

MINUTES OF THE CITY COUNCIL

CITY OF AUSTIN, TEXAS

Regular Meeting

October 8, 1981
3:00 P.M.

Council Chambers
301 West Second Street

The meeting was called to order with Mayor McClellan presiding.

Roll Call:

Present: Mayor McClellan, Mayor Pro Tem Trevino, Councilmembers
Deuser, Duncan, Goodman, Mullen, Urdy

Absent: None

INVOCATION

The Invocation was given by Cled Wimbush, Minister, Church of
Christ for the Deaf.

SPECIAL PROCLAMATION FOR COUNCIL

A proclamation to the Council to thank them for their approval of budget
funding, was presented by members of the Max Gochman Center for Cerebral
Palsy. Members of the Council received the proclamation with their appreciation
and thanks.

PUBLIC HEARING - TAXICAB ORDINANCE

Mayor McClellan opened the public hearing scheduled for 3:30 p.m. on
proposed amendments to Chapter 34 of the Austin City Code, Taxicab Ordinance;
and passage of ordinance.

Ms. Pat Gregory, Assistant Director, Urban Transportation, said the
department and Urban Transportation Commission endorse the amendments.

MR. JIM BOWEN, Chairman, Urban Transportation Task Force, appeared before Council to thank members of the Task Force for their work.

DAVID BENTLIFF, 4105 Avenue A, who is a taxi driver, said the ordinance is fine for what it does but he is disappointed because it is not a total in-depth look into the whole system.

CARLOS VELASQUEZ, representing Roy's Taxi, said they approve the ordinance and recommend passage.

SALLY WITLIFF, Chairman, Urban Transportation, gave a history of the ordinance.

Mayor McClellan introduced the following ordinance:

AN ORDINANCE AMENDING CHAPTER 34, ARTICLE II OF THE CODE OF THE CITY OF AUSTIN, 1967; AMENDING CERTAIN DEFINITIONS AND REQUIREMENTS RELATING TO THE OPERATION OF TAXI CAB FRANCHISES WITHIN THE CITY; DELETING SECTION 34-24; DELETING SECTION 34-48; SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS; AND PROVIDING AN EFFECTIVE DATE.

Councilmember Duncan moved that the Council waive the requirement for three readings, declare an emergency, and finally pass the ordinance. The motion, seconded by Councilmember Mullen, carried by the following vote:

Ayes: Mayor McClellan, Councilmembers Deuser, Duncan, Goodman, Mullen, Urdy

Noes: None

Not in Council Chamber when roll was called: Mayor Pro Tem Trevino

The Mayor announced that the ordinance had been finally passed.

LOAN LEVERAGING PROGRAM

Councilmember Mullen moved that the Council adopt a resolution authorizing a contract with First Texas Savings Association for residential rehabilitation loan leveraging program. The motion, seconded by Councilmember Duncan, carried by the following vote:

Ayes: Councilmembers Deuser, Duncan, Goodman, Mullen, Urdy, Mayor McClellan

Noes: None

Not in Council Chamber when roll was called: Mayor Pro Tem Trevino

The Mayor announced that the ordinance had been finally passed.

Following is an explanation from Carlos Herrera, Human Services Department:

Purpose and Recommendation

"The purpose of this report is to request Council authorization to finalize and execute a contract with First Texas Savings Association for implementation of a residential rehabilitation loan leveraging program in the South First Street neighborhood.

Background

"In May, 1980, the City Council allocated \$1,000,000 of 5th Year Community Development Block Grant funds to a program entitled 'Rehabilitation for Stability, Value, and Pride.' Proposed by Citizens' National Bank, this program originally involved the utilization of CDBG funds to leverage private sector funds in such a manner as to provide affordable low-interest home improvement loans to low- and moderate-income residents of the bank's northeast Austin service area.

"The circumstances of the bank subsequently became such that the bank deemed it inadvisable to attempt the implementation of the program at the present time, and withdrew; however, by that time certain other financial institutions had expressed an interest in this type of program, and we pursued negotiations with these for the implementation of the program.

"The first of these negotiations to bear fruit have been conducted with First Texas Savings Association.

Discussion

"Our discussions with First Texas representatives have resulted in a proposed contract, the essential features of which are as follows:

Implementation in South Austin census tracts 13.05 and 13.06 for property owners with incomes ranging from 80% to 120% of the median family income.

A total contract amount of \$200,000 for a maximum two-year term: \$69,000 firm for the first year, with the remainder to be available for the optional second stage of the contract.

A leveraging ratio of approximately 1:3.5, generating \$250,000 in low-interest (8%) loans for the first year of the contract, providing for the rehabilitation of up to 35 housing units in that period.

"Implementation of this program will serve several purposes:

Establishment of an innovative public-private sector program in Austin, encouraging the growth of public-private cooperative efforts.

Contribute to the elimination of a gap in our present housing assistance programs by making home improvement financing available to persons able to repay loans but who cannot afford present market-rate loans.

Assist to arrest deterioration of the housing stock in the target area.

Coupled with implementation of other aspects of the Corridors Program, will establish a comprehensive neighborhood revitalization in South Austin.

"Although some negotiations remain, we are in agreement with First Texas on the substantive issues of the proposed contract. Further, because the proposed contract involves a lump-sum payment, the proposed contract must be reviewed and approved by HUD, which has a maximum of 45 days to complete its review. If all goes well, we expect to be able to implement this program by December 1, 1981.

"This contract will commit only a portion of the amount originally allocated to the RSVP program. We are presently pursuing negotiations with another lender for a similar contract for the East Austin area. It appears possible at this stage that the original program may ultimately produce two or more contracts to be undertaken by different lenders in different areas of the city.

Required Action

"We request that the City Council authorize the Human Services Department to secure HUD approval to enter into a contract with First Texas Savings Association for implementation of a residential rehabilitation loan leveraging program in the South First Street area, and to execute the approved contract."

Councilmember Duncan asked Mr. Apelt, Human Services Department, if it is true that the money cannot be used for parking lot or sidewalks. Mr. Apelt said that is right. Councilmember Duncan said he wanted that entered into the record.

PROFESSIONAL ENGINEERING SERVICES

Councilmember Mullen moved that the Council adopt a resolution to use the professional engineering services of Harland Bartholomew & Associates, Inc. for Transportation Systems Management Improvements, CAPITAL IMPROVEMENTS PROGRAM No. 82/62-11. The motion, seconded by Mayor McClellan, carried by the following vote:

Ayes: Councilmembers Deuser, Duncan, Goodman, Mullen, Urdy,
Mayor McClellan

Noes: None

Not in Council Chamber when roll was called: Mayor Pro Tem Trevino

Councilmember Mullen moved that the Council adopt a resolution to use the professional engineering services of Gil Engineering Associates, Inc. for Bikeway Facilities Improvements, CAPITAL IMPROVEMENTS PROGRAM No. 82/61-02. The motion, seconded by Councilmember Duncan, carried by the following vote:

Ayes: Councilmembers Duncan, Goodman, Mullen, Urdy, Mayor McClellan

Noes: None

Abstain: Councilmember Deuser

Not in Council Chamber when roll was called: Mayor Pro Tem Trevino

AGENDA ITEM POSTPONED

The Council postponed until October 14, 1981 consideration of retaining expert witnesses to testify in support of proposal 7 at the Public Utility Regulatory Policies Act (PURPA) hearings and the Texas Public Utility Commission.

Mayor McClellan stated she objects to Proposal 7 so does not favor this action.

CITY OF AUSTIN CONTRACT BONDS

Councilmember Duncan moved that the Council adopt a resolution approving the form and content of a resolution authorizing issuance of \$5,960,000 City of Austin Contract Bonds - Series 1981, by the North Austin Growth Corridor Municipal Utility District. The motion, seconded by Councilmember Mullen, carried by the following vote:

Ayes: Councilmembers Goodman, Mullen, Urdy, Mayor McClellan,
Mayor Pro Tem Trevino, Councilmembers Deuser, Duncan
Noes: None

PUBLIC HEARING - LEVYING ASSESSMENTS

Mayor McClellan opened the public hearing scheduled for 4:00 p.m. on Capital Improvements Program - levying the assessments on Bell Avenue and Tweed Court, consisting of approximately 4 blocks, CAPITAL IMPROVEMENTS PROGRAM No. 79/62-4 and passage of ordinance.

Mr. John German, Director of Public Works, stated the purpose of the hearing is to consider appeals. He said the hearing is required by State Law. He said there are three owners and seven parcels of land. The owners have been advised concerning the assessment costs which are calculated on a front foot basis. The total amount of assessments are \$9,875.98. Mr. German told Council an independent appraiser Mr. Herbert Sladek, Jr., has researched the properties to determine enhanced value.

