985 @ 3:45 P.M.

Ken Manning discussed the application and requested Council's approval of their development. Bill Lowry also spoke in favor.

Art Anderson, a lawyer from Dallas representing A.G. Spanos spoke in favor.

The following people representing the North Oaks Neighborhood Association, spoke against the zoning change and development. Their reasons were drainage problems, increased traffic, no sidewalks, low water pressure, schools will be overcrowded, cemetery will be disturbed.

Speakers were: Jeffrey Gaye, Glenn Reddick, Mike Cardo, Gene Cargill, Bob Amos, Joe Weiner, Laura Mitchell, Linda Carter, Richard Klinger, Karen Thompson, Frank Beck and Dennis Anlicker.

Motion - DIED FOR LACK OF SECOND

Councilmember Shipman made a motion to zone SF2 for 71 single family homes. Motion died for lack of second.

Motion

The Council, on Councilmember Duncan's motion, Councilmember Rose's second, closed the public hearing and instructed the City Manager to instruct staff to place this item back on the May 2, 1985 agenda at 3:45 p.m. for a vote.

STREET VACATION

Mayor Pro Tem Trevino opened the public hearing set for 5:30 p.m. on vacating the following: Harrell Lane (1500 Block) (Request submitted by Mr. Philip Bobbitt.)

No one appeared to speak.

Motion

The Council, on Councilmember Duncan's motion, Councilmember Shipman's second, closed the public hearing, waived the requirement for three readings and finally passed an ordinance vacating Harrell Lane (1500 Block) (5-0 Vote, Mayor Mullen and Councilmember Spaeth absent)

APPEAL AND ZONING CASE POSTPONED

The 5:00 p.m. public hearing on an appeal from Mr. Jerry L. Harris of the Planning Commission's decision in Special Permit Case No. C14p-84-109, 12118 Walnut Park Crossing; and Zoning Case C14-84-444, John P. Watson, 12118 Walnut Park Crossing, were both postponed until May 30, 1985 at 5 p.m. on Councilmember Shipman's motion, Councilmember Duncan's second, 5-0 Vote, Mayor Mullen and Councilmember Spaeth absent.

PUBLIC HEARING - GENERAL TOPIC AREAS FOR 1985-86 CDBG PROGRAM

Zeke Romo, EAEDC, wants community house and apartments in East Austin.

Christine Aubrey, wants \$25,000 for Planned Parenthood Community Service Building.

Susan Howell wants money for Austin Families.

Barbara Foreman, owner of Billy Jean Cosmetics, spoke for funding for AMEDC.

Veon McReynolds wants \$800,000 for houses in East Austin.

Rick Gil, Joe Montoya and Mary Montoya spoke in favor of AMEDC.

Mary Martinez spoke for family barrio funding.

Jim Howchins, said he is in a joint venture restoring Wolfe House at East 1st and Comal.

Rocky Maldonado and Paul Hernandez spoke in favor of EACEDC.

Karen Popp wants \$100,000 for Clarksville Neighborhood Center.

Lena Stuart, Clarksville manager for neighborhood center, spoke in favor of money for their remodeling.

Jesse Herrera wants money for housing in south Austin,

Don Rettburg said money is needed for Austin Infant Parent Training Center.

Robert Larexma supports a neighborhood family center.

Glenna Balch wants money for United South Austin.

Marcos DeLeon wants money for East Austin houses.

James Pinedo wants money for south Austin.

Daniel Vera manufactures iron products and wants funding for AMEDC.

Motion

The Council, on Councilmember Duncan's motion, Councilmember Urdy's second, closed the public hearing. (5-0 Vote, Mayor Mullen and Councilmember Spaeth absent.)

EXECUTIVE SESSION

Mayor Mullen announced Council would enter into executive session on the following matter and any action to be taken as a result will be taken in open meeting.

Pending Litigation - Discuss contemplated litigation by Austin Independent School District regarding tax-increment zone and the Municipal Office Complex - Section 2, Paragraph e.

RECESS AND ADJOURNMENT

Council recessed at 12:15 a.m. for executive session and adjourned its meeting at 12:45 a.m., April 26, 1985.