



Austin City Council MINUTES

For FEBRUARY 25, 1982 -- 3:00 P.M.

Council Chambers, 301 West Second Street, Austin, Texas

City Council

Carole Keeton McClellan
Mayor

John Treviño, Jr.
Mayor Pro Tem

Council Members
Larry Deuser
Roger Duncan
Richard Goodman
Ron Mullen
Charles E. Urdy

Nicholas M. Meiszer
City Manager

Grace Monroe
City Clerk

Memorandum To:

Mayor McClellan called to order the Meeting of the Council scheduled for 3:00 p.m., noting the absence of Councilmembers Urdy, Goodman and Duncan, who entered at 3:15 p.m.; and Mayor Pro Tem Trevino who entered at 3:20 p.m. Councilmembers Deuser & Mullen were absent for the day.

INVOCATION

The Invocation was given by Reverend N.W. Bacon Jr., Greater Mt. Zion Baptist Church.

MINUTES APPROVED

The Council, on Councilmember Duncan's motion, Mayor McClellan's second, approved the minutes for Regular Meeting of February 3, 1982. (4-0 Vote, Councilmembers Deuser, Mullen and Mayor Pro Tem Trevino absent.)

OPERATING BUDGET AMENDMENT

The Council, on Councilmember Urdy's motion, Councilmember Duncan's second, waived the requirement for three readings and finally passed an ordinance transferring \$37,000 from Parks and Recreation's LBJ Tennis Center to establish the Tennis Court resurfacing category (\$11,000), Doris Miller Auditorium re-roofing (\$16,000) and level one (1) development of Colony Park Playground (\$10,000). (5-0 Vote, Councilmembers Deuser and Mullen absent)

Mayor McClellan commented that Council should obtain the approval of the Park Board in the future.

EXECUTIVE SESSION

Mayor McClellan announced that Council would go into Executive Session pursuant to Article 6252-17, V.T.C.S. to discuss selection criteria for the appointment of the Presiding Judge and Associate Presiding Judges of Municipal Court.

RECESS

Council recessed its meeting at 3:20 for Executive Session and resumed its recessed meeting at 4:00 p.m.

ZONING HEARINGS

Mayor McClellan announced Council would hear zoning cases scheduled for 4:00 p.m. The Council heard, closed the public hearing, granted and instructed the City Attorney to draw the necessary ordinances to cover the following zoning changes:

| | | | |
|----------------|--|---|--|
| C14-81 234 | JOE B. LEWELLEN | 5710 Nancy Drive | From "MH" 1st H&A To "AA" 1st H&A RECOMMENDED <u>GRANTED AS RECOMMENDED</u> |
| C14-81 235 | CLEVE M. EARLEY | 6715 Manchaca Road & 1920 Bissel Lane 5' right-of-way on <u>Manchaca Road included</u> | From Interim "A" 1st H&A To "O-1" 1st H&A RECOMMENDED <u>GRANTED AS RECOMMENDED</u> |
| C14-81 241 | J. ALTON BAUERLE & AND ROGER GAILLARDETZ | 2601 Del Curto Rd, access also to Southland Drive | From "A" 1st H&A To "A-2" 1st H&A RECOMMENDED <u>GRANTED AS RECOMMENDED</u> |
| | By William J. Scudder | | |
| C14r-81 243 | LML INVESTMENT CO. By Phil Mockford | Rear of 12595-12601 Research, also bounded by Oakmont Street | From Interim "AA" 1st H&A To "C" 1st H&A RECOMMENDED <u>GRANTED AS RECOMMENDED</u> |

(On Councilmember Goodman's motion, Mayor Pro Tem Trevino's second, 5-0 Vote, Councilmembers Deuser and Mullen absent.)

| | | | |
|---------------|---------------------------|---|--|
| C14-81 236 | EULALIO HERNANDEZ, JR. | 7812 Gault Street & 1301-1303 Anderson Lane | From "B" 1st H&A To "O" 1st H&A RECOMMENDED "O" with access limited to Anderson Lane. <u>GRANTED AS RECOMMENDED</u> |
|---------------|---------------------------|---|--|

(On Mayor Pro Tem Trevino's motion, Mayor McClellan's second, 5-0 Vote, Councilmembers Deuser & Mullen absent)

ZONING HEARINGS - (Continued)