Mr. James Riggs, Assistant City Attorney, then questioned Mr. Sladek concerning the assessments, as required by law. Mr. Riggs placed "Exhibit A" "Evaluation Analysis - Assessments for Curb, Gutter, and Paving, Tweed Court and Bell Avenue" in the City Clerk's Records.

No one appeared to be heard.

Motion

Mayor McClellan introduced the following ordinance:

AN ORDINANCE CLOSING THE HEARING GIVEN TO THE REAL AND TRUE OWNERS OF PROPERTY ABUTTING UPON SUNDRY STREETS IN THE CITY OF AUSTIN, TEXAS, WITHIN THE LIMITS HEREINAFTER DEFINED, AS TO SPECIAL BENEFITS TO ACCRUE TO SAID PROPERTY AND THE REAL AND TRUE OWNERS THEREOF BY VIRTUE OF THE IMPROVEMENT OF SAID STREETS WITHIN SAID LIMITS, AND AS TO ANY ERRORS, INVALIDITIES OR IRREGULARITIES IN ANY OF THE PROCEEDINGS ON CONTRACT THEREFOR; FINDING AND DETERMINING THAT EACH AND EVERY PARCEL OF PROPERTY ABUTTING UPON SAID STREETS WITHIN THE LIMITS DEFINED WILL BE SPECIALLY BENEFITED AND ENHANCED IN VALUE IN EXCESS OF THE AMOUNT OF THE COST OF SAID IMPROVEMENTS PROPOSED TO BE, AND AS, ASSESSED AGAINST SAID ABUTTING PROPERTY AND THE REAL AND TRUE OWNERS THEREOF, AND LEVYING AN ASSESSMENT FOR THE PAYMENT OF A PORTION OF THE COST OF IMPROVING SAID STREETS WITHIN THE LIMITS DEFINED; FIXING A CHARGE AND LIEN AGAINST ALL SAID ABUTTING PROPERTIES, AND THE REAL AND TRUE OWNERS THEREOF; PROVIDING FOR THE MANNER AND METHOD OF COLLECTION OF SAID ASSESSMENTS AND THE RECEIPT FOR PAYMENT OF AND RELEASE OF LIEN ON THE SAME; DECLARING AN EMERGENCY; AND PROVIDING THAT THIS ORDINANCE SHALL BECOME EFFECTIVE IMMEDIATELY UPON ITS PASSAGE. (Tweed Court and Bell Avenue)

Councilmember Mullen moved that the Council close the public hearing, waive the requirement for three readings and finally pass the ordinance effective immediately. The motion, seconded by Councilmember Urdy, carried by the following vote:

Ayes: Councilmember Urdy, Mayor McClellan, Mayor Pro Tem Trevino,
Councilmembers Deuser, Duncan, Goodman, Mullen

Noes: None

The Mayor announced that the ordinance had been finally passed.

ZONING HEARINGS

Mayor McClellan announced Council would hear zoning cases scheduled for 4:00 p.m. Pursuant to published notice thereof, the following zoning cases were publicly heard:

CITY OF AUSTIN	6401 Manor Road	From "LR" Local Retail
By Planning	3417 Northeast Drive	1st Height and Area
Department	3404-3406 Hycreek Drive	To "AA" Residence
C14-81-134		1st Height and Area
		RECOMMENDED by the Planning Commission

Mayor Pro Tem Trevino moved that the Council grant "AA" Residence, 1st Height and Area District, as recommended by the Planning Commission. The motion, seconded by Councilmember Goodman, carried by the following vote:

Ayes: Mayor McClellan, Mayor Pro Tem Trevino, Councilmembers
Deuser, Duncan, Goodman, Mullen, Urdy

Noes: None

The Mayor announced that the change had been granted to "AA" Residence, 1st Height and Area District, and the City Attorney was instructed to draw the necessary ordinance to cover.

GREGORY A.
KOZMETSKY AND
TRUMAN BREED
By TAO/ONO, Jim
Person

2901 and 2903 San
Gabriel

From "BB" Residence
1st Height and Area
To "O" Office
1st Height and Area
RECOMMENDED by the Planning
Commission

C14-81-148

Mayor Pro Tem Trevino moved that the Council grant "O" Office, 1st Height and Area District, as recommended by the Planning Commission. The motion, seconded by Councilmember Goodman, carried by the following vote:

Ayes: Mayor McClellan, Mayor Pro Tem Trevino, Councilmembers
Deuser, Duncan, Goodman, Mullen, Urdy
Noes: None

The Mayor announced that the change had been granted to "O" Office, 1st Height and Area District, and the City Attorney was instructed to draw the necessary ordinance to cover.

R. A. JOHNSON
COMPANY
By John Taylor
C14r-81-153

1715 South Loop 360

From Interim "AA" Residence
1st Height and Area
To "O" Office and "LR"
Local Retail, 1st Height
and Area
RECOMMENDED by the Planning
Commission

Mayor Pro Tem Trevino moved that the Council grant "O" Office and "LR" Local Retail, 1st Height and Area District, as recommended by the Planning Commission. The motion, seconded by Councilmember Goodman, carried by the following vote:

Ayes: Mayor McClellan, Mayor Pro Tem Trevino, Councilmembers
Deuser, Duncan, Goodman, Mullen, Urdy
Noes: None

The Mayor announced that the change had been granted to "O" Office and "LR" Local Retail, 1st Height and Area District, and the City Attorney was instructed to draw the necessary ordinance to cover.

THOMAS T. SMITH,
TRUSTEE
C14-81-140

10101-10123 Middle
Fiskville Road

From "A" Residence
1st Height and Area
To "O" Office
1st Height and Area
RECOMMENDED by the Planning
Commission subject to letter
of agreement and vacation of
Childress as agreed by City.

Mayor Pro Tem Trevino moved that the Council grant "O" Office, 1st Height and Area District, subject to conditions, as recommended by the Planning Commission. The motion, seconded by Councilmember Goodman, carried by the following vote:

Ayes: Mayor McClellan, Mayor Pro Tem Trevino, Councilmembers
Deuser, Duncan, Goodman, Mullen, Urdy
Noes: None

The Mayor announced that the change had been granted to "O" Office, 1st Height and Area District, subject to conditions, and the City Attorney was instructed to draw the necessary ordinance to cover.

Mayor McClellan introduced the following ordinance:

AN ORDINANCE ORDERING A CHANGE IN USE AND HEIGHT AND AREA AND CHANGING THE USE AND HEIGHT AND AREA MAPS ACCOMPANYING CHAPTER 45 OF THE AUSTIN CITY CODE OF 1967 AS FOLLOWS:
A TRACT OF LAND CONTAINING 3.32 ACRES, MORE OR LESS, LOCALLY KNOWN AS 10101-10123 MIDDLE FISKVILLE ROAD, FROM "A" RESIDENCE, FIRST HEIGHT AND AREA DISTRICT TO "O" OFFICE, FIRST HEIGHT AND AREA DISTRICT; SAID PROPERTY BEING LOCATED IN AUSTIN, TRAVIS COUNTY, TEXAS; SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS; AND DECLARING AN EMERGENCY. (C14-81-140, Thomas T. Smith, Trustee)

Mayor Pro Tem Trevino moved that the Council close the public hearing, waive the requirement for three readings and finally pass the ordinance as an emergency measure and effective immediately. The motion, seconded by Councilmember Goodman, carried by the following vote:

Ayes: Mayor McClellan, Mayor Pro Tem Trevino, Councilmembers
Deuser, Duncan, Goodman, Mullen, Urdy
Noes: None

The Mayor announced that the ordinance had been finally passed.

RUDOLPH VANZURA
By Cunningham-
Graves, Inc.
C14-81-143

3108, 3114, 3200 and
3210 Manchaca Road

From Interim "A" Residence
and "A" Residence, 1st
Height and Area
To "BB" Residence
1st Height and Area
RECOMMENDED by the Planning
Commission (as amended) sub-
ject to site plan approval

Mayor Pro Tem Trevino moved that the Council grant "BB" Residence, 1st Height and Area District, subject to conditions, as recommended by the Planning Commission. The motion, seconded by Councilmember Goodman, carried by the following vote:

Ayes: Mayor McClellan, Mayor Pro Tem Trevino, Councilmembers
Deuser, Duncan, Goodman, Mullen, Urdy
Noes: None

The Mayor announced that the change had been granted to "BB" Residence, 1st Height and Area District, subject to conditions, and the City Attorney was instructed to draw the necessary ordinance to cover.

