



Austin City Council MINUTES

For DECEMBER 2, 1982 - 2:00 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 at 2:00 p.m., noting the absence of Councilmember Mullen and Mayor Pro Tem Trevino, who arrived at 2:06 p.m.; and Councilmembers Duncan, Goodman and Urdy, who arrived at 2:10 p.m. Councilmember Deuser was absent for the day.

INVOCATION

The Invocation was given by Reverend Rick Baker, Harris Memorial Baptist Church.

MELISSA SALAS DAY

Mayor McClellan read a proclamation designating Melissa Salas Day in Austin. Melissa's parents, Mr. and Mrs. Sergio Salas, thanked the Mayor on behalf of their daughter.

MINUTES APPROVED

The Council, on Mayor Pro Tem Trevino's motion, Mayor McClellan's second, approved the Minutes for Regular Meetings of November 4 and 11, 1982. (6-0 Vote, Councilmember Deuser absent.)

CONSENT RESOLUTIONS

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

Certificate of Need

Approved Brackenridge Hospital's filing of a Certificate of Need Application at a cost of \$7,500.00 to the Health Facilities Commission. (Approved by the Hospital Board.)

Water Quality Investigation

Approved renewal of an agreement between the United States Geological Survey of the Department of Interior and the City of Austin for an investigation of the ground and surface water regime (quality and quantity) in the Austin metropolitan area.

Release of Easements

Authorized release of the following easements:

- a. A portion of a Sanitary Sewer Easement recorded in Volume 914, Page 387 of Travis County Deed Records and located on Lot 6, Block 5, Reservoir Heights, 6416 North Lamar. (Requested by Threadgill's Service Station, Inc.)
- b. The Public Utility Easement on the common lot line of Lots 8 and 9 of Enfield X, 1505 Parkway. (Requested by Mr. Irwin R. Salmanson)
- c. A portion of an Electric and Telephone Easement recorded in Volume 827, Pages 22 and 23 of the Travis County Deed Records insofar as the easement affects the Barton Creek Highlands Subdivision. (Requested by the Texas Research Institute, Inc.)
- d. A portion of a Public Utility Easement located on the common lot line of Lots 21 and 22, Tarrytown River Oaks Subdivision. (Requested by Jones and Norris)
- e. A 10' Drainage Easement on Lot 8, Block F, The Village of Western Oaks VI. (Requested by Jeryl Hart Engineers, Inc.)
- f. The Public Utility Easement recorded in Volume 1062, Page 69 of the Travis County Deed records and located on Block 61, Original City of Austin.

Change Orders

Approved the following Change Orders:

- a. CAPITAL IMPROVEMENTS PROGRAM - Approved Supplemental Amendment No. 1 to the Professional Services Agreement between the City of Austin and Freese & Nichols, Inc. (Agreement dated October 14, 1981) for Braker Lane Improvements. C.I.P. No. 83/22-20
- b. CAPITAL IMPROVEMENTS PROGRAM - In the amount of \$12,519.50 to Austin Road Company for Barge Street paving and drainage improvements. (16.18% increase of the original contract) CAPITAL IMPROVEMENTS PROGRAM 75/23-04, 82/62-08 & 75/22-09.

CHANGE ORDERS - (Continued)

- c. CAPITAL IMPROVEMENTS PROGRAM - In the amount of \$244,077.19 to Temple Associates, Inc. for 1981-82 Interim Terminal and Concourse Improvements at Robert Mueller Municipal Airport. (5.1% increase of the original contract) CAPITAL IMPROVEMENTS PROGRAM nos. 79/81-07 & 79/81-08.
- d. CAPITAL IMPROVEMENTS PROGRAM - In the amount of \$66,360.80 to Austin Road Company for Congress Avenue improvements. (2.5% increase in the original contract) C.I.P. No. 75/62-09, 79/83-15, 75-22-09 and 73/23-03.

Amendment to Agreement

Authorized an amendment to a Professional Services Agreement with Espey, Huston & Associates, Inc., for Silverway Drive Budget Project, estimated construction cost of \$5,363,000.00 and estimated engineering cost of \$317,640.00. CAPITAL IMPROVEMENTS PROGRAM No. 82/60-05.

Item to be Brought Back

A resolution to consider authorizing a contract with Radian, Inc., for a study and demonstration project of commercial air conditioning through ice storage. (\$61,400.00 C.I.P. funds) C.I.P. No. 81/12-03, will be brought back on the 12/16/82 agenda.

Contracts Approved

Approved the following contracts:

- a. A. J. W. CONSTRUCTION, INC.
P. O. Box 17216
Austin, Texas - CAPITAL IMPROVEMENTS PROGRAM -
Banister Lane/Mo-Pac Railroad
Drainage Improvements, Public
Works Department - \$116,869.50
C.I.P. No. 82/62-08
- b. CSC CONSTRUCTION COMPANY
P. O. Box 6417
Austin, Texas - CAPITAL IMPROVEMENTS PROGRAM -
Alterations to four fire stations
(Stations No. 9, 10, 11 & 12)
Public Works Department -
\$259,796.00 C.I.P. No. 79/83-02
- c. DALWORTH QUIKSET COMPANY
1900 Rillings Road
San Antonio, Texas - CAPITAL IMPROVEMENTS PROGRAM
Prefabricated Box Culverts for
Matthews Lane, Public Works
Department - \$12,480.00 C.I.P.
No. 81/60-01

CONTRACTS - (Continued)

