



# **Austin City Council MINUTES For**

**JANUARY 26, 1984 - 1:00 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  
Acting 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 Mullen.**

### **MINUTES APPROVED**

**The Council, on Councilmember Shipman's motion, Mayor Pro Tem Trevino's second, approved the Minutes for Regular Meeting of January 12, 1984 and Special Meeting of January 18, 1984. (6-0 Vote Mayor Mullen absent.)**

### **BUILDING PERMIT PROBLEMS**

**Mr. Larry Gilg appeared before Council to discuss problems related to the issuance of Building Permits. He said he is a member of the Hyde Park Neighborhood Association. Mr. Gilg said they are requesting the City Manager's office to investigate the problems associated with building permit and subsequent zoning variance for the project at 4200 Speedway. Mr. Gilg also requested that the Association be informed of the results of the investigation and what steps will be taken to insure the problems will not occur in the future. "Last summer the single family dwelling located at 4200 and 4202 Speedway became the focus of neighborhood concern when we learned they were to be removed and replaced with apartments. We were concerned not only with the loss of the original structures on the lot but also without input from the neighbors a structure which is a liability to the neighborhood would replace it. At that point we found out a building permit had already been issued and there was no available means to insure that the project would be harmonious with the neighborhood. The opinion was that since the project had already been approved by Building Inspection it met all requirements of zoning ordinances and we had no recourse but to live with the project as it stood. It turned out that our concerns were well founded. In November the project was red tagged by Building**

Inspection Department for violation of zoning ordinances, mainly failure to provide proper setback from the street and lack of maneuvering space for the parking spaces. A Board of Adjustment hearing on December 12, 1983 heard the builder, Roan Puett request a special exception to provide off-street maneuvering for 4200 Speedway at 4202 Speedway. He asked for a variance providing a side street set back of 5½' at 4200 Speedway and a special exception to provide off-site maneuvering for 4202 Speedway on 4200 Speedway. Please note the requests are made for two separate projects, 4200 and 4202 Speedway. Mr. Puett claimed that he had adhered to the plans submitted for the permit. This was not challenged by Mr. Bennett, the representative of the Building Inspection Department, who presented the case to the board. In fact Mr. Bennett gave the impression Building Inspection had in fact missed the zoning violations at the time the permit was issued. Under these circumstances the Board of Adjustment granted Special Exception and a variance because as I understand it, since the City had issued the permit for a building in violation of the ordinances, the builder was no longer responsible for the problem. In other words, two wrongs make a right. I think this is a dangerous precedent. The action sent a message to the building speculators in the area that anything goes in Hyde Park if you can sneak it past Building Inspection. It should be standard policy that the Board of Adjustment exists to enforce the spirit of the ordinances and to grant variances only when extraordinary circumstances exist and not to try to resolve problems in the Building Inspection Department. In my follow-up investigation I discovered the following. When I spoke to the people responsible for issuing the permit, they indicated they had no knowledge that a variance had been applied for and granted. It seems someone should insure that when a mistake is made the people responsible are made aware of the error and consequences. ....The project was not following the requirements of the permit which was issued with the express statement that these buildings be joined to make one project. This would have satisfied the maneuvering requirement. Mr. Jim Goettcher has explained to me that he has prepared a statement for you which explains the situation. Mr. Goettcher explained to me how hard it is for inspections to monitor every phase of all the buildings in the City. In this case the building was about 65% complete before it became apparent that the builder was not adhering to the permit. Even though the builder's agent had signed the permit the builder claimed he was unaware of the requirements set forth and obviously was unwilling to comply with them. This points out the present system of inspections is inadequate to enforce compliance with City ordinance and a builder can deliberately circumvent not only the spirit but also the letter of the law. Again, the Hyde Park Neighborhood Association requests that you direct the City Manager's office to investigate these problems and that HPNA be informed of results of the investigation and what steps will be taken to insure compliance with building permits in the future."