EDGAR S. DAUGHERTY
By Donald Dumas
C14-81-146

11314 Jollyville Road

From Interim "AA" Residence
1st Height and Area
To "O" Office
1st Height and Area
RECOMMENDED by the Planning
Commission (as amended). In the event
multi-family housing is built, it is to
be restricted to "BB" Residence density.

Mayor Pro Tem Trevino moved that the Council grant "O" Office, 1st Height and Area(as amended), subject to conditions, as recommended by the Planning Commission. The motion, seconded by Councilmember Goodman, carried by the following vote:

Ayes: Mayor McClellan, Mayor Pro Tem Trevino, Councilmembers
Deuser, Duncan, Goodman, Mullen, Urdy
Noes: None

The Mayor announced that the change had been granted to "O" Office, 1st Height and Area District, (as amended) subject to conditions, and the City Attorney was instructed to draw the necessary ordinance to cover.

H. C. CARTER
By Edgar James
C14-81-149

3816 Spicewood Springs
Drive
7901-7906 Baywood Drive

From "BB" Residence
1st Height and Area
To "O-1" Office
1st Height and Area
RECOMMENDED (as amended) by
the Planning Commission,
subject to site plan approval.

Mayor Pro Tem Trevino moved that the Council grant "O-1" Office, 1st Height and Area District, subject to conditions, as recommended by the Planning Commission. The motion, seconded by Councilmember Goodman, carried by the following vote:

Ayes: Mayor McClellan, Mayor Pro Tem Trevino, Councilmembers
Deuser, Duncan, Goodman, Mullen, Urdy
Noes: None

The Mayor announced that the change had been granted to "O-1" Office, 1st Height and Area District, subject to conditions, and the City Attorney was instructed to draw the necessary ordinance to cover.

DR. FRED A. PURCELL
WALTER VACKAR AND
NATER INVESTMENTS
LEON SCHMIDT
By Kinney and
Stone, Inc.
C14r-81-154

9422 Research Boulevard
9215-9229 Jollyville
Road

From Interim "A" Residence and
"GR" General Retail, 1st
Height and Area
To "O-1" Office 1st and 2nd
Height and Area
RECOMMENDED (as amended) by
the Planning Commission,
subject to site plan approval.

Mayor Pro Tem Trevino moved that the Council grant "O-1" Office, 1st and 2nd Height and Area Districts, subject to conditions, as recommended by the Planning Commission. The motion, seconded by Councilmember Goodman, carried by the following vote:

Ayes: Mayor McClellan, Mayor Pro Tem Trevino, Councilmembers
Deuser, Duncan, Goodman, Mullen, Urdy
Noes: None

The Mayor announced that the change had been granted to "O-1" Office, 1st and 2nd Height and Area Districts, subject to conditions, and the City Attorney was instructed to draw the necessary ordinance to cover.

ZERA MACKIE
By Jerry Reed
C14-81-133

3603 Lawton

From "A" Residence
1st Height and Area
To "BB" Residence
1st Height and Area

RECOMMENDED (as amended) by the Planning Commission "BB" Residence, 1st Height and Area District, as volunteered by applicant, subject to 11 units, no curb cuts on Lawton, covered parking to the rear.

Mayor Pro Tem Trevino moved that the Council grant "BB" Residence, 1st Height and Area District, as volunteered by applicant, subject to conditions, as recommended by the Planning Commission. The motion, seconded by Councilmember Goodman, carried by the following vote:

Ayes: Mayor McClellan, Mayor Pro Tem Trevino, Councilmembers
Deuser, Duncan, Goodman, Mullen, Urdy
Noes: None

The Mayor announced that the change had been granted to "BB" Residence, 1st Height and Area District (as amended), subject to conditions, and the City Attorney was instructed to draw the necessary ordinance to cover.

NBC ASSOCIATES
By R. Gill and
Associates
C14r-81-142

2108 East Ben White
Boulevard, also bounded
by Woodward Street

From "C" Commercial
1st Height and Area
To "C" Commercial
2nd Height and Area
NOT Recommended

RECOMMENDED by the Planning Commission
2nd Height and Area for the building
envelope only.

Councilmember Mullen moved that the Council grant "C" Commercial, 2nd Height and Area District for the building envelope only, as recommended by the Planning Commission. The motion, seconded by Mayor Pro Tem Trevino, carried by the following vote:

Ayes: Mayor Pro Tem Trevino, Councilmembers Deuser, Duncan, Goodman,
Mullen, Urdy, Mayor McClellan
Noes: None

The Mayor announced that the change had been granted to "C" Commercial, 2nd Height and Area District for the building envelope only, and the City Attorney was instructed to draw the necessary ordinance to cover.

MARDELL E. WARD
By Joe Lucas
C14-81-138

11028 Jollyville Road

From Interim "AA" Residence
1st Height and Area
To "BB" Residence
1st Height and Area
RECOMMENDED (as amended) by
the Planning Commission

Mr. JOE LUCAS, representing the applicant, appeared before Council to state half of the property is in the City and the other half is out. They have yet to go through a subdivision process, there is an approach main involved, which was submitted after September 5, 1981. He asked how the remaining five acres outside the city will be handled. He asked Council to give that question consideration later in the evening when they discuss the moratorium ordinance.

Councilmember Mullen moved that the Council grant "BB" Residence, 1st Height and Area District (as amended), as recommended by the Planning Commission. The motion, seconded by Mayor Pro Tem Trevino, carried by the following vote:

Ayes: Councilmembers Duncan, Goodman, Mullen, Urdy, Mayor
McClellan, Mayor Pro Tem Trevino, Councilmember Deuser

Noes: None

The Mayor announced that the change had been granted to "BB" Residence, 1st Height and Area District (as amended), and the City Attorney was instructed to draw the necessary ordinance to cover.

ASHLEY J. AND
PAT WELCH
By Dan Burgess
C14-81-137

1108 Pearl Street
900 West 22½ Street

From "BB" Residence
1st Height and Area
To "B" Residence
2nd Height and Area
RECOMMENDED by the Planning
Commission, subject to site
plan.

Mr. Lillie reviewed the application by use of slides. MR. DAN BURGESS appeared, representing the applicant, and said the neighborhood supports "B" Residence, 2nd Height and Area District.

Councilmember Deuser moved that the Council grant "B" Residence, 2nd Height and Area District, subject to conditions, as recommended by the Planning Commission. The motion, seconded by Councilmember Duncan, carried by the following vote:

Ayes: Councilmembers Goodman, Mullen, Urdy, Mayor McClellan,
Mayor Pro Tem Trevino, Councilmembers Deuser, Duncan

Noes: None

The Mayor announced that the change had been granted to "B" Residence, 2nd Height and Area District, subject to conditions, and the City Attorney was instructed to draw the necessary ordinance to cover.

JIM AND BERTHA E.
NATIONS
By William Scudder
C14-81-147

1906 West 35th Street

From "A" Residence
1st Height and Area
To "O-1" Office
1st Height and Area

RECOMMENDED by the Planning Commission "O-1" Office, 1st Height and Area District, noting applicant has agreed to pave alley, construct a fence from Jackson to Oakmont on north side of alley; letter from City notifying residents that applicant is willing to construct fence, future applicants are to negotiate a pro-rata reimbursement for pavement of alley.

Mr. Lillie reviewed the application by use of slides.

MR. SCUDDER stated: "My understanding of the conditions from the Planning Commission was that the fence was built from 1906 to Jackson rather than from Oakmont to Jackson. It was paved all the way." Mayor McClellan said, "Let the record reflect."

Councilmember Deuser moved that the Council grant "O-1" Office, 1st Height and Area District, subject to conditions, as recommended by the Planning Commission, except fence to be from 1906 to Jackson. The motion, seconded by Mayor Pro Tem Trevino, carried by the following vote:

Ayes: Councilmembers Mullen, Urdy, Mayor McClellan, Mayor Pro Tem
Trevino, Councilmembers Deuser, Duncan, Goodman
Noes: None

The Mayor announced that the change had been granted to "O-1" Office, 1st Height and Area District, subject to conditions, and the City Attorney was instructed to draw the necessary ordinance to cover.

RALPH E. AND LOIS
H. HAYS
By Jimmy Carmichael
C14r-81-152

2324-2436 Research
Boulevard
7700-7828 East U. S.
290

From Interim "A" Residence
1st Height and Area
To "DL" Light Industrial
1st Height and Area

RECOMMENDED "DL" Light Industrial, 1st Height and Area District. Applicant is to resubmit site plan to take in account roadway needs of area.