- d. LARSON-PUGH, INC.
P. O. Box 5156
Austin, Texas
- CAPITAL IMPROVEMENTS PROGRAM -
Bridge structure and channel
improvements on Johnson Creek at
Griswol Lane, Public Works
Department - \$71,518.00 C.I.P.
No. 82/62-19
- e. AUSTIN ROAD COMPANY
428 East Anderson Lane
Austin, Texas
- CAPITAL IMPROVEMENTS PROGRAM -
Kramer Lane paving and drainage
improvements, Public Works
Department - \$1,162,924.68
C.I.P. Nos. 78/62-21, 83/22-04 &
83/23-04
- f. WESTINGHOUSE ELECTRIC SUPPLY COMPANY
9230 Research Boulevard
Austin, Texas
- CAPITAL IMPROVEMENTS PROGRAM -
Capacitors, Electric Utility
Department
Item - Alternate to item 1, 690 ea.
\$247,123.50 C.I.P. No. 83/14-02
- g. TECHLINE, INC.
8750 Shoal Creek Boulevard
Austin, Texas
- CAPITAL IMPROVEMENTS PROGRAM -
Transformers, Electric Utility
Department
Item 1, 4 ea. - \$9,228.00
C.I.P. No. 83/14-01
- h. J & E DIRTWORK
12406 Old San Antonio Road
Manchaca, Texas
- CAPITAL IMPROVEMENTS PROGRAM -
Installation of underground
electric distribution facilities
for Copperfield Section 1, Phase
C - \$16,689.55 C.I.P. No.
83/15-01
- i. 3M BUSINESS PRODUCTS
1948 S. Interregional Hwy.
Austin, Texas
- CAPITAL IMPROVEMENTS PROGRAM -
Microfilm Equipment System-
Automated Entry/Retrieval for
Brackenridge Hospital
Item 1 System - \$39,987.00
Equipment 3B
- j. SIEMENS-ALLIS, INC.
12220 Northwest Freeway, Suite 415
Houston, Texas
- Electric Motor for Decker Power
Plant, Electric Utility
Department
Item 1 - \$6,751.00
- k. WESTINGHOUSE ELECTRIC CORPORATION
201 N. St. Mary's
San Antonio, Texas
- Repair Parts for Decker Unit
1, Electric Utility Department
Items 1 & 2 - \$6,964.00

CONTRACTS - (Continued)

1. **THREE B BRUSH MANUFACTURING COMPANY** - Sweeper Main Brooms and Gutter Segments, Vehicle and Equipment Services Department
912 84th Street
Lubbock, Texas
Items 1.1 thru 1.5 and 2.1 thru 2.4 - \$15,393.25

EEOC Contract

Approved renewal of Equal Employment Opportunity Commission contract in the amount of \$65,175.00.

Utility Pole Contracts

Approved a Utility Pole Master Agreement and a Utility Pole Secondary Agreement with the State Department of Highways and Public Transportation.

CETA

Authorized submission of a modification of the Comprehensive Employment and Training Act Plan incorporating revised allocations for the CETA program during Fiscal Year 1983 in the amount of \$3,961,845.00. (October 1, 1982 to September 30, 1983.)

Standard Rehabilitation Loan

Approved a Standard Rehabilitation Loan in the amount of \$13,750.00 of CDBG funds and authorize staff to enter into contract award with Fulford Construction. Loan is for Maria Morales, 75 Rainey Street.

Public Hearings Set

Set the following public hearings:

- a. To amend Chapter 13-2-159 (Zoning Ordinance) of the Austin City Code providing that applicants for Certificates of Appropriateness from the Historic Landmark Commission may waive in writing the notice of the hearing thereon: January 6, 1983 at 2:30 p.m.
- b. An appeal from Georgian Acres Neighborhood Association, of the Planning Commission Decision on Case No. C14p-81-084: January 6, 1983 at 7:30 p.m.
- c. Reviewing the progress and performance of the Community Development Block Grant: January 6, 1982 at 2:45 p.m.

Item Pulled

The setting of a public hearing on the Lake Austin Watershed Ordinance was pulled from the agenda. It will be set after the Planning Commission finishes its review.

HUD Rental Rehabilitation Program
Demonstration

Approved authorizing execution of a Memorandum of Understanding regarding the City of Austin's participation in the second round of the HUD Rental Rehabilitation Program Demonstration.

Protest

Approved authorizing the City Manager to protest the conversion of Travis County Water Control and Improvement District #17 to a Municipal Utility District on procedural grounds and to file written testimony with the Texas Water Commission prior to the public hearing on the request.

CONSENT ORDINANCES

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

Energy Financial Assistance Grant

Approved acceptance of a \$42,500.00 Department of Energy Financial Assistance Grant for Cycle IV Energy Conservation Measures Improvements at Brackenridge Hospital.

Capital Improvements Program

Declared the necessity for and ordered improvements to Kramer Lane West and East, covering approximately 27 blocks. CAPITAL IMPROVEMENTS PROGRAM 78/62-21.

Zoning Ordinances

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

a. JEAN HOLLOWAY
By Gene Braun
C14-82-135

1719 North Bluff Drive
also bounded by Bluff
Springs Road

From "LR" 1st H&A
to "GR" 1st H&A

ZONING ORDINANCES - (Continued)

- | | | | |
|----|--|---|---|
| b. | CITY OF AUSTIN
PLANNING DEPARTMENT
C14-82-138 | 1201 Old West 19th Street | From "O" 1st H&A
to "A" 1st H&A |
| c. | BRASS-BOATRIGHT HOUSE
By City of Austin
C14h-82-011 | 1419 Newning Avenue | From "A" 1st H&A
to "A-H" 1st H&A |
| d. | WARNER-LUCAS HOUSE
By City of Austin
C14h-82-012 | 303 Academy Drive | From "A" 1st H&A
to "A-H" 1st H&A |
| e. | JACOB LARMOUR BLOCK
C14h-82-001 | 910-912-914, 920-922
Congress Avenue | From "C-2" 4th H&A
to "C-2-H" 4th H&A |
| f. | JOHN STREET
BUILDERS, INC.
By Holford & Carson
C14-81-201 | 4700-4806 West Duval
Road | From Interim "AA" 1st H&A
To "A-2" 1st H&A |
- PASSED ON EMERGENCY BASIS

RESOLUTION FOR GRACE MONROE

Mayor McClellan read the following resolution in honor of City Clerk Grace Monroe's birthday; which was signed by all members of the Council:

WHEREAS, Grace Monroe has faithfully served the citizens of Austin as a dedicated public servant since 1948; and

WHEREAS, she has served as City Clerk since May 9, 1974, duly recording council meetings, special sessions, and public hearings; and

WHEREAS, she has served five councils, with good humor, cheer, and an unflinching enthusiasm for her job; and

WHEREAS, she has undertaken her duties with tireless optimism, and a professional attitude, even in the face of adjournments that have sometimes come with the dawn, and annexation hearings that are 10 miles from the center of the earth.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN, TEXAS:

That we declare Sunday, December 5, 1982 as Grace Monroe Day, in honor of her birthday, that she is not getting older, but just getting better, and that we appreciate her many contributions to the cause of efficient and responsive city

GRACE MONROE - (Continued)

government.

