



Austin City Council MINUTES

For AUGUST 15, 1985 - 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 Pro Tem Trevino called to order the meeting of the Council scheduled for 1:00 p.m., noting the absence of Mayor Cooksey.

MINUTES APPROVED

The Council, on Councilmember Shipman's motion, Councilmember Carl-Mitchell's second, approved the minutes for special meetings of August 6, 1985, August 8, 1985, July 30 & 31, 1985 and regular meeting of August 8, 1985. (5-0 Vote, Councilmember Urdy out of room, Mayor Cooksey absent.)

CITIZENS COMMUNICATIONS

Mr. James M. Watkins, who had requested to discuss exemption from Sign Ordinance, did not appear.

Mr. Robert W. Foss discussed Loop 360 Moratorium and the proposed Hill Country Roadway Ordinance. He asked Council to cancel the moratorium because he said traffic will be a major concern in Austin for several years to come. City Manager Carrasco asked for a timetable and Curtis Williams, Planning Commission Subcommittee said they are meeting weekly concerning the ordinance. By the end of the month a draft of the ordinance will be forwarded to the Planning Commission and then to the Council. Councilmember Rose asked if other roads are in this too and was told they are. Discussion followed. An item will appear on the August 22, 1985 agenda to extend the moratorium.

Rev. David L. Dukes, who wanted to discuss action on Boggy Creek, did not appear.

Dr. Amato Petale appeared before Council to discuss inadequate funding recommendations on the part of the PARD Cultural Arts Staff and Arts Commission for minority and small arts organizations and the attitudes of Arts Commission towards artists be redressed. Dr. Petale said there is a pattern of bad behavior on the part of the Arts Commission and he said there should be an immediate change in the face of the commission.

Ms. Claudette Lowe requested an immediate land use study for Fairview Park. She is co-chairperson of South River City Citizens. Councilmember Shipman said studies of the area were done in the '70's and asked if staff can do a quick update on existing data. Mr. Duncan, Director of OLDS, said for the next 30-45 days his staff will be very busy with Oak Hill, and other areas. He said by the end of September they may be able to begin a study of Fairview Park area which will take 30-60 days. Councilmember Shipman asked for a City Manager report on the August 22 agenda to assess a time frame for the study and assess data.

Ms. Kathryn Gregory wanted to request an ordinance amendment to Phase 3 Water Rationing as it affects the landscape contracting industry. She did not appear as her problem was being studied.

CONSENT ORDINANCES

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

Operating Budget Amendment

Amended the 1984-85 Annual Operating Budget by accepting a grant in the amount of \$34,996.00 from the Institute of Museum Services to be used for general operating support at the Austin Nature Center for Fiscal Year 1985-86.

Item Pulled

Pulled from the agenda was a budget amendment to authorize City Manager to enter into agreement with State Department of Highways and Public Transportation to accept Federal Aid Urban System funds in the amount of \$35,350 for Ten-State Mountain/Plains Regional Bicycle Conference.

Transportation Service Rate

Suspended the operation of Southern Union Gas Company's proposed revisions to its Transportation Service Rate.

Capital Improvements Program

Received and accepted work of paving North Bluff Drive & Bluff Springs Road, consisting of approximately 5½ blocks. CAPITAL IMPROVEMENTS PROGRAM No. 78/62-32.

Ordered improvements to Montopolis Drive, a Special Assessment Project consisting of 1 unit covering approximately 17 blocks. CAPITAL IMPROVEMENTS PROGRAM No. 78/62-09.

Annexation Ordinance

Passed through SECOND AND THIRD READINGS of an ordinance annexing the following:

- a. Full purpose annexation of Travis Country Subdivision and MoPac Expressway extension from Barton Creek to Hwy. 290 West, 874 acres in Travis County, Texas. C7a-85-022.

Ordinance Correction

Corrected an error in Ordinance No. 841115-LL to more accurately reflect the exclusion of certain territory within the South Austin Growth Corridor Municipal Utility District No. 1 from the metes and bounds description of the annexed territory.