Councilmember Deuser asked a question concerning the topography. Mr. Lillie told him that access on the site plan can be taken care of. Traffic goes to 290 and not Research Boulevard.

Councilmember Deuser moved that the Council grant "DL" Light Industrial, 1st Height and Area District, subject to conditions, as recommended by the Planning Commission. The motion, seconded by Mayor Pro Tem Trevino, carried by the following vote:

Ayes: Councilmember Urdy, Mayor McClellan, Mayor Pro Tem
Trevino, Councilmembers Deuser, Duncan, Goodman, Mullen
Noes: None

The Mayor announced that the change had been granted to "DL" Light Industrial, 1st Height and Area District, subject to conditions, and the City Attorney was instructed to draw the necessary ordinance to cover.

Mayor McClellan introduced the following ordinance as an emergency measure:

AN ORDINANCE ORDERING A CHANGE IN USE AND HEIGHT AND AREA AND CHANGING THE USE AND HEIGHT AND AREA MAPS ACCOMPANYING CHAPTER 45 OF THE AUSTIN CITY CODE OF 1967 AS FOLLOWS:

A TRACT OF LAND CONTAINING 60.804 ACRES, MORE OR LESS, LOCALLY KNOWN AS 2324-2436 RESEARCH BLVD., 7700-7828 EAST HIGHWAY 290, FROM INTERIM "A" RESIDENCE, FIRST HEIGHT AND AREA DISTRICT TO "DL" LIGHT INDUSTRIAL, FIRST HEIGHT AND AREA DISTRICT; SAID PROPERTY BEING LOCATED IN AUSTIN, TRAVIS COUNTY, TEXAS; SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS; AND DECLARING AN EMERGENCY. (C14r-81-152, Ralph E. and Lois H. Hays)

Councilmember Deuser moved that the Council close the public hearing, waive the requirement for three readings, and finally pass the ordinance as an emergency measure. The motion, seconded by Mayor Pro Tem Trevino, carried by the following vote:

Ayes: Councilmember Urdy, Mayor McClellan, Mayor Pro Tem
Trevino, Councilmembers Deuser, Duncan, Goodman, Mullen
Noes: None

The Mayor announced that the ordinance had been finally passed.

RICHARD DAVIS
C14-81-098

4334 Duval Road
4412 Switch Willo

From Interim "AA" Residence
1st Height and Area
To "A-2" Condominium
1st Height and Area

RECOMMENDED (as amended) by the Planning
Commission, subject to site plan with 9
units per acre density limitation.

Councilmember Deuser moved that the Council grant "A-2" Condominium, 1st Height and Area District (as amended) subject to conditions, as recommended by the Planning Commission. The motion, seconded by Councilmember Mullen, carried by the following vote:

Ayes: Councilmembers Deuser, Duncan, Goodman, Mullen, Urdy,
Mayor McClellan, Mayor Pro Tem Trevino
Noes: None

The Mayor announced that the change had been granted to "A-2" Condominium, 1st Height and Area District (as amended) subject to conditions, and the City Attorney was instructed to draw the necessary ordinance to cover.

Amendment to Restrictive Covenant

MICHAEL NORWICH
By William Brown
C14-72-131

8711 Burnet Road

Amendment to Restrictive
Covenant

Councilmember Mullen moved that the Council approve the amendment to the restrictive covenant. The motion, seconded by Councilmember Goodman, carried by the following vote:

Ayes: Councilmembers Duncan, Goodman, Mullen, Urdy, Mayor
McClellan, Mayor Pro Tem Trevino, Councilmember Deuser
Noes: None

The Mayor announced that the amendment to the restrictive covenant had been approved.

BRIGIDO MARTINEZ
By Margaret Nunez
C14-81-145

1909 East 3rd Street

From "A" Residence
1st Height and Area
To "C" Commercial
1st Height and Area
NOT Recommended by the
Planning Commission

Mr. Lillie reviewed the application by use of slides.

MRS. MARGARET NUNEZ appeared before Council to state she wants to run a snow cone stand in the summer.

Mr. Lillie explained this would not be allowed in "A" Residence, and "C" Commercial would not be acceptable in the neighborhood. Councilmember Deuser said he knows of no seasonal usage zoning. Mayor Pro Tem Trevino asked Mr. Lillie to check to see if there is any way the snow cone stand could be legally operated and bring this case back next week.

Mayor Pro Tem Trevino moved that the zoning case be postponed to October 8, 1981 at 4:00 p.m. The motion, seconded by Councilmember Duncan, carried by the following vote:

Ayes: Mayor McClellan, Mayor Pro Tem Trevino, Councilmembers
Deuser, Duncan, Mullen, Urdy

Noes: None

Not in Council Chamber when roll was called: Councilmember Goodman

WANDA PLEONA
WILCOX
By William Brown
C14-81-118

1101-1103 Ardenwood
4206 Bradwood

From "A" Residence
1st Height and Area
To "BB" Residence
1st Height and Area
NOT Recommended (as amended)
by the Planning Commission

Mr. Lillie stated there is a valid petition. He reviewed the application by use of slides.

MR. BILL BROWN, representing the applicant, appeared before Council to say the building had been used by a church as a parochial school. He showed slides. The front is on a residential street and the back is on I.H. 35. Mr. Brown said the zoning would not be a precedent and if it is zoned for a school, there will be a restrictive covenant to roll back to "A" Residence, if it does not remain as a school.

MR. C. A. BURKE and MR. CARL STONE, residents of the neighborhood, asked that the request be denied. Mr. Burke asked for a show of hands of those in the Chamber audience who oppose the zoning change. Several raised their hands.

Mayor McClellan said she was sorry, but when you go to more intensive zoning, you are setting a zoning precedent.

Councilmember Duncan moved that the Council uphold the Planning Commission and DENY the zoning change. The motion, seconded by Councilmember Deuser, carried by the following vote:

Ayes: Mayor Pro Tem Trevino, Councilmembers Deuser, Duncan,
Goodman, Mullen, Urdy, Mayor McClellan

Noes: None

The Mayor announced that the zoning change had been DENIED.

Pending Zoning Applications

BEE CAVE WOODS
DEVELOPMENT
COMPANY
C14-74-178

MoPac Expressway
(portion)

From Interim "A" Residence
1st Height and Area
To "BB" Residence and "O"
Office, 1st Height and Area
RECOMMENDED DISMISSAL by the
Planning Commission

Mayor Pro Tem Trevino moved that the Council DISMISS the zoning case. The motion, seconded by Councilmember Goodman, carried by the following vote:

Ayes: Councilmembers Deuser, Duncan, Goodman, Mullen, Urdy,
Mayor McClellan, Mayor Pro Tem Trevino
Noes: None

The Mayor announced that the zoning case had been DISMISSED.

Mr. Lillie told Council the Planning Commission would like to know how many times extensions have been granted in the future, so they will be able to act accordingly in the future, for all pending zoning cases.

ALBERT VANDERLEE
C14-77-098

12001 U. S. 183
12200 Howlett Court
12100-12102 Bell Avenue
12000-12004 Tweed Court
5901-6001 and 6000-6004
McCoy Road

From Interim "AA" Residence
1st Height and Area
To "O" Office and "A"
Residence, 1st Height and
Area
RECOMMENDED EXTENSION by the
Planning Commission

Mayor Pro Tem Trevino moved that the Council EXTEND the zoning case. The motion, seconded by Councilmember Goodman, carried by the following vote:

Ayes: Councilmembers Deuser, Duncan, Goodman, Mullen, Urdy,
Mayor McClellan, Mayor Pro Tem Trevino
Noes: None

The Mayor announced that the zoning case had been EXTENDED.

DAVID E. HOOD
C14-79-143

1000-1400 William Cannon
Drive

From Interim "A" Residence
1st Height and Area
To "O" Office
1st Height and Area
RECOMMENDED EXTENSION by the
Planning Commission

Mayor Pro Tem Trevino moved that the Council EXTEND the zoning case. The motion, seconded by Councilmember Goodman, carried by the following vote:

Ayes: Councilmembers Deuser, Duncan, Goodman, Mullen, Urdy,
Mayor McClellan, Mayor Pro Tem Trevino
Noes: None

The Mayor announced that the zoning case had been EXTENDED.

JOHN G. TREVINO
By Don Bird
C14-79-289

7300-7400 East Ben
White Boulevard

From "AA" Residence
1st Height and Area
To "C" Commercial and
"C-2" Commercial
1st Height and Area
RECOMMENDED EXTENSION by the
Planning Commission

Mayor Pro Tem Trevino stated for the record that he is not related to John G. Trevino.