Mayor McClellan requested that the resolution be spread upon the minutes. Mrs. Monroe thanked the Mayor and Councilmembers for their thoughtfulness.

RECESS

Council recessed its meeting at 2:30 p.m. and resumed its recessed meeting at 3:15 p.m. During this recess Council held an Austin Housing Finance Board Meeting.

EXECUTIVE SESSION

Mayor McClellan announced that Council will convene in a closed or executive session authorized by Section 2, Paragraph (g) of Article 6252-17, Texas Revised Civil Statutes, concerning removal of Municipal Court Relief Judge; 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

Council recessed its meeting for the executive session at 3:15 p.m. and resumed its recessed meeting at 3:37 p.m. No action was taken.

CITIZEN TO APPEAR LATER

Mr. George Wead, President of Board of Directors, Zachary Scott Theatre Center, was on the agenda to request special funding from the City of Austin, in error. He had requested to appear on December 9, 1982.

ILLEGALLY PARKED TRAILER

Ms. Jane Burton Allen appeared before Council to discuss an illegally parked trailer. She represented the Heritage Neighborhood Association. She discussed the illegally parked trailer as well as cars on a lot in her neighborhood. Ms. Allen also said that they need a sidewalk.

Mayor McClellan requested staff to review the information concerning a sidewalk and illegally parked vehicles and report back to Council.

WASTEWATER APPROACH MAIN IN NUCKOLS CROSSING ROAD

Mr. Jack Holford appeared before Council to discuss the wastewater approach main in Nuckols Crossing Road. He showed a map detailing the use of a shorter line

ROAD - (Continued)

which would ultimately serve Stassney Road to I-H 35 to Burleson to Smithville Road. Mr. Holford requested the revised approach main be taken out of order and said there will be a cost savings to the City.

Mr. Carl Schwing, Director of Water and Wastewater, said the request for a change in schedule is to be submitted to the Water and Wastewater Commission. Mr. Schwing said they realize the developer is under a time constraint but a feasibility study is needed.

Motion

The Mayor Pro Tem Trevino's motion, Councilmember Goodman's second, referred request to Water and Wastewater Commission to expedite. (6-0 Vote, Councilmember Deuser absent.)

CITIZEN DID NOT APPEAR

Mr. George Yonge, who had requested to discuss the above matter, did not appear because his request had been taken care of.

RELEASE OF FISCAL ARRANGEMENT REQUESTED

Mr. Gary F. Brown appeared before Council to request release of fiscal arrangements regarding A/P 620 Section Two. Mr. Ridings, Director of Public Works, told him the Williamson County Commissioner's Court should be consulted concerning closing of a street. Members of the Council and Mr. Jim Nias, Assistant City Attorney, agreed. They also asked the Legal and Planning Departments to work with Mr. Brown. Mr. Brown said site is Stripling-Blake Industrial, who are only owners asked to put up money to build a road that goes nowhere.

POLICE COVERAGE DISCUSSED

Mr. Donald F. Bell appeared before Council to discuss lack of police coverage for South Austin. He said he was almost run over by a car on Bluebonnet and it took the police 35 minutes to respond to his call. He feels more police are needed to watch traffic.

Mayor McClellan said she concurs more police are needed and that all the Councilmembers lobby for more police officers.

VAUGHN HOUSE WORKSHOP RELOCATION PROJECT

Mr. Marc Dragul appeared before Council as Executive Director of Vaughn House, Inc. to request that the City Council award \$50,000 in CDBG Funds to Vaughn House for its workshop relocation project. He reminded Council that they had received \$300,000 earlier, with the promise of \$50,000 more if bonds were approved. Mr. Dragul said they have entered into a contract to obtain property at 1701 Evergreen.

VAUGHN HOUSE - (Continued)

Motion

Councilmember Mullen made a motion, seconded by Mayor McClellan to approve the request.

Mayor Pro Tem Trevino said he wants to look at all additional CDBG requests at the same time. Carlos Herrera, Director of Human Services, said that \$651,000 was released under the CIP program. Mayor McClellan pointed out that the Vaughn House request was specifically talked about and reviewed. Discussion followed. Mayor Pro Tem Trevino said he would like to know the bottom line total of all programs. Mayor McClellan said a specific commitment was made to Vaughn House which was read into the motion on record at budget time. Mayor Pro Tem Trevino requested to see a list next week of additional requests and Council agreed to bring this back on next week's agenda.

Motion Withdrawn

Councilmember Mullen withdrew his motion and Mayor McClellan withdrew her second.

BLACKSHEAR URBAN RENEWAL AREA

The Council, on Councilmember Duncan's motion, Councilmember Goodman's second, adopted a resolution approving a five year extension of the time limit concerning commencement of construction on parcels in the Blackshear Urban Renewal Area. (6-0 Vote, Councilmember Deuser absent)

The agenda stated a one year extension, but prior to the vote Ms. Paula Manning, Office of Neighborhood Revitalization, said that one year would not be enough time.

CIRCUSES AND CARNIVALS

The Council, on Councilmember Goodman's motion, Councilmember Urdy's second, waived the requirement for three readings and finally passed an ordinance amending Chapter 8-3; Circuses and Carnivals, to provide a minimum distance from property used residentially and providing for a clean-up deposit. (5-0 Vote, Councilmember Mullen out of the room, Councilmember Deuser absent.)