Jorge Carrasco, Acting City Manager, stated the matter will be checked and a report will come back to Council. Councilmember Shipman asked, "Is it true if we make a mistake then the person is not liable at all?" Mr. Carrasco said that is not his understanding but he asked Lonnie Davis to respond to the item in detail.

Mr. Davis said if a permit is issued in error it can always be corrected. He said he will make a more detailed report and come back to Council.

## INTERIM SOLUTIONS

Ms. Ruth Reeder appeared before Council to discuss interim solutions to problems created by overzoned property in Hyde Park. She is president of the Hyde Park Neighborhood Association. "I realized Hyde Park is covered until February 2, 1984 when a public hearing will be held for the site plan review plan. Hyde Park is faced with a very critical and severe change in their neighborhood and the effect will be drastic because of the language of the ordinance. We have 13 houses that are coming up for removal or demolition in our neighborhood, one of which was going to be moved last night. We need protection and coverage. We know infill is inevitable and have hired an architectural firm to do a study of our area. They are working on compatibility guidelines. The study will be finished by early February but what we need is planned development and something in ordinance form that will protect us. Therefore, on behalf of Hyde Park Neighborhood Association, I ask that you approve the Site Plan Review Ordinance as it now reads and that you also approve the compatibility standards in the proposed zoning ordinance."

## CITIZEN DID NOT APPEAR

Ms. Alpha Lonnette who had requested to speak concerning the City Manager's position and duties, did not appear.

## CONSENT ORDINANCES

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

Name Change

Approved changing the name of Ferry Crossing Road to William Cannon Drive.

Zoning Ordinances

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

- |  |   |  |
|--|---|--|
| a. THOMAS E. HUGHES<br>C14-83-070                      | 3418 Blumie Street                                      | From Interim "A" 1st<br>H&A to "GR" 1st H&A            |
| b. GEORGE B. SHEPHERD<br>C14r-83-211                   | 5500-6000 Block of<br>Capital of Texas<br>Highway North | From Interim "A" 1st<br>H&A to "A-2" &<br>"BB" 1st H&A |
| c. IRVIN A. EBAUGH<br>By Donald E. Bird<br>C14r-83-132 | 6300-6700 South<br>I.H. 35                              | From Interim "A" 1st<br>H&A to "C" & "GR"<br>1st H&A   |

## ZONING - (Continued)

- d. CHARLES E. MARSH, 500 Capital of Texas From Interim "A" 1st  
III Hwy., also bounded by H&A to "O" & "AA"  
By Phil Mason St. Stephens School 1st H&A  
C14r-83-149
- e. COMMERCIAL 11740 Old Jollyville From "A" 1st H&A  
PROPERTIES Road to "O-1" 1st H&A  
By Edwayne G. Priesmeyer  
C14-82-098
- f. TONY GUERRERO, JR. 1139 Springdale Road From "B" 1st H&A  
By Kelly & Hickie 1134-1144 Webberville to "C" 1st H&A  
C14-83-235 Road

## EMERGENCY PASSAGE

(5-1-0 Vote, Mayor Mullen absent, Councilmember Shipman voted NO.)

- g. BOARD OF REGENTS OF 2615 West 7th Street  
THE UNIVERSITY OF 2624 Lake Austin Boulevard From "A" 1st H&A  
TEXAS SYSTEMS to "LR" 1st H&A  
C14-83-203
- h. THE WORLD OF Rear of 1416-1502 E. From "A" 1st H&A  
PENTECOST 51st St. to "O-1" 1st H&A  
By Craig A. Estes  
C14-83-267
- i. RICHARD BLANKENSHIP 2210 Westlake Drive From Interim "LA"  
By Dennis Kavanaugh 1st H&A to "A"  
C14-83-248 1st H&A

(5-1-0 Vote, Councilmember Shipman voted No, Mayor Mullen absent)