Mayor Pro Tem Trevino moved that the Council EXTEND the zoning case. The motion, seconded by Councilmember Goodman, carried by the following vote:

Ayes: Councilmembers Deuser, Duncan, Goodman, Mullen, Urdy,
Mayor McClellan, Mayor Pro Tem Trevino
Noes: None

The Mayor announced that the zoning case had been EXTENDED.

THERON S.
BRADFORD,
TRUSTEE
By Phil Mockford
C14-80-020

Spicewood Springs

From Interim "A" Residence
1st Height and Area
To "O" Office
1st Height and Area
RECOMMENDED EXTENSION by the
Planning Commission

Mayor Pro Tem Trevino moved that the Council EXTEND the zoning case. The motion, seconded by Councilmember Goodman, carried by the following vote:

Ayes: Councilmembers Deuser, Duncan, Goodman, Mullen, Urdy,
Mayor McClellan, Mayor Pro Tem Trevino
Noes: None

The Mayor announced that the zoning case had been EXTENDED.

NORTH AUSTIN STATE
BANK
By Robert Davis
C14-80-027

7600 Burnet Road
and Northcross Drive

From "GR" General Retail
1st and 3rd Height and Area
To "GR" General Retail
3rd Height and Area
RECOMMENDED EXTENSION by the
Planning Commission

Mayor Pro Tem Trevino moved that the Council EXTEND the zoning case. The motion, seconded by Councilmember Goodman, carried by the following vote:

Ayes: Councilmembers Deuser, Duncan, Goodman, Mullen, Urdy,
Mayor McClellan, Mayor Pro Tem Trevino
Noes: None

The Mayor announced that the zoning case had been EXTENDED.

STARON DEVELOPMENT,
LTD.
By David Ham
C14-80-075

6311-6547 South I.H.
35 and North Bluff
Drive

From Interim "AA" Residence
1st Height and Area
To "A-H" Residence-Historic,
"O" Office, "LR" Local
Retail, and "GR" General
Retail, 1st Height and Area
RECOMMENDED EXTENSION by the
Planning Commission

Mayor Pro Tem Trevino moved that the Council EXTEND the zoning case.
The motion, seconded by Councilmember Goodman, carried by the following vote:

Ayes: Councilmembers Deuser, Duncan, Goodman, Mullen, Urdy,
Mayor McClellan, Mayor Pro Tem Trevino
Noes: None

The Mayor announced that the zoning case had been EXTENDED.

JONES-PREWITT
COMPANY
C14-80-144

9111 Jollyville Road
and U. S. 183

From Interim "A" Residence
1st Height and Area
To "O" Office
1st Height and Area
RECOMMENDED EXTENSION by the
Planning Commission

Mayor Pro Tem Trevino moved that the Council EXTEND the zoning case.
The motion, seconded by Councilmember Goodman, carried by the following vote:

Ayes: Councilmembers Deuser, Duncan, Goodman, Mullen, Urdy,
Mayor McClellan, Mayor Pro Tem Trevino
Noes: None

The Mayor announced that the zoning case had been EXTENDED.

DEAN STANFORD, SR.
C14-80-161

205 East Rundberg Lane
and North Drive

From Interim "A" Residence
1st Height and Area
To "O" Office
1st Height and Area
RECOMMENDED DISMISSAL by the
Planning Department

Mayor Pro Tem Trevino moved that the Council DISMISS the zoning case.
The motion, seconded by Councilmember Goodman, carried by the following vote:

Ayes: Councilmembers Deuser, Duncan, Goodman, Mullen, Urdy,
Mayor McClellan, Mayor Pro Tem Trevino
Noes: None

The Mayor announced that the zoning case had been DISMISSED.

PEARCE JOHNSON
By John Meadows
C14-80-167

309 Old Lockhart Highway
From Interim "A" Residence
1st Height and Area
To "A-2" Condominium
1st Height and Area
RECOMMENDED EXTENSION by the
Planning Commission

Mayor Pro Tem Trevino moved that the Council grant EXTENSION of the zoning case. The motion, seconded by Councilmember Goodman, carried by the following vote:

Ayes: Councilmembers Deuser, Duncan, Goodman, Mullen, Urdy,
Mayor McClellan, Mayor Pro Tem Trevino
Noes: None

The Mayor announced that the zoning case had been EXTENDED.

FSA PROPERTIES,
INC.
C14-80-182

5715-5823 East Ben
White Boulevard
3412-3418 and 3512-
3518 Montopolis Drive
5706 Burleson Road

From Interim "AA" Residence
1st Height and Area
To "DL" Light Industrial
1st Height and Area
RECOMMENDED EXTENSION by the
Planning Commission

Mayor Pro Tem Trevino moved that the Council EXTEND the zoning case. The motion, seconded by Councilmember Goodman, carried by the following vote:

Ayes: Councilmembers Deuser, Duncan, Goodman, Mullen, Urdy,
Mayor McClellan, Mayor Pro Tem Trevino
Noes: None

The Mayor announced that the zoning case had been EXTENDED.

SITE PLAN APPROVAL

Council had before it for consideration a resolution approving a site plan in relation to Zoning Case No. C14r-81-049. Mr. Lillie, Director of Planning, referred to the site plan, (CITY CLERK DID NOT RECEIVE A COPY) and discussed the curb cuts. He said the access points have been worked out with the Highway Department and Urban Transportation Department. Mr. Lillie addressed the buffering and said, "The 50 feet of buffering adjacent to the residences is decreased by 10 feet at the corner and therefore provides a full 40 feet of tree planting. The remainder of the buffer from the residential area down to the corner lot on Balcones Club Drive is 15 feet of buffer on the private property and 10 feet of buffer within the right of way. ... All buffering Council had required in the past has had to be on private property. It is a decision by Council as to whether the buffer should be 15 feet or 25 feet. We had suggested that some detail be given to the berm and the planting on the berm and where the fence should go. You will have a recommendation from the neighborhood on the fencing and tree planting re what trees should be planted

at what intervals and what kind of landscaping. Parks and Recreation Department has recommended that a landscape architect be consulted on the types and species to be used to insure survival, aesthetics and low maintenance. It was the recommendation of Council that the fencing be on the shopping center side of the landscaping so you might want to get some clarification of that before you proceed. The original site plan had along the middle ramp an access to Balcones Club Drive. We felt that entrance would have been direct alignment to access to the highway and would become a through street so the suggestion is that the entrance to Balcones Club Drive be offset. It is recommended that between two buildings where there is nothing, it either be landscaped or a building placed so it is not a clear shot to Balcones Club Drive. The next point was for the internal circulation to be improved to allow a clearer distribution of traffic within the shopping center and that has been done from Balcones Club Drive through to the existing center on the right side of the map. No signs shall exceed 35 feet in height and no variance for sign height above 35 feet. Another point is that all lighting be directed away from residential development and there is a note to that effect on the site plan. The final point on the site plan, which is added is that preliminary drainage studies should be submitted to be taken to the Engineering Department for their approval prior to their approval of the site plan and passage of the zoning ordinance. A subdivision is being processed on the site and as part of that subdivision process a waterway development permit is required, so no development can occur on the site without the waterway development permit and the subdivision and my recommendation is that this note can be deleted from the site plan because the other procedures will take place and no development can occur without that."

Councilmember Deuser questioned the curb cuts on Balcones Club Drive because he said the plan they saw when the zoning case was first presented had no curb cuts on Balcones Club Drive and he is of the impression Council does not want any. Councilmember Goodman said Council voted to approve the site plan and that is why it is before them today. If Council chooses to not have curb cuts on Balcones Club Drive, that is their option. Discussion followed re the site plan.

CHARLES SCHURTLIFF, a member of the neighborhood, said they appreciate the way in which the Council has put an effort into protecting their neighborhood by buffering it from the commercial development. He said he felt, though, that the things Council said they felt would be good for the neighborhood have been passed by in the plan before them today. He addressed the curb cut on Balcones Club Drive.

Pat Gregory, Urban Transportation Department, said they had some concern about inhibiting access to 183 because they did not want all of the traffic on those residential streets. She said they can reduce that number to two. Discussion followed. Mr. Hill Appeared before Council to discuss curb cuts, as well as Mr. McCulloch. After more discussion concerning buffering, etc., the following motion was made:

Motion

Councilmember Goodman moved that the Council adopt a resolution approving a site plan in relation to Zoning Case C14r-81-049 subject to the following conditions: that the site plan have restoration of the full 25 feet of buffering on the eastern edge of the tract along Balcones Club Drive; the 50 foot buffer along the southern edge be maintained; the curb cut on the south side on Balcones Club Drive be eliminated; the applicant, before final zoning is approved, return to the City with a covenant to secure the City's interest enforcing all the aspects of the site plan; that before final zoning be approved that the site plan be approved by the Director of Planning, including a plan for landscaping. (The 25 feet and 50 feet are from the property line and do not include right-of-way.) The motion was seconded by Mayor Pro Tem Trevino.