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: (6-0 Vote, Councilmember Deuser absent)

C14 -82 143	HOWARD L. LONG	508 West Live Oak	From "A" 1st H&A To "C" 1st H&A RECOMMENDED <u>GRANTED AS RECOMMENDED</u>
C14r-82 151	NORTHWEST SAVINGS ASSOCIATION OF OF AUSTIN	13764 Research Blvd., also bounded by Lake Creek Pkwy.	From Interim "AA" 1st H&A To "LR" 1st H&A RECOMMENDED <u>GRANTED AS RECOMMENDED</u>
C14 -82 154	CITY OF AUSTIN PLANNING DEPT.	7500-7501 Black Gap Pass 6724-7500, 6725-7409 Crystalbrook 5608-5609 Durango Pass 6010-6102 Loyola Lane 6720-7104, 6723-7105 Millrace Dr. 5109-5711, 5106-5710 Pecan Brook Dr. 5800 & 5801 Puma Pass 5100-5710, 5101-5713 Purple Sage Dr. 7500 & 7501 Rio Pass 5900 & 5901 Silverbrook Loop 7100-7500, 7101-7501 Tumbleweed Drive 7500-7502, 7501-7503 Uray Drive 5800 & 5801 Ute Drive All of Boulder Creek, Brook Valley Circle, Brook Valley Drive, Chisos Pass, Coolbrook Drive, Gunnison Pass, Inspiration Drive, Lazy Creek Drive, Raton Pass and Whitebrook Drive	From Interim "A" & "AA" 1st H&A To "A" & "AA" 1st H&A RECOMMENDED <u>GRANTED AS RECOMMENDED</u>
C14 -82 155	CITY OF AUSTIN PLANNING DEPT. (Ordinance to be on 12/9/82 Agenda)	5200-5204 Robbins Road	From Interim "LA" & "A" 1st H&A To "AA" 1st H&A RECOMMENDED <u>GRANTED AS RECOMMENDED</u>
C14h-82 013	TAYLOR HOUSE By City of Austin	608 Baylor Street	From "A" 1st H&A To "A-H" 1st H&A RECOMMENDED <u>GRANTED AS RECOMMENDED</u>
C14h-82 014	LAGUNA GLORIA By City of Austin	3809 West 35th St.	From "A" 1st H&A To "A-H" 1st H&A RECOMMENDED <u>GRANTED AS RECOMMENDED</u>

ZONING - (Continued)

C14 r-81 JIMMY YOUNGQUIST 13713 U.S. 183 From "O-1" 1st H&A
 010 By David B. To revise site plan
 Armbrust
GRANTED AS RECOMMENDED

(On Councilmember Duncan's motion, Councilmember Urdy's second, 6-0 Vote,
 Councilmember Deuser absent.)

C14 -82 MARGARET T. 619 W. 37th Street From "A" 1st H&A
 141 ENGELBRECHT & also bounded by To "O-1" 1st H&A
 FRANCES T. by Maiden Lane RECOMMENDED subject to
 STEPHANIAN 5 ft. of "A" along
 By E. C. Thomas Maiden Lane as amended.
GRANTED AS RECOMMENDED

C14 -82 HOWARD L. LONG 3813 Wadford Street From "A" 1st H&A
 142 To "GR" 1st H&A
 RECOMMENDED subject to
 10' of right-of-way
 on Wadford and Dunlap
 Streets.
GRANTED AS RECOMMENDED

C14 -82 NORMAN MASON 2200-2204 M.L.K. From "A" 1st H&A
 149 By Kennedy C. Boulevard, also To "O-1" 1st H&A
 Whiteley bounded by Coleta RECOMMENDED as amended
 Street subject to dedication of
 15 ft. of right-of-way
 on Martin Luther King as
 volunteered by applicant.
GRANTED AS RECOMMENDED

(On Councilmember Goodman's motion, Mayor Pro Tem Trevino's second, 6-0 Vote
 Councilmember Deuser absent.)

C14 -82 CARL E. & MADELINE 3709-3713 Birch From "MH" 1st H&A
 140 R. YOCUM, MR. & Street To "O-1" 1st H&A
 MRS. FRANCISCO VALDEZ RECOMMENDED (as amended)
 & JAMES E. BITTNER subject to subdivision
 By David Armbrust providing access onto
 S. 2nd St. and proper
 termination of Birch St.
GRANTED AS RECOMMENDED

Mr. Lillie reviewed the application by use of slides. Mr. Armbrust, representing the applicant of the middle lot said they had originally requested to withdraw the

ZONING - (Continued)

request, but now doesn't want to. George Baker, a real estate broker, said the owners of the middle lot want it to be zoned "O" office. Mr. Armbrust asked for a vote today and that he will come back with a restrictive covenant.

(On Mayor Pro Tem Trevino's motion, Councilmember Mullen's second, 6-0 Vote, Councilmember Deuser absent.)

C14 -82 CITY OF AUSTIN 153 PLANNING DEPT.	2500-2508 & 2501-2507 From "B" 1st H&A Inwood Place To "A" 1st H&A 1206-1314 Possum Trot NOT RECOMMENDED 2406-2510 & 2407-2515 RECOMMENDED "A" 1st on Quarry Road 26 lots requested by 2408-2504 W. 12th St. owners.
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GRANTED AS RECOMMENDED, EXCLUDING 2500, 2504, 2506,
2508, 2510, 2507 AND 2509 QUARRY ROAD; AND 2502 &
2504 WEST 12TH STREET.

Motion

The Council, on Councilmember Duncan's motion, Councilmember Goodman's second, approved the zoning roll back only where property owners have requested. (4-0 Vote, Councilmember Mullen and Mayor McClellan out of the room, Councilmember Deuser absent.)

After the vote was taken, Mr. Millon Ryan III, 2510 Inwood Place, said he opposed the change as did Mrs. Frank. W. Jessen, 2507 Inwood Place. Mr. A.M. Harrell requested that 2515 Inwood Place and 1314 Possum Trot be included in the zoning change.

Howard Ferguson, West Austin Neighborhood Group, asked for an avoidance of multi-family zoning in restricted areas.

Motion to Reconsider Vote

The Council, on Councilmember Goodman's motion, Councilmember Duncan's second unanimously reconsidered the vote, Mayor McClellan and Councilmember Mullen out of the room, Councilmember Deuser absent.)

Motion

The Council, on Councilmember Goodman's motion, Councilmember Duncan's second, granted the roll back only where property owners have requested, adding 2506 Inwood and 1314 Possum Trot and excluding 2500, 2504, 2506, 2508, 2510, 2507 and 2509 Quarry Road and 2502 & 2504 West 12th Street. (6-0 Vote, Councilmember Deuser absent.)