Zoning Ordinances

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

RAYMOND BREKKE
By Howard A. Eynour
C14-85-001

13709 Thermal Drive

From Interim "SF-2"
to "LI"

Heard and granted April 4, 1985, (6-0). No conditions to be met.

8/15/85

VERNON D. BROWN
By Donna Kristaponis
C14-81-073

815-833 North Bluff
606-712 William Cannon
Drive

From Interim "SF-3"
to "GR"

EMERGENCY PASSAGE OF ORDINANCE

Heard and granted October 4, 1984 (6-0). Councilmember Shipman absent. Conditions have been met as follows: Right-of-way on North Bluff Drive has been conveyed by Street Deed.

MARINA SIFUENTES
C14-82-053 (part)

717, 719 Radam Lane,
(aka 623 and 625 Radam
Lane)

From "SF-3"
to "LO"

Heard and granted May 27, 1982, (7-0). No conditions to be met.

Zoning Postponed

Postponed for one week (to August 22, 1985) is consideration of the following zoning change:

JOHN L. RITTS, SHEILA
MUSTIN, K.C. COONROD
& JOYCE COONROD
C14r-84-435

15545-15635 I.H. 35
North

From Interim "SF-2"
to "CS"

CONSENT RESOLUTIONS

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

Item Pulled

During the consent resolution Council postponed until August 22, 1985, consideration of participation with the Northeast Association to develop a regional plan (for the northeast and east sectors of Travis County) for Council approval.

Change Orders

Approved the following change orders:

- a. Changing the scope of work of the contract with Larson-Pugh for construction of Sidewalk Improvements Phase II, Project 1. (No increase of the original contract amount)
CAPITAL IMPROVEMENTS PROGRAM No. 78/61-02.

- b. In the amount of \$35,036.00 to D.L. Meacham Construction Company for underground electric ductline system out of Hamilton Substation and for an additional distribution feeder riser on Jollyville Road. (20% increase of the original contract)

Contracts Approved

Approved the following contracts:

- | | |
|---|---|
| a. PAT CANION EXCAVATING COMPANY
12732 Twin Creek
Manchaca, Texas | - CAPITAL IMPROVEMENTS PROGRAM -
Installation of Underground
Electric Distribution Facilities
for Cherry Creek, Electric
Utility Department
Total \$41,948.85 C.I.P. No.
85/15-01 |
| b. W. K. JENNINGS ELECTRIC COMPANY
1707 Dungan Lane
Austin, Texas | - CAPITAL IMPROVEMENTS PROGRAM -
Installation of Underground
Electric Distribution Facilities
for Sunridge Park, Section 1,
Electric Utility Department
Total \$63,396.00 C.I.P. No.
85/15-01 |
| c. SOUTHWEST TRENCHING COMPANY
1608 Margaret
Houston, Texas | - CAPITAL IMPROVEMENTS PROGRAM -
Installation of Underground
Electric Distribution Facilities
for Hunters Chase, Section 5,
Electric Utility Department
Total \$74,679.14 C.I.P. No.
85/15-01 |
| d. CHLORIDE STANDEY BATTERIES
c/o W. F. Payette Company
2186 Jackson Keller, #636
San Antonio, Texas | - CAPITAL IMPROVEMENTS PROGRAM -
Nine (9) 120 Volt Storage
Batteries, Electric Utility
Department
Item 1 - \$82,719.00 C.I.P. Nos.
85/16-12, 85/16-11, 85/16-05
85/16-06, 81/16-02, 83/16-05
83/16-03, 85/16-08 & 85/16-04 |
| e. PRIESTER-MELL & NICHOLSON
601 East 56th Street
Austin, Texas | - CAPITAL IMPROVEMENTS PROGRAM -
4,000 feet of 500 MCM Shielded
Power Cable, Electric Utility
Department
Item 1 - \$68,572.00 C.I.P. No.
85/15-01 |

Item Pulled

Staff pulled the following item from the agenda. They will reschedule at a later date.