Friendly Amendment

Councilmember Duncan offered a friendly amendment that the privacy fence be located behind the berm on the tract. Councilmember Goodman accepted the friendly amendment.

Mayor McClellan asked if the covenant will run with the land. Mr. Jim Nias, Assistant City Attorney, said they will do their best to see that it does.

Roll Call on Motion with Friendly Amendment

Ayes: Councilmembers Goodman, Mullen, Urdy, Mayor McClellan,
Mayor Pro Tem Trevino, Councilmember Duncan
Noes: Councilmember Deuser

PUBLIC HEARING - CAPITAL RECOVERY CHARGE

Mayor McClellan opened the public hearing scheduled for 5:00 p.m. to consider adoption of a Capital Recovery Charge for the provision of water and wastewater services. The Mayor stated that she felt a final vote should not be taken on this tonight, because she will want to consider what is told to her tonight in the public hearing, concerning this major decision.

Councilmember Duncan stated for the record, "I consider this major and considered it major when it came before this Council over a month ago and it was sent back, and I think we've already seen the delay is costing us millions of dollars."

Mr. Bill Bulloch, Director of Water and Wastewater, stated as follows: "In April the staff provided Council with information concerning the proposed capital recovery charge that stemmed initially from a request from Council looking at how to recover costs that relate to treatment plant capacity and transmission line storage facilities as they tie into providing service to incorporated municipalities and other political entities. Since then we have learned a number of things which we think are critical fiscally, which relate to financing, utility projects and protecting the fiscal integrity of the City's utility system. We think the issue is a fiscal one concerning how to finance projects in light of where we are in our construction program in light of growth-related

projects. Some of the objectives Council should consider are the goals and objectives of reducing rate requirements in the future for financing projects, increasing system equity through this type of approach, increasing our debt capacity by utilizing this money to finance new projects, establishing growth management incentives and pursuing the goal as outlined by Council of allowing growth to pay more of the cost related to the facilities for the utility. We'd also like you to consider a capital recovery charge for all growth management areas I through V; intensification of use in the downtown area; redevelopment in the City also places an impact for new facilities and expanded facilities on the utility system. Also I want you to consider how to tie this specifically and earmarking the money in concert with alternative financing measures for building new projects that relate to extending the utility system such as leads purchase which has been recommended for review by Councilmember Mullen. This fee as enacted should be tied back to a specific plan of action as to how it can and should be used as a part of the utilities overall construction program. We also want to review the method and timing of fee collection. We think the fee should be used properly to guide construction and growth management.

DOYLE WILSON appeared before Council to state the fee would be a hardship and proposed doing it be a square foot basis.

FRANK COOKSEY, Save Barton Creek Association, said he voted twice to support the Planning Commission proposal.

JOHN McPHAUL opposes the fee. He said all should share equally.

MARC BAILES, Nash Phillips/Copus, said the fee may price business out of the market and will effect the bond rating.

ROGER GILES asked that Water District 8 be grandfathered, otherwise the proposed charge will wipe out the use of their land.

Councilmember Mullen wanted to know how the rates are devised. Mr. Bulloch told him we have sold bonds to build facilities and bring in new customers. Discussion followed concerning rate base.

PALMER WRIGHT appeared and spoke to the double charge.

FRANCES McINTYRE, League of Women Voters, supports fees to cover utility extensions.

JOHN FINE, conservation chairman, Austin Sierra Club, said the outlying residential areas should take on more of the cost because costs are greater to go out with services.

ARI WRIGHT, Austinites for Public Transportation, recommended Council adopt the proposed fees.

TERRY PARKER appeared and showed slides and said he is for the proposal.

LINDEN HENRY supports capital recovery for preferred growth areas.

PAUL GATTLIN, representing J. W. Smith homes, requested Council take no action tonight. He said they went to purchase their water taps today and were refused, and discussed the City's breach of contract concerning their 1,810 taps.

PHILIP BLACKERBY said he is not worried about LCRA (Lower Colorado River Authority) because they cannot compete with the City.

KEN MANNING, Planning Commission, said the fees do not cover the cost of service.

ED WENDLER said this is not the time to put further costs on houses.

JOE RIDDELL said a better ordinance is needed in sensitive areas.

CONNIE MOORE, Zilker Park Posse, supports the Planning Commission proposal.

DOROTHY HARBO said the fees are not high enough and favors the proposal.

FRANK HORSFAL supports the fees.

After some Council discussion the following motion was made:

Motion

Mayor Pro Tem Trevino moved that the Council close the public hearing. The motion, seconded by Councilmember Duncan, carried by the following vote:

Ayes: Councilmembers Mullen, Urdy, Mayor McClellan, Mayor Pro Tem Trevino, Councilmembers Deuser, Duncan, Goodman

Noes: None

BANNER

Mayor Pro Tem Trevino moved that the Council approve the request of MS. ANN LIND-LOEFFLER for permission to place a banner at 38th and Lamar from October 12, 1981 through October 26, 1981. The motion, seconded by Mayor McClellan, carried by the following vote:

Ayes: Councilmember Urdy, Mayor McClellan, Mayor Pro Tem Trevino, Councilmembers Deuser, Duncan, Mullen

Noes: None

Not in Council Chamber when roll was called: Councilmember Goodman

CITIZEN DID NOT APPEAR

Ms. Marian Wizard who had requested discussion of the River City Currents and Sunfest 81 did not appear.

LONE STAR FISBEE CLUB

Mayor Pro Tem Trevino moved that the Council approve the request of Mr. Christopher Baker, Director of Lone Star Frisbee Club for permission to have beer concession at Texas State Frisbee Championships at Waterloo Park on October 24-25, 1981. The motion, seconded by Councilmember Urdy, carried by the following vote:

Ayes: Mayor McClellan, Mayor Pro Tem Trevino, Councilmembers
Deuser, Duncan, Mullen, Urdy

Noes: None

Not in Council Chamber when roll was called: Councilmember Goodman

CITIZEN DID NOT APPEAR

Mr. Bryon Taylor who wanted to discuss certain matters did not appear.

WATER METER MATTERS

MR. FRANK J. HORSFAL discussed water meter matters.

HARVEST MOON FESTIVAL

Councilmember Urdy moved that the Council approve the request of MR. SAMUEL D. SCHULMAN, representing the University of Texas Cowboys, for permission to serve beer at the 4th Annual Harvest Moon Festival at Auditorium Shores on Thursday, October 29, 1981. The motion, seconded by Mayor Pro Tem Trevino, carried by the following vote:

Ayes: Mayor Pro Tem Trevino, Councilmembers Deuser, Duncan,
Mullen, Urdy

Noes: None

Not in Council Chamber when roll was called: Councilmember Goodman,
Mayor McClellan

DOWNTOWN TASK FORCE

MS. KAREN McGRAW appeared before Council to discuss appointment of the Downtown Task Force.

JAYCEES POLL ON STNP

MR. ERIC MITCHELL appeared before Council to present results of the public opinion poll conducted by the Jaycees on the South Texas Nuclear Project (STNP).

ANTI-POVERTY REPORT

MR. BRUCE BLACKWELL appeared before Council to present an anti-poverty report.

GOVERNMENT REDUCTIONS

MR. TERRY L. PARKER appeared before Council to discuss reducing government.

PARADE PERMITS

Councilmember Duncan moved that the Council approve the following parade request permits:

- a. MR. JULIUS OREBO, for Student Government Association, Huston-Tillotson College, from 10:00 a.m. to 12:00 a.m., Saturday, October 24, 1981, beginning from Comal and Martin L. King, Jr., Boulevard, to Chicon, right on Chicon to college entrance.
- b. MR. RICHARD KORST, for Arthritis Foundation, from 10:00 a.m. to 11:45 a.m., Sunday, November 22, 1981, beginning from Austin High School, Lake Austin Boulevard - Enfield to Dillman, to Windsor Road, to Robin Hood Trail, to Enfield - Lake Austin Boulevard, back to high school.
- c. MR. KEITH A. SUNBURY, for Crockett High School Student Council, from 2:30 p.m. to 5:00 p.m., Friday, October 23, 1981, beginning at Burger Center, left onto Jones Road, right on Manchaca Road, end at Crockett High School.