ZONING HEARINGS - (Continued)

Zoning to be Brought Back for Action

C14-82 146	JAYNE R. DEARING By Rodney Morgan Lewis & Eva Church	1804 E. 38th Street	From "AA" 1st H&A To "O-1" 1st H&A NOT RECOMMENDED
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Valid Petition

CLOSE PUBLIC HEARING & BRING BACK
DECEMBER 9, 1982 FOR ACTION

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

Ms. Eva Church, applicant, told Council the zoning request is reasonable and the proposed use is for a psychiatrist's office which would set a good precedent for other offices as people sell. Mrs. Church said the street has become too busy for homes.

Mr. Tom Cook, member of Delwood Church of Christ, asked for a denial of the zoning request because it would change the flow of traffic and would constitute spot zoning.

(On Councilmember Duncan's motion, Mayor Pro Tem Trevino's second, 6-0 Vote, Councilmember Deuser absent.)

Zoning Postponed

Council postponed action on the following two cases:

C14 095	r-82 WESTLAKE II OFFICE BUILDING JOINT VENTURE By David Armbrust	1515 Capital of Texas Hwy. South, also bounded by Camp Craft Road	From Interim "AA" 1st H&A To "O-1" 1st & 3rd H&A RECOMMENDED as amended "O-1" 1st H&A & 3rd H&A
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POSTPONED TO 12/16/82 AT 2:30 P.M.

C14 094	r-82 DOYLE WILSON By David Armbrust	1613 Capital of Texas Hwy., also bounded By Camp Craft Road	From Interim "AA" 1st H&A To "O-1" 1st & 2nd H&A
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RECOMMENDED as amended
with restrictive
covenant limiting height
to that of existing
building.

POSTPONED TO 12/16/82 AT 2:30 P.M.

(Councilmember Goodman's motion, Mayor Pro Tem Trevino's second, 6-0 Vote, Councilmember Deuser absent.)

PUBLIC HEARING - REMOVAL OF RESTRICTIVE COVENANT

Mayor McClellan opened the public hearing set for 5:00 p.m. on an appeal from Mr. Scott D. Pinkerton of the Planning Commission's decision on removal of a Restrictive Covenant regarding access to Loop 360. C8s-82-129 & C8s-79-245.

Mr. Pinkerton appeared before Council to ask that the hearing be postponed because he has found out it is not a restrictive covenant, but a plat note and it is questionable whether the City Council can amend a plat note.

No one appeared to speak.

Motion

The Council, on Councilmember Goodman's motion, Councilmember Urdy's second, approved continuing the public hearing to January 13, 1983 at 2:45 p.m. (6-0 Vote, Councilmember Deuser absent.)

ELECTORAL COMMITTEE

The Council, on Mayor Pro Tem Trevino's motion, Councilmember Goodman's second, approved the appointment of Mayor McClellan, Councilmember Mullen and City Clerk Grace Monroe to the County's Electoral Committee. (6-0 Vote, Councilmember Deuser absent.)

CONGRESS AVENUE RED BRICKS

Mayor McClellan introduced discussion to Council concerning a decision about the disposition of red bricks from Congress Avenue. She said they are being stock piled and she has had calls from citizens inquiring about the disposal of same.

Mr. Richard Ridings, Director of Public Works, said there will be about 41,000 full bricks and their disposal can be handled any way the Council chooses. The Mayor said she would like to keep some and sell some. Mr. Meiszer told Council that during a recent trip he was in the Atlanta airport and they are selling bricks with a brass plaque for \$15.00 each. Mayor McClellan asked the legal department to determine if the City can sell them. She said the money can be put back into Congress Avenue beautification.

A woman who did not identify herself, said the bricks should be used for the building of something for the City.

Council discussed and instructed this item be brought back when further study has been done.

HOTEL & MOTEL REBATE ON ROOM OCCUPANCY TAXES

Mayor McClellan and Mayor Pro Tem Trevino introduced to Council a discussion concerning directing staff to prepare information/draft ordinance allowing motels

REBATE - (Continued)

and hotels to receive a 1% rebate on room occupancy taxes collected and paid on a timely basis. Mayor McClellan said these are the monies that go to arts. She said she is not asking Council to decide immediately. After some discussion the Mayor decided against further pursuance of the idea.

STREET VACATION

Mayor McClellan opened the public hearing set for 5:30 p.m. to consider vacating a portion of James Casey Street right-of-way and passage of ordinance as requested by Ralph Harris Surveyor, Inc.

Mr. Ridings, Director of Public Works, told Council that everything is in order and all departments recommend its approval.

James Grant, from Ralph Harris Surveyors, asked if Council's action will include conveying title to HCA at this time. He was told the City will process that.

Motion

The Council, on Councilmember Goodman's motion, Councilmember Urdy's second, closed the public hearing, waived the requirement for three readings and finally passed an ordinance vacating a portion of James Casey Street right-of-way. (6-0 Vote, Councilmember Deuser absent.)

ACTION POSTPONED

Council was to take action at 6:00 p.m. on the zoning of the rear of 8500 Cameron Road, Edward Joseph Development, Inc. C14-82-005, but postponed action until December 9, 1982 at 1:15 p.m.

BOARD & COMMISSION ANNOUNCEMENTS

Mayor McClellan announced the following board and commission appointments will be posted for December 8 and 9: Community Development Commission, 3; Dental Health Advisory Committee, 1; Austin Tomorrow On-Going Committee, 6; Manpower Advisory Planning Council, 5; Environmental Board, 1; Vending Commission, 1; Downtown Revitalization Task Force, 1; Energy Conservation Commission, 4; Renewable Energy Resources Commission, 4; Arts Commission, 1; Construction Advisory Committee, 1; Private Industry Council, 2; Human Relations Commission, 7; Neighborhood Revitalization Commission, 6; Commission on the Status of Women, 2; Solicitation Board, 1; Sesquicentennial Committee, 14; Community Education Consortium, 1; Affirmative Action Plan Advisory Committee, 5; Electrical Board, 3; Medical Assistance Program Advisory Board, 5.