HUGHES AIRCRAFT COMPANY
P. O. Box 9399
Long Beach California

- CAPITAL IMPROVEMENTS PROGRAM -
PV300 Kilowatt Grid - Interactive
Centralized Solar Photovoltaic
Power Plant, Electric Utility
Department
Total \$2,874,835.00 C.I.P. No.
84/12-04

Waller Parking Garage

Approved City of Austin execution of a Subordination Agreement of its Second Lien Mortgage to Amended and Restated Deed of Trust and Security Agreement, dated June 1, 1985, by Waller Parking Garage Ltd. to James H. Albert, Trustee.

Educational Facilities Revenue Bonds

Approved execution and delivery of financing documents and the issuance of City of Austin, Texas, Higher Education Authority, Inc. Floating Rate Weekly Demand Educational Facilities Revenue Bonds (Saint Edward's University Project) Series 1985.

Public Hearings Set

Set public hearings on the following:

- a. Transportation rate change requested by Southern Union Gas Company: August 22, 1985 at 5:00 p.m.
- b. Zoning Case C14-85-036 for HRH AUSTIN NO. 1 VENTURE:
September 5, 1985 at 3:45 p.m.,

AIDC

Approved the Austin Industrial Development Corporation's Board action; accepting the incorporation document revisions, the financial application content and form, the recommended fee schedule, and related documents thereto.

ITEMS PULLED

Pulled from the agenda were two resolutions: Consider approving authorization to enter into an Operation Agreement with the Watson-Casey

Companies for the Municipal Office Complex; and Consider approving urban design refinements for the Municipal Office Complex project. These items will be on the August 22, 1985 agenda.

FEDERAL TARGETED JOBS TAX CREDIT

The Council, on Councilmember Urdy's motion, Councilmember Rose's second, approved supporting the renewal of the Federal Targeted Jobs Tax Credit and sending a Communication to appropriate representatives in Congress stating that the City is in support of S 1250 and HR 983. (6-0 Vote, Mayor Cooksey absent)

ITEM POSTPONED

Postponed until August 22, 1985 is consideration of a resolution concerning appropriate zoning for areas within the 100-year flood plain and adjacent to existing residential development.

CITY MANAGER REPORTS

The City Manager report on Program Evaluation Studies for

- a. Standard Rehabilitation
- b. Architectural Barrier Removal
- c. Services for the Elderly

was presented by Paula Phillips by means of slides. Copies of the reports and text used for slides are on file in the City Clerk's office.

The City Manager report on Braker Lane Widening Project was presented by Richard Ridings, Director of Public Works.

EXECUTIVE SESSION

Mayor Pro Tem Trevino announced Council would recess for an executive session pursuant to Article 6252-17 to discuss the following matter, no official action of the City Council will be taken on any matter unless such item is specifically listed on the agenda; and any action to be taken shall be done in open meeting.

Pending Litigation - City's Water & Wastewater System
Paragraph 2, Section e.

RECESS

Council recessed its meeting at 2:30 p.m. and resumed its recessed meeting at 3:15 p.m.

STUDY OF SAFETY OF ROBERT MUELLER AIRPORT

Councilmembers Shipman and Rose introduced to Council an item to consider a proposal from the LBJ School of Public Affairs for a Study on the Safety of Robert Mueller Airport. Councilmember Rose said several months ago LBJ School proposed doing a research project on the airport.

Jim Katz, professor at LBJ School of Public Affairs, discussed the study he proposes. There will be a consultation with experts regarding airport safety. A sampling will be done with comparable airports concerning their safety records and the variables of safety records will be assessed. Mr. Katz said the study will not be a recommendation whether or not to move the airport, but safety factors will be outlined.

Councilmember Shipman stated the LBJ School can provide the City with valuable information concerning improvements and this will be helpful to the new airport manager.

Councilmember Rose asked Mr. Katz if he could guarantee the final product from the school will be unbiased. Mr. Katz said yes, all points of view will be reviewed, hard data will be the cutting edge and the study will do number counting.

City Manager Carrasco told Council he has not looked at the proposal in detail and he wants to see what needs will be addressed by such a study. He said he would like to have some time to review and have a general response to the proposal. There will be an item on the August 22, 1985 agenda concerning this.