The motion, seconded by Mayor McClellan, carried by the following vote:

Ayes: Councilmembers Deuser, Duncan, Mullen, Urdy, Mayor McClellan,
Mayor Pro Tem Trevino

Noes: None

Not in Council Chamber when roll was called: Councilmember Goodman

PUBLIC HEARING ON APPEAL FROM
DECISION OF PLANNING COMMISSION

Mayor McClellan opened the public hearing scheduled for 7:00 p.m. to consider an appeal of the Planning Commission's decision to grant variances to the Barton Creek Ordinances relating to the Brodie Tract, filed by Mr. Joe Riddell and Mr. Philip Blackerby.

Mr. Lillie reviewed the case. Mr. Blackerby, Mr. Riddell and Ms. Connie Moore spoke against the variances granted.

PORTER YOUNG, developer of the Brodie Tract, said there have been many meetings and the situation is involved and complex. He said they are allowed to build in lowland zones and are required to get a Special Permit. He said it will be a self-supporting project and it will cost over \$1,000,000 for water and sewer. He said there will be 1200 units in all and discussed the impervious cover and the planned condominiums.

FRANK COOKSEY discussed the Edwards Aquifer and proximity of the project to Barton Creek.

DOROTHY RICHTER, Save Barton Creek Association, said Barton Springs has been closed four times this summer because of flooding. Too much impervious cover in the area, she thinks, results in a murky spring.

SHUDDE FATH asked Council to vote against the ordinance.

Porter Young said they would dedicate more parkland to the City and asked Council to allow them to spread out.

Discussion followed. Councilmember Deuser stated for the record that in looking at the whole tract, much worse development could happen. He said he has faith in the judgement of boards and commissions and neighborhood groups and the site plan will be before Council.

Councilmember Urdy and Councilmember Goodman agreed the whole thing is complicated. Councilmember Goodman commended the cooperativeness of Mr. Young.

Motion

Councilmember Goodman moved that the Council close the public hearing and grant the variances as granted by the Planning Commission, including finding of fact by the Planning Commission. The motion, seconded by Councilmember Mullen, carried by the following vote:

Ayes: Councilmembers Duncan, Goodman, Mullen, Urdy, Mayor
McClellan, Mayor Pro Tem Trevino
Noes: Councilmember Deuser

ELECTRIC SERVICE CONNECTION FEE

Mayor McClellan introduced the following ordinance:

Councilmember Goodman moved that the Council waive the requirement for three readings, declare an emergency and finally pass the ordinance, delaying implementation of ordinance establishing electric service connection fee; refund any fees collected; refer to Electric Board; and delay implementation to November 1, 1981. The motion, seconded by Councilmember Deuser, carried by the following vote:

Ayes: Councilmembers Goodman, Mullen, Urdy, Mayor McClellan,
Mayor Pro Tem Trevino, Councilmembers Deuser, Duncan
Noes: None

The Mayor announced that the ordinance had been finally passed.

Councilmember Deuser, prior to the vote, questioned the billing procedure. Mr. R. L. Hancock, Director of Electric Utility, said this should be looked into.

RICHARD VAUGHN, electrical contractor, said the owner should be billed direct and not the contractor.

MORATORIUM - PROCESSING CERTAIN SUBDIVISION APPLICATIONS

Mayor McClellan introduced the following ordinance:

AN ORDINANCE OF THE CITY OF AUSTIN, TEXAS; ESTABLISHING A TEMPORARY 120 DAY MORATORIUM ON THE PROCESSING OF CERTAIN SUBDIVISION APPLICATIONS COVERING LAND LOCATED OUTSIDE THE CITY LIMITS OF THE CITY OF AUSTIN AND WHICH ARE DEPENDENT ON THE PROVISION OF WATER AND/OR WASTEWATER SERVICE BY THE CITY OF AUSTIN; PROVIDING FOR CERTAIN EXEMPTIONS; SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS; AND DECLARING AN EMERGENCY.

Councilmember Goodman moved that the Council waive the requirement for three readings, declare an emergency and finally pass the ordinance. The motion, seconded by Councilmember Mullen, carried by the following vote:

Ayes: Councilmembers Mullen, Urdy, Mayor McClellan, Mayor Pro
Tem Trevino, Councilmembers Deuser, Duncan, Goodman
Noes: None

The Mayor announced that the ordinance had been finally passed.

Prior to the vote, Councilmembers discussed the moratorium. JERYL HART appeared and said he has had some pending as much as four years. TOM WOLFE appeared and asked why the plats cannot be looked at. PIERRE BARTEL, representing a client on South Congress and Dittmar, said their land is outside the City limits and will be annexed.

CDBG FUNDED HOUSING REHAB

Mayor Pro Tem Trevino moved that the Council adopt a resolution approving a contract format for Community Development Block Grant (CDBG) funded housing rehabilitation activities. The motion, seconded by Mayor McClellan, carried by the following vote:

Ayes: Councilmember Urdy, Mayor McClellan, Mayor Pro Tem
Trevino, Councilmembers Deuser, Duncan, Mullen

Noes: None

Not in Council Chamber when roll was called: Councilmember Goodman

FUNDING FOR RETARDED CITIZENS

Councilmember Mullen and Mayor Pro Tem Trevino introduced an item to Council concerning Council's intent in approving funding allocation to the Austin Association of Retarded Citizens.

BARBARA MEYER appeared and said they need \$4,000.00.

Council asked Mr. Apelt, Human Services, to return with a recommendation concerning funding on October 22, 1981

NEIGHBORHOOD REVITALIZATION COMMISSION

After some Council discussion with Mr. Badgett, Assistant City Manager, the following ordinance was adopted:

Mayor McClellan introduced the following ordinance:

AN ORDINANCE ESTABLISHING A NEW CHAPTER 49 OF THE AUSTIN CITY CODE OF 1967; PROVIDING FOR THE CREATION OF THE NEIGHBORHOOD REVITATLIZATION COMMISSION; PROVIDING FOR THE COMPOSITION, SELECTION, AND TERMS OF SUCH COMMISSION; AND PROVIDING FOR RULES AND REGULATIONS FOR THE CONDUCT OF THE COMMISSION'S BUSINESS; AND WAIVING ANY NECESSITY FOR MORE THAN ONE READING OF AN ORDINANCE ON ANY ONE DAY, AND DECLARING AN EMERGENCY.

Mayor Pro Tem Trevino moved that the Council waive the requirement for three readings, declare an emergency and finally pass the ordinance. The motion, seconded by Mayor McClellan, carried by the following vote:

Ayes: Mayor McClellan, Mayor Pro Tem Trevino, Councilmembers
Duncan, Goodman, Mullen

Noes: Councilmember Urdy

Abstain: Councilmember Deuser

The Mayor announced that the ordinance had been finally passed.

BOARD AND COMMISSION APPOINTMENTS

Mayor McClellan announced the following Board and Commission appointments are due to be made next week:

- Arts Commission - 6
- Building Code Board of Appeals - 2
- Building Standards Commission - 1
- Electric Utility Commission - 4
- Energy Conservation Commission - 1
- Ethics Review Commission - 1
- On-Going Goals Assembly Committee - 6
- Hospital Board - 5
- Environmental Board - 1
- Parks and Recreation Board - 1
- Plumbing Advisory Board - 1
- Renewable Energy Resources Commission - 3
- Citizen's Traffic Safety Commission - 1
- Vending Commission - 2
- Austin Community Education Consortium - 3
- Downtown Revitalization Task Force - 4
- Cable Commission - 11
- Water and Wastewater Commission - 7
- Manpower Advisory Planning Council - 15
- MH/MR Board of Trustees - 2
- Historic Landmark Commission - 1
- Private Industry Council - 6
- Commission on the Status of Women - 1

and the following to be appointed November 4 or 5:

- Construction Advisory Committee - 3
- Human Relations Commission - 6

CIP SCHEDULE

Council had before it a resolution to approve a schedule for adoption of the full 1981-86 Capital Improvements Program to replace the limited C.I.P. approved September 24, 1981.

Councilmember Duncan said he would recommend a six month differentiation between the budget and C.I.P. Mr. Muehlenbeck, Acting City Manager, said he will come back with an alternate schedule.

ENERGY CONSERVATION FOR
TENANTS AND LANDLORDS

Councilmember Deuser moved that the Council approve City "co-sponsorship" (endorsement) of the City-wide conference on Energy Conservation for Tenants and Landlords that the University of Texas Division of Continuing Education will hold in November. The motion, seconded by Councilmember Duncan, carried by the following vote:

Ayes: Councilmembers Deuser, Duncan, Goodman, Mullen, Urdy,
Mayor McClellan, Mayor Pro Tem Trevino
Noes: None

NO ACTION TAKEN ON ITEM

Councilmember Deuser introduced an item to consider requesting that the Downtown Task Force meet within two weeks of their appointment. No action was taken.