C14 -81 BUCKINGHAM RIDGE 6532-6536 South From "LR" 1st H&A
 239 DEVELOPERS & C. W. Congress Avenue To "C" 1st H&A
 HETHERLY, JR. RECOMMENDED "C", to be
 By D. Edward Moore tied to site plan,
 noting deed restriction
 volunteered by applicant
 limiting use to whole-
 sale/retail bakery store.
GRANTED AS RECOMMENDED

C14 -79 BUCKINGHAM RIDGE 6524-6528 S. Congress Amendment to Restrictive
 180 DEVELOPERS Avenue Covenant
 By R. Alan Haywood RECOMMENDED
GRANTED AS RECOMMENDED

Mr. Jim Nais stated for the record "This land had a previous restrictive covenant on it from a 1979 zoning case and this covenant would supersede that one because both of them are tied to site plans. I just wanted to make the Council aware of that."

(On Mayor Pro Tem Trevino's motion, Mayor McClellan's second, 5-0 Vote, Councilmembers Deuser and Mullen absent.)

C14 -81 REMEDIOS MERCADO 2903 Swisher St. From "A" 1st H&A
 246 By W. L. Thompson, To "O" 4th H&A
 Jr. RECOMMENDED "O" limiting
 building height to 60 ft.
GRANTED AS RECOMMENDED

(On Mayor Pro Tem Trevino's motio, Mayor McClellan's second, 5-0 Vote, Councilmembers Deuser and Mullen absent.)

ZONING - (Continued)

C14 -81 LENA E. & ETTA I. 4712 Harmon Avenue
238 DYESS
By Adan I.
Castaneda

From "A" 1st H&A
To "BB" 1st H&A
NOT RECOMMENDED
RECOMMENDED "BB" save
and except a 10-foot
strip of "A" on the
northern boundary of
the tract adjacent to
single-family and duplex
development.

GRANTED AS RECOMMENDED

(On Councilmember Duncan's motion, Mayor Pro Tem Trevino's second, 5-0 Vote,
Councilmembers Deuser and Mullen absent)

C14 -80 EDWARD JOSEPH, 1200-1212 East
153 TRUSTEE Anderson Lane
By Cliff Woerner

Amendment to Restrictive
Covenant
RECOMMENDED

GRANTED AS RECOMMENDED

C14 7p-80 GENE TANKERSLEY 1201 Enfield Road
013

Amendment to Restrictive
Covenant
RECOMMENDED

GRANTED AS RECOMMENDED

(On Councilmember Duncan's motion, Councilmember Goodman's second, 5-0 Vote,
Councilmembers Deuser and Mullen absent)

C14 -81 CASITA JORGE'S 5004 Lynnwood St.
173 INC.

(Site Plan Review)

Granted as recommended
subject to site plan
approval by City Council
on 10/29/81.

SITE PLAN APPROVED

(On Mayor Pro Tem Trevino's motion, Councilmember Goodman's second, 5-0 Vote,
Councilmembers Mullen and Deuser absent.)

ZONING - (Continued)

| | | | |
|---------|------------------|----------------------|-------------------------------|
| C14 -81 | MARY A. RAGLAND, | 3612-3618 S. 2nd St. | From "A" 1st H&A |
| 245 | ET AL | 800-804 S. Center | To "LR" & "O-1" 1st H&A |
| | By Jerry Saegert | | RECOMMENDED (as amended) |
| | | | subject to site plan |
| | | | approval by Planning |
| | | | Commission & City Council. |
| | | | <u>GRANTED AS RECOMMENDED</u> |

Mr. Lillie, Director of Planning, reviewed the application by use of slides. He said there was a valid petition of 27.37% but one person has withdrawn his signature. (He took a few minutes to check the validity & stated it was now 10%)

Mr. Jerry Saegert appeared before Council and said there appeared to be no opposition and that he had reached an agreement with the neighborhood.

(On Councilmember Goodman's motion, Councilmember Duncan's second, 5-0 Vote, Councilmembers Deuser and Mullen absent)

VISITORS' INTRODUCED

Mayor McClellan introduced the Barton Hill Adventure Girls who were in the Chamber audience.