RECESS

Council recessed its meeting at 5:30 p.m. and resumed its recessed meeting at 6:45 p.m.

AUSTIN CABLE COMMISSION REPORT

Brenda Traynor, Austin Cable Commission, reported as follows on their recommendation regarding franchise application by Austin Satellite Television: "The agenda item we have before you tonight is motion we passed on the 10th of November that states that the Austin Cable Commission recommends that the City Council request an RFP and authorize hiring of an economic consultant to study Austin's satellite franchise application. This recommendation was made to us by the City Legal Department. The application is indeed a complicated issue. What was originally presented to the Commission as four specific geographic areas to cross for a franchise has developed into a limited franchise for multi-family residences, which as you know in Austin is not quite a limited as four specific geographic locations. The issue is becoming more and more complex. We are in need of a lot more information. It was the opinion of Jim Riggs, our assistant City Attorney, who works with the Commission that this consultant would be necessary to help us evaluate the application and understand what is to be expected of the franchisee.

Motion

The Council, on Councilmember Duncan's motion, Mayor McClellan's second, authorized the City Manager to instruct staff to prepare the RFP's. (6-0 Vote, Councilmember Deuser absent.)

PUBLIC HEARING - REVISIONS TO ZONING ORDINANCE

Mayor McClellan opened the public hearing set for 7:00 p.m. on revisions to the Zoning Ordinance.

Mr. Lillie, Director of Planning, discussed the revisions to the Zoning Ordinance and stated the Commission acted on each of the amendments. He said there are 3 issues under continuing discussion and changes are being made: (1) There will be amendments to the draft concerning churches; (2) Some amendments will be developed for private and public schools.; (3) There are questions to be resolved concerning PUD's.

Mayor McClellan pointed out that the draft amendment contains significant changes concerning churches and there should be revisions. She said currently churches are allowed in any type zoning and the new ordinance would permit them only in "GO" zoning. Mayor McClellan feels churches should be allowed in family home zoning because they are appropriate in every type of zoning area.

Reverend Sheffield told Council he appreciates what has been done to this point in correcting the revision.

Councilmember Urdy said his concern is parking for churches.

HEARING - (Continued)

Richard Wilson, member of Independent Christian Church in north Austin, said churches should be allowed in neighborhoods. Congress will enact no law governing where churches should be and if the City of Austin does, there will be numerous lawsuits.

Councilmember Mullen said he believes in the separation of church and state but he wonders if people in the neighborhood don't have rights also, and is it fair to them to have churches in the neighborhood if they object to them.

Mr. Lillie pointed out that the intent of the ordinance is not to respond to whether, but how, a church will go into a neighborhood.

Mayor McClellan said she wanted to clarify that Bible study may be conducted in residences.

Warren Smith wondered if the City has ever been fair about anybody's property and asked that the ordinance be left like it is. He said churches will not ruin established neighborhoods.

Velin Buckalew referred Council to the United States Constitution which makes no law establishing anything but free exercise of religion.

Reuben Johnson wondered how there can be a meaningful public hearing on an ordinance that is not finalized. He told Council a new notice should be sent to all citizens of the community before action is taken and the new zoning ordinance should not be rushed through.

Mayor McClellan said his point is well taken and a hearing will be rescheduled after the first of the year after the people have seen all the changes.

Terry Collins said all ministers should have a chance to meet and have input into the ordinance.

Robert Turner told Council the central business district is not clearly defined. He said he opposes out of state consultants and that the ordinance should not be rushed through.

Hoyle Osborn, a planning consultant, told Council changing a zoning ordinance in the City is like trying to change a tire when driving 40 miles per hour.

Frank Herron said there are still many issues to discuss and work out. He represents the Austin Board of Realtors.

Betty Phillips wants a height limit on downtown buildings.

Roger Joseph asked Council to take time with the ordinance until everything is worked out.

Gary McKenzie, Balcones Civic Association, showed slides and discussed several proposed changes to the new ordinance.

HEARING - (Continued)

Howard Ferguson, West Austin Neighborhood Group, said he would like to see the retention of 1st H&A on any new building in west Austin.

Tom Heaton, president, Austin Board of Realtors, urged Council to give more time and consideration to the ordinance.

A man who did not identify himself, wondered why churches are included in the ordinance.

Glen Reed said she goes to a 12 member church that meets in homes and if that right is taken away, "We might as well live in Russia."

Smoot Carl-Mitchell, president, Austin Neighborhood Council, said he is concerned about the 60' height of offices and many other changes in the zoning ordinance. He asked that the 200' height limitation moratorium on downtown buildings be extended.

Robert Conway, pastor of a new church in northwest Austin, spoke in opposition to restrictions of churches in the ordinance. He said heights of church buildings can be negotiated but freedom where we have religion is not negotiable.

Councilmember Mullen asked, "Do you think that statement carries over into churches owning office buildings anywhere they want to because they are a religious organization?" Mr. Conway said, "No, sir." Councilmember Mullen asked, "What about a school?" Mr. Conway answered, "Yes, sir." Councilmember Mullen said, "Somewhere between an office building and a school you draw a line and that is where the rub has come in this community. Even though I am the only one on this Council that voted in the Hyde Park Baptist situation for the church, I still question whether or not how far a church should go and what degree they should expand. Should they be allowed to expand to a 60' parking lot? You see the problem. I don't want you to have to answer that because it puts you on the spot. Does a church because they are a religious organization, then have the right to come in and build a 60 story building because a church is a religion and we don't want them to have any regulations. I don't think anyone can say it's O.K. for a church to do it but it is not O.K. for anyone else in the community to do it. I have a hard time coming to some kind of resolution on this. I think you can understand this if your principle is correct across the board then we should not restrict them coming in at 60 or 100 or a 300' parking garage next to the sanctuary." Mr. Conway said a church does not intentionally ruin a neighborhood and on the whole are more considerate of neighborhood relations. Councilmember Mullen said the community in the past ten years had had this battle in four different neighborhoods with four different congregations and they were major confrontations between the neighborhood and the church because the neighborhood thought the church was intruding too far."