WATER AND WASTEWATER SERVICE AREAS

Councilmember Mullen discussed water and wastewater services as they relate to the Master Plan. This is to be referred to the Planning Commission and Environmental Board.

NEW APPLICATIONS FOR ZONING CASES

The Acting City Manager announced the following new applications for zoning changes will be considered by the Council on October 29, 1981:

GULF OIL CORPORATION 3324 Northland Drive
By K. L. Vaughn
C14r-81-155

From "LR" Local Retail
1st Height and Area
To "GR" General Retail
1st Height and Area

CITY OF AUSTIN
PLANNING DEPARTMENT
C14-81-157

900-1318 East 7th Street
902-1216 & 903-1215 East
8th Street, 900-1218 &
903-1219 East 9th Street,
900-1218 & 901-1219 East
10th Street, 700-1004 &
701-1005 San Marcos
Street, 700-1004 & 701-
1005 Waller Street,
700-1010 & 701-1013
Lydia Street, 1000-1012
& 1001-1007 Wheless
Street, all of Embassy
Drive & Inks Avenue

From "A" Residence, "A-H"
Residence-Historic, "BB"
Residence, "B" Residence,
"B-H" Residence-Historic,
"O-H" Office-Historic, "C"
Commercial, and "C-2"
Commercial, 1st and 2nd
Height and Area
To Appropriate Zoning

JIM RAY, TRUSTEE
By Eugene Jarman
C14-81-158

6509-6701 Bradsher
320 William Cannon

From Interim "A" Residence
1st Height and Area
To "LR" Local Retail
1st Height and Area

TIMOTHY J. &
ELIZABETH WEAVER
C14-81-159

200 East 30th Street

From "B-H" Residence-Historic
1st Height and Area
To "O-H" Office-Historic
1st Height and Area

ISAIAH HARDY, JR.,
AND KYLE B. COLLINS
C14-81-160

1605 East 7th Street

From "A" Residence
2nd Height and Area
To "O" Office
2nd Height and Area

C. R. FLOURNOY AND
M. H. FLOURNOY
By Donald Flournoy
C14-81-161

5407 Wasson Road

From Interim "A" Residence
1st Height and Area
To "C" Commercial
1st Height and Area

BILL MILBURN, INC.
By John Meinrath
C14r-81-162

Rear of 13700-13712
U. S. 183, 12509-12517
Hymeadow, and 10000-
10004 Hidden Meadow
Drive

From Interim "AA" Residence
1st Height and Area
To "GR" General Retail
1st Height and Area

JERRY D. HOLLEY AND
AUSTIN A. COOPER
C14r-81-163

13716 U. S. 183 and
10500-10504 Hymeadow
Drive

From Interim "AA" Residence
1st Height and Area
To "LR" Local Retail
1st Height and Area

DISTRICT COUNCIL
ASSEMBLIES OF GOD
By Irwin Salmanson
C14-81-164

6510 Berkman Drive
1612-1616 Wheless Lane

From "A" Residence and
"B" Residence
1st Height and Area
To "O" Office
1st Height and Area

CHAPARRAL
INVESTMENTS, LTD.
By Sanford Gottsman
C14r-081-165

11946-12022 Burnet Road

From Interim "AA" Residence
1st Height and Area
To "GR" General Retail, 3rd
Height and Area; "DL" Light
Industrial, 1st and 2nd
Height and Area; "O" Office,
1st Height and Area

EDMUND J. ALFF, JR., MARIE ALFF NOACK & JOSEPHINE ALFF NENDELL By David Armbrust C14-81-166	1900-1910 Alamo 1901-1911 Poquito 2000-2018 East Martin Luther King, Jr. Boulevard 2001-2009 East 20th Street	From "BB" Residence and "LR" Local Retail 1st Height and Area To "O" Office 1st Height and Area
LAYTON B. WILSON By James Holland, Jr. C14-81-167	807-811 Nueces 517 West 9th Street	From "B" Residence 2nd Height and Area To "C" Commercial 4th Height and Area
HUSSAIN MALIK By Page Souther- land Page C14-81-168	1015-1017 Kramer Lane	From Interim "AA" Residence 1st Height and Area To "BB" Residence 1st Height and Area
R.P.C. INVESTMENTS, INC. By Tom Curtis C14-81-169	1011-1107 South Pleasant Valley	From "O" Office 3rd Height and Area To "C" Commercial 3rd Height and Area
JOHN H. AND BILLIE G. McGEE By Holford & Carson C14r-81-170	9532 Jollyville Road	From Interim "A" Residence 1st Height and Area To "GR" General Retail (Tract 1) "O-1" Office (Tract 2) 1st Height and Area
CHARLES LINBERG By John Meinrath C14-81-171	7414 Burnet Road	From "C" Commercial 1st Height and Area To "C-1" Commercial 1st Height and Area
LAMBETH BUILDING CO., INC. By Federal Sign C14r-81-172	9091 Research Boulevard	From "D" Industrial 1st Height and Area To "D" Industrial 2nd Height and Area
GEORGE ARREDONDO/ CASITA JORGE'S, INC. By Willerd Perkins, Jr. C14-81-173	5004 Lynnwood	From "A" Residence and "B" Residence, 1st Height and Area To "O" Office and "GR" General Retail, 1st Height and Area

RANDALL H. RILEY C14-81-174	2504-2506 North Bluff Drive	From Interim "A" Residence 1st Height and Area To "C" Commercial 1st Height and Area
W. B. LOVELESS ESTATE By Dr. Jesse de la Rosa C14-81-175	105 West Elizabeth	From "A" Residence 1st Height and Area To "O" Office 1st Height and Area
VAN CLEAVE DEVELOPMENT CO., INC. By Joaquim DeLima C14-81-176	9704 North Lamar Boulevard	From "GR" General Retail 1st Height and Area To "C-1" Commercial 1st Height and Area
OWEN GARY HANSELER FOR ESTATES OF OTTO GLEN HANSLER AND ALMA K. HANSELER By Jim Akin C14-80-089	400-500 St. Elmo Road West	From "A" Residence 1st Height and Area To "B" Residence 1st Height and Area
ARNOLD'S BAKERY By City of Austin C14h-81-008	1010 East 11th Street	From "B" Residence and "C" Commercial, 2nd Height and Area To "B-H" Residence-Historic and "C-H" Commercial- Historic, 2nd Height and Area
HAEHNEL STORE BUILDING By City of Austin C14h-81-009	11th and Waller	From "C-2" Commercial 2nd Height and Area To "C-2-H" Commercial-Historic 2nd Height and Area
(NAME TO BE DETERMINED) By City of Austin C14h-81-013	1108 Pearl Street 900 West 22½ Street	From "BB" Residence 1st Height and Area To "B-H" Residence-Historic 1st Height and Area

WESTLAKE CROSSROADS, 4211, 4301 Westlake
INC. High Drive
By Joe Lucas 1304 Camp Craft Road
C14r-81-139

From Interim "AA" Residence
1st Height and Area
To "O" Office
1st Height and Area

BIG BROTHERS/BIG SISTERS

Councilmember Deuser moved that the Council direct the Planning Department to expedite the zoning application filed by Big Brothers/Big Sisters, so that the Council may consider this application within 30 days. The motion, seconded by Mayor McClellan, carried by the following vote:

Ayes: Councilmembers Mullen, Urdy, Mayor McClellan, Mayor Pro
Tem Trevino, Councilmembers Deuser, Duncan, Goodman
Noes: None

CITIZEN APPEARED

Mr. Kleinman appeared before Council to discuss sound permit for Auditorium Shores for the River City Currents and Sunfest 81. Council told him that it was not posted for vote and will be brought back next week.

EXECUTIVE SESSION

Mayor McClellan announced that Council will convene in a closed or executive session authorized by Section 2, Paragraphs (e), (f) and (g) of Article 6252-17, Texas Revised Civil Statutes Annotated; and after such closed or executive session, any final action, decision or vote with regard to any matter considered in the closed or executive session will be made in open session, should such action, decision or vote be necessary.

RECESS AND ADJOURNMENT

Council recessed its meeting for executive session at 12:20 a.m. and resumed its recessed meeting for adjournment at 1:45 a.m., October 9, 1981.

APPROVED:

Carole Keeton McClellan
Mayor
10/19/81 *R. Fowler*

ATTEST:

Grace Monroe
City Clerk