Public Hearing to be Continued

Council heard the following zoning application and voted to continue the public hearing on March 11, 1982 at 3:00 p.m.:

| | | | |
|---------|-----------------|---------------------|-----------------------------------|
| C14 -77 | J. KIRK CANSLER | Rear of 10511-10621 | Amendment to Restrictive |
| 138 | By Richard J. | N. Lamar | Covenant |
| | Ebert | | RECOMMENDED |
| | | | CONTINUE PUBLIC HEARING |
| | | | <u>MARCH 11, 1982 @ 3:00 P.M.</u> |

Mr. Lillie reviewed with slides.

Mac Holder, representing the applicant, asked Council to grant.

Ada Mynar read a letter to Council (COPY ON FILE IN CITY CLERK'S OFFICE) which discusses the restrictive covenant of the original zoning in 1978 that calls for the extension of Motheral Drive across the property between Applegate and Grady Drive.

Carla Kennedy appeared and spoke in opposition to the closing of Motheral Drive. The Mayor said there are a lot of questions to be answered.

(On Councilmember Duncan's motion, Mayor Pro Tem Trevino's second, Councilmembers Deuser and Mullen absent.)

Hearings Postponed

Council postponed the following zoning hearings until a full Council will be present:

| | | | |
|---------------|---|--|---|
| C14-81 237 | COUNTRY GROCERY, INC. By Jim Spence | 11794 Jollyville Rd. also bounded by Sierra Nevada | From "A" 1st H&A To "LR" 1st H&A RECOMMENDED (as amended) "LR" noting removal of non-conforming use (body shop); restricted to grocery store use only. |
|---------------|---|--|---|

PUBLIC HEARING MARCH 4 @ 7:30 P.M.

Mr. Lillie announced there is a valid petition on file.

(On Mayor Pro Tem Trevino's motion, Mayor McClellan's second, 5-0 Vote, Councilmembers Deuser and Mullen absent)

| | | | |
|----------------|--|------------------|---|
| C14 -81 218 | STEVEN C. GRINNELL By Jerry L. Harris | 1607 West Avenue | From "A" 1st H&A To "O" 1st H&A NO RECOMMENDATION |
|----------------|--|------------------|---|

Valid petition PUBLIC HEARING MARCH 4 @ 3:00 P.M.
on file

(On Mayor Pro Tem Trevino's motion, Councilmember Goodman's second, 5-0 Vote, Councilmembers Deuser and Mullen absent)

| | | | |
|-----------------|---|---|---|
| C14 8-81 008 | THE GREENS P.U.D. Great Hills, Inc. By Espey Huston | Rain Creek Parkway at Lost Horizon Dr. | From "AA" 1st H&A To P.U.D. 1st H&A NO RECOMMENDATION |
|-----------------|---|---|---|

PUBLIC HEARING MARCH 11 @ 6:30 P.M.

(On Councilmember Goodman's motion, Mayor McClellan's second, 5-0 Vote, Councilmembers Deuser and Mullen absent)

RECESS

Council recessed its meeting at 5:05 p.m. and resumed its recessed meeting at 6:10 p.m.

REHABILITATION PROJECTS

The Council, on Mayor Pro Tem Trevino's motion, Councilmember Goodman's second, adopted a resolution to revise policy guidelines for Office of Neighborhood Revitalization housing rehabilitation relative to the recommendations of the Neighborhood Revitalization Commission concerning temporary housing and the maximum loan for standard rehabilitation projects. (5-0 Vote, Councilmembers Deuser and Mullen absent)

COBG PROGRAM

The Council, on Mayor Pro Tem Trevino's motion, Councilmember Goodman's second, adopted a resolution to approve the 1982-83 Citizen's Participation Plan and Schedule for the Community Development Block Grant Program, Option A with modified RFP. (5-0 Vote, Councilmembers Mullen and Deuser absent) This will be for everybody.

ELECTRIC OVERCHARGES

Mr. M.A. Lang appeared before Council to present information regarding refunds of electric overcharges. He presented a document to the City Attorney. CITY CLERK DID NOT RECEIVE COPY.

POLLUTION

Mr. Frank C. Cooksey appeared before Council to discuss saving Barton Springs and the Edwards Aquifer from pollution. He said it appears there is a leak somewhere in the sewer.

City Manager Meiszer said the problem is being worked on and there will be a report before Council by Public Works engineers and the Environmental Office. Monitoring and other things are being done to find the source. Dye tests will be started soon.