- j. CITY OF AUSTIN 4015-4021 Banister Lane From "O" & "GR"  
PLANNING DEPARTMENT and rear of 1200-1208 Ben 2nd H&A to "O" &  
C14r-82-197 White Boulevard "GR" 1st H&A
- k. SANDERS BUILDERS, 605 Canon, 604 Gaylor From "A" 1st H&A  
INC. to "BB" 1st H&A  
By Alvin W. Sanders  
C14-83-179

## EMERGENCY PASSAGE

Items Pulled

During the consent motion the following items were pulled:

STEVE R. SCOTT  
By John M. Joseph  
C14-83-016

509-515 Bouldin Avenue

From "A" 1st H&A  
to "C-2" & "O"  
2nd H&A

## ITEMS PULLED - (Continued)

An ordinance to consider approving the site plan and passing ordinance for C14r-83-170 (Cornerstone Development Tract) was pulled until February 2, 1984.

Operating Budget Amendment

Approved amending the 1983-84 Operating Budget by appropriating \$29,400 from the Building Inspection Fund Ending Balance for the implementation of Loop 360 Protection Ordinance, adopted by Council on January 5, 1984.

## CONSENT RESOLUTIONS

The Council, on Councilmember Duncan's motion, Councilmember Rose's second, adopted the following resolutions in one consent motion: (6-0 Vote, Mayor Mullen abstained)

Capital Improvements Program

Approved acquisition of a certain tract of land located at 6817 Porter Street, consisting of a single lot for Electric Transmission. (Tony Sanchez Jr. and wife, Bertha). CAPITAL IMPROVEMENTS PROGRAM No. 77/13-02.

Authorized institution of eminent domain proceedings for the acquisition of a Drainage Easement from Robert and Sheila A. Rainey in Lot 17, Block 4, Wilshire Wood, Section 3 Subdivision in Austin, Travis County, Texas for the Delwood Area Drainage Project, Phase II. CAPITAL IMPROVEMENTS PROGRAM 81/60-03.

Authorized and approved a selection of professional services for the following projects for Water and Wastewater Department:

- a. Bluff Springs Water Storage Reservoir & Bluff Springs Water Transmission Main. C.I.P. Nos: 82/22-20 & 82/22-17 to Black & Veatch, Inc.
- b. South Central Water Transmission Main. C.I.P. No. 81/22-16 to Bovay Engrs.
- c. Burnet Road Water Transmission Main, C.I.P. No. 83/22-13 to Martinez & Wright Engrs., Inc.
- d. Braker Lane Water Transmission Main, C.I.P. No. 83/22-20 to Jeryl Hart, Inc.

Release of Easements

Authorized release of the following easements:

- a. A portion of the 10' Public Utility Easement along the bluff line of Lot 19, Belmont Subdivision. (Request submitted by McGray and McGray Land Surveyors, Inc.)

**EASEMENTS - (Continued)**

- b. An Electric Easement recorded in Volume 5649, Page 1948 of the Travis County Deed Records and located on Lot 1, Davenport Ranch Phase 4, Section 1. (Request submitted by the Westview Company)
- c. The Public Utility Easement on the common lot lines of Lots 4 and 5, Block I, Bryker-Woods D, 3206 Kerbey Lane. (Request submitted by McGray and McGray Land Surveyors, Inc., on behalf of Mr. Campbell McGinnis)
- d. The Public Utility Easements on Lots 23 and 24, Block E, Tanglewood Forest Section I, Phase B, 9205 and 9203 Kempler Drive. (Request submitted by Carlson, Dippel and Marx Surveying Company)

**License Agreement**

Approved entering into a License Agreement to allow the encroachment of private utility tunnels and electric ductbank at 26th and Speedway and 26th and Whitis. (Request submitted by The University of Texas)

**Contracts Approved**

Approved the following contracts:

- |  |   |
|--|---|
| a. DAVIS TRUCK AND EQUIPMENT<br>520 Crescent<br>Waco, Texas                        | - Rearloading garbage containers,<br>Public Works Department<br>Twelve (12) Month Supply Agreement<br>Items 1-5 - \$45,700.00       |
| b. IBM CORPORATION<br>One Texas Center<br>505 Barton Springs Road<br>Austin, Texas | - Purchase of (15) micro computer<br>systems, Police Department, Fire<br>Department and Emergency Medical<br>Services - \$84,322.83 |
| c. IBM CORPORATION<br>One Texas Center<br>505 Barton Springs Road<br>Austin, Texas | - Three (3) Microcomputer Systems<br>for Management & Budget office -<br>\$22,622.56  |
| d. ARKWRIGHT-BOSTON INSURANCE  | - City-wide boiler and machinery<br>insurance, Personnel Department<br>\$592,950.00.  |

**Traffic Signals**

Approved an agreement with the State Department of Highways and Public Transportation to permit the City to assume operation and maintenance of traffic signals at:

- a. F.M. 1325 at Parmer Lane
- b. Loop 1 (East Frontage Road) at 45th Street

Road Easement

Approved granting to Matagorda County a road easement across South Texas Project property.

## CDBG

Authorized execution of necessary documents to loan on a cost recovery basis \$40,000 of Community Development Block Grant Acquisition-Rehabilitation Project funds to the Guadalupe Neighborhood Development Corporation for the relocation and rehabilitation of a donated home into low cost owner occupied housing.

Non-Financial Agreement

Authorized the City Manager to enter into non-financial agreement with University of Texas and Blacklands Neighborhood Association that will establish a process for discussion of University/Neighborhood issues.

Rolm Industry Site Plan

Approved revision of site plan for Rolm Industry tract on Ed Bluestein Boulevard, C-14-80-199.

WATER & WASTEWATER SERVICE TO  
MOCKINGBIRD HILL

Mr. Jorge Carrasco, Acting City Manager, told Council the following recommendations have been provided by the Director of Water and Wastewater for utility improvements to Mockingbird Hill area:

- Immediate preparation of detailed plans for replacement of existing 2 and 2 1/2" water mains with 6" water mains and additional fire hydrants.
- Upon completion of detailed plans, proceed with implementation of improvements using rehabilitation funds appropriated in the current year's operating budget.
- Preparation of engineering plans for the installation of 8" mains to service the specific problem area in need of service as described in the report.
- Process all wastewater approach mains for this area.
- Extend any such approach main under the 100' rule as requested by residents.
- Request the City-County Health Department to identify other similarly situated subdivisions.
- Based on information presented in the attached report, prepare a detailed CIP improvement listing necessary to correct problems in other parts of the system. Improvements to be addressed on priority basis depending on severity.

## MOCKINGBIRD HILL - (Continued)

Mr. Carrasco said the preceding steps will enable us to begin work immediately on construction of necessary infra-structure improvements. We anticipate improved water service to be available by late summer of 1984. Wastewater improvements and sewer service should be complete by spring, 1985.

## REPORT ON PLUMBING CODE

Mr. Lonnie Davis, Director of Building Inspection, reported on the Plumbing Code as follows: "Subsequent to the recent freeze which was unusually long and in which a large number of water pipes froze and burst, the Building Department requested a meeting with the Plumbing Advisory Board to discuss the possibility of requiring some water piping to be insulated. This action was requested as it was the department's opinion no requirements existed in the Plumbing Code. The Department surveyed 10-12 plumbing contracting firms to determine the nature and extent of broken water pipes being repaired by the contractors. The results revealed approximately 75% of the breaks were in totally exposed pipes running through garages or outside the building structure. A majority of the breaks were in structures built prior to 1976 and although some breaks occurred in pipes within interior walls, the number was not significant." Mr. Davis went on to say the Building Code Inspection Department is undertaking a review of all construction codes to determine if in fact there are provisions which are vague and unenforceable. The review will take about 4-6 weeks.

## ADJOURNMENT

Council adjourned its meeting at 2:00 p.m.