Mayor McClellan stated for the record, "I have a problem with the vote being described as nobody up here except Councilmember Mullen voted for Hyde Park Church. Let me clarify that was with the previous Council so we ought to exclude the present members entirely. And the issue that was before the Council that I assume Councilmember Mullen is talking about, because there were many issues related to Hyde Park Church, specifically i.e. parking, playground, what have you that I can remember

HEARING - (Continued)

voting for but the issue I think he was referring to was the one about wheter a house should be zoned historic and it met the criteria of our historic zoning ordinance and it far different to vote for a historic zoning on a house and to vote against Hyde Park Church, and I just wanted to clarify the record."

Faye D. James said nothing should be done which will stand in the way of church growth.

A man who did not identify himself said the public should have the time to look over the ordinance.

Judy Fowler, a member of the Planning Commission, discussed the ordinance procedure.

Rusty Valentine said perhpas there should be zoning and then the church building built according to the zoning.

Motion

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

ZONINGS SET FOR PUBLIC HEARING

The City Manager reported the following applications have been referred to the Planning Commission for recommendation and have been set for public hearing before the City Council on January 6, 1983.

- | | | | |
|----|------------|--|--|
| 1. | C14-73-144 | PHARO INVESTMENTS
By: Peter S. Gallaher
416-622 Eberhart Lane
6115-6321 S. 1st Street
(Pleasant Hill Neighborhood Assn.)
(Far South Austin Community Assn.) | Amendment to Restrictive
Covenant |
| 2. | C14-82-072 | DOMITILO PONCE
By: Adon Castaneda
4821 E. Seventh Street,
also bounded by E. 5th
(Central East Austin Buena
Vista Neigh. Assn.)
(East First Street Neighborhood
Center) | FROM: "D" Industrial,
6th H&A
TO: "C-2", 6th H&A |
| 3. | C14-82-152 | CITY OF AUSTIN
Rear of 1505-1509 Kinney Ave.
(A Better Barton Creek)
(Barton View Civic Assn.)
(Zilker Neighborhood Assn.) | FROM: "GR", 1st H&A
TO: "B", 1st H&A |

ZONINGS SET - (Continued)

4. C14-82-156 WELDON D. LAMB
By: C.O.R. Construction Inc.
4901 Spicewood Springs Rd.
(Northwest Austin Civic Assn.)
FROM: Interim "A",
1st H&A
TO: "O-1", 1st H&A
5. C14-82-157 FRANCES DUEY
By: George Bastanjoo
1503 Koenig Lane
(Koenig Lane Neighborhood Assn.)
FROM: "A", 1st H&A
TO: "O", 1st H&A
6. C14-82-158 J. MICHAEL LANGFORD
By: Sidney S. Smith
1420 W. 51st St.
(No formal neighborhood group)
FROM: "C", 2nd H&A & "A",
1st H&A
TO: "LR", 1st H&A
7. C14-82-159 SHENG-TING CHEN
By: Tracy T. Chen
601 Middle Lane
(Georgian Acres Neighborhood Assn.)
FROM: "GR", 1st H&A
TO: "GR", 2nd H&A
8. C14-82-160 AMERICAN PROPERTY SYSTEMS, INC.
By: George E. Jamail
4907 Spicewood Springs Rd.
(Northwest Austin Civic Assn.)
FROM: Interim "A",
1st H&A
TO: "O", 1st H&A
9. C14-82-161 VERNA P. MARX
By: J.N. Gennette
2107 Greenwood Ave.
(No formal neighborhood group)
FROM: "A", 1st H&A
TO: "GR", 1st H&A
10. C14r-82-162 HAYGOOD TOOL OF TEXAS
5016 E. Ben White Blvd.
(The Montopolis Neigh. Assn.)
FROM: Interim "AA",
1st H&A
TO: "D", 1st H&A
11. C14-82-163 JAMES N. & CHARLOTTE CUMMINGS
DOUGLAS
By: Jeane Franklin
2300 Leon Street
(Save University Neighborhoods)
FROM: "A", 2nd H&A
TO: "B", 2nd H&A
12. C14-82-164 HARRY M. WHITTINGTON, TRUSTEE
By: William H. Bingham
219-223 E. 8th Street
700-720 San Jacinto
210-222 E. 7th St.
(No formal neighborhood group)
FROM: "C", 4th H&A
TO: "C-2", 4th H&A

ZONINGS SET - (Continued)

13. C14-82-165 JAMES H. & JACKIE ARNOLD,
JOHN LANDERS, WATER HOPKINS
By: Katherine Bradfield
5106-5108 Nixon Lane, also
bounded by FM 969
(7500 Blk. E. MLK Blvd.)
(No formal neighborhood group)
FROM: Interim "AA",
1st H&A
TO: "DL", 1st H&A
14. C14-82-166 OZITE M. ALLEN
By: Dianna L. Brannan
1617 Koenig Lane, also
bounded by Jeff Davis Ave.
(Koenig Lane Neighborhood Assn.)
FROM: "A", 1st H&A
TO: "O-1", 1st H&A
15. C14-82-167 JOE A. DUNCAN
By: Rick Parke
4901 Woodrow Ave.
1312 W. 49th Street
(No formal neighborhood group)
FROM: "A", 1st H&A
TO: "LR", 1st H&A
16. C14-82-168 DAVID FENDER
By: Rick Parke
2105 Rio Grande
(Save University Neighborhoods)
FROM: "B", 2nd H&A
TO: "O", 1st H&A
17. C14-82-169 GORDON L. JONES & JAMES G. BOYLE
By: E.L. Ramsey
3800-3804 Clawson Road, also
bounded by Valley View Rd.
(No formal neighborhood group)
FROM: "A", 1st H&A
TO: "BB", 1st H&A
18. C14-82-170 THE EVERETT HARDWARE CO., INC.
By: Truman and Ann Breed
2904 and 2906 Salado Street
(Heritage Neighborhood Assn.)
(Save University Neighborhoods)
FROM: "BB", 1st H&A
TO: "GR", 1st H&A
19. C14r-82-171 RIVER HOTEL COMPANY
By: Mark Manske
6421 N. I.H. 35, also bounded
by La Posada Drive
(St. Johns Community Assn.)
FROM: "C", 3rd H&A
TO: "C-2", 3rd H&A
20. C14r-82-172 CITY OF AUSTIN PLANNING DEPT.
913-2901 Ed Bluestein Blvd.
1926-1957 Smith Road
6801-6901 Hester Road
913-2800 Howard Road
6601-6815 Shelton Road
2901 Delwau Lane
(No formal neighborhood group)
FROM: "IAA", 1st H&A
TO: Appropriate Zoning