Dr. Maureen McReynolds, Director of Environmental Resource Office, said her department is working on the solution. They will check in Rollingwood but flow patterns indicate it is something else. She said it is not urban run-off.

SPORTSFEST

The Council, on Mayor Pro Tem Trevino's motion, Councilmember Duncan's second, approved the request of Mr. Christopher Baker for permission to have beer and a soft drink concession at Southern National Flying Disc Championships at Auditorium Shores on March 27-28, 1982 during Sportsfest. (5-0 Vote, Councilmembers Mullen and Deuser absent)

,CENTRAL COUNTING FUNCION USE REQUESTED

Mr. David M. Gray appeared before Council to request consent for the City Data Processing Unit to provide central counting function for May 1, 1982 primary. He asked that the same service be provided to them as has been before.

Mr. Meiszer, City Manager, stated the Director of Data Processing, Mr. Hugh Standifer, said there are production problems with this and suggests the County could handle the elections. Mr. Gray told him they have checked with the County and were told by Judge Renfro that the County cannot handle both the Republican and Democrat elections. Mayor McClellan said she is concerned with the liability when there are no City controls. Councilmember Goodman suggested this be taken under advisement for a week and in the meantime, Mr. Gray can investigate options.

BOAT RACES

Mr. Rusty Tally appeared before Council to request permission to conduct a boat race on the weekend of August 6, 7, 8, 1982 on Town Lake west of Lamar Bridge. Mr. Tally said the AquaFest has lost money the past two years and they are requesting the return of boat races for one weekend only, at a different spot in Town Lake rather than near Festival Beach where the races were previously held. He said the Parks Board supports their request. He said if they cannot have the boat races, the cost of the Skipper pins will be raised to \$2.00. They would expect 6-10,000 people to attend the races on Saturday and 10-15,000 to attend on Sunday. Mr. Tally answered questions from Council and said there will be more viewing area along the lake bank and bleachers will not be needed. There will be a good plan of traffic control and they will do a test run to observe safety. Mr. Danny Reed appeared before Council and explained how the tests will be done.

Mayor McClellan told members of the AquaFest present in the Council Chambers that she appreciates the way they are handling their presentation. She suggested a public hearing be set for Wednesday, March 10, 1982 at 5:30 p.m. Council agreed.

Mayor Pro Tem Trevino requested a copy of the minutes of the meeting in 1977 when boat races were discussed. City Manager to expedite input from Urban Transportation, Parks & Rec, Fire and EMS Departments for the public hearing March 10.

CITIZEN DID NOT APPEAR

Mr. Royal Masset had requested to appear before Council to discuss a section of the amended Housing Ordinance. He did not appear.

CITIZEN DID NOT SPEAK

Mr. Richard Buratti had requested to appear before Council to discuss limiting building height to 120 feet in Austin. He was present in the audience but said he did not want to speak.

CLARKSVILLE PROPERTY

Ms. Kathy Tyler appeared before Council to discuss property located at 1701 West 11th Street. She spoke on behalf of the Clarksville Community Development Corporation to request that the City relinquish any interest in the property at 1701 West 11th. for which Squire Johnson and his relatives have been paying taxes for the past 50 years. The CCDC has a contract to buy a lot at that address for future low income housing with CDBG funds granted in the spring of 1980. Ms. Tyler said they would be unable to bid on the property because they would be unable to get title insurance because the City had a judgement filed on the property in the 1920's. Ms. Tyler said the owner, Mr. Squire Johnson, had no knowledge of the judgement until recently. Title insurance is needed in order to build low income housing in order to leverage the land to get private financing. She said Mr. Johnson has taken care of the property which had a rent house on it until it was tagged sub-standard three years ago. At that time, Mr. Johnson had the house demolished. Ms. Tyler said Squire Johnson is not a wealthy man but wants to sell the property and wants to benefit the community. CCDC is under a deadline to acquire the property by March 31st because that is when their CDBG funds are supposed to be spent.

Mr. Ignacio Trevino, CCDC's attorney, spoke to Council concerning the property. He said the title policy is necessary because they are using the property and the HUD self help grant to arrange a construction loan from a private lending institution. The title as it is now is not marketable.

Mr. Squire Johnson appeared before Council and discussed the history of the property.