AGREEMENT FOR RIGHT-OF-WAY FOR NPC

Council had before them consideration of a resolution approving agreement of right-of-way with Nash Phillips/Copus, Inc.

Mr. Joelson, North Oaks Neighborhood Association, said there should be a public hearing concerning this. Janet Klotz agreed and showed a map to Council. There was some discussion.

Jonathan Davis, Deputy City Attorney, stated the contract with Nash Phillips/Copus was firmed in 1983 and the City cannot go back on its contract.

Motion

The Council on Councilmember Carl-Mitchell's motion, Councilmember Shipman's second, adopted a resolution approving agreement for right-of-way with Nash Phillips/Copus, deleting Paragraph 3 and 12. (6-0 Vote Mayor Cooksey absent)

PUBLIC HEARING SET

The Council, on Councilmember Shipman's motion, Councilmember Urdy's second, approved the request of Mr. Hoyle M. Osborne, and set a public hearing on an appeal of the decision of the City staff to deny a Waterway Development Permit for Plumber's and Steamfitter's Local 286 (Apprentice School) 814 Airport Boulevard. File No. 85-05-4424 for October 22, 1985 at 3:00 p.m. (6-0 Vote, Mayor Cooksey absent)

PUBLIC HEARING - STREET VACATIONS

Mayor Pro Tem Trevino opened the public hearings set for 3:30 p.m. on vacation of portions of McCoy Road and a portion of Pleasant Valley Road right-of-way.

Richard Ridings, Director of Public Works, reviewed the proposed street vacations. No one else appeared to speak before Council.

Motion

The Council, on Councilmember Rose's motion, Councilmember Urdy's second, closed the public hearing, waived the requirement for three readings and finally passed an ordinance vacating portions of McCoy Road from U.S. 183 to Bell Avenue and a portion of Tweed Court at U.S. 183. (Request for the vacation of the referenced right-of-way submitted by Carpenter and Associates on behalf of the adjoining property owner) File No. C10v-85-013. (6-0 Vote, Mayor Cooksey absent)

Motion

The Council, on Councilmember Urdy's motion, Councilmember Carl-Mitchell's second, closed the public hearing, waived the requirement for three readings and finally passed an ordinance vacating a portion of Pleasant Valley Road right-of-way (800 Block) (Request submitted by Mr. John M. Carrizales) File No. C10v-84-028. (6-0 Vote, Mayor Cooksey absent)

HEARING POSTPONED

The 4:00 p.m. appeal from Gus J. Zgourides of the Planning Commission's decision regarding Case No. SP-85-069, 513-521 M.L.K. Jr. Boulevard and 601-605 M.L.K. Jr. Boulevard, was postponed until August 22, 1985 at 6 p.m. in order that a full Council might hear the case.

Also postponed was the following zoning case concerning the appeal:

8/15/85

-85 JOHN P. SCHNEIDER 513-521 & 601-605
133 By Richard T. M.L.K. Jr. Blvd.
Suttle Jr. also bounded by
Nueces

From "CS"
To "CS-MU"
RECOMMENDED
POSTPONED TO 8/22/85
AT 6 p.m.

ZONING HEARING

Mayor Pro Tem Trevino announced Council would hear the following zoning case. Council heard, closed the public hearing, granted and instructed the City Attorney to draw the necessary ordinance.

h-85 BOHLS LOG CABINS 11611 State Hwy. 71
007 By Office of Land
Development
Services

From "I-RR"
To "RR-H"
NOT RECOMMENDED
GRANTED - CONCUR WITH
FINDING OF FACT OF THE
NINE CRITERIA OF HISTORIC
LANDMARK COMMISSION

Marie Gaines, representing the City as a member of the Office of Land Development Services, reviewed the application of the her department by means of slides. She said the application is for four log cabins which were built prior to 1860. The Bohls family sold the land with the cabins on them several years ago. The present owner objects to historic zoning because right-of-way is needed for a road to Highway 71. The owner wants to relocate the cabins on his property outside of the City limits. There is some conjecture that the site where the cabins are now is not the original site of the cabins, therefore this would not be a historical site. Ms. Gaines said there is no information concerning the moving of the cabins. Ms. Gaines said the future of the site is in question but the staff and Landmark Commission would help in developing the site commercially.