ZONINGS SET - (Continued)

21. C14-82-173 ROBERT H. MANDERSON FROM: "C", 1st H&A
 By: Donald E. Bird TO: "C-2", 1st H&A
 2532 Guadalupe Street, also
 bounded by San Antonio St.
 (Save University Neighborhoods)
22. C14-82-174 CITY OF AUSTIN PLANNING DEPT. FROM: "LR" & "B", 1st H&A
 6300-6400 Valleyside Rd. and TO: "BB", 1st H&A
 3501 North Hills Drive
 (Northwest Austin Civic Assn.)
23. C14-82-175 CITY OF AUSTIN PLANNING DEPT. FROM: "B", 1st H&A
 1513-1709 & 1600-1702 Woodlawn Blvd TO: "A", 1st H&A
 1700-1710, 1716-1718 & 1701-1713
 Cromwell Trail
 1700-1702, 1716-1718, 1707-1709
 and 1715-1719 Summitt View
 1507-1605 and 1701-1705 Hartford Rd.
 1621-1623 Niles Road
 (West Austin Neighborhood Group)
 (Shelley Heights Neighborhood Assn.)
24. C14-82-176 BALCONES WOODS SHOPPING CENTER/ FROM: "O", 1st H&A
 HARVEY W. DOERRING TO: "GR", 1st H&A
 By: Jeff Calechman
 5124 Balcones Woods Drive and
 11139 Jollyville Road, and
 Rear of 11150 Research Blvd.
 (Northwest Oaks Neighborhood Assn.)
25. C14-82-177 CITY OF AUSTIN PLANNING DEPT. FROM: Interim "A",
 All of: Overdale Road, Overbrook 1st H&A
 Drive, Darlington Lane, Rexford TO: "AA" or "A",
 Drive, Cordell Lane, Chevy Circle, 1st H&A
 Darlington Cove, Norwood Hill Road,
 Spring Circle, Marymount Drive,
 Wayborne Hill Drive, Pecan Circle,
 Norwich Cove, Dresden Cove,
 Preswyck Drive, Woodbriar Lane,
 Ameswood Drive, Claymoor Drive,
 Tipton Drive, Pendleton Lane,
 Basswood Lane, Chadwyck Drive,
 Medford Drive, Halmark Drive,
 Gladstone Drive, Beechmoor Drive,
 Shady Creek Court, Shady Creek Lane,
 5101-5611 Manor Road
 5400-5610 & 5401-5611 Gloucester Lane
 2901-3035, 2900-3114, 3200-3508 and
 4701-5011 Pecan Springs Road
 4706-5632 Springdale Road
 2901-3533 Rogge Lane
 (Pecan Springs Integrated Neigh. Assn.)

ZONINGS SET - (Continued)

26. C14-82-178 CITY OF AUSTIN PLANNING DEPT. FROM: Interim "A" &
All of: Bilboa Drive, Welland Interim "AA", 1st H&A
Circle, Valencia Circle, Andalusia TO: "AA", 1st H&A
Drive, Santa Cruz Drive, Alhambra
Drive, Cordova Drive, Toledo Drive,
Balcones Woods Cove, Balcones Woods
Circle, Gerona Drive, Las Palmas Drive,
Malaga Drive, Flagstaff Circle, Alamosa
Drive, Murcia Drive, Catalonia Drive,
Grayfox Drive, Spotted Horse Drive,
Pyreneese Drive, Big Trail Cove, Big
Trail, Natrona Cove, Natrona Drive,
Elk Park Circle, Elk Park Trail,
Fast Horse Drive, Red Cloud Drive,
Zuni Drive, Mohican Drive, Steve
Scarborough Drive, Running Fox Trail,
Shoshone Drive, Blackhawk Drive,
Beaver Creek Drive, Running Deer Drive,
Big Trail Circle, Powder River Road, Dull
Knife Drive, Galacia Drive, Biscay Drive,
Aragon Drive, Calle Verde Cove, Madrid
Drive, Madrid Cove, Mesa Woods Drive
1116-1118 & 1117-1119 Trent Drive
3802-4804 & 3801-4805 Balcones Woods Dr.
4600-5108 & 4601-5109 Wind River Rd.
4601-5111 Duval Road
11010-11402 & 11011-11021 Calle Verde Dr.
(Mesa Park Civic Assn.)
(Balcones Woods Homeowners)
(Angus Valley Area Neighborhood Assn.)
(Northwood Neighborhood Assn.)
(Dorsett Road Neighborhood Assn.)
(Walnut Crossing Homeowners Assn.)
27. C14h-78-045 RISHER-ROACH BUILDING FROM: "C-2-H", 4th H&A
By: City of Austin TO: "C-2", 4th H&A
509, 511, 513 E. 6th Street
(Old Pecan Street Assn.)
28. C14h-82-015 CLARK-EMMERT HOUSE FROM: "A", 1st H&A
By: City of Austin TO: "A-H", 1st H&A
202 W. 43rd Street
(4300 Avenue D)
(Hyde Park Neighborhood Assn.)

ZONINGS SET - (Continued)

29. C14-82-150 J. W. SMITH CONSTRUCTION, INC. FROM: Interim "AA", 1st H&A
By: Jeryl D. Hart TO: "A" & "BB", 1st H&A
5227-5319 McCarty Lane
6601-6815, 7305-7307 Beckett Road
5302, 5114-5220, 4908-5008, 5308,
5110, 5100 & 4616-4710 Convict Hill Road
7209, 7211 Fence Line Drive
(Village of Western Oaks Neigh. Assn.)

ADJOURNMENT

Council adjourned its meeting at 9:00 p.m.