Mayor McClellan indicated the staff will work on the problem of the title in order to clear it.

ZONING ROLLBACK

Mr. William D. Koons appeared before Council to discuss zoning rollback in the Guadalupe area on East 7th Street. He spoke on behalf of Mrs. Olivia R. Morales who had her property on East 7th Street rolled back from "C-2" zoning back to "A" zoning in the Guadalupe roll back. The property already has a store front on it and Mrs. Morales did not respond in time to the notice sent out concerning the roll back, to express her objection to the property being re-zoned. "Consequently she asked me to ask the City Council to please instruct the staff of the City Planning Department to initiate the zoning case to reinstate the zoning on 1010 East 7th Street back to the zoning before the Guadalupe roll back. She wants commercial zoning restored. The height limitation is not important." Mr. Nais, Assistant City Attorney, said they can check to see if the zoning ordinance has been passed yet.

Mr. Lillie stated, "If this evening we can make the assumption that the ordinance has been passed would you authorize us to proceed with a re-zoning on the property and then we can proceed." Council unanimously agreed to allow Mr. Lillie to proceed.

PARADE PERMITS

The Council, on Mayor Pro Tem Trevino's motion, Mayor McClellan's second, approved the following parade permits: (5-0 Vote, Councilmembers Mullen & Deuser absent.)

- a. Mr. Tom Thaddeus, for University of Texas Interfraternity Council, from 3:00 p.m. to 4:00 p.m., Friday, April 2, 1982, beginning 26th and Speedway west to Guadalupe, south on Guadalupe to 21st Street.
- b. Mr. Jim Walker, for Greater Austin Council on Alcoholism, from 9:00 a.m. to 10:30 a.m., Saturday, April 17, 1982, beginning on street between Austin High School and Town Lake, west on Lake Austin Boulevard to Enfield, east on Enfield to Dillman, north on Dillman to Windsor, west on Windsor to Robin Hood, south on Robin Hood to Enfield, west on Enfield to Lake Austin Boulevard, east on Lake Austin Boulevard to the point of origin.
- c. Miss Yvonne Williams, for Huston-Tillotson College, from 12 noon to 1:15 p.m. Saturday, February 27, 1982 beginning on street in front of Capitol, east on 11th to Salina, north on Salina to M.L.K. Blvd., east on M.L.K. Blvd. to Chicon, south on Chicon to 8th. (This was passed on Mayor Pro Tem Trevino's motion, Councilmember Urdy's second, 5-0 Vote, Councilmembers Mullen & Deuser absent.)

JAYCEES PUBLIC OPINION POLL

Mr. James W. Beardslee appeared before Council to present them with the results of the Jaycees Public Opinion Poll concerning MoPac extension. COPY IS ON FILE IN CITY CLERK'S OFFICE.

PUBLIC HEARING ON AN APPEAL

Mayor McClellan opened the public hearing scheduled for 7:30 p.m. on an appeal from Mr. Jose A. Mercado of the Planning Commission's decision on a Special Permit, File No. C14p-81-087.

Mr. Lillie told Council Mr. Mercado is appealing the decision of the Planning Commission to enforce the proposed landscape ordinance on this Special Permit because the proposed landscape ordinance has not been passed as of yet.

Mr. Mercado appeared before Council and said the staff, under memorandum from the Planning Commission, has been advising any applicant requesting a Special Permit that if they agree to comply to the proposed landscape ordinance the Planning Commission will look more favorably on their application. Mr. Mercado said he did not agree to comply because the City Council has appointed a task force to study the proposed ordinance before passing it in its present form.

He said if the Planning Commission has the authority to enforce the proposed landscape ordinance at this time, then why does the City Council have to vote on it? Mr. Mercado believes the Planning Commission is using their position to force applicants under threat of not approving the Special Permit, to comply with the proposed landscape ordinance.

APPEAL - (Continued)

Motion

The Council, on Mayor Pro Tem Trevino's motion, Councilmember Duncan's second, closed the public hearing on an appeal from Mr. Jose A. Mercado of the Planning Commission's decision on a Special Permit, File No. C14p-81-087, and accepted the Planning Commission's recommendation without the requirements of the proposed landscape ordinance. (5-0 Vote, Councilmembers Deuser and Mullen absent.)

ADJOURNMENT

Council adjourned its meeting at 7:45 p.m.