Rich Meyer, chairman, Historic Landmark Commission, spoke in favor of saving the cabins. Ruth Hack said the cabins are beautiful and should be preserved.

Jeff Friedman, representing a direct descendent of Dietrich Bohls, who built the cabins, said they are 125 years old and may have been moved, but are historic because of their age and should be preserved.

Susan Frost, representing Austin Preservation Alliance, said the cabins should be preserved. Betty Phillips agreed. Julia Muehlenbrook, great great granddaughter of Dietrich Bohls said her family wants the cabins preserved. Will Howard said they are a jewel of history and should be preserved.

Councilmember Urdy asked what the City proposes to do toward preserving the structures. Ms. Gaines said there are no present plans by the owner or the City.

Donna Kristaponis, representing Richardson G. Gill, said he proposes to move structures where they are not so accessible. She said there is vandalism in the present area and the new setting would be similar. Ms. Kristaponis passed out a letter of agreement to the Council, but did not give a copy to the City Clerk. She also passed out a letter of credit for \$100,000.00.

Nelly Moring, who lives in Bee Cave, said there is a problem with people trespassing to look at the cabins. She said parts of the cabins have been taken away.

Richard Adams, professor of anthropology and an archeologist, said the only way the authenticity of the site can be judged is by moving the cabins and excavating.

Benny Hofmann, architect, said he thinks the cabins were moved to their present site at the turn of the century.

Jim Keeter, landscape architect, said history goes with the object and what Mr. Gill wants to do is creditable.

Mr. Meyers, Historic Landmark Commission, told Council if the cabins are not under the City jurisdiction, they will not be policed by Landmark Commission and suggested Council decline the offer to move them to another site.

Motion

The Council, on Councilmember Humphrey's motion, Mayor Pro Tem Trevino's second, closed the public hearing. (6-0 Vote, Mayor Cooksey absent)

Motion

Councilmember Shipman made a motion, seconded by Councilmember Carl-Mitchell to grant "RR-H" zoning, concurring with finding of fact of 9 criteria of the Historic Landmark Commission.

Councilmember Urdy said he is concerned with what will happen to the cabins if they are not moved. "I think they will be burned as other historic structures have been." He said it does not make sense to zone the cabins historic unless there is a practical recommendation for their preservation.

Substitute Motion - Died For Lack of Second

Councilmember Urdy made a motion to DENY the zoning change and accept the recommendation of Richardson G. Gill. MOTION DIED FOR LACK OF SECOND.

Roll Call on Original Motion

5-1-0 Vote, Councilmember Urdy voted no,
Mayor Cooksey absent

PUBLIC HEARING - AMENDMENT TO ZONING ORDINANCE RE GROUP HOMES

Mayor Pro Tem Trevino opened the public hearing set for 4:30 p.m. on an amendment to the Zoning Ordinance providing regulation for group homes. (Complete transcript of proceedings is on file in the City Clerk's office.)

Marie Gaines, OLDS, reviewed the ordinance changes. She said a question has been raised by Council regarding congregate living for the elderly but the current draft of the ordinance does not address that particular use. "If the Council so desires, we would be happy to go back and redraft a separate ordinance speaking to that specific issue."

Dianne Shisk, Advocacy Inc., spoke in favor of the ordinance and asked Council to pass it.

James Templeton, who lives in a group home, said he is a student and knows first hand it is possible for six people to live comfortably together in a group home.

Motion

The Council, on Councilmember Rose's motion, Councilmember Shipman's second, closed the public hearing, waived the requirement for three readings and finally passed an ordinance amending the Zoning Ordinance providing regulation for group homes. (6-0 Vote, Mayor Cooksey absent.)

ADJOURNMENT

Council adjourned its meeting at 5:26 